


Agenda Report Reviewed by:
 City Manager: 

**CITY OF SEBASTOPOL
 CITY COUNCIL
 AGENDA ITEM REPORT**

Meeting Date: December 6, 2022
To: Honorable Mayor and Honorable City Councilmembers
From: Acting Building Official Steve Brown and Fire Chief Bill Braga
Subject: Approve Waiving of Second Reading and Adoption of Ordinance #1144 - Adoption of International Code amendments
Recommendation: Approve
Funding: Currently Budgeted: Yes No N/A
 Net General Fund Cost: _____
 Amount: _____

Account Code/Costs authorized in City Approved Budget AK (verified by Administrative Services Department)

INTRODUCTION/PURPOSE:

The item tonight is requesting City Council approval of Waiving of Second Reading and Adoption of Ordinance 1144 Titled: Adoption of International Code amendments .

BACKGROUND:

On November 15, 2022 the Council introduced an ordinance to the City of Sebastopol municipal code to adopt local amendments to the 2019 California Building Codes Code of Regulations T24 and amend SMC 15.04 and 15.08.

DISCUSSION:

A public hearing and waiving of the first reading was conducted at the meeting of November 15th 2022.

The proposed ordinance is now scheduled for adoption at the December 6, 2022 City Council meeting.

CITY COUNCIL AND/OR GENERAL PLAN GOALS:

Goal 5 - Provide Open and Responsive Municipal Government Leadership
 5.3.3 - Encourage and increase public awareness of City Policies, decisions, programs and all public processes and meetings, by investigating effective methods of communication and obtaining feedback from the community.

PUBLIC COMMENT:

As of the writing of this staff report, the City has received only one public comment which was in support of the approval of this ordinance. The text of that comment is contained as an attachment to this report. However, if public comment is received from interested parties following the publication and distribution of this staff report, it will be provided to the City Council as supplemental materials before or at the meeting. In addition, public comments may be offered during the public comment portion of the agenda item.

FISCAL IMPACT:

There is no fiscal impact to approval of this item tonight.

RECOMMENDATION: That the City Council approve of Waiving of Second Reading and Adoption of Ordinance #1144 - Adoption of International Code amendments SMC 15.04 & 15.08

Attachment(s): Ordinance 1144

ORDINANCE NO. 1144

An Ordinance of the City Council of Sebastopol; providing for the protection of the public health, safety, and welfare: providing for the repeal of Ordinance No. 1128 and adopting by reference the 2022 Edition of the California Building Code parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 12 as published by the International Code Council, The California Code of Regulations (CCR), Title 24, Parts 1,2,2.5,3,4,5,6,8,9,10, 11 and 12 of the 2022 Edition as published by the International Code Council; providing for the issuance of permits and collection of fees thereof: together with amendments and additions to the various codes; providing penalties for the violation thereof and repealing all ordinances in conflict therewith, including all appendices, errata and supplements thereto, as published by the CBSC applicable to the 2022 California Building and Fire Codes with amendments, additions and or deletions as promulgated by the Sebastopol City Council. Amending City of Sebastopol Municipal Code Chapter 15 sections 15.04 and 15.08.

A. Recitals.

- (i) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code § 50020, et. seq.** Requires a local agency to take legislative action by ordinance to adopt by reference the most current edition of the California Building and Fire Codes.
- (ii) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, § 50022.6** requires that at least one copy of the primary adopted code shall be filed with the City at least 15 days preceding the hearing and shall be kept there for public viewing while the ordinance is in force.
- (iii) **Article 2 of Chapter 1 of Part 1 of Division 1 of Title 5 of the Government Code, §50022.3** requires that after the first reading of the title of the adopting ordinance and of the title of the code to be adopted thereby, and of the title of the secondary codes therein adopted by reference, the legislative body shall schedule a public hearing thereon.

THE CITY COUNCIL OF THE CITY OF SEBASTOPOL DOES ORDAIN AS FOLLOWS:

B. Ordinance.

Now THEREFORE, the City Council of the City of Sebastopol does hereby find, determine and ordain as follows:

SECTION 1. In all aspects, as set forth the Recitals, Part A, of this Ordinance.

SECTION 2. One (1) certified copy of each of the Codes so adopted, along with any Amendment thereto, shall be kept on file for the use and examination by the public and located at the Sebastopol Building Department.

SECTION 3. Adoption of **California Code Of Regulations Title 24, Part 1: California Administrative Code**. 2022 Edition, as published by the International Code Council.

SECTION 4. Adoption of **California Code of Regulations Title-24 Part 2 Volume 1 and 2** and the current edition of the International Building Code, the 2022 Edition Volumes 1, and 2 including Appendices H, I, J and O hereof as published by the International Code Council with the following amendments:

California Building Code, Division II, Scope and Administration is amended to amend and add the following:

Section 105.2 Building 1. Shall be revised to read as follows: One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (1 1.15m²). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.

Section 109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee establish by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five time the permit fee required by this code. The minimum investigation fee has been set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Section 109.6 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80 percent of the permit fee paid, excluding issuance fees or plan review fees, when no work has been done under a permit issued in accordance with this code and the applicant has submitted a written request to cancel said permit along with the original signed permit and inspection record card.

The Building Official may authorize refunding of not more than 80 percent of the plans examination fee paid, excluding any application fee, when an application for a permit for which a plan review fee has been paid is withdrawn or canceled prior to commencing any plan review. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original applicant or permittee not later than 90 days after the date the permit or application for a permit has expired.

Section 109.8 Violation penalties. Any persons who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five time the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

The Sebastopol Design Review Board is hereby designated by the City Council as the board of appeals for activities regulated by this Ordinance.

SECTION 5. Adoption of **California Code of Regulations Title-24 Part 2 .5** including Appendices AQ, AJ, AH, and AV thereof as published by the International Code Council with the following amendments:

Division II Administration

California Residential Code Section R105.2 exception 1 is amended to read as follows:

R105.2, exception 1. Shall be revised to read as follows:

One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the floor area does not exceed 120 square feet, (1 1.15m²). The height of the one story detached accessory building shall not exceed 12 feet at any point or as specified by local zoning ordinance.

California Residential Code Section R108.5 is amended to read as follows:

Section R108.5 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid, excluding issuance fees or plan review fees, when no work has been done under a permit issued in accordance with this code and the applicant has submitted a written request to cancel said permit along with the original signed permit and inspection record card.

The Building Official may authorize refunding of not more than 80 percent of the plans examination fee paid, excluding any application fee, when an application for a permit for which a plan review fee has been paid is withdrawn or canceled prior to commencing any plan review. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original applicant or permittee not later than 90 days after the date the permit or application for a permit has expired.

California Residential Code Section R108.6 is amended to read as follows:

108.6 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee establish by the building official that shall be in addition to the required permit fees. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five time the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

California Residential Code Section R108.7 is added to read as follows:

108.8 Violation penalties. Any persons who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law. An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be at least equal to and not to exceed five time the permit fee required by this code. The minimum investigation fee set forth in the fee schedule adopted by this jurisdiction. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

Add new section

SECTION 6. Adoption of the **California Code of Regulations Title 24, Part 3: The California Electrical Code**, 2019 Edition, as published by National Fire Protection Association.

SECTION 7. Adoption of the **California Code of Regulations Title 24, Part 4: The California Mechanical Code**, 2019 Edition, including Appendices A and B. thereof as published by the International Association of Plumbing & Mechanical Officials.

SECTION 8. Adoption of **California Code of Regulations Title 24, Part 5: The California Plumbing Code**, 2019 Edition including Appendices A, C, D, H and I thereof as published by the International Association of Plumbing & Mechanical Officials.

SECTION 9 . Adoption of **California Code Of Regulations Title 24, Part 6: California Energy Code**. 2019 Edition, as published by the International Code Council.

SECTION 10. Adoption of **California Code Of Regulations Title 24, Part 8: California Historical Building Code**. 2019 Edition, as published by the International Code Council.

SECTION 11. Adoption of the **California Code of Regulations Title 24, Part 9 2016 California Fire Code** as published by the International Code Council including Appendix Chapters 4, B, BB, C, CC, D, E, F, G, H, and O with the following amendments.

Chapter 1 ADMINISTRATION

California Fire Code, Section 101.1 is amended to read as follows:

Section 101.1 Title Shall be revised to read: These regulations shall be known as the Fire Code of the City of Sebastopol, hereinafter referred to as “this code”

California Fire Code, Section 104.2.1 is amended to read as follows:

Section 104.2.1 Application for Permit Fees: All applications for a permit required by this Code shall be made to the Bureau of Fire Prevention in such form and detail, as it shall prescribe. Applications for permits shall be accompanied such plans as are required by the Bureau. The City Council may establish fees by resolution for permit applications.

California Fire Code, Section 105.6 is amended to read as follows:

105.6 Required Operational permits. The fire code official is authorized to issue operational permits for operations set forth in Sections 105.6.1 through 105.6.50.

California Fire Code, Section 105.6.50 is added to read as follows:

105.6.50 Local permits. In addition to the permits required by section 105.6, the following permits shall be obtained from the Bureau of Fire Prevention prior to engaging in the following activities, operations, practices or functions:

1. Apartment, hotel, or motel. An operational permit is required to operate an apartment house, hotel or motel.
2. Care Facilities. An operational permit are required to operate a care facility as listed:
3. Day care with an occupant load greater than eight (8) persons.
4. Residential or commercial institutional care facility, occupancies complying with Health and Safety Code Section 13235 are exempt.
5. Emergency Responder Radio System. An operational permit is required to operate an
6. Emergency Responder Radio System.
7. High-rise occupancy. An operational permit is required to operate a high-rise building as defined in Title 24, Part 2, California Code of Regulations.
8. Live Entertainment. An operational permit is required to operate a business where alcohol is served, while providing live entertainment to the public.

9. Medical cannabis. Operational permits are required to operate a medical cannabis facility or operation listed below:
 - I. Cultivation
 - II. Distribution
 - III. Manufacturing
 - IV. Testing/lab
10. Model rockets rental, sale or operation. An operational permit is required to operate, manufacture, import, export, possess, store, rent or sell model rockets as defined by Health and Safety Code Section 12519.

California Fire Code, Section 106.6 is added to read as follows:

106.6 Cost recovery. Fire suppression, investigation or emergency medical costs are recoverable in accordance with Health and Safety Code Sections 13009 and 13009.1, as may be amended from time to time. Additionally, any person(s) who negligently, intentionally or in violation of law causes an emergency response, including, but not limited to, a traffic accident, spill of toxic or flammable or combustible fluids or chemicals is liable for the costs of securing such emergency, including those costs pursuant to Government Code Section 53150, et seq, as may be amended from time to time. Any expense incurred by the Sebastopol Fire Department for securing such emergency shall constitute a debt of such person(s) and shall be collectable by the Sebastopol Fire Department in the same manner as in the case of an obligation under contract, expressed or implied.

California Fire Code, Section 107 is added to read as follows:

107 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or re-inspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector. For failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the building official. To obtain a reinspection, the applicant shall file an application therefore in writing on a form furnished for that purpose and pay the reinspection fee in accordance with the fee schedule adopted by the jurisdiction.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

California Fire Code, Section 110.4 is amended to read as follows:

110.4 Violation penalties. In accordance with the provisions of this code, any persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certification used under provisions of this code, or any person operating or maintaining any occupancy, premises, or vehicle subject to this code, fire and life safety provisions of the California Building Code, or allow any fire hazard to exist on premises under their control or who shall fail to take immediate action to abate a fire hazard when ordered or notified to do so by the fire code official or authorized designee shall be guilty of a misdemeanor, and shall severally for each and every violation and noncompliance respectively, be punishable by a fine of not more than \$1,000 or by imprisonment not exceeding six months, or both such fine and imprisonment.

The imposition of one penalty of any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that a violation continues after due notice has been served shall be deemed a separate offense.

California Fire Code, Section 110.5 is added to read as follows:

110.5 Authority to issue citations. The Chief is authorized to issue a citation to persons operating or maintaining an occupancy, premise, or vehicle subject to this code, who allows a hazard to exist or fail to take immediate action to abate a hazard on such occupancy, premises, or vehicle when ordered or notified to do so.

California Fire Code, Section 112.4 is amended to read as follows:

112.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalty provisions of Section 110 of the Sebastopol Fire Code or state law.

Chapter 2 DEFINITIONS

California Fire Code, Section 201.5 is added to read the following:

Section 201.5 Wherever the word "jurisdiction" is used in the 2019 California Fire Code and 2018 International Fire Code, it shall be understood to mean that the City of Sebastopol is the local fire authority having jurisdiction (AHJ).

California Fire Code, Section 202 is amended to read as follows:

Section 202 Where the party responsible for the enforcement of the 2019 California Fire Code and 2018 International Fire Code is given the title of "fire marshal," add the following definition
California Fire Code, Section 202, Definitions is amended to amend and add the following:
FIRE MARSHAL is the chief of the bureau of fire prevention

SUBSTANTIAL ADDITION. An existing building or structure not classified as Group R-3 occupancy, which undergoes any addition of floor area that is greater than twenty-five percent (25%) of the existing gross floor area.

SUBSTANTIAL ADDITION, Group R-3. An existing Group R-3 buildings or structures, which undergoes any addition of floor area that exceeds fifty percent (50%) of the existing gross floor area.

SUBSTANTIAL REMODEL. An existing building or structure, which undergoes any alteration of floor area that is greater than fifty percent (50%) of the existing gross floor area or meets the definition of a substantial improvement as defined by the California Building Code.

NUISANCE ALARM. An unwarranted alarm caused by mechanical failure, malfunction, improper installation or lack of proper maintenance, system servicing testing, construction activities, ordinary household activities, false alarm, other cause when no such danger exists, or an alarm activated by a cause that cannot be determined.

Amend Chapter 3 General Precautions to read:

California Fire Code, Section 304.1.2.1 is added to read as follows:

304.1.2.1 Vegetation non developed parcel. Any parcel that is next to a developed parcel and is a threat to a structure shall be required to maintain a minimum 20 feet of clearance on the property line adjacent to the structure.

Exemptions: When approved by the Fire Code Official or if a hazard does not exist.

California Fire Code, Section 307.1.2 is added to read as follows:

Section 307.1.2 is added to read Open Burning. Open burning within the City limits of Sebastopol, including incinerators of all types, is prohibited, except for agricultural burning permitted by the Bay Area Air Quality Management District.

EXCEPTION: Barbecues used for cooking purposes, provided the barbecues shall not be used for burning rubbish, paper, boxes, grass, brush or other combustible items, except charcoal, natural gas or other materials commonly used in barbecues for cooking purposes.

CHAPTER 4 EMERGENCY PLANNING AND PREPARDNESS

California Fire Code, Section 402.1 is amended to add the following:

UNWARRANTED NUISANCE ALARM

California Fire Code, Section 401.3.2.1 is added to read as follows:

401.3.2.1 NUISANCE ALARM. An unwarranted alarm caused by mechanical failure, malfunction, improper installation or lack of proper maintenance, system servicing testing, construction activities, ordinary household activities, false alarm, other cause when no such danger exists, or an alarm activated by a cause that cannot be determined.

California Fire Code, Section 401.3.2.2 is added to read as follows:

401.3.2.2 Multiple Unwarranted and nuisance alarm activations. Any occupancy that has more than three unwarranted or nuisance alarms, causing emergency response within a 12-month period may be required to modify, repair, upgrade or replace their system and/or monitoring station as determined by the fire code official.

403.3 through 403.11.4 are deleted.

California Fire Code, Section 403.3 through 403.11.4 are deleted.

403.13 deleted

California Fire Code, Section 403.13 is deleted.

Chapter 9 Fire Protection Systems

California Fire Code, Section 902.1 is amended to add the following definitions

SUBSTANTIAL ADDITION

SUBSTANTIAL ADDITION, Group R-3

SUBSTANTIAL REMODEL

California Fire Code Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.19. Approved automatic sprinkler systems in existing buildings and structures shall be provided in locations described in Section 903.6.

Exceptions:

5. Agricultural buildings as approved by the fire code official.
6. Detached pool houses accessory to Group R-3 not classified as a dwelling unit and not exceeding 1,000 square feet (928m²) in gross floor area within 50 feet of the pool and limited to a single bathroom.
7. Detached non-combustible motor vehicle fuel dispensing canopies.
8. Detached Group U Occupancies not greater than 1,000 square feet (928m²).

California Fire Code Section 903.2.1 is amended to read as follows:

903.2.1 Group A. An automatic sprinkler system shall be provided throughout buildings containing a Group A occupancy.

California Fire Code Section 903.2.1.1 through 903.2.1.5 are deleted.

California Fire Code Section 903.2.1.6 is amended to read as follows with deletion of the exception:

903.2.1.1.6 Assembly occupancies on roofs. Where an occupied roof has an assembly occupancy, an automatic sprinkler system shall be provided throughout the building in accordance with Section 903.3.1.1 or 903.3.1.2.

California Fire Code Section 903.2.1.7 is deleted.

California Fire Code Section 903.2.2 is amended to read as follows:

903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be installed throughout buildings containing an ambulatory care facility.

California Fire Code Section 903.2.3 is amended to read as follows:

903.2.3 Group E. An automatic sprinkler system shall be installed throughout buildings containing a Group E occupancy.

California Fire Code Section 903.2.4 is amended to read as follows:

903.2.4 Group F. An automatic sprinkler system shall be provided throughout buildings containing a Group F occupancy.

California Fire Code Section 903.2.4.1 is deleted.

California Fire Code Section 903.2.5.1 is amended to read as follows:

903.2.5.1 General. An automatic sprinkler system shall be provided throughout buildings containing Group H occupancies.

California Fire Code Section 903.2.7 is amended to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where gross floor area exceeds 500 square feet (464m²).

California Fire Code Section 903.2.8.1 is amended to include the exception as follows:

903.2.8.1 Group R-3. An automatic sprinkler system installed in accordance with Section 903.3.1.3 shall be provided throughout all one- and two-family dwellings regardless of square footage in accordance with the California Residential Code. Fire Sprinklers shall be installed in all mobile homes, manufactured homes and multi-family manufactured homes with two or more dwelling units in accordance with Title 25 of the California Code of Regulations.

California Fire Code Section 903.2.9 is amended to read as follow:

903.2.9 Group S. An automatic sprinkler system shall be provided throughout all buildings containing a Group S occupancy.

California Fire Code Section 903.2.9.1 through 903.2.9.2 is deleted.

California Fire Code Section 903.2.10 is amended to read as follows:

903.2.10 Group B. An automatic sprinkler system shall be provided throughout all buildings containing a Group B occupancy.

California Fire Code Section 903.2.10.1 is deleted.

California Fire Code Section 903.2.11 is amended to read as follows:

903.2.11 Specific buildings areas and hazards. In all occupancies other than detached Group U occupancies not greater than 1,000 square feet (928m²), an automatic sprinkler system shall be installed for building design or hazard in the locations set forth in Sections 903.2.11.1 through 903.2.11.8.

California Fire Code Section 903.2.11.3 exceptions #1 & #2 are deleted.

California Fire Code Section 903.2.11.7 is added to read as follows:

903.2.11.7 Undetermined use design. Automatic sprinkler systems installed in buildings or structures of undetermined use shall be designed and installed to have a minimum density of .33 gallons per minute per square foot over a minimum design area of 3,000 square feet (2,784m²).

California Fire Code Section 903.2.11.8 is added to read as follows:

903.2.11.8 High-piled storage. An automatic sprinkler system shall be provided throughout in all buildings containing high-pile combustible storage

California Fire Code Section 903.6 is amended to read as follows:

903.6 Where required in existing buildings and structures. An automatic sprinkler system shall be provided throughout existing buildings and structures where required in Chapter 11 or that undergo a substantial improvement.

Exception: Alterations made solely for the purpose of providing barrier removal pursuant to the requirements of complying with the American Disabilities Act (ADA) as contained in exception #4 of Section CBC 11B-204.2.

California Fire Code Section 903.6.1 is added to read as follows:

903.6.1 Substantial remodel. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial remodel or substantial improvement.

Exception: Alterations made solely for the purpose of complying with the American Disabilities Act.

California Fire Code Section 903.6.2 is added to read as follows:

903.6.2 Substantial addition. An automatic sprinkler system shall be provided throughout all buildings that undergo a substantial addition.

California Fire Code Section 903.4.2 is amended to read as follows:

903.4.2 Alarms. One exterior approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such

sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

California Fire Code Section 905.3.1 item #2 is amended to read as follows:

905.3.1 Height. In other than Group R-3 and R-3.1 occupancies, Class III standpipe systems shall be installed throughout at each floor where any of the following occur:

1. Buildings where the floor level of the highest story is located more than 30 feet above the lowest level of fire department vehicle access.
2. Buildings that are three or more stories in height.
3. Buildings where the floor level of the lowest story is located more than 30 feet below the highest level of fire department access.
4. Buildings that are two or more stories below the highest level of fire department vehicle access.

Exception:

1. Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.
2. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet above the lowest level of fire department vehicle access.
3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.
4. Class I standpipes are allowed in basements equipped throughout with an automatic sprinkler system.
5. In determining the lowest level of fire department vehicle access, it shall not be required to consider either of the following:
 - 5.1. Recessed loading docks for four vehicles or less.
 - 5.2. Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

California Fire Code Section 905.9 exception #2 is deleted.

California Fire Code Section 912.2 is amended to read as follows:

912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connections shall be within 100 feet of a fire hydrant or approved by the fire code official (Also see Section 507.5.1.1).

CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

California Fire Code Sections 1103.2 Item #1 is deleted.

California Fire Code Sections 1103.3 through 1103.5.4 are deleted.

California Fire Code Sections 1104 and 1105 are deleted.

CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION

California Fire Code Section 3314.3 is added to read as follows:

California Fire Code Section 3314.4 is added to read as follows:

3314.4 Buildings being demolished. Where a building is being demolished and a automatic sprinkler system is existing within such a building, such automatic sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such automatic sprinkler system shall be demolished with the building but shall not be demolished more than one floor below the floor being demolished.

California Fire Code, Section 3314.3 is added to read as follows:

3314.5 Detailed requirements. Automatic sprinkler systems shall be installed in accordance with the provisions of Section 903.

CHAPTER 39 PLANT PROCESSING AND EXTRATION FACILITIES

California Fire Code, Section 3901.1.1 is added to read as follows:

3901.1.1 Marijuana growing, processing, or extraction facilities. Marijuana growing, processing and extraction facilities shall be designed and constructed in accordance with this chapter and NFPA 1, Chapter 38 as amended in Chapter 80.

CHAPTER 56 EXPOLSIVES AND FIREWORKS

California Fire Code Section 5601.1.6 is added to read as follows:

5601.1.6 Sale, use or discharge of fireworks prohibited – exception. Except for firework displays authorized pursuant to this section, it is unlawful for any person to possess, store, offer or expose for sale, sell at retail, give away or in any manner dispose of any fireworks, or to use, explode, or otherwise discharge any fireworks.

Any person or group desiring to perform a fireworks display shall first make written application for a permit to the fire code official. Application for a permit shall be made in writing at least twenty (20) days prior to the proposed display. The application shall be considered and acted upon by the fire code official or authorized designee pursuant to Title 19, Chapter 6, Article 3 - Licenses of the California Code of Regulations. Any permit for a fireworks display may be suspended or revoked at any time by the Fire code official or authorized designee.

California Fire Code Section 5601.2.5 is added to read as follows:

5601.2.5The limits referred to in Section 5604.1 in which the storage of explosives and blasting caps or agents, is prohibited, are established as being all areas except “M” zones, Industrial Districts, as defined in the Sebastopol Zoning Ordinance,

California Fire Code Section 5601.2.6 is added to read as follows:

Section 5601.2.6 is added to read

5601.2.6 Prohibition. During the period beginning at noon on June 28th and ending at midnight July 4th, fireworks classified as “Safe and Sane” by the California State Fire Marshal’s Office, may be possessed and discharged within the City Limits of Sebastopol in compliance with all applicable State and Local regulations, including Council Resolution #3082.

Chapter 57 Flammable and Combustible Liquids

California Fire Code Section 5706.2.4.4 is added to read as follows:

5706.2.4.4 is amended as follows: The limits referred to in section 3406.2.4.4, in which the storage of flammable or combustible liquids in outside above ground storage tanks is prohibited in all zones except “M” Zones, Industrial Districts, as identified in the Sebastopol Zoning Ordinance.

Chapter 61 Liquefied Petroleum Gases

California Fire Code Section 6104.2 is added to read as follows:

6104.2 Maximum capacity within established limits. Within the city limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 500 gallons and are prohibited in all zones except “M” Zones, Industrial Districts, as identified in the Sebastopol Zoning Ordinance.

CHAPTER 80 REFERENCED STANDARD

California Fire Code, Chapter 80 is amended as follows:

Fire Code, Chapter 38 Marijuana Growing, Processing, or Extraction Facilities as amended*
3901.1.1

*NFPA 1, Chapter 38, is added in its entirety with amended sections as follows:

Add new Section 38.1.1.1 as follows:

38.1.1.1 Where NFPA 1, Chapter 38 references “this code”, it is amended to reference the applicable provisions or requirements of the California Fire Code. Where NFPA 1, Chapter 38 references “the building code”, it is amended to reference the applicable provisions of the California Building Code.

Revise Section 38.1.2 as follows:

38.1.2 The use, storage and handling of hazardous materials shall comply with this chapter, and other applicable provisions of the California Building and Fire Codes.

Delete language to Sections 38.1.5 through 38.4 and reserve section numbers.

38.1.5 Reserved

38.2 Reserved

38.3 Reserved

38.4 Reserved

Revise Section 38.5.3.1 as follows:

38.5.3.1 Interior finish, including the use of any plastic, mylar, or other thin film sheeting to enclose rooms or cover any walls or ceilings shall be in accordance with the California Building Code.

Revise Section 38.6.1.1.2 as follows:

38.6.1.1.2 For other than CO2 and nonhazardous extraction process, the marijuana extraction equipment and process shall be located in a room or enclosure of noncombustible construction dedicated to the extraction process and the room or enclosure shall not be used for any other purpose.

Delete language to Sections 38.6.1.1.3 and reserve section number.

38.6.1.1.3 Reserved

Revise Section 38.6.1.5.1.3 as follows:

38.6.1.5.1.3 In addition to the requirements in 38.6.1.5, systems, equipment, and processes shall also comply with Chapter 50 of the California Fire Code, the California Building Code, and NFPA 90A.

Revise Section 38.6.1.5.2.2 as follows:

38.6.1.5.2.2 Refrigerators, freezers, and other cooling equipment used to store or cool flammable liquids shall be listed for the storage of flammable/combustible liquids or be listed for Class I Division I locations, as described in Article 501 of the California Electrical Code.

Revise Section 38.6.1.5.2.3 as follows:

38.6.1.5.2.3 LPG tanks shall comply with Chapter 61 of the California Fire Code.

Delete language to Sections 38.6.1.5.3 through 38.6.1.5.6 and reserve section numbers.

38.6.1.5.3 Reserved

38.6.1.5.4 Reserved

38.6.1.5.5 Reserved

38.6.1.5.6 Reserved

Revise Section 38.6.2.3.5 as follows:

38.6.2.3.5 An automatic emergency power system shall be provided for the following items, when installed:

- (1) Extraction room lighting
- (2) Extraction room ventilation system
- (3) Solvent gas detection system

Exception: Extraction room ventilation systems in existing facilities are not required to have a secondary power source, such as emergency power or standby power until such time that the medium of extraction or solvent is changed.

Delete language to Sections 38.6.3.2.1 through 38.6.3.2.2 and reserve section numbers.

38.6.3.2.1 Reserved

38.6.3.2.2 Reserved

Revise Section 38.6.3.3 as follows:

38.6.3.3 Storage and Handling. The storage, use, and handling of flammable liquids shall be in compliance with this chapter and the California Fire Code.

Delete language to Sections 38.6.4.3.1 through 38.6.4.3.3 and reserve section numbers.

38.6.4.3.1 Reserved

38.6.4.3.2 Reserved

38.6.4.3.3 Reserved

Delete language to Sections 38.7 and reserve section number.

38.7 Reserved

NFPA 13D-16 - Standard for the installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes: as amended*...

Revise Section 5.1.1.2 to read as follows:

NFPA.13D.5.1.1.2. A supply of at least three sprinklers shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Add Sections 5.1.1.2.1 as follows:

NFPA.13D.5.1.1.2.1. The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property. The stock sprinklers shall include not less than one sprinkler of all types and ratings installed.

Add Sections 5.1.1.2.2 as follows:

NFPA.13D.5.1.1.2.2. The sprinklers shall be kept in a cabinet located where the temperature to which they are subjected will at no time exceed the maximum ceiling temperatures specified in Table 5.1.1.6.1 for each of the sprinklers within the cabinet.

Add Sections 5.1.1.2.4 as follows:

NFPA.13D.5.1.1.2.4. One sprinkler wrench as specified by the sprinkler manufacture shall be provided in the cabinet for each type of sprinkler installed to be used for the removal and installation of sprinklers in the system.

Revise Section 6.2.2 (a) to read as follows:

NFPA 13D 6.2.2 (a) (2) A stand-alone tank is permitted if the following conditions are met:

(a) The pump shall be connected to a 220-volt circuit breaker shared with a common household appliance (e.g., range, oven, dryer), or have a power failure alarm installed acceptable to the Authority Having Jurisdiction that provides an audible and visual signal within the residence at an approved location. The alarm and components shall be listed by an approved agency.

Revise Section 7.6 to read as follows:

NFPA.13D.7.6 A local waterflow alarms shall be provided on all sprinkler systems.

Add Section 8.1.3.1.2.1 to read as follows:

NFPA.13D.8.1.2.1 Garages are permitted to be protected by residential sprinklers.

Revise Section 8.3.4 to read as follows:

NFPA.13D.8.3.4 Sprinklers shall not be required in open attached porches, detached garages and detached carports, unless otherwise required by the California Building, Residential or Fire Code.

Add Section 8.3.5.2 to read as follows:

NFPA.13D.8.3.5.2 At least one quick-response intermediate temperature residential sprinkler shall be installed above attic access openings.

Section 12. The **2019 California Existing Building Code** including Parts 8, 10 & 12 as published by the International Code Council including Appendices A Chapters A1, A2 A3 and 4.

SECTION 14. Adoption of **California Code Of Regulations Title 24, Part 12: California Reference Standards Code**. 2022 Edition, published by the International Code Council.

SECTION15. Adoption of the **International Property Management Code**

The International Existing Building Code 2015 Edition as published by the International Code Council

SECTION 16. Adoption of the current edition of the **National Fire Code** as published by the National Fire Protection Association.

SECTION 17. Adoption of Codes by reference. For the purpose of establishing proper regulations for building construction, installations of plumbing systems, mechanical systems and electrical systems and establishing minimum standards for the health, safety and welfare of the general public the 2018 International Property Maintenance Code with any amendments, as hereinafter set forth in this chapter, is adopted and made part of this chapter.

Exhibit B

FINDINGS OF FACT

This Ordinance has several specific amendments that are more restrictive in nature than those sections adopted by the California Building Code. Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of this type shall be based on climatic, geographical or topographical conditions. The Findings of Fact contained herein shall address each of these conditions and present local situations, which caused the amendments to be adopted.

Climatic

The normal rainfall in the City of Sebastopol is approximately 35 inches per year. This rainfall is received during the 5- to 6-month period from October to March.

Geographical

The City of Sebastopol is located in hilly terrain, with elevations within the City ranging from approximately 70 feet to approximately 200 feet above mean sea level. The lower elevations of the City are located within the flood plain of the Laguna de Santa Rosa, while the higher elevations are characterized by hilly terrain.

Poorly consolidated, silty or sandy soils are predominant in Sebastopol. The topsoil is made up of organic-rich, silty sand which is easily eroded. Because of these soil types, and the hilly nature of the City, landslides, earth movement and erosion are possible during the rainy season. These landslides and erosion can cause discharge of soils to creeks and the Laguna, and can block roadways and access drives causing unsafe conditions for motorists and delayed response times for emergency services.

The City of Sebastopol is situated 12.5 miles northeast of the San Andreas Fault and 8 miles southwest of the Healdsburg-Rogers Creek Fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude range of 8+ on the Moment Magnitude scale.

Summary

For the reasons outlined above, certain amendments to the Code have been incorporated into this Ordinance in an effort to more closely regulate excavation, grading and earthwork construction activities which have the potential to create erosion or unstable soils conditions. While it is understood that the adoption of these amendments may not prevent such problems, it

is noted that the implementation of these various amendments will reduce the severity and potential loss of life and property.

SECTION 19. Fire Department The 2019 California Fire Code

SECTION 20. Building and Safety Division. There is hereby established a Building and Safety Division of the City of Sebastopol, pursuant to the provisions of the respective Codes adopted by this Ordinance.

SECTION 21. Non-Liability of City of Sebastopol. This Ordinance shall not be construed as imposing upon the City of Sebastopol (or any official or employee thereof) any liability or responsibility for damages to any property or injuries to any person resulting from defects in building construction, defective plumbing, or drainage systems (or installations thereof), electrical or gas installations, or by installations of containers for the use of flammable products, nor shall the City of Sebastopol (or any official or employee thereof) be held as assuming any such liability or responsibility for property damage from any cause whatsoever which may have been caused by a gas leakage, fire or explosion of any gas appliance or house gas piping, electrical application or electrical wiring or from the storage or use of flammable and/or hazardous materials.

SECTION 22. Violations and Penalties. Any person violating any of the provisions of this Ordinance shall be deemed guilty of an infraction and any person violating the same section or a portion of an Ordinance on a second or subsequent occasion shall thereafter be deemed guilty of a misdemeanor and upon conviction of either an infraction or a misdemeanor shall be punishable by law.

SECTION 23. Repeal of Conflicting Ordinances.

All other Ordinances or parts of Ordinances in conflict with this Ordinance are hereby repealed.

SECTION 24. Fees.

The City Council of the City of Sebastopol may establish permit fees as set forth by resolution.

SECTION 25. Findings of Fact.

Pursuant to Health and Safety Code Section 17958.7, the Finding of Fact, as submitted in Exhibit A and B of this Ordinance, are made in connection with the adoption of revisions or additions to the 2019 editions of the California Code of Regulations T-24 Part 1,2,2.5,3,4,5,6,8,9,10,11&12.

EXHIBIT "A"
City of Sebastopol
7120 Bodega Avenue
Sebastopol, CA 95472

"FINDINGS OF FACT"

The City Council of the City of Sebastopol has adopted Ordinance XXXX, on December 5, 2019. This ordinance has several specific amendments that are more restrictive in nature than

those sections adopted by the California State Building Code and the State Housing and Community Development Code, Title 24 and Title 25 of the California Administrative Code.

Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of this type shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained herein shall address each of these conditions and present local conditions, which caused the amendments to be adopted.

Climatic

The normal rainfall in the City of Sebastopol is approximately 33 inches on the average yearly calendar. This rainfall is received during the 5 to 6 months between October and March. Included during these rainy periods are times of heavy rains causing periodic flooding of roadways within the City which in turn delay responses within the affected areas.

A major portion of the eastern edge of the City and smaller portion on the western edge of the City lies within the 100-year flood plain and major flooding has been experienced in these areas.

Along with periods of heavy rains, the City is subjected to heavy windstorms, causing roadway and access blockage, damage to buildings and interruption of public utilities.

The periods of dry weather along with the warm weather of summer cause areas of open land to dry up and become serious wild land burn areas. Access to these areas is limited which increase response times and tie up fire department resources.

As a result of summer ambient temperatures, average load demand and peak load demand of energy used in Sebastopol are important factors concerning public safety and adverse economic impacts of power outages or power reductions (i.e., "brownouts"). Reduction of total and peak energy use as a result of incremental energy conservation measures required by this ordinance will have local and regional benefits in the cost-effective reduction of energy costs for the building owner, additional available system energy capacity, and a reduction in greenhouse gas emissions.

The City's water system is dependent on ground water supplies and wells. The area is subjected to periods of reduced annual rainfall, which have caused diminished water supplies. The City maintains sufficient water reserves in three reservoirs as required by normal fire flow demands. However, serious fires do present a problem and require the adoption of certain amendments to the existing Codes to ensure the safety of buildings and people.

Geographical

The City of Sebastopol is located in an area that extends from the altitude of approximately 70 feet to a high of approximately 200 feet above sea level. This altitude difference has made it necessary to have two separate water systems to serve the different heights in the City. Pressure Zone #1 serves the lowest areas with one reservoir on line to supply the necessary daily water requirements along with the required standby fire flow. Pressure Zone #2 serves the higher elevations and has two reservoirs to maintain the daily use and fire flows. A breakdown in either system can create water delivery problems if not returned to normal operation as soon as possible.

The hilly terrain within the City also creates delayed responses and difficult access problems to some areas of the City.

The soils of the major part of the City are made up of poorly consolidated, sandy soils. The sandy, silty soil is poorly indurated. The topsoil is made up of organic-rich silt sand, which is easily eroded. Because of these soil types and the hilly nature of the City, landslides and earth movement are possible during rainy season. These landslides and erosion can block and close roadways and access drives, causing response delays.

The City of Sebastopol is situated 12.5 miles northeast of San Andreas Fault and 8 miles southwest of the Healdsburg/Rogers Creek fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude range of 8+ on the Moment Magnitude scale.

Any of these above-mentioned fault zones has the potential of causing severe ground movement, ground shaking, ground failure, land siding, lateral spreading and ground liquefaction. Damage to buildings and infrastructure in the City could be quite severe.

Topographical

The City is bisected by two heavily traveled State highways, which cause delays in responses to fire emergencies. In addition, because of the hilly terrain within the City, many streets are not through streets, which would limit alternate routes to areas of the City. This lack of alternate routes can cause response delays.

Due to the hilly terrain, many of the buildings within the City are located on hillsides with split-level type buildings being common. Again the access to development of this type of building is sometimes delayed and difficult due to narrow access ways and dead end streets.

Summary

While it is clearly understood that the adoption of the amendments to the Codes and the adoption of direct separate Ordinances may not prevent the incidence of fire, it is noted the implementation of these various amendments will reduce the severity and potential loss of life and loss of property.

The City of Sebastopol submits these Findings of Fact and requests the acceptance of them as defined under Section 17958.5 of the State of California Health and Safety Code.

Exhibit "B"
City of Sebastopol
7120 Bodega Avenue
Sebastopol, CA 95472

FINDINGS OF FACT

This Ordinance has several specific amendments that are more restrictive in nature than those sections adopted by the California Building Code. Under the provisions of Section 17958.5 of the Health and Safety Code, local amendments of this type shall be based on climatic, geographical or topographical conditions. The Findings of Fact contained herein shall address each of these conditions and present local situations, which caused the amendments to be adopted.

Climatic

The normal rainfall in the City of Sebastopol is approximately 35 inches per year. This rainfall is received during the 5- to 6-month period from October to March.

Geographical

The City of Sebastopol is located in hilly terrain, with elevations within the City ranging from approximately 70 feet to approximately 200 feet above mean sea level. The lower elevations of the City are located within the flood plain of the Laguna de Santa Rosa, while the higher elevations are characterized by hilly terrain.

Poorly consolidated, silty or sandy soils are predominant in Sebastopol. The topsoil is made up of organic-rich, silty sand which is easily eroded. Because of these soil types, and the hilly nature of the City, landslides, earth movement and erosion are possible during the rainy season. These landslides and erosion can cause discharge of soils to creeks and the Laguna, and can block roadways and access drives causing unsafe conditions for motorists and delayed response times for emergency services.

The City of Sebastopol is situated 12.5 miles northeast of the San Andreas Fault and 8 miles southwest of the Healdsburg-Rogers Creek Fault. These are both active faults, which have in the past caused damage to buildings within the City. These faults are capable of causing earthquakes in the magnitude range of 8+ on the Moment Magnitude scale.

Summary

For the reasons outlined above, certain amendments to the Code have been incorporated into this Ordinance in an effort to more closely regulate excavation, grading and earthwork construction activities which have the potential to create erosion or unstable soils conditions. While it is understood that the adoption of these amendments may not prevent such problems, it is noted that the implementation of these various amendments will reduce the severity and potential loss of life and property.

A. The provisions of this Article are declared to be separate and severable. The invalidity of any clause, phrase, sentence, paragraph, subdivision, section or portion of this Article, or the invalidity of the application thereof to any person or circumstance, shall not affect the validity of the remainder of this Article, or the validity of its application to other persons or circumstances.

B. The City Council hereby declares that it would have passed this Chapter and each and every section, subsection, sentence, clause, phrase, and word not declared invalid or unconstitutional without

regard to whether any other portion of this Chapter or application thereof would be subsequently declared invalid or unconstitutional.

C. The City Clerk shall certify to the adoption of this Ordinance and shall cause the same or a summary thereof to be published as required by law.

D. This Ordinance shall take effect and be in full force and effective _____ or effective from and after the date of its final passage and adoption.

APPROVED: _____

Patrick Slayter, Mayor

VOTE:
AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: _____

Mary Gourley, CMC, City Clerk

APPROVED AS TO FORM: _____

Larry McLaughlin, City Attorney

