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Chapter 9.05
Beaches and Piers

§ 9.05.005 Definitions.

A. For the purpose of this chapter, the words and phrases set forth in this section shall mean:

1. Anaheim Bay Harbor: the area shown on Exhibit A attached to Ordinance No. 768, on file with the city clerk, consisting of water of the inner and outer harbors of the U.S. Naval Weapons Station, Seal Beach, California and the contiguous tidal channel and basin as far east as Pacific Coast Highway –101 Bridge.

2. Anchorage Area: a portion of a harbor that has been designated as an anchorage area pursuant to law and approved by the federal government.

3. Aquatic Sports Equipment: a belly board, boogie board, kite board, paddleboard, sailboard, skim board, surfboard, surf mat or any other similar device used to propel a person into, on over, under or through the water.

4. Harbor Waters: waters in which the tide ebbs and flows.

5. Mooring: any appliance used to secure a water vessel other than a pier or dock, which appliance is not carried aboard the vessel as regular equipment.

6. Protected Swimming Area: an area designated by the city council for swimming and marked by lines, floats or buoys.

7. Turning Basin: a channel portion that has been designated pursuant to law and approved by the federal government for the purpose of permitting vessels to alter direction.

8. Water Vessel: a boat or other watercraft designed to be propelled by machinery, oars, paddles or sail. “Water vessel” does not include any aquatic sport equipment.

B. Any word or phrase used in this chapter that is defined in the Harbors and Navigation Code and not defined in paragraph A shall have the meaning set forth in the Harbors and Navigation Code.

§ 9.05.010 Lifeguards.

In addition to any other powers and duties specified in this code, city lifeguards shall do the following:

A. Designate locations within aquatic sport areas to be used exclusively by persons using paddleboards, sailboards, surfboards or other specified aquatic sport equipment.

B. Restrict or prohibit aquatic activities other than swimming or bathing when necessary to protect the public health, safety or welfare as a result of weather conditions, water conditions, special marine events, intensity of use or similar factors.

C. Restrict or prohibit fishing from the city beach.

§ 9.05.015 Beachcombing.

No person shall dig into or under the surface of the city beach, or shall sift, screen or riddle the sand upon the city beach for the purpose of retrieving articles. This prohibition does not apply to city employees and agents engaged in the discharge of official duties.

§ 9.05.020 Beach Closure.

No person shall be upon, use or occupy the city beach during the closure hours designated by city council resolution.

§ 9.05.025 Encroachments.

A. No person shall erect upon the city beach an umbrella or tent that has attached sidewalls unless written authorization has been obtained from the city manager. This prohibition does not apply to umbrellas or tents that are fully exposed to public view on at least 2 sides.

B. No person shall an erect a permanent volleyball pole, table, fire ring, garden or any similar non-temporary encroachment upon the beach without obtaining written authorization from the city manager.

§ 9.05.030 Public Clothing Changes.

No person shall dress or undress for the purpose of changing into or from bathing garments in or upon any city property other than a public dressing room designated for such purpose.

§ 9.05.035 Littering.

No person shall scatter, throw, place, discharge, deposit or leave, or cause, suffer or permit to be scattered, thrown, placed, discharged, deposited or left, any refuse matter, waste matter, rubbish, garbage, effluent, carcasses or remains of any creature, or any portion thereof, paper, empty containers, remnants of any food or other waste, trash or broken glass, nails, tacks, dirt, or any substance or material whose presence at such location might result in injury to any person in or upon any public property, including without limitation the beach or pier. Notwithstanding the preceding, a person may discard items in receptacles designated for such items. Violations of this section shall constitute an infraction unless prosecuted pursuant to the administrative citation procedure of this code. (Ord. No. 1538)

§ 9.05.040 Sand Removal.

No person shall remove any sand from the city beach unless written authorization has been obtained from the city manager.

§ 9.05.045 Aquatic Activities.

A. That area of the Pacific Ocean within the territorial limits of the city and extending seaward 200 yards from the mean high tide line is hereby designated as a swimming area.

B. The navigable waters of the Anaheim Bay and the San Gabriel River are hereby designated as a prohibited swimming area, excluding therefrom any portions thereof designated by the city council as regulated aquatic sports areas.

C. No person shall use any aquatic sports equipment in a reckless or negligent manner so as to endanger the safety or property of another person.

§ 9.05.050 Athletic Activities at Seal Way.

No person shall use any ball, bat, boomerang, flying saucer, frisbee or similar athletic equipment in the area between Seal Way and the line of palm trees located seaward of Seal Way. Nor shall any person conduct or participate in any sport or game in such area.

§ 9.05.055 Fires.

No person shall build, light or maintain any barbecue, campfire, cookout or other fire upon the city beach or city pier.

§ 9.05.060 Smoking on Pier or Beach.

It shall be unlawful to smoke in or on the city pier or any public beach. For purpose of this section, the term "*smoke*" includes without limitation the following: carrying or holding of a lighted pipe, cigar, cigarette or any other lighted smoking product or equipment used to burn any tobacco product, weed, plant or another combustible substance ("similar device" hereinafter); the lighting of a pipe, cigar, cigarette or similar device; and the exhaling of gaseous products and particles created by the use of a lighted pipe, cigar, cigarette or similar device. No person shall intimidate, threaten any reprisal, or effect any reprisal, for the purpose of retaliating against another person who seeks to obtain compliance with this section. Violations of this section shall constitute an infraction unless prosecuted pursuant to the administrative citation procedure of this code. (Ord. No. 1538)

§ 9.05.065 Fishing.

A. Each person fishing from the city beach or city pier shall have due regard for the safety of persons on the beach or in the water.

B. No person fishing from the city pier shall cast the line overhead or across the deck of the pier.

C. No person shall use or possess more than 2 fishing poles on the city pier for the purpose of fishing from the pier.

D. No person shall use or possess a bow and arrow, crossbow and arrow or similar device for the purpose of fishing from the city beach, city pier or other city property.

§ 9.05.070 Climbing, Diving and Jumping.

No person shall climb upon any pier, bridge, wharf, seawall, groin, jetty, lifeguard tower or natural rock formation on city property. Nor shall any person dive, jump or enter the water from any such facility. These prohibitions do not apply to city employees and agents engaged in the discharge of official duties.

§ 9.05.075 Defacement of Pier.

No person shall damage, destroy or deface the city pier or any building, structure, post, standard, seat, table or other facility located thereon or on any of the approaches thereto.

§ 9.05.080 Removal of Mussels.

No person shall remove any mussel from the pilings of the city pier. Nor shall any person possess on the city pier a hook or device commonly used for the

removal of mussels from pilings or piers. These prohibitions do not apply to city employees and agents engaged in the discharge of official duties.

§ 9.05.085 Commercial Activities on Beach or Pier.

No person shall sell merchandise or solicit customers for any business upon the city beach or city pier. This prohibition does not apply to persons performing such activity pursuant to a franchise or lease authorized by the city council.

§ 9.05.090 Vehicles and Animals.

A. No person shall permit any dog or other animal owned or possessed by such person to be in or upon the city beach. This prohibition does not apply to service dogs used by disabled persons.

B. No person shall ride or drive any horse or other animal, any bicycle, motorcycle, automobile or other vehicle upon the city beach or city pier unless written authorization has been obtained from the city manager. This prohibition does not apply to city employees and agents engaged in the discharge of official duties. The city manager may authorize use of vehicles for the hauling of freight and other materials for persons occupying places of business on the city pier, or for the repair or improvement of the same.

§ 9.05.095 Water Vessels.

A. No person shall operate a water vessel, or permit a water vessel to drift, within 200 yards of the shoreline of the city beach. This prohibition does not apply to the following:

1. Water vessels drifting as a result of conditions beyond the operator's control.

2. Water vessels entering or departing a navigable waterway at a speed not exceeding 5 nautical miles per hour.

3. Lifeguard rescue and training water vessels engaged in the discharge of official duties.

4. Government water vessels engaged in the discharge of official duties.

5. Towing, salvage or dredging water vessels engaged in the performance of such activity by a bonded operator.

B. No person shall launch or land a water vessel from or upon the city beach, shoreline or surfline of a designated swimming area or surf zone. This

prohibition does not apply to launchings and landings performed at a location authorized for such purposes by the city council or the supervising lifeguard on duty.

C. No person in command of a water vessel propelled by machinery or sail shall allow the vessel to be used at a speed in excess of 5 nautical miles per hour in any of the following areas not otherwise subject to speed restrictions:

1. Within 100 feet of a person swimming or bathing.

2. Within 200 yards of a beach frequented by swimmers or bathers.

3. Within 200 yards of a pier, dock, wharf, mooring, float or other facility used for the embarkation or discharge of passengers.

D. No person in command of a water vessel propelled by machinery or sail shall allow the vessel to be used at a speed greater than is reasonable or prudent, having due regard for weather, visibility, water conditions and traffic.

E. No person in command of a water vessel shall allow the vessel to be used at a speed or in a manner that endangers the safety or property of another person.

F. No person in command of a water vessel shall permit the vessel to land along the city pier at any time unless authorized by the city manager. This prohibition shall not apply to the city's lessees or franchisees.

G. No person shall own or operate a water vessel equipped with a toilet or other receptacle for human waste unless at least one of the following conditions is satisfied:

1. The vessel is equipped with a holding tank designed to retain all human wastes until such time as such waste can be discharged into a sanitary sewer system.

2. The toilet or receptacle is connected directly to a sanitary sewer system.

3. The toilet or receptacle is connected to an on-board sewage treatment system that produces an effluent meeting standards approved by the county health officer for discharge into water.

§ 9.05.100 Anti-Waste Disposal Signs.

Each commercial docking facility owner or operator shall conspicuously post on its premises signs informing the public of laws prohibiting the discharge of waste in harbor waters. The signs shall be subject to the approval of the city manager.

§ 9.05.105 Anaheim Bay Harbor Regulations.

The Anaheim Bay Harbor is a danger and controlled zone and is designated as a special-use area subject to military operations within such area and subject to special regulations established by the federal government, the county or by city council resolution.

§ 9.05.110 Storage on Shoreline.

No person shall place or allow any abandoned vessel or other material, garbage, refuse or timber or waste matter of any type whatsoever to remain on beaches, piers, wharves, jetties, groins, bulkheads, seawalls, floats or shoreline of any harbor. For purposes of this section, a vessel or boat shall be deemed abandoned if it is found in a public place or in public view in a state of disuse or disrepair or if it is found in any place without authorization to be there. (Ord. No. 1533)

§ 9.05.115 Marina Pump-Out Facilities.

Each commercial marina owner or operator shall provide a permanent holding tank pump-out facility or equivalent service that is operable at all times the marina is in operation and that is capable of servicing all water vessels docked at the marina.

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Chapter 9.10
News Racks

§ 9.10.005 Purpose.

The purposes of this chapter are to: protect pedestrian safety; preserve the aesthetics of the city's sidewalk areas; facilitate distribution of publications through news racks on public property; and to mitigate the traffic hazards and visual blight that can result from the unregulated placement of news racks on public rights-of-way.

§ 9.10.010 Definitions.

For the purposes of this chapter, the words and phrases set forth in this section shall mean:

A. Abandoned: news rack wherein no publication or the same publication has been displayed for a period of at least 30 consecutive days.

B. Block: public right-of-way abutting on one side of a street and lying between the two nearest intersecting streets or between the nearest intersecting street and the termination of such public right-of-way.

C. City Approved News Rack Model and Pedestal: model series M100, M50, or a model that the director deems equivalent in size and appearance to the M100 or M50, painted a color equivalent to wood grain brown, mounted on a 16 ½ inch standard pedestal placed on a 10 inch X 10 inch pad. The director has the discretion to allow different colors outside the Main Street Specific Plan area.

D. Curb: raised edge adjacent to a roadway between the sidewalk and the roadway.

E. Director: Director of Public Works or the designee thereof.

F. Driveway Approach: portion of a public right-of-way, including curb returns or depressed curbs, providing vehicular access to a private roadway, building or other facility.

G. Explicit Sexual Acts: depictions of sexual intercourse, oral copulation, anal intercourse, oral-anal copulation, bestiality, sadism, masochism or excretory functions in conjunction with sexual activity, masturbation or lewd exhibition of genitals, whether any of the above conduct is depicted or described as being performed alone or between members of the same or opposite sex or between humans and animals, or any other act of sexual arousal involving any

physical contact with a person's genitals, pubic region, pubic hair, perineum, anus or anal region.

H. Main Street Specific Plan Area: described in the Main Street Specific Plan.

I. News Rack: self-service or coin-operated box, container, storage unit or other dispenser installed, used or maintained for the display, sale or distribution of a publication.

J. News Rack Area: designated by the City for the placement of news racks within the Main Street Specific Plan Area.

K. Owner: Person to whom a news rack permit is issued. For purposes of this chapter, "owner" is synonymous with permittee.

L. Parkway: area between the sidewalk and the curb of a street. Where there is no sidewalk, area between the edge of the roadway and the property line adjacent thereto. "Parkway" includes any roadway area that is not open to vehicular travel.

M. Pre-existing Publications: publications that on December 1, 2003: were located in news racks that complied with the news rack location and placement standards set forth in the Code of the City of Seal Beach as such standards existed immediately prior to the effective date of this Ordinance; and which were placed in such location pursuant to a validly issued news rack permit and City business license.

N. Public Right-of-Way: place of any nature that is dedicated to use by the public for pedestrian or vehicular travel, including without limitation: a street, sidewalk, curb, gutter, intersection, parkway, highway, alley, lane, mall, court, way, avenue, boulevard, road, roadway, viaduct, subway, tunnel, bridge, thoroughfare, park, square or any similar public way.

O. Roadway: portion of a street improved, designed or ordinarily used for vehicular travel.

P. Sidewalk: surface improved, designed or ordinarily used for pedestrian travel.

Q. Street: as defined in Vehicle Code Section 590.

§ 9.10.015 News Rack Permit.

A. Requirement. No person shall place a news rack on any public right-of-way without first obtaining a news rack permit for such news rack.

B. Application. Applications for news rack permits shall be filed with the director upon a city-provided form. The application shall be signed by the applicant and shall contain the following information:

1. Name, address and telephone number of the applicant.

2. A precise diagram showing the proposed location for the news rack and the location and number of all other news racks existing on the same block.

3. Brand name of the news rack and a description of how it will be installed.

4. The name of the publication to be contained in the news rack.

5. A city attorney-approved written agreement obligating the applicant to indemnify, defend, and hold harmless the city and its officers, employees and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries, and deficiencies that the city shall incur or suffer as a result of the applicant's news racks. Such obligation shall include payment of interest, penalties and reasonable attorney's fees.

6. A certificate of endorsement evidencing that a comprehensive liability insurance policy has been issued for the period of the requested news rack permit by an insurance company that both is admitted and licensed to do business in the State of California; and is rated A or better according to the most recent A.M. Best Co. Rating Guide. The policy limits of such insurance shall not be less than $1,000,000 combined single limit or equivalent. Such policy shall name the city as an additional insured; shall specify that it acts as primary insurance and that no insurance held or owned by the designated additional insureds shall be called upon to cover a loss; and shall contain a provision that no termination, cancellation or change of coverage of insured or additional insureds shall be effective until after 30 days notice thereof has been given in writing to the director.

7. Business License. Every applicant for a news rack permit shall present proof of receipt of a business license or proof of application for such license.

C. Fee. Each news rack permit application shall be accompanied by a nonrefundable application fee. This fee shall be established by city council resolution and shall not exceed the actual cost of processing a news rack permit application.

D. Approval or Denial. The director shall, within 10 city business days of the filing of an application, approve and issue a news rack permit if there are no grounds for denial; otherwise the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing. If the application is denied, the director shall attach to the notice a statement of the reasons for the denial. The times set forth in this section shall not be extended except upon written consent of the applicant.

E. Grounds for Denial. The director may deny an application for a news rack permit for any of the following causes:

1. The following grounds for denial shall apply to all applications:

a. Failure to complete the application.

b. Knowing submission of a fraudulent statement of material fact.

c. Failure to comply with the provisions of this chapter.

2. In addition to the grounds specified in sub-paragraph (1) above, the director may deny an application for placement of a news rack within the Main Street Specific Plan Area if the proposed location of the news rack is a location at which no news rack space is available due to the issuance of news rack permits to other persons pursuant to Section 9.10.025.

F. Term. Each news rack permit shall be valid for 3 years from the date of issuance unless revoked. A news rack owner shall submit an application for renewal at least 15 days prior to the expiration of the owner's news rack permit.

G. Appeals. Any interested person may request an administrative hearing regarding the issuance, denial of issuance, renewal or denial of renewal of a news rack permit. Notwithstanding the preceding, no administrative hearing shall be held regarding the denial of a news rack permit for a news rack space within the Main Street Specific Plan Area if the denial was based on the lottery. A request for an administrative hearing must be filed in writing with the city clerk within 10 days after the decision of the director.

§ 9.10.020 Placement Standards.

News racks located on public right-of-way shall comply with the following placement standards:

A. News racks shall not be placed:

1. Within 20 feet of any marked crosswalk.

2. Within 20 feet of the curb return of any unmarked crosswalk.

3. Within 15 feet of any driveway approach.

4. Within 10 feet of any fire hydrant, fire call box, police call box or other emergency facility.

5. Within 5 feet ahead of and 25 feet to the rear of any sign marking a designated bus stop.

6. Within 10 feet of any bus bench or bus shelter.

7. Within 10 feet of any mailbox, utility pole, telephone pedestal or any other permanent fixture located in the public right-of-way.

8. Within 3 feet of any area improved with lawn, flowers, shrubs or trees.

9. Within 3 feet of any display window of any building abutting the sidewalk or parkway or in such a manner as to impede or interfere with the reasonable use of such window for display purposes.

10. At any location whereby the clear space for the passageway of pedestrians is reduced to less than 4 feet.

11. At any location whereby the clear space for the passageway of pedestrians is reduced to less than five feet for a length of more than 30 feet.

12. Adjacent to or on the curb abutting any fire access lane.

13. Within the limits of any portion of curb painted yellow or white.

B. News racks shall be placed between 6 inches and 24 inches from the curb at the sole discretion of the Director.

C. No news rack shall unreasonably interfere with or impede the flow of pedestrian or vehicular traffic.

D. No news rack shall interfere with the cleaning of any sidewalk by the use of mechanical sidewalk cleaning machinery.

E. No news rack shall project into a roadway.

F. No news rack shall unreasonably interfere with or impede ingress into or egress from any residence or place of business.

§ 9.10.025 Additional Placement Standards - Main Street Specific Plan Area.

A. Concentration. The director shall determine the locations within the Main Street Specific Plan Area of news racks on the public right-of-way and shall mark such locations on a map that is available to the public on request. In determining such locations, the director shall adhere to the following concentration standards:

1. No more than 24 news racks shall be located on any block of Main Street between Pacific Coast Highway and Ocean Avenue. The maximum grouping of news racks at each location shall be 8. There shall be a minimum 100-foot separation between each grouping.

2. No more than four news racks shall be located on any block of the northerly side of Ocean, each side of Central Avenue, each side of Electric Avenue, and the southerly side of Pacific Coast Highway, between Main Street and the adjoining alleys.

B. No person shall place or maintain a news rack in the Main Street Specific Plan area except in one of the City designated areas.

C. Permit Process.

1. Except as provided in sub-paragraph (2) below, the director shall approve applications on a first-come, first-served basis.

2. Where 2 or more publications seek the same location for a news rack and there is insufficient space at the location to accommodate all such publications, the Director shall allocate news rack permits in accordance with the following process. No publication shall be eligible for more than one news rack permit per news rack grouping where demand exceeds supply.

a. Priority shall be given to Pre-Existing Publications. In the event demand by Pre-Existing Publications exceeds supply at any particular location, the Director shall adhere to the following criteria:

(1) Pre-Existing Publications previously located at that location have priority. Where demand by publications seeking to stay in the same location exceeds supply at that location, the Director shall assign the desired location:

(a) First to daily publications published at least 5 days a week ("daily publications").

(b) Second to weekly publications published between one and 4 days per calendar week ("weekly publications").

(c) Third to monthly publications published between one and 3 days per calendar month ("monthly publications").

(2) Pre-Existing Publications not previously located at the desired location will be given priority based upon the criteria in 1a-c. In the event 2 or more Pre-Existing Publications seeking to relocate to the same location have the same level of priority, the Director shall assign the desired location to the publication that was located in closest proximity to the desired location.

b. All Other Publications. As between publications that are not Pre-Existing Publications, the Director shall adhere to the following criteria:

(1) First priority shall be given to daily publications.

(2) Second priority shall be given to weekly publications.

(3) Third priority shall be given to monthly publications.

c. Location and space assignment by lottery. The Director shall approve news racks by lottery in the event that both have 2 or more publications having the same level of priority seek the same location or space for a news rack; and either there is insufficient space at the location to accommodate all such publications, or 2 publications are seeking the same space in a particular designated area. The lottery shall be conducted by placing into a container the names of all of the applicants having the same level of priority and drawing names from the container one at a time until the number of available news rack spaces at the location reaches zero. The Director shall give advance written notice to the applicants of the time and place of the lottery, and shall allow members of the public to witness the lottery. The initial lottery shall be held on a date 30 days after the effective date of this Ordinance.

3. Space Request. The applicant shall indicate on the application its preference for a particular space in the designated area.

D. Permit Renewal. If a news rack in the Main Street Specific Plan Area is abandoned during the permit term, or if the news rack permit for that

space is not renewed at the expiration of the term, then the news rack permit for that news rack space shall be re-allocated pursuant to paragraph (c) above. The permittee who abandoned the news rack or failed to renew the news rack permit shall not be eligible to participate in the re-allocation process.

E. Authority of Director. The director may promulgate policies necessary or convenient for the administration of this Section.

§ 9.10.030 Operation Standards.

News racks located on public right-of-way shall comply with the following operation standards:

A. Each news rack shall be the City-approved news rack model and pedestal.

B. Each news rack shall have conspicuously affixed thereto the name, address and telephone number of the owner thereof.

C. Each news rack shall have conspicuously affixed thereto the annual permit tag issued by the department.

D. No news rack shall be abandoned.

E. The liability insurance required by this chapter shall not be reduced or cancelled.

F. No news rack shall contain an advertising sign. Notwithstanding the preceding, the name and logo of the publication distributed in a news rack may be stenciled upon the front and back of such news rack.

G. No news rack shall be chained, bolted or otherwise attached to any property without the express written permission of the owner of such property. Notwithstanding the preceding, each news rack shall be bolted to the sidewalk upon which it is maintained unless it is vertically stacked upon another news rack pursuant to this chapter.

H. Each news rack shall be maintained in a clean and neat condition and in good repair at all times. The owners of vertically stacked news racks shall be jointly responsible for maintenance of the shared components of such news racks. Occurrence of any of the following conditions on a news rack shall constitute evidence that the news rack is not being maintained in a clean and neat condition or in good repair:

1. Graffiti.

2. Broken or unreasonably misshapen structural components.

3. Cracks, dents or discoloration of the display window.

4. Substantial accumulation of dirt, grease rust or corrosion.

5. Substantial amount of chipped, faded, peeling, or cracked paint.

6. Substantial amount of tearing, peeling or fading of any paper or cardboard parts or inserts of the news rack.

I. Publications offered for sale or distribution in the news rack shall not be displayed or exhibited in a manner that exposes to public view from any public right-of-way any of the following:

1. Any statements or words describing explicit sexual acts, sexual organs or excrement where such statements or words have as their purpose or effect sexual arousal, gratification or affront.

2. Any picture or illustration of genitals, pubic hair, perineum, anus or anal region of any person where such picture or illustration has as its purpose or effect sexual arousal, gratification or affront.

3. Any picture or illustration depicting explicit sexual acts where such picture or illustration has as its purpose or effect sexual arousal, gratification or affront.

§ 9.10.035 Summary Impoundment.

The director may summarily impound any news rack that poses an imminent danger to pedestrians or vehicles. On the day of such impoundment, the department shall send the owner identified on the news rack written notice of the seizure and the opportunity for an administrative hearing. If the owner files a written hearing request with the city clerk within 10 days of such notice, then the city manager shall conduct an administrative hearing regarding the propriety of the summary impoundment.

§ 9.10.040 Non-Summary Impoundment.

Whenever any news rack is found to be in violation of this chapter, but the violation does not present an imminent danger to pedestrians or vehicles, the department shall affix a notice of violation tag upon such news rack and shall send a written notice of violation to the owner identified on the news rack. The notice shall state the nature of the violation and shall indicate that failure to correct the violation or to file a written hearing request with the city clerk within 10

days may result in impoundment of the news rack. The director may impound such news rack if the owner has not corrected the violation or filed a written hearing request within the allotted period. If the owner files a timely written hearing request with the city clerk, then the city manager shall conduct an administrative hearing regarding the existence of the violation. The director may impound such news rack 2 days after the city manager's administrative hearing decision if the decision confirms the existence of the violation and the owner has not corrected the violation.

§ 9.10.045 Administrative Hearing.

A. The city manager shall be responsible for conducting administrative hearings related to the implementation of this chapter. This responsibility may not be delegated.

B. The city manager shall conduct an administrative hearing and take the matter under submission for decision no later than 15 city business days following the timely filing of the request for hearing, unless the requestor and owner (if different than the requestor) consent in writing to an extension. At least 10 days prior to such hearing, written notice thereof shall be mailed to the requestor and owner (if different than the requestor).

C. Administrative hearings shall be conducted in accordance with procedures established by the city manager. All parties involved shall have a right to: offer testimonial, documentary and tangible evidence bearing on the issues; be represented by counsel; and confront and cross-examine witnesses. Any relevant evidence may be admitted that is the sort of evidence upon which reasonable persons are accustomed to rely in the conduct of serious affairs. Any hearing under this paragraph may be continued for a reasonable time for the convenience of a party or a witness.

D. The city manager shall, within 10 city business days from the conclusion of the administrative hearing, render a written decision supported by findings. The time period set forth in this section shall not be extended except upon written consent of the requestor and the owner (if different than the requestor). The decision of the city manager shall be final. Notice of the decision and a copy thereof shall be mailed to the requestor and the owner (if different than the requestor). Such notice shall contain the substance of the following statement: "You are hereby notified that the time within which judicial review of this decision may be sought is governed by California Code of Civil Procedure Section 1094.8."

§ 9.10.050 Return of Impounded News racks.

A. News racks that have been summarily impounded shall be returned to the owner without charge if a timely hearing request was filed and the city

manager determined that the seizure was improper. Otherwise such news racks shall be returned upon payment of the impound fee and filing of a written request therefore within 30 days of the date of the seizure or, if applicable, the date of the city manager's administrative hearing decision upholding the seizure.

B. News racks that have been non-summarily impounded shall be returned to the owner upon payment of the impound fee and filing of a written request therefore within 30 days of the date of the seizure.

C. The amount of the impound fee shall be set by city council resolution.

§ 9.10.055 Disposal of Impounded News racks.

The department may sell or otherwise dispose of any news rack provided that both 30 days have elapsed since the impoundment or city manager decision affirming the impoundment; and the owner of the news rack has failed to pay the impound fee. The proceeds of such disposal shall be deposited in the city's general fund.

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Chapter 9.15
Street Excavations

§ 9.15.005 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

A. Director: director of public works/city engineer.

B. Excavation: an opening in the surface of a city property. "Excavation" does not include an opening into the lawful structure below the surface of city property, the top of which is flush with the adjoining surface and so constructed as to permit frequent openings without damage to the city property.

C. Facility: pipe, pipeline, tube, main, service, trap, vent, vault, manhole, meter, gauge, regulator, valve, conduit, wire, tower, pole, pole line, anchor, cable, junction box, transformer or any other structure.

D. Permittee: a person in receipt of an excavation permit issued pursuant to this chapter.

E. Substructure: a pipe, conduit, duct, tunnel, manhole, vault, buried cable, wire or similar structure located below the surface of a city property.

§ 9.15.010 Authority of Director.

The director shall be responsible for administration of this chapter and, in such capacity, may do any of the following without limitation:

A. Promulgate regulations as deemed necessary or appropriate for the administration of this chapter.

B. Make such inspections as are reasonably necessary to enforce this chapter and ensure compliance with the conditions of an excavation permit.

C. Authorize closing of streets and alleys to traffic to facilitate an approved excavation.

D. Require that a particular size crew perform an approved excavation on a non-stop basis so as to ensure the quickest possible completion when warranted by the location of the proposed work or the circumstances in which it is conducted.

E. Require soil testing of backfill by a laboratory or engineer of the director's choice.

§ 9.15.015 Excavation Permit Requirement.

No person shall do any of the following on city property without first obtaining and maintaining in full force and affect an excavation permit: (Ord No. 1521)

A. Cause or maintain an excavation.

B. Construct, reconstruct or repair a curb, sidewalk, gutter, roadway surface, pavement, sanitary sewer, sewage works, storm drain, culvert, stairway, retaining wall or similar improvement.

C. Perform grading or filling.

D. Subject a water line to excessive loading.

§ 9.15.020 Excavation Permit Application.

An excavation permit application consists of the city-provided application form and an application fee in an amount set by city council resolution.

§ 9.15.025 Approval or Denial of Excavation Permit.

A. The director shall, within 60 city business days of the filing of a complete application, approve or conditionally approve the excavation permit if there are no grounds for denial; otherwise the permit shall be denied. Notice of the approval or denial of the permit shall be given to the applicant in writing. If the application is denied, the director shall attach to the notice a statement of the reasons for the denial. The times set forth in this section shall not be extended except upon written consent of the applicant. (Ord. No. 1521)

B. The director may deny an application for the excavation permit upon any of the following grounds:

1. Failure to complete the application.

2. Knowing submission of a misleading or fraudulent statement of material fact.

3. The applicant lacks the financial, technical or legal ability to install and maintain the proposed facilities.

4. The subject city property lacks capacity to accommodate the proposed facilities.

5. The proposed facilities would interfere with future plans for the subject city property as reflected in the city's general plan or capital improvement plan.

6. The proposed facilities would adversely impact the public health, safety and welfare.

C. An excavation permit shall not be effective until the permittee has paid the inspection fee, and has submitted proof of public liability insurance and a surety bond in a form approved by the City Attorney or deposit. The inspection fee amount shall be as set by city council resolution; the amount of the insurance and surety bond or deposit shall be as set by the director. A surety bond shall be submitted if the director authorizes the permittee to resurface or repair the surface of the city property to be affected by the excavation; otherwise a deposit shall be submitted to cover the city's expense of performing the work.
(Ord. No. 1521, 1533)

D. An excavation permit shall not be effective until the permittee also has executed a city attorney-approved written agreement obligating the permittee to indemnify, defend and hold harmless the city and its officers, employees and agents against any and all claims, demands, losses, costs, expenses, obligations, liabilities, damages, recoveries and deficiencies that the permittee shall incur or suffer as a result of the permittee's operations. Such obligation shall include payment of interest, penalties and legal fees.

§ 9.15.030 Standard Conditions.

In addition to any conditions imposed by the director, each excavation permit shall be subject to the following standard conditions:

A. The authorized work shall be prosecuted diligently to conclusion.

B. The permit shall be kept on site of the work and shall be presented to city representatives on request.

C. The permit shall not be transferable.

D. The permit shall expire 60 days after issuance if the authorized work has not commenced.

E. Access to fire hydrants, fire stations, fire escapes, water gates, underground vaults, valve housing structures and other vital equipment shall not be obstructed.

F. The permittee shall place and maintain traffic barriers and warning devices in accordance with the instruction of the director.

G. Safe crossing for 2 lanes of vehicle traffic shall be maintained at street intersections and safe crossings for pedestrians shall be maintained at intervals of not more than 300 feet.

H. Appropriate measures shall be taken to minimize noise, dust and debris to the maximum extent practical. (Ord. No. 1521)

I. Noisy equipment shall not be used in the vicinity of residences between 10:00 p.m. and 7:00 a.m. without the prior written consent of the director.

J. Monuments shall not be removed or disturbed without the prior written consent of the director.

K. Existing facilities shall not be damaged, interfered with or relocated without the prior written consent of the director and the owner of such facility.

L. All necessary steps shall be taken to protect adjoining property from damage.

M. Excavated material shall be piled in such manner as to prevent danger to and minimize inconvenience for pedestrians and motorists.

N. Streets shall be thoroughly cleaned of soil and debris on a daily basis in accordance with the City's NPDES permit, the permittee's storm water pollution prevention plan and, if necessary, the director's instruction. (Ord. No. 1521)

O. Gutters shall be kept unobstructed for the full depth of the adjacent curb and for at least one foot in width from the curb at the gutter line.

§ 9.15.035 Abandoned Substructures.

Any person who abandons a substructure shall, within 30 days of the abandonment, file with the director a written statement identifying the precise location of the substructure. The substructure shall be removed at the owner's expense if necessary to accommodate installation of a facility by the city or another government entity.

§ 9.15.040 Emergency Work.

Nothing in this chapter shall preclude the making of such excavations as may be necessary to eliminate an immediate threat to the public health, safety or welfare. The person responsible for the excavation shall apply for an excavation permit on the first city business day following the commencement of the work.

§ 9.15.045 Administration. (Ord. No. 1521)

This chapter shall be administered consistent with rights granted by pre-existing franchises and by applicable federal and state law. Any insurance, indemnification and bond requirement imposed by such franchise or law to the exclusion of this chapter shall control in lieu of the provisions of this chapter.

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Chapter 9.20
Storm Water Management Program

§ 9.20.005 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

A. Authorized Inspector: the director of public works/city engineer and persons designated by and under his/her instruction and supervision, who are assigned to investigate compliance with, detect violations of and/or take actions pursuant to this chapter.

B. Co-permittee: the county, the Orange County Flood Control District, and/or any of the 31 municipalities, including the city, that are responsible for compliance with the terms of the NPDES Permit.

C. DAMP: the Orange County Drainage Area Management Plan, as the same may be amended from time to time.

D. Development Project Guidance: DAMP Chapter VII and the Appendix thereto, entitled best management practices for new development including non-residential construction projects, as the same may be amended from time to time.

E. Discharge: any release, spill, leak, pump, flow, escape, leaching (including subsurface migration or deposition to groundwater), dumping or disposal of any liquid, semi-solid or solid substance.

F. Discharge Exception: the group of activities not restricted or prohibited by this chapter, including only:

Discharges composed entirely of storm water; discharges subject to regulation under current EPA or Regional Water Quality Control Board issued NPDES permits, state general permits, or other waivers, permits or approvals granted by an appropriate government agency; discharges from property for which best management practices set forth in the development project guidance are being implemented and followed; discharges to the storm water drainage system from potable water line flushing, fire fighting activities, landscape irrigation systems, diverted stream flows, rising groundwater, and de minimis groundwater infiltration to the storm water drainage system (from leaks in joints or connections or cracks in water drainage pipes or conveyance systems); discharges from potable water sources, passive foundation drains, air conditioning condensation and other building roof runoff; agricultural irrigation water runoff; water from crawl space pumps, passive footing drains, lawn watering, non-commercial vehicle washing; flows from riparian habitats and

wetlands; de-chlorinated swimming pool discharges; discharges of reclaimed water generated by a lawfully permitted water treatment facility; public street wash waters when related to cleaning and maintenance by, or on behalf of, the city; discharges authorized pursuant to a permit issued under this chapter; discharges allowable under the domestic sewage exception; discharges for which the discharger has reduced to the extent feasible the amount of pollutants in such discharge; and discharges authorized pursuant to federal or state laws or regulations.

In any action taken to enforce this chapter, the burden shall be on the person who is the subject of such action to establish that a discharge was within the scope of this discharge exception.

G. Domestic Sewage Exception: discharges that are exceptions to this chapter and excluded from the definition of prohibited discharge, as defined herein, including only:

Discharges composed entirely of accidental spills of untreated sanitary wastes (commonly called domestic sewage) and other wastes, but limited solely to wastes that are controlled by and are within publicly owned wastewater treatment system collection facilities immediately prior to the accidental spill.

H. Enforcing Attorney: the city attorney acting as counsel to the city and his/her designee, which counsel is authorized to take enforcement action as described herein. For purposes of criminal prosecution, only the city attorney, or his/her designee, shall act as the enforcing attorney.

I. EPA: the Environmental Protection Agency of the United States.

J. Hearing Officer: the city manager or his/her designee, who shall preside at the administrative hearings authorized by this chapter and issue final decisions on the matters raised therein.

K. Invoice for Costs: the actual costs and expenses of the city including without limitation administrative overhead, salaries and any expenses recoverable under state law, incurred during any inspection conducted pursuant to this chapter or where a notice of noncompliance, administrative compliance order or other enforcement option under this chapter is utilized to obtain compliance with this chapter.

L. Illicit Connection: any man-made conveyance or drainage system, pipeline, conduit, inlet or outlet through which the discharge of any pollutant to the storm water drainage system occurs or may occur. The term illicit connection shall not include legal nonconforming connections or connections to the storm

water drainage system that are hereinafter authorized by the agency with jurisdiction over the system at the location at which the connection is made.

M. Legal Non-Conforming Connection: connections to the storm water drainage system existing as of May 25, 1994 that were in compliance with all federal, state and local rules, regulations, statutes and administrative requirements in effect at the time the connection was established.

N. New Development: all public and private residential (whether single family, multi-unit or planned unit development), industrial, commercial, retail, and other non-residential construction projects, or grading for future construction, for which either a discretionary land use approval, grading permit, building permit or non-residential plumbing permit is required.

O. Non-Residential Plumbing Permit: a plumbing permit authorizing the construction and/or installation of facilities for the conveyance of liquids other than storm water, potable water, reclaimed water or domestic sewage.

P. NPDES Permit: the currently applicable municipal discharge permit(s) issued by the Regional Water Quality Control Board, Santa Ana Region, which permit(s) establishes waste discharge requirements applicable to storm water runoff in the city.

Q. Pollutant: any liquid, solid or semi-solid substances, or combination thereof, including without limitation:

Artificial materials (such as floatable plastics, wood products or metal shavings); household waste (such as trash, paper, and plastics; cleaning chemicals; yard wastes; animal fecal materials; used oil and fluids from vehicles, lawn mowers and other common household equipment); metals and non-metals, including compounds of metals and non-metals, (such as cadmium, lead, zinc, copper, silver, nickel, chromium, cyanide, phosphorus and arsenic), with characteristics which cause an adverse effect on living organisms; petroleum and related hydrocarbons (such as fuels, lubricants, surfactants, waste oils, solvents, coolants and grease); animal wastes (such as discharge from confinement facilities, kennels, pens and recreational facilities, including, stables, show facilities, or polo fields); substances having a pH less than 6.5 or greater than 8.6, or unusual coloration, turbidity or odor; waste materials and wastewater generated on construction sites and by construction activities (such as painting and staining; use of sealants and glues; use of lime; use of wood preservatives and solvents; disturbance of asbestos fibers, paint flakes or stucco fragments; application of oils, lubricants, hydraulic, radiator or battery fluids; construction equipment washing; concrete pouring and cleanup; use of concrete detergents; steam cleaning or sand blasting; use of chemical degreasing or diluting agents; and use of super chlorinated water for potable water line flushing); materials causing an increase in biochemical oxygen demand, chemical oxygen demand or

total organic carbon; materials which contain base/neutral or acid extractible organic compounds; those pollutants defined in Section 1362(6) of the Federal Clean Water Act; and any other constituent or material, including without limitation pesticides, herbicides, fertilizers, fecal coliform, fecal streptococcus or enterococcus, or eroded soils, sediment and particulate materials, in quantities that will interfere with or adversely affect the beneficial uses of the receiving waters, flora or fauna of the state.

R. Prohibited Discharge: any discharge that contains any pollutant, from public or private property to the storm water drainage system; any upstream flow, which is tributary to the storm water drainage system; any groundwater, river, stream, creek, wash or dry weather arroyo, wetlands area, marsh, coastal slough, or any coastal harbor, bay, or the pacific ocean. The term prohibited discharge shall not include discharges allowable under the discharge exception.

S. Significant Redevelopment: the rehabilitation or reconstruction of public or private residential (whether single family, multi-unit or planned unit development), industrial, commercial, retail, or other non-residential structures, for which either a discretionary land use approval, grading permit, building permit or non-residential plumbing permit is required.

T. State General Permit: the state general industrial storm water permit, the state general construction permit or any other state general permit that has been or will be adopted and the terms and requirements of any such permit. In the event EPA revokes the in-lieu permitting authority of the State Water Resources Control Board, then the term state general permit shall also refer to any EPA administered storm water control program for industrial and construction activities.

U. Storm Water Drainage System: street gutter, channel, storm drain, constructed drain, lined diversion structure, wash area, inlet, outlet or other facility, which is a part of or tributary to the county-wide storm water runoff system and owned, operated, maintained or controlled by the county, the Orange County Flood Control District or any co-permittee, and used for the purpose of collecting, storing, transporting, or disposing of storm water.

§ 9.20.010 Prohibition of Illicit Connections and Prohibited Discharges.

A. No person shall:

1. Construct, maintain, operate and/or utilize any illicit connection.

2. Cause, allow or facilitate any prohibited discharge.

3. Act, cause, permit or suffer any agent, employee, or independent contractor, to construct, maintain, operate or utilize any illicit connection, or cause, allow or facilitate any prohibited discharge.

B. The prohibition against illicit connections shall apply irrespective of whether the illicit connection was established prior to May 25, 1994; however, legal nonconforming connections shall not become illicit connections until the following dates:

1. For all structural improvements to property installed for the purpose of discharge to the storm water conveyance system – May 25, 1999.

2. For all nonstructural improvements to property existing for the purpose of discharge to the storm water conveyance system, the expiration of 6 months following delivery of a notice to the owner or occupant of the property, which states a legal nonconforming connection, has been identified. The notice of a legal nonconforming connection shall state the date of expiration of use under this chapter.

C. A civil or administrative violation shall occur irrespective of the negligence or intent of the violator to construct, maintain, operate or utilize an illicit connection or to cause, allow or facilitate any prohibited discharge.

D. If an authorized inspector reasonably determines that a discharge, which is otherwise within the discharge exception, may adversely affect the beneficial uses of receiving waters, then the authorized inspector may give written notice to the owner of the property or facility that the discharge exception shall not apply to the subject discharge following expiration of the 30 day period commencing upon delivery of the notice. Upon expiration of the 30 day period any such discharge shall constitute a violation.

E. The owner or occupant of property on which a legal nonconforming connection exists may request an administrative hearing, pursuant to the procedures set forth for an extension of the period allowed for continued use of the connection. A reasonable extension of use may be authorized by the authorized inspector upon consideration of the following factors:

1. The potential adverse effects of the continued use of the connection upon the beneficial uses of receiving waters.

2. The economic investment of the discharger in the legal nonconforming connection.

3. The financial effect upon the discharger of a termination of the legal nonconforming connection.

§ 9.20.015 Controls for Water Quality Management.

A. New Development and Significant Redevelopment.

1. All new development and significant redevelopment within the city shall be undertaken in accordance with:

a. The DAMP, including without limitation the development project guidance.

b. Any conditions and requirements established by the responsible city department, which are reasonably related to the reduction or elimination of pollutants in storm water runoff from the project site.

2. Prior to the issuance by the city of a grading permit, building permit or non-residential plumbing permit for any new development or significant redevelopment, the responsible city department shall review the project plans and impose terms, conditions and requirements on the project in accordance with this chapter.

If the new development or significant redevelopment will be approved without application for a grading permit, building permit or nonresidential plumbing permit, the responsible city department shall review the project plans and impose terms, conditions and requirements on the project in accordance with this chapter prior to the issuance of a discretionary land use approval or, at the city's discretion, prior to recordation of a subdivision map.

3. Notwithstanding the preceding, compliance with the development project guidance shall not be required for construction of a one single family detached residence unless the responsible city department determines that the construction may result in the discharge of significant levels of a pollutant into a tributary to the storm water drainage system.

4. Compliance with the conditions and requirements of the DAMP shall not exempt any person from the requirement to independently comply with each provision of this chapter.

5. If the public works department determines that the project will have a de minimis impact on the quality of storm water runoff, then it may issue a written waiver of the requirement for compliance with the provisions of the development project guidance.

6. The owner of a new development or significant redevelopment project, or upon transfer of the property, its successors and assigns, shall implement and adhere to the terms, conditions and requirements imposed on a new development or significant redevelopment project.

Each failure by the owner of the property or its successors or assigns, to implement and adhere to the terms, conditions and requirements imposed on a new development or significant redevelopment project shall constitute a violation of this chapter.

7. The public works department may require that the terms, conditions and requirements imposed be recorded with the county recorder's office by the property owner. The signature of the owner of the property or any successive owner shall be sufficient for the recording of these terms, conditions and requirements and a signature on behalf of the city shall not be required for recordation.

B. Cost Recovery. The city shall be reimbursed by the project applicant for all costs and expenses incurred in the review of new development or significant development projects for compliance with the DAMP. The responsible city department may elect to require a deposit of estimated costs and expenses, and the actual costs and expenses shall be deducted from the deposit, and the balance, if any, refunded to the project applicant.

C. Litter Control. No person shall discard any waste material, including without limitation common household rubbish or garbage of any kind (whether generated or accumulated at a residence, business or other location), upon any public or private property, whether occupied, open or vacant, including without limitation to any street, sidewalk, alley, right-of-way, open area or point of entry to the storm water drainage system. Every person occupying or having charge and control of property on which a prohibited disposal of waste materials occurs shall cause the proper collection and disposal of same. A prohibited disposal of waste materials creates a danger to public health, safety and welfare, and otherwise threatens the environment, surface waters and groundwater; therefore, any owner or occupant of property who fails to remove waste material within a reasonable time may be charged with creating a nuisance upon the property.

§ 9.20.020 Inspections.

A. Scope of Inspections.

1. Right to Inspect. Prior to commencing any inspection as authorized below, the authorized inspector shall obtain either the consent of the owner or occupant of the property or shall obtain an administrative inspection warrant or criminal search warrant.

2. Entry to Inspect. The authorized inspector may enter property to investigate the source of any discharge to any public street, inlet,

gutter, storm drain or the storm water drainage system located within the jurisdiction of the city.

3. Compliance Assessments. The authorized inspector may inspect property for the purpose of verifying compliance with this chapter, including without limitation: identifying products produced, processes conducted, chemicals used and materials stored on or contained within the property; identifying point(s) of discharge of all wastewater, process water systems and pollutants; investigating the natural slope at the location, including drainage patterns and man-made conveyance systems; establishing the location of all points of discharge from the property, whether by surface runoff or through a storm drain system; locating any illicit connection or the source of prohibited discharge; evaluating compliance with any permit issued pursuant to this chapter; and investigating the condition of any legal nonconforming connection.

4. Portable Equipment. For purposes of verifying compliance with this chapter, the authorized inspector may inspect any vehicle, truck, trailer, tank truck or other mobile equipment.

5. Records Review. The authorized inspector may inspect all records of the owner or occupant of property relating to chemicals or processes presently or previously occurring on-site, including material and/or chemical inventories, facilities maps or schematics and diagrams, material safety data sheets, hazardous waste manifests, business plans, pollution prevention plans, state general permits, storm water pollution prevention plans, monitoring program plans and any other record(s) relating to illicit connections, prohibited discharges, a legal nonconforming connection or any other source of contribution or potential contribution of pollutants to the storm water drainage system.

6. Sample & Test. The authorized inspector may inspect, sample and test any area runoff, soils area (including groundwater testing), process discharge, materials within any waste storage area (including any container contents), and/or treatment system discharge for the purpose of determining the potential for contribution of pollutants to the storm water drainage system. The authorized inspector may investigate the integrity of all storm drain and sanitary sewer systems, any legal nonconforming connection or other pipelines on the property using appropriate tests, including without limitation smoke and dye tests or video surveys. The authorized inspector may take photographs or video tape, make measurements or drawings, and create any other record reasonably necessary to document conditions on the property.

7. Monitoring. The authorized inspector may erect and maintain monitoring devices for the purpose of measuring any discharge or potential source of discharge to the storm water drainage system.

8. Test Results. The owner or occupant of property subject to inspection shall, on submission of a written request, receive copies of all monitoring and test results conducted by the authorized inspector.

§ 9.20.025 Enforcement.

A. Administrative Remedies.

1. Notice of Noncompliance. The authorized inspector may deliver to the owner or occupant of any property, or to any person responsible for an illicit connection or prohibited discharge a notice of noncompliance. The notice of noncompliance shall be delivered in accordance with this chapter.

a. The notice of noncompliance shall identify the provision(s) of this chapter or the applicable permit that has been violated. The notice of noncompliance shall state that continued noncompliance may result in additional enforcement actions against the owner, occupant and/or person.

b. The notice of noncompliance shall state a compliance date that must be met by the owner, occupant and/or person; provided, however, that the compliance date may not exceed 90 days unless the authorized inspector extends the compliance deadline an additional 90 days where good cause exists for the extension.

2. Administrative Compliance Orders.

a. The authorized inspector may issue an administrative compliance order. The administrative compliance order shall be delivered in accordance with this chapter. The administrative compliance order may be issued to:

(1) The owner or occupant of any property requiring abatement of conditions on the property that cause or may cause a prohibited discharge or an illicit connection in violation of this chapter;

(2) The owner of property subject to terms, conditions or requirements imposed on a project to ensure adherence to those terms, conditions and requirements.

(3) A permittee subject to the requirements of any permit issued pursuant to this chapter to ensure compliance with the terms, conditions and requirements of the permit.

(4) Any person responsible for an illicit connection or prohibited discharge.

b. The administrative compliance order may include the following terms and requirements:

(1) Specific steps and time schedules for compliance as reasonably necessary to eliminate an existing prohibited discharge or to prevent the imminent threat of a prohibited discharge, including without limitation a prohibited discharge from any pond, pit, well, surface impoundment, holding or storage area.

(2) Specific steps and time schedules for compliance as reasonably necessary to discontinue any illicit connection.

(3) Specific requirements for containment, cleanup, removal, storage, installation of overhead covering, or proper disposal of any pollutant having the potential to contact storm water runoff.

(4) Any other terms or requirements reasonably calculated to prevent the imminent threat of or continuing violations of this chapter, including, but not limited to requirements for compliance with best management practices guidance documents promulgated by any federal, state or regional agency.

(5) Any other terms or requirements reasonably calculated to achieve full compliance with the terms, conditions and requirements of any permit issued pursuant hereto.

3. Cease and Desist Orders.

a. The authorized inspector may issue a cease and desist order. A cease and desist order shall be delivered in accordance with this chapter. A cease and desist order may direct the owner or occupant of any property and/or other person responsible for a violation of this chapter to:

(1) Immediately discontinue any illicit connection or prohibited discharge to the storm water drainage system.

(2) Immediately contain or divert any flow of water off the property, where the flow is occurring in violation of any provision of this chapter.

(3) Immediately discontinue any other violation of this chapter.

(4) Clean up the area affected by the violation.

b. The authorized inspector may direct by cease and desist order that the owner of any property or that the owner of any property, or his successor-in-interest, which property is subject to any conditions or requirements issued pursuant to this chapter or any permittee under any permit issued pursuant to this chapter:

Immediately cease any activity not in compliance with the conditions or requirements issued pursuant to this chapter or the terms, conditions and requirements of the applicable permit.

4. Recovery of Costs. The authorized inspector may deliver to the owner or occupant of any property, any permittee or any other person who becomes subject to a notice of noncompliance or administrative order, an invoice for costs. An invoice for costs shall be delivered in accordance with this chapter. An invoice for costs shall be immediately due and payable to the city for the actual costs incurred by the city in issuing and enforcing any notice or order.

If any owner or occupant, permittee or any other person subject to an invoice for costs fails to either pay the invoice for costs or appeal successfully the invoice for costs in accordance with this chapter, then the enforcing attorney may institute collection proceedings.

5. Delivery of Notice. Any notice of noncompliance, administrative compliance order, cease and desist order or invoice of costs to be delivered pursuant to the requirements of this chapter shall be subject to the following:

a. The notice shall state that the recipient has a right to appeal the matter as set forth in this chapter.

b. Delivery shall be deemed complete upon personal service to the recipient; deposit in the U.S. mail, postage pre-paid for first class delivery; or facsimile service with confirmation of receipt.

c. Where the recipient of notice is the owner of the property, the address for notice shall be the address from the most recently issued equalized assessment roll for the property or as otherwise appears in the current records of the city.

d. Where the owner or occupant of any property cannot be located after the reasonable efforts of the authorized inspector, a notice of noncompliance or cease and desist order shall be deemed delivered after posting on the property for a period of 10 city business days.

6. Administrative Hearing for Notices of Noncompliance, Administrative Compliance Orders, Invoices for Costs and Adverse

Determinations. Except as set forth in sub-paragraph 8 below, any person receiving a notice of noncompliance, administrative compliance order, a notice of legal nonconforming connection, an invoice for costs, or any person who is subject to any adverse determination made pursuant to this chapter, may appeal the matter by requesting an administrative hearing. Notwithstanding the preceding, these administrative appeal procedures shall not apply to criminal proceedings initiated to enforce this chapter.

7. Request for Administrative Hearing. Any person appealing a notice of noncompliance, an administrative compliance order, a notice of legal nonconforming connection, an invoice for costs or an adverse determination shall, within 30 days of receipt thereof, file a written request for an administrative hearing, accompanied by an administrative hearing fee as established by separate resolution, with the city clerk, with a copy of the request for administrative hearing mailed on the date of filing to the city manager. Thereafter, a hearing on the matter shall be held before the hearing officer within 45 business days of the date of filing of the written request unless, in the reasonable discretion of the hearing officer and pursuant to a written request by the appealing party, a continuance of the hearing is granted.

8. Administrative Hearing for Cease and Desist Orders and Emergency Abatement Actions. An administrative hearing on the issuance of a cease and desist order or following an emergency abatement action shall be held within 5 city business days following the issuance of the order or the action of abatement, unless the hearing (or the time requirement for the hearing) is waived in writing by the party subject to the cease and desist order or the emergency abatement. A request for an administrative hearing shall not be required from the person subject to the cease and desist order or the emergency abatement action.

9. Hearing Proceedings. The authorized inspector shall appear in support of the notice, order, determination, invoice for costs or emergency abatement action, and the appealing party shall appear in support of withdrawal of the notice, order, determination, invoice for costs, or in opposition to the emergency abatement action. Except as set forth in this chapter, the city shall have the burden of supporting any enforcement or other action by a preponderance of the evidence. Each party shall have the right to present testimony and other documentary evidence as necessary for explanation of the case.

10. Final Decision and Appeal. The final decision of the hearing officer shall issue within 10 city business days of the conclusion of the hearing and shall be delivered by first-class mail, postage prepaid, to the appealing party. The final decision shall include notice that any legal challenge to the final decision shall be made pursuant to the provisions of Code of Civil Procedure

Sections 1094.5 and 1094.6 and shall be commenced within 90 days following issuance of the final decision.

Notwithstanding this sub-paragraph 10, the final decision of the hearing officer in any proceeding determining the validity of a cease and desist order or following an emergency abatement action shall be mailed within 5 city business days following the conclusion of the hearing.

11. City Abatement. In the event the owner of property, the operator of a facility, a permittee or any other person fails to comply with any provision of a compliance schedule issued to such owner, operator, permittee or person pursuant to this chapter, the authorized inspector may request the enforcing attorney to obtain an abatement warrant or other appropriate judicial authorization to enter the property, abate the condition and restore the area. Any costs incurred by the city in obtaining and carrying out an abatement warrant or other judicial authorization may be recovered pursuant to this chapter.

B. Nuisance. Any condition in violation of the prohibitions of this chapter, including without limitation the maintenance or use of any illicit connection or the occurrence of any prohibited discharge, shall constitute a threat to the public health, safety and welfare, and is declared and deemed a nuisance pursuant to Government Code Section 38771.

1. Court Order to Enjoin or Abatement. At the request of the city manager, the enforcing attorney may seek a court order to enjoin and/or abate the nuisance.

2. Notice to Owner and Occupant. Prior to seeking any court order to enjoin or abate a nuisance or threatened nuisance, the city manager shall provide notice of the proposed injunction or abatement to the owner and occupant, if any, of the property where the nuisance or threatened nuisance is occurring.

3. Emergency Abatement. In the event the nuisance constitutes an imminent danger to public safety or the environment, the city manager may enter the property from which the nuisance emanates, abate the nuisance and restore any property affected by the nuisance. To the extent reasonably practicable, informal notice shall be provided to the owner or occupant prior to abatement. If necessary to protect the public safety or the environment, abatement may proceed without prior notice to or consent from the owner or occupant thereof and without judicial warrant.

a. An imminent danger shall include without limitation exigent circumstances created by the dispersal of pollutants, where the same presents a significant and immediate threat to the public safety or the environment.

b. Notwithstanding the authority of the city to conduct an emergency abatement action, an administrative hearing pursuant to this chapter hereinabove shall follow the abatement action.

4. Reimbursement of Costs. All costs incurred by the city in responding to any nuisance, all administrative expenses and all other expenses recoverable under state law, shall be recoverable from the person(s) creating, causing, committing, permitting or maintaining the nuisance.

5. Nuisance Lien. All costs shall become a lien against the property from which the nuisance emanated and a personal obligation against the owner thereof in accordance with Government Code Sections 38773.1 and 38773.5. The owner of record of the property subject to any lien shall be given notice of the lien prior to recording as required by Government Code Section 38773.1.

At the direction of the city manager, the enforcing attorney is authorized to collect nuisance abatement costs or enforce a nuisance lien in an action brought for a money judgment or by delivery to the county assessor of a special assessment against the property in accord with the conditions and requirements of Government Code Section 38773.5.

C. Criminal Sanctions.

1. Prosecutor. The enforcing attorney may act on the request of the city manager to pursue enforcement actions in accordance with the provisions of this chapter.

2. Penalty. Any person who negligently or knowingly violates any provision of this chapter, undertakes to conceal any violation of this chapter, continues any violation of this chapter after notice thereof, or violates the terms, conditions and requirements of any permit issued pursuant to this chapter, shall be guilty of a misdemeanor unless such conduct is prosecuted as an infraction in the discretion of the enforcing attorney.

D. Consecutive Violations. Each day in which a violation occurs and each separate failure to comply with either a separate provision of this chapter, an administrative compliance order, a cease and desist order or a permit issued pursuant to this chapter, shall constitute a separate violation of this chapter punishable by fines or sentences issued in accordance herewith.

E. Non-exclusive Remedies. Each and every remedy available for the enforcement of this chapter shall be non-exclusive and it is within the discretion of the authorized inspector or enforcing attorney to seek cumulative remedies,

except that multiple monetary fines or penalties shall not be available for any single violation of this chapter.

F. Citations. Pursuant to Penal Code Section 836.5, the authorized inspector shall have the authority to cause the arrest of any person committing a violation of this chapter. The person shall be released and issued a citation to appear before a magistrate in accordance with Penal Code Sections 853.5, 853.6 and 853.9, unless the person demands to be taken before a magistrate. Following issuance of any citation the authorized inspector shall refer the matter to the enforcing attorney.

Each citation to appear shall state the name and address of the violator, the provisions of this chapter violated, and the time and place of appearance before the court, which shall be at least 10 city business days after the date of violation. The person cited shall sign the citation giving his or her written promise to appear as stated therein. If the person cited fails to appear, the enforcing attorney may request issuance of a warrant for the arrest of the person cited.

G. Violations of Other Laws. Any person acting in violation of this chapter also may be acting in violation of the Federal Clean Water Act or the State Porter-Cologne Act and other laws and also may be subject to sanctions including civil liability. Accordingly, the enforcing attorney is authorized to file a citizen suit pursuant to Federal Clean Water Act Section 505(a), seeking penalties, damages, and orders compelling compliance, and other appropriate relief. The enforcing attorney may notify EPA Region IX, the Santa Ana Regional Water Quality Control Board, or any other appropriate state or local agency, of any alleged violation of this chapter.

H. Injunctions. At the request of the city manager, the enforcing attorney may cause the filing in a court of competent jurisdiction, of a civil action seeking an injunction against any threatened or continuing noncompliance with the provisions of this chapter.

Order for Reimbursement. Any temporary, preliminary or permanent injunction may include an order for reimbursement to the city of all costs incurred in enforcing this chapter, including costs of inspection, investigation and monitoring, the costs of abatement undertaken at the expense of the city, costs relating to restoration of the environment and all other expenses as authorized by law.

I. Other Civil Remedies.

1. The city manager may cause the enforcing attorney to file an action for civil damages in a court of competent jurisdiction seeking recovery of all costs incurred in enforcement of this chapter including without limitation costs

relating to investigation, sampling, monitoring, inspection, administrative expenses, all other expenses as authorized by law, and consequential damages; all costs incurred in mitigating harm to the environment or reducing the threat to human health; and damages for irreparable harm to the environment.

2. The enforcing attorney is authorized to file actions for civil damages resulting from any trespass or nuisance occurring on public land or to the storm water drainage system from any violation of this chapter where the same has caused damage, contamination or harm to the environment, public property or the storm water drainage system.

3. The remedies available to the city pursuant to the provisions of this chapter shall not limit the right of the city to seek any other remedy that may be available by law.

§ 9.20.030 Permits.

A. Discharge Permit Procedure.

1. Permit. On application of the owner of property or the operator of any facility, which property or facility is not otherwise subject to the requirements of a state general permit or a NPDES permit regulating storm water discharges, the city manager may issue a permit authorizing the release of non-storm water discharges to the storm water drainage system if both of the following are satisfied:

a. The discharge of material or constituents is reasonably necessary for the conduct of otherwise legal activities on the property.

b. The discharge will not cause a nuisance, impair the beneficial uses of receiving waters, or cause any reduction in established water quality standards.

2. Application. The applicant shall provide all information requested by the city manager for review and consideration of the application, including without limitation specific detail as to the activities to be conducted on the property, plans and specifications for facilities located on the property, identification of equipment or processes to be used on-site and other information as may be requested in order to determine the constituents, and quantities thereof, that may be discharged if permission is granted.

3. Permit Issuance. The permit shall be granted or denied by the city manager or his or her designated representative, no later than 60 city business days following the completion and acceptance of the application as determined by the city manager.

The applicant shall be notified in person or by first-class mail, postage prepaid, of the action taken.

4. Permit Conditions. The permit may include terms, conditions and requirements to ensure compliance with the objectives of this chapter and as necessary to protect the receiving waters, including without limitation:

a. Identification of the discharge location on the property and the location at which the discharge will enter the storm water drainage system.

b. Identification of the constituents and quantities thereof to be discharged into the storm water drainage system.

c. Specification of pollution prevention techniques and structural or non-structural control requirements as reasonably necessary to prevent the occurrence of potential discharges in violation of this chapter.

d. Requirements for self-monitoring of any discharge.

e. Requirements for submission of documents or data, such as technical reports, production data, discharge reports, self-monitoring reports and waste manifests.

f. Other terms and conditions appropriate to ensure compliance with the provisions of this chapter and the protection of receiving waters, including requirements for compliance with best management practices guidance documents approved by any federal, state or regional agency.

5. General Permit. In the discretion of the city manager, the permit may, in accordance with the conditions identified in this chapter, be prepared as a general permit applicable to a specific category of activities. If a general permit is issued, any person intending to discharge within the scope of the authorization provided by the general permit may do so by filing an application to discharge with the city manager.

a. No discharge within the scope of the general permit shall occur until such application is so filed.

b. Notwithstanding the preceding, the city manager may eliminate the requirement that an application for a general permit be filed for any specific activity for which a general permit has been issued.

6. Permit Fees. The permission to discharge shall be conditioned upon the applicant's payment of the city's costs, in accordance with a fee schedule adopted by separate resolution, as follows:

a. For individually issued permits, the costs of reviewing the permit application, preparing and issuing the permit, and the costs reasonably related to administrating this permit program.

b. For general permits, the costs of reviewing the permit application, that portion of the costs of preparing the general permit that is reasonably attributable to the permittee's application for the general permit, and the costs reasonably related to administering the general permit program. Notwithstanding the preceding, no permit fee shall be charged for a general permit issued pursuant to this chapter.

B. Permit Suspension, Revocation or Modification.

1. The city manager may suspend or revoke any permit when it is determined that any of the following has occurred:

a. The permittee has violated any term, condition or requirement of the permit or any applicable provision of this chapter.

b. The permittee's discharge or the circumstances under which the discharge occurs have changed so that it is no longer appropriate to except the discharge from the prohibitions on prohibited discharge contained within this chapter.

c. The permittee fails to comply with any schedule for compliance issued pursuant to this chapter.

d. Any regulatory agency, including EPA or a Regional Water Quality Control Board having jurisdiction over the discharge, notifies the city that the discharge should be terminated.

2. The city manager may modify any permit when it is determined that any of the following has occurred:

a. Federal or state law requirements have changed in a manner that necessitates a change in the permit.

b. The permittee's discharge or the circumstances under which the discharge occurs have changed so that it is appropriate to modify the permit's terms, conditions or requirements.

c. A change to the permit is necessary to ensure compliance with the objectives of this chapter or to protect the quality of receiving waters.

d. The permittee, or in the case of a general permit, each person who has filed an application pursuant to this chapter, shall be informed by the city of any change in the permit terms and conditions at least 45 business days prior to the effective date of the modified permit. (Ord. No. 1521)

3. The determination that a permit shall be denied, suspended, revoked or modified may be appealed by a permittee pursuant to the procedures applicable to appeal of an administrative compliance order. In the absence of a judicial order to the contrary, the permittee may continue to discharge pending issuance of the final administrative decision by the hearing officer.

C. Permit Enforcement. Penalties. Any violation of the terms, conditions and requirements of any permit issued by the city manager shall constitute a violation of this chapter and subject the violator to the administrative, civil and criminal remedies available under this chapter.

D. Effect of Permit.

1. Other Laws. Compliance with the terms, conditions and requirements of a permit issued pursuant to this chapter shall not relieve the permittee from compliance with all federal, state and local laws, regulations and permit requirements, applicable to the activity for which the permit is issued.

2. Limited Permittee Rights. Permits issued under this chapter are for the person or entity identified therein as the “permittee” only, and authorize the specific operation at the specific location identified in the permit. The issuance of a permit does not vest the permittee with a continuing right to discharge.

3. Transfer of Permits. No permit issued to any person may be transferred to allow:

a. A discharge to the storm water drainage system at a location other than the location stated in the original permit.

b. A discharge by a person other than the person named in the permit, provided however, that the city may approve a transfer if written approval is obtained, in advance, from the city manager.

§ 9.20.035 Interagency Cooperation.

A. The city intends to cooperate with other agencies with jurisdiction over storm water discharges to ensure that the regulatory purposes underlying storm water regulations promulgated pursuant to the Clean Water Act (33 USC Section 1251 et seq.) are met.

B. The city may, to the extent authorized by law, elect to contract for the services of any public agency or private enterprise to carry out the planning approvals, inspections, permits and enforcement authorized by this chapter.

§ 9.20.040 Miscellaneous.

Compliance Disclaimer. Full compliance by any person or entity with the provisions of this chapter shall not preclude the need to comply with other local, state or federal statutory or regulatory requirements, which may be required for the control of the discharge of pollutants into storm water and/or the protection of storm water quality.

§ 9.20.045 Judicial Review.

The provisions of Code of Civil Procedure Sections 1094.5 and 1094.6 set forth the procedure for judicial review of any act taken pursuant to this chapter. Parties seeking judicial review of any action taken pursuant to this chapter shall file such action within 90 days of the occurrence of the event for which review is sought.

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Chapter 9.25
Fats, Oil and Grease Management And Discharge Control

(Ord. No. 1526)

§ 9.25.005 Purpose, Policy and Findings.

A. The Porter-Cologne Water Quality Act (California Water Code §§ 13000, et seq.) provides for the regulation and reduction of pollutants discharged into the waters of California.

B. The City of Seal Beach is a permittee under the "General Waste Discharge Requirements for Sewer Collection Agencies in Orange County Within the Santa Ana Region," (Order No. R8-2002-0014), dated April 26, 2002 ["Sewer WDRs"] issued by the California Regional Water Quality Control Board-Santa Ana Region ("Santa Ana RWQCB"), and, as a permittee under the Sewer WDRs, the City is required to adopt Chapters and implement procedures to reduce the amount of fats, oils and grease ["FOG"] discharged into the City's sanitary sewer collection system.

C. Section C.12(iii) of the Sewer WDRs requires the City to demonstrate that it possesses the legal authority necessary to control discharges of FOG to and from those portions of the City's sanitary sewer collection system over which it has jurisdiction, so as to comply with the Sewer WDRs.

D. FSEs or "Food Facilities", as defined in California Uniform Retail Food Facilities Law ("CURFFL"), Division 104 (Environmental Health), Part 7 (Retail Food), Chapter 4, Articles 1-20 of the California Health & Safety Code ("FSEs"), produce FOG as a by-product of their operations, which, if not properly managed and disposed, create the potential for blockage of sanitary sewer lines, and which can result in damage to both public and private property, and sewage overflows that cause health issues and have the potential to pollute beaches and water courses in the City, as well as in other portions of Orange County.

E. Studies in Orange County have concluded that FOG is one of the primary causes of sanitary sewer blockages. Based on information collected by the Santa Ana RWQCB, sanitary sewer system overflows ("SSOs") within Orange County from sewer collection systems have caused numerous beach closures, and the most prevalent cause of the SSOs is FOG accumulation in the small to medium sewer lines serving FSEs.

F. The current edition of the Uniform Plumbing Code requires FSEs that have the potential to produce a significant amount of FOG to have grease control devices. Many FSEs, such as restaurants within the City do not have grease control devices. These commercial FSEs have the potential to require

the City and sanitation districts to perform additional preventive maintenance on sewer lines that service these facilities, as well as respond to and cleanup blockages and sewage overflows caused by improper FOG disposal practices and grease control device maintenance.

G. The purpose of this Chapter is to facilitate the maximum beneficial public use of the City's sanitary sewer collection system while preventing blockages of sewer lines resulting from discharges of FOG to the system, and to specify appropriate FOG discharge requirements for FSEs discharging into the City's sewer system.

H. This Chapter shall be interpreted in accordance with the definitions set forth in Section 9.25.005 of this Chapter. To the extent a term is not specifically defined in this Chapter, such term will be defined according to the definition set forth in Section 9.20.005 of Chapter 9.20 of Title 9 of this Code. The provisions of this Chapter shall apply to the direct or indirect discharge of all wastewater or waste containing FOG into City's sanitary sewer collection system.

I. In order to manage and control, in a cost-effective manner, the discharge of FOG into the City's sanitary sewer collection system to the maximum extent practicable, the adoption of reasonable regulations, as set forth herein, is essential and it is the intent of this section to establish regulations for the disposal of FOG and other insoluble waste discharges from FSEs into the City's sewer system.

J. To comply with Federal, State, and local policies and to allow the City to meet applicable standards, provisions are made in this Chapter for the regulation of wastewater or waste containing FOG discharges to the sewer facilities.

K. Certain FSEs within the boundaries of the City do not discharge wastewater into the City's sewer system and facilities and discharge into sewer systems and facilities operated by Regulatory Agencies and sanitation districts other than the City. Such FSEs will be permitted and regulated by Regulatory Agencies other than the City. In order to avoid the possibility of overlapping and potentially contradictory regulation of such FSEs, this Chapter is not intended to apply to FSEs or other dischargers which do not discharge into the City's sanitary sewer system.

L. This Chapter establishes quantity and quality standards on all wastewater and/or waste discharges containing FOG, which may alone or collectively cause or contribute to FOG accumulation in the sewer facilities causing or potentially causing or contributing to the occurrence of SSOs.

§ 9.25.010 Definitions.

A. Unless otherwise defined herein, terms related to water quality shall be as defined in the Sewer WDRs and in the latest edition of Standard Methods for Examination of Water and Wastewater, published by the American Public Health Association, the American Water Works Association and the Water Environment Federation. The testing procedures for waste constituents and characteristics shall be as provided in 40 CFR 136 (Code of Federal Regulations).

B. Other terms not herein defined are defined as being the same as set forth in the latest adopted applicable editions of the California Codes applicable to building construction adopted pursuant to the California Building Standards Law.

C. Subject to the foregoing provisions, the following words and phrases shall mean:

1. Best Management Practices: schedules of activities, prohibitions of practices, maintenance procedures and other management practice to prevent or reduce the introduction of FOG to the sewer facilities.

2. Director: Director of the Department of Public Works, the City Engineer.

3. Discharger: any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer. Discharger shall mean the same as User.

4. Fats, Oils, and Grease (FOG): any substance, such as a vegetable or animal product that is used in, or is a by product of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions.

5. FOG Control Program: the FOG Control Program required by and developed pursuant to RWQCB Order No. R8-2002-0014, Section (c)(12)(viii).

6. FOG Discharge Manual: the “Fats, Oil and Grease Discharge Manual”, setting forth Best Management Practices for FSEs, as approved by the Director.

7. FOG Wastewater Discharge Permit or Discharge Permit: a permit issued by the City subject to the requirements and conditions established by the City authorizing the Permittee or discharger to discharge wastewater into the City’s facilities or into sewer facilities which ultimately discharge into a facility.

8. Food Grinder: any device installed in the plumbing or sewage system for the purpose of grinding food waste or food preparation by products for the purpose of disposing it in the sewer system.

9. Food Service Establishment (FSE): Facilities defined in California Uniform Retail Food Facility Law (CURFFL) Health & Safety Code § 113785, and any commercial or public entity within the boundaries of the City, operating in a permanently constructed structure such as a room, building, or place, or portion thereof, maintained, used, or operated for the purpose of storing, preparing, serving, or manufacturing, packaging, or otherwise handling food for sale to other entities, or for consumption by the public, its members or employees, and which has any process or device that uses or produces FOG, or grease vapors, steam, fumes, smoke or odors that are required to be removed by a Type I or Type II hood, as defined in CURFFL. A limited food preparation establishment is not considered a FSE when engaged only in reheating, hot holding or assembly of ready to eat food products and as a result, there is no wastewater discharge containing a significant amount of FOG. A limited food preparation establishment does not include any operation that changes the form, flavor, or consistency of food.

10. Grab Sample: a sample taken from a waste stream on a one-time basis without regard to the flow in the waste stream and without consideration of time.

11. Grease Control Device: any grease interceptor, grease trap or other mechanism, device, or process, which attaches to, or is applied to, wastewater plumbing fixtures and lines, the purpose of which is to trap or collect or treat FOG prior to it being discharged into the sewer system. A Grease control device may also include any other proven method to reduce FOG subject to the approval of the Director.

12. Grease Disposal Mitigation Fee: a fee charged to an Owner/Operator of a FSE, as provided in this Chapter, when there are physical limitations to the property that make the installation of the usual and customary grease interceptor or grease control device for the FSE under consideration impossible.

13. Grease Interceptor: a multi-compartment device that is constructed in different sizes and is generally required to be located, according to the California Plumbing Code, underground between a FSE and the connection to the sewer system. These devices primarily use gravity to separate FOG from the wastewater as it moves from one compartment to the next.

14. Grease Trap: a grease control device that is used to serve individual fixtures and have limited effect and should only be used in those cases

where the use of a grease interceptor or other grease control device is determined to be impossible.

15. Inspector: a person authorized by the City to inspect any existing or proposed wastewater generation, conveyance, processing, and disposal facilities.

16. Interference: any discharge which, alone or in conjunction with discharges from other sources, inhibits or disrupts the City's sewer system, treatment processes or operations; or is a cause of violation of the City's NPDES or Waste Discharge Requirements.

17. Local Sewering Agency: any public agency or private entity responsible for the collection and disposal of wastewater to the City's sewer facilities duly authorized under the laws of the State of California to construct and/or maintain public sewers.

18. Major Operational Change: a physical change or operational change causing generation of an amount of FOG that exceeds the current amount of FOG discharge to the sewer system by the Food Service Establishment in an amount that alone or collectively causes or creates a potential for SSOs to occur.

19. New Construction: any structure planned or under construction for which a sewer connection permit has not been issued.

20. Permittee: a person who has received a permit to discharge wastewater into the City's sewer facilities subject to the requirements and conditions established by the City.

21. Public Agency: the State of California and/or any city, county, special district, other local governmental authority or public body of or within this State.

22. Public Sewer: a sewer owned and operated by the City, or other local Public Agency, which is tributary to the City's sewer facilities.

23. Regulatory Agency: regulatory agency or regulatory agencies shall mean those agencies having regulatory jurisdiction over the operations of the city, including, but not limited to:

a. United States Environmental Protection Agency, Region IX, San Francisco and Washington, DC (EPA).

b. California State Water Resources Control Board (SWRCB).

c. California Regional Water Quality Control Board, Santa Ana Region (Santa Ana RWQCB).

d. South Coast Air Quality Management District (SCAQMD).

e. California Department of Health Services (DOHS).

f. Any Public Agency.

24. Sewage: wastewater.

25. Sewer Facilities or System: any and all facilities used for collecting, conveying, pumping, treating, and disposing of wastewater and sludge operated by the City.

26. Sewer WDRs: the "General Waste Discharge Requirements for Sewer Collection Agencies in Orange County Within the Santa Ana Region," (Order No. R8-2002-0014), dated April 26, 2002, adopted by the Santa Ana RWQCB, and any successor permit to such WDRs.

27. Sludge: any solid, semi-solid or liquid decant, subnate or supernate from a manufacturing process, utility service, or pretreatment facility.

28. User: any person who discharges or causes a discharge of wastewater directly or indirectly to a public sewer system. User shall mean the same as Discharger.

29. Waste: sewage and any and all other waste substances, liquid, solid, gaseous or radioactive, associated with human habitation or of human or animal nature, including such wastes placed within containers of whatever nature prior to and for the purpose of disposal.

30. Wastewater: the liquid and water-carried wastes of the community and all constituents thereof, whether treated or untreated, discharged into or permitted to enter a public sewer.

31. Wastewater Constituents and Characteristics: the individual chemical, physical, bacteriological, and other parameters, including volume and flow rate and such other parameters that serve to define, classify or measure the quality and quantity of wastewater.

32. Water Minimization Practices: plans or programs intended to reduce or eliminate discharges to the sewer system or to conserve water, including, but not limited to, product substitutions, housekeeping practices,

inventory control, employee education, and other steps as necessary to minimize wastewater produced.

§ 9.25.015 FOG Discharge Requirement.

No FSE ("FSE") shall discharge or cause to be discharged into the sewer system FOG that exceeds a concentration level adopted by a Regulatory Agency or that may accumulate and/or cause or contribute to blockages in the sewer system or at the sewer system lateral which connects the FSE to the sewer system.

§ 9.25.020 Prohibitions.

The following prohibitions shall apply to all FSEs:

A. No person shall discharge, or cause to be discharged any wastewater from FSEs directly or indirectly into the sewer system without first obtaining a FOG Wastewater Discharge Permit pursuant to this Chapter.

B. Discharge of any waste, including FOG and solid materials removed from the grease control device to the sewer system, is prohibited.

C. The discharge of any waste or FOG to the sewer system which fails to comply with the FOG Discharge Manual is prohibited.

D. The discharge of any waste or FOG to the sewer system in a manner which either violates the Sewer WDRs or causes or contributes to condition which fails to comply with any of the provisions of the Sewer WDRs is prohibited.

§ 9.25.025 Food Grinders Prohibited.

A. No food grinder shall be installed in a plumbing system of new construction of an FSE.

B. All food grinders shall be removed from an existing FSE upon: major operational change to the FSE; or any construction requiring the issuance of a building permit for either remodeling or construction of the FSE valued at $500 or more.

§ 9.25.030 Best Management Practices Required.

A. All FSEs shall implement Best Management Practices in its operation to minimize the discharge of FOG to the sewer system.

B. All FSEs must implement and demonstrate compliance with Best Management Practices (BMP) requirements as specified in the City's FOG

Discharge Manual. Detailed requirements for Best Management Practices are specified in the FOG Discharge Manual and may include kitchen practices and employee training that are essential in minimizing FOG discharges.

§ 9.25.035 FOG Pretreatment Required.

FSEs are required to install, operate and maintain an approved type and adequately sized grease interceptor necessary to maintain compliance with the objectives of this Chapter in accordance with the FOG Discharge Manual and the requirements of 40 CFR §403.5.

§ 9.25.040 Variance and Waiver of Grease Interceptor Requirement.

A. Variance from Grease Interceptor Requirements. A variance or a conditional waiver from the grease interceptor requirements on such terms and conditions as may established by the Director, consistent with the requirements of the Sewer WDRs, the City's FOG Control Program, the FOG Discharge Manual, and best construction, engineering, environmental and health and safety practices, to allow alternative pretreatment technology that is, at least, equally effective in controlling the FOG discharge in lieu of a grease interceptor, may be granted by the Director to FSEs demonstrating to the Director's satisfaction that it is impossible to install, operate or maintain a grease interceptor; or where the FSE demonstrates to the Director's satisfaction that any FOG discharge from the FSE is negligible and will have an insignificant impact to the sewer system.

B. Waiver from Grease Interceptor Installation with a Grease Disposal Mitigation Fee. For FSEs where the installation of grease interceptor is not feasible and no equivalent alternative pretreatment can be installed, a waiver from the grease interceptor requirement may be granted with the imposition of a Grease Disposal Mitigation Fee as described in Section 9.25.050. The Director's determination to grant the waiver with a Grease Disposal Mitigation Fee will be based upon such considerations that the Directors determines to be appropriate and consistent with the Sewer WDRs, the City's FOG Control Program, the FOG Discharge Manual, and best construction, engineering, environmental and health and safety practices. Provided, however, that a grease interceptor will be installed when the FSE either applies for any discretionary permit, including but not limited to a conditional use permit; or conducts any remodeling to a FSE which involves construction valued at $50,000 or more requiring a building permit and which involves any one or combination of the following: under slab plumbing in the food processing area; a 30% increase in the net public seating area; a 30% increase in the size of the kitchen area; or any change in the size or type of food preparation equipment. No discretionary permit, including but not limited to a conditional use permit, shall be issued to a FSE unless the applicant can demonstrate that a grease interceptor has been or will be installed at the FSE.

C. Application for Waiver or Variance of Requirement for Grease Interceptor. A FSE may submit an application for waiver or variance from the grease interceptor requirement to the Director. Terms and conditions for issuance of a variance to a FSE shall be set forth in the permit. A waiver or variance may be revoked at any time when any of the terms and conditions for its issuance is not satisfied or if the conditions upon which the waiver was based change so that the justification for the waiver no longer exists.

§ 9.25.045 Multiple FSEs At Commercial Properties.

For Properties at which multiple FSEs are operated on a single parcel, each FSE operator shall be individually and separately responsible for installation and maintenance of the grease interceptor serving its FSEs and for compliance with this Chapter. Furthermore, owners of commercial properties at which multiple FSEs that are operated on a single parcel shall be responsible for ensuring compliance by each FSE on the parcel. Such operators and/or property owner can comply with this Chapter by installing and maintaining a grease interceptor or grease interceptors serving multiple FSEs upon approval by the Director on such terms and conditions that the Director may establish in his sole discretion.

§ 9.25.050 Grease Disposal Mitigation Fee.

A. FSEs that operate without a grease control interceptor may be required to pay an annual Grease Disposal Mitigation Fee to equitably cover the costs of increased maintenance and administration of the sewer system as a result of the FSEs' inability to adequately remove FOG from its wastewater discharge. This Section shall not be interpreted to allow a new FSE, or existing FSEs undergoing remodeling or change in operations, to operate without an approved grease interceptor unless the Director has determined that it is impossible to install or operate a grease control interceptor for the FSE under the provisions of this Chapter.

B. The Grease Disposal Mitigation Fee shall be established by resolution of the City Council, and shall be based on the estimated annual increased cost of maintaining the sewer system for inspection and removal of FOG and other viscous or solidifying agents attributable to the FSE resulting from the lack of a grease interceptor or grease control device and such other costs that the City Council considers appropriate.

C. The Grease Disposal Mitigation Fee may not be waived or reduced when the FSE does not comply with the minimum requirements of this Chapter and/or its discharge into the sewer system in the preceding 12 months has caused or potentially caused or contributed alone or collectively, in sewer blockage or a sanitary sewer overflow (“SSO”) in the sewer downstream, or surrounding the FSE prior to the waiver request.

§ 9.25.055 Sewer System Overflows, Public Nuisance, Abatement Orders and Cleanup Costs.

Notwithstanding any waiver of grease interceptor requirements under this Chapter, FSEs determined by the Director to have contributed to a sewer blockage, SSOs or any sewer system interferences resulting from the discharge of wastewater or waste containing FOG, may be ordered by the Director to immediately install and maintain a grease interceptor, and may be subject to a plan determined by the Director to abate the nuisance and prevent any future health hazards created by sewer line failures and blockages, SSOs or any other sewer system interferences. SSOs may cause threat and injury to public health, safety, and welfare of life and property and are hereby declared public nuisances. Furthermore, sewer lateral failures and SSOs caused by FSEs alone or collectively are the responsibility of the private property owner or FSE, and individual(s) as a responsible officer or owner of the FSE. If the City must act immediately to contain and clean up an SSO- caused by blockage of a private or public sewer lateral or serving a FSE, or at the request of the property owner or operator of the FSE, or because of the failure of the property owner or FSE to abate the condition causing immediate threat of injury to the health, safety, welfare, or property of the public, the City's costs for such abatement may be entirely borne by the property owner or operator of the FSE, and individual(s) as a responsible officer or owner of the FSE(s) and may constitute a debt to the City and become due and immediately payable upon the City's request for reimbursement of such costs.

§ 9.25.060 FOG Wastewater Discharge Permit Required.

A. FSEs proposing to discharge or currently discharging wastewater-containing FOG into the City’s sewer system shall obtain a FOG Wastewater Discharge Permit from the City within either 180 days from the effective date of this Chapter or at the time any FSE applies for or renews its annual business license from the City. Compliance with this Chapter must be demonstrated at the time any business license is issued, provided that the Director may extend the compliance date for no more than 90 days after the date of the issuance of the license.

B. FOG Wastewater Discharge Permits shall be expressly subject to all provisions of this Chapter and all other regulations, charges for use, and fees established by the City. The conditions of FOG Wastewater Discharge Permits shall be enforced by the City in accordance with this Chapter and applicable State and Federal Regulations.

C. The City shall not issue a certificate of occupancy for any new construction, or occupancy unless a FSE has fully complied with the provisions of this Chapter.

§ 9.25.065 FOG Wastewater Discharge Permit Application.

Any person required to obtain a FOG Wastewater Discharge Permit shall complete and file with the City prior to commencing discharges, an application in a form prescribed by the Director and shall provide the City such information and documents as the Director determines is necessary and appropriate to properly evaluate the application. The applicable fees shall accompany this application. After evaluation of the data furnished, the Director may issue a FOG Wastewater Discharge Permit, subject to terms and conditions set forth in this Chapter and as otherwise determined by the Director to be appropriate to protect the City's sewer system.

§ 9.25.070 FOG Wastewater Discharge Permit Condition.

The issuance of a FOG Wastewater Discharge Permit may contain any of the following conditions or limits as determined by the Director:

A. Limits on discharge of FOG and other priority pollutants.

B. Requirements for proper operation and maintenance of grease interceptors and other grease control devices.

C. Grease interceptor maintenance frequency and schedule.

D. Requirements for implementation of Best Management Practices and installation of adequate grease interceptor and/or grease control device.

E. Requirements for maintaining and reporting status of Best Management Practices

F. Requirements for maintaining and submitting logs and records, including waste hauling records and waste manifests.

G. Requirements to self-monitor.

H. Requirements for the FSE to construct, operate and maintain, at its own expense, FOG control device and sampling facilities.

I. Consent by the operator of the FSE for the City and other Regulatory Agencies to inspect the FSE to confirm compliance with this Chapter, the NPDES Permit and other applicable laws, rules and regulations, including any NPDES permit applicable to the City.

J. Additional requirements as otherwise determined to be reasonably appropriate by the Director to protect the City's system or as specified by other Regulatory Agencies.

K. Other terms and conditions, which may be reasonably applicable to ensure compliance with this Chapter as determined by the Director.

§ 9.25.075 FOG Waste Water Discharge Permit Fee.

The FOG Wastewater Discharge Permit fee shall be paid by the applicant in an amount adopted by resolution of the City Council. Payment of permit fees must be received by the City prior to issuance of either a new permit or a renewed permit. A Permittee shall also pay any delinquent invoices in full prior to permit renewal

§ 9.25.080 FOG Wastewater Discharge Permit Modification of Terms and Conditions.

A. The terms and conditions of an issued permit may be subject to modification and change by the sole determination of the Director during the life of the permit based on:

1. The discharger's current or anticipated operating data;

2. The City's current or anticipated operating data;

3. Changes in the requirements of Regulatory Agencies which affect the City; or

4. A determination by the Director that such modification is appropriate to further the objectives of this Chapter.

B. The Permittee may request a modification to the terms and conditions of an issued permit. The request shall be in writing stating the requested change, and the reasons for the change. The Director shall review the request, make a determination on the request, and respond in writing.

C. The Permittee shall be informed of any change in the permit limits, conditions, or requirements at least 45 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

§ 9.25.085 FOG Wastewater Discharge Permit Duration and Renewal

FOG Wastewater Discharge Permits shall be issued for a period not to exceed 1 year. Upon expiration of the permit, the user shall apply for renewal of the permit in accordance with the provisions of this Chapter.

§ 9.25.090 Exemption from FOG Wastewater Discharge Permit.

A limited food preparation establishment is not considered a FSE for the purposes of this Chapter and is exempt from obtaining a FOG Wastewater Discharge Permit.

§ 9.25.095 Non-Transferability of Permits.

A. FOG Wastewater Discharge Permits issued under this Chapter are for a specific FSE, for a specific operation and create no vested rights.

B. No permit holder shall assign, transfer or sell any FOG Wastewater Discharge Permit issued under this Chapter nor use any such permit for or on any premises or for facilities or operations or discharges not expressly encompassed within the underlying permit.

C. Any permit, which is transferred to a new owner or operator or to a new facility, is void.

§ 9.25.100 FOG Wastewater Discharge Permit Charge for Use.

In addition to the Discharge Permit application fee, a charge to cover all costs of the City for providing the sewer service and monitoring shall be established by Resolution of the City Council.

§ 9.25.105 Grease Interceptor Requirements.

A. Grease Interceptors shall be maintained in efficient operating condition in accordance with the FOG Discharge Manual.

B. Grease interceptors must be cleaned, maintained, and FOG must be removed from grease interceptors at regular intervals.

C. FOG removed from grease interceptors shall be waste hauled periodically as part of the operation and maintenance requirements for grease interceptors and disposed of in a proper manner and at regular intervals.

§ 9.25.110 Monitoring and Reporting Conditions.

A. <u>Monitoring for Compliance with FOG Wastewater Discharge Conditions and Reporting Requirements</u>

1. The Director may require periodic reporting of the status of implementation of Best Management Practices, in accordance with the FOG Control Program and the FOG Discharge Manual.

2. The Director may require visual and other monitoring at the sole expense of the Permittee to observe the actual conditions of the FSE's sewer lateral and sewer lines downstream.

3. The Director may require reports for self-monitoring of wastewater constituents and FOG characteristics of the Permittee needed for determining compliance with any conditions or requirements as specified in the FOG Wastewater Discharge Permit or this Chapter. Monitoring reports of the analyses of wastewater constituents and FOG characteristics shall be in a manner and form approved by the Director and shall be submitted upon request of the Director.

4. Failure by the Permittee to perform any required monitoring, or to submit monitoring reports required by the Director constitutes a violation of this Chapter and shall be cause for the City to initiate all necessary tasks and analyses to determine the wastewater constituents and FOG characteristics for compliance with any conditions and requirements specified in the FOG Wastewater Discharge Permit or in this Chapter.

5. The Permittee shall be responsible for any and all expenses of the City in undertaking such monitoring analyses and preparation of reports.

6. Other reports may be required such as compliance schedule progress reports, FOG control monitoring reports, and any other reports deemed reasonably appropriate by the Director to ensure compliance with this Chapter.

B. Record Keeping Requirements. The Permittee shall be required to keep all documents identified by the Director relating to its compliance with this Chapter, including manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the grease control device, disposal carrier and disposal site location for no less than 2 years. The Permittee shall, upon request, make the manifests, receipts and invoices available to any City representative, or inspector.

C. Falsifying Information or Tampering with Process. It shall be unlawful to make any false statement, representation, record, report, plan or other document that is filed with the City, or to tamper with or knowingly render inoperable any grease control device, monitoring device or method or access point required under this Chapter.

§ 9.25.115 Inspection and Sampling Conditions.

A. The Director may inspect or order the inspection and sample the wastewater discharges of any FSE to ascertain whether the intent of this Chapter is being met and the Permittee is complying with all requirements. The Permittee shall allow the City access to the FSE premises, during normal business hours,

for purposes of inspecting the FSE's grease control devices or interceptor, reviewing the manifests, receipts and invoices relating to the cleaning, maintenance and inspection of the grease control devices or interceptor.

B. The Director shall have the right to place or order the placement on the FSE's property or other locations as determined by the Director, such devices as are necessary to conduct sampling or metering operations. Where a FSE has security measures in force, the Permittee shall make necessary arrangements so that representatives of the City shall be permitted to enter without delay for the purpose of performing their specific responsibilities.

C. For the Director to determine the wastewater characteristics of the discharger for purposes of determining the annual use charge and for compliance with permit requirements, the Permittee shall make available for inspection and copying by the City all notices, monitoring reports, waste manifests, and records including, but not limited to, those related to wastewater generation, and wastewater disposal without restriction but subject to the confidentiality provision set forth in this Chapter. All such records shall be kept by the Permittee a minimum of 2 years.

§ 9.25.120 Right of Entry.

Persons or occupants of premises where wastewater is created or discharged shall allow the Director, or City representatives, reasonable access to all parts of the FSE and all wastewater generating and disposal facilities for the purposes of inspection and sampling during all times the discharger's facility is open, operating, or any other reasonable time. No person shall interfere with, delay, resist or refuse entrance to City representatives attempting to inspect any FSE or facility involved directly or indirectly with a discharge of wastewater to the City's sewer system.

§ 9.25.125 Notification of Spill.

A. In the event a Permittee is unable to comply with any permit condition due to a breakdown of equipment, accidents, or human error or the Permittee has reasonable opportunity to know that his/her/its discharge will exceed the discharge provisions of the FOG Wastewater Discharge Permit or this Chapter, the discharger shall immediately notify the City by telephone at the number specified in the Permit. If the material discharged to the sewer has the potential to cause or results in sewer blockages or SSOs, the discharger shall immediately notify the local Health Department, City or County, and the City.

B. Confirmation of this notification shall be made in writing to the Director at the address specified in the Permit no later than 5 working days from the date of the incident. The written notification shall state the date of the incident, the reasons for the discharge or spill, what steps were taken to

immediately correct the problem, and what steps are being taken to prevent the problem from recurring.

C. Such notification shall not relieve the Permittee of any expense, loss, damage or other liability which may be incurred as a result of damage or loss to the City or any other damage or loss to person or property; nor shall such notification relieve the Permittee of any fees or other liability which may be imposed by this Chapter or other applicable law.

§ 9.25.130 Enforcement.

A. The City Council finds that, in order for the City to comply with the laws, regulations, and rules imposed upon it by Regulatory Agencies and to ensure that the City's sewer facilities are protected and are able to operate with the highest degree of efficiency, and to protect the public health and environment, specific enforcement provisions must be adopted to govern the discharges to the City's sewer system by FSEs.

B. To ensure that all interested parties are afforded due process of law and that violations are resolved as soon as possible, a Permittee, or applicant for a permit may appeal any determination made by the Director, including but not limited to a denial of a discharge permit, a notice of violation; permit suspension or revocation; or a Compliance Schedule Agreement (CSA), pursuant to the procedures set forth in Section 9.25.185.

C. The City, at its discretion, may utilize any one, combination, or all enforcement remedies provided in this Chapter in response to any FOG Wastewater Discharge Permit or Chapter violations.

§ 9.25.135 Violations.

A. The owner and operator of a FSE or Permittee shall be in violation of this Chapter if such owner or operator or Permittee:

1. Fails to install an approved grease control device as required by this Chapter; or

2. Makes any false statement, representation, record, report, plan or other document that is filed with the City; or

3. Tampers with or knowingly renders inoperable any grease control device required under this Chapter; or

4. Fails to clean, maintain or remove grease from a grease control device within the required time for such cleaning, maintenance or grease removal; or

5. Fails to keep up-to-date and accurate records of all cleaning, maintenance, and grease removal and upon request to make those records available to any City Code Enforcement representative, or his or her designee, any representative of a local sanitation agency that has jurisdiction over the sanitary sewer system that services the Food Facility, or any Authorized Inspector that has jurisdiction under the Water Quality Chapter; or

6. Refuses a City Code Enforcement representative, or his or her designee, a representative of a local sanitary sewer agency that has jurisdiction over the sanitary sewer system that services the Food Facility, or any Authorized Inspector, reasonable access to the Food Facility for the purposes of inspecting, monitoring, or reviewing the Grease Control Device manifests, receipts and invoices of all cleaning, maintenance, grease removal of/from the Grease Control Device, and/or to inspect the Grease Control Device; or

7. Disposes of, or knowingly allows or directs FOG to be disposed of, in an unlawful manner; or

8. Fails to remove all food grinders located in the Food Facility by the date specified by this Chapter; or

9. Introduces additives into a wastewater system for the purposes of emulsifying FOG without the written, specific authorization from the sanitary sewer agency that has jurisdiction of the sanitary sewer system that services the Food Facility; or

10. Fails to pay the Grease Disposal Mitigation Fee as specified in this Chapter when due; or

11. Fails to comply with the FOG Manual; or

12. Otherwise fails to comply with the provisions of this Chapter or any permit issued by the City under this Chapter.

B. Violations under this Section shall be subject to the procedures, penalties and remedies set out in this Chapter and Chapter 1.15. All costs for the investigations, enforcement actions, and ultimate corrections of violations under this Section, incurred by the City shall be reimbursed by the owner/operator of the FSE.

§ 9.25.140 Compliance Schedule Agreement (CSA).

A. Upon determination by the Director that a Permittee or other owner or operator of a FSE or owner of a Property is in noncompliance with the terms and conditions specified in its permit or any provision of this Chapter, or needs to

construct and/or acquire and install a grease control device or grease interceptor, the Director may require the Permittee, owner or operator to enter into a CSA.

B. The issuance of a CSA may contain terms and conditions as determined appropriate by the Director, including but not limited to requirements for installation of a grease control device, grease interceptor and facilities, submittal of drawings or reports, audit of waste hauling records, best management and waste minimization practices, payment of fees, or other provisions to ensure compliance with this Chapter.

C. The Director shall not enter into an CSA until such time as all amounts owed to the City, including user fees, noncompliance sampling fees, or, or other amounts due are paid in full, or an agreement for deferred payment secured by collateral or a third party, is approved by the Director.

D. If compliance is not achieved in accordance with the terms and conditions of a CSA during its term, the Director may issue an order suspending or revoking the discharge permit pursuant to this Chapter.

§ 9.25.145 FOG Wastewater Discharge Permit Suspension.

A. The Director may suspend any permit when it is determined that a Permittee:

1. Fails to comply with the terms and conditions of a CSA order.

2. Knowingly provides a false statement, representation, record, report, or other document to the City.

3. Refuses to provide records, reports, plans, or other documents required by the City to determine permit terms or conditions, discharge compliance, or compliance with this Chapter.

4. Falsifies, tampers with, or knowingly renders inaccurate any monitoring device or sample collection method.

5. Refuses reasonable access to the Permittee's premises for the purpose of inspection and monitoring.

6. Does not make timely payment of all amounts owed to the City for user charges, permit fees, or any other fees imposed pursuant to this Chapter.

7. Causes interference, sewer blockages, or SSOs with the City's collection, treatment, or disposal system.

8. Violates grease interceptor maintenance requirements, any condition or limit of its discharge permit or any provision of this Chapter.

B. When the Director has reason to believe that grounds exist for permit suspension, he/she shall give written notice thereof by certified mail to the Permittee setting forth a statement of the facts and grounds deemed to exist.

C. Effect

1. Upon an order of suspension by the Director, the Permittee shall immediately cease and desist its discharge and shall have no right to discharge any wastewater containing FOG directly or indirectly to the City's system for the duration of the suspension. All costs for physically terminating and reinstating service shall be paid by the Permittee.

2. Any owner or responsible management employee of the Permittee shall be bound by the order of suspension.

§ 9.25.150 Permit Revocation.

A. Revocation. The Director may revoke any FOG Wastewater Discharge Permit when it is determined that a Permittee has failed to comply with this Chapter.

B. Notice of Revocation. When the Director has reason to believe that grounds exist for the revocation of a permit, he/she shall give written notice by certified mail thereof to the Permittee setting forth a statement of the facts and grounds.

C. Effect of Revocation.

1. Upon an order of revocation by the Director becoming final, the Permittee shall permanently lose all rights to discharge any wastewater containing FOG directly or indirectly to the City's system. All costs for physical termination shall be paid by the Permittee.

2. Any owner or responsible management employee of the Permittee shall be bound by the order of revocation.

3. Any future application for a discharge permit at any location within the City by any person associated with an order of revocation will be considered by the City after fully reviewing the records of the revoked permit, which records may be the basis for denial of a new permit.

4. An order of permit revocation issued by the Director of Public Works shall be final in all respects on the 16th day after it is mailed to the Permittee.

§ 9.25.155 Damages to Facilities or Interruption of Normal Operations.

A. Any person who discharges any waste, including but not limited to those listed under 40 CFR §403.5, which causes or contributes to any sewer blockage, SSOs, obstruction, interference, damage, or any other impairment to the City's sewer facilities or to the operation of those facilities shall be liable for all costs required to clean or repair the facilities together with expenses incurred by the City to resume normal operations. A service charge of 25% of City's costs shall be added to the costs and charges to reimburse the City for miscellaneous overhead, including administrative personnel and record keeping. The total amount shall be payable within 45 days of invoicing by the City.

B. Any person who discharges a waste which causes or contributes to the City violating its discharge requirements established by any Regulatory Agency incurring additional expenses or suffering losses or damage to the facilities, shall be liable for any costs or expenses incurred by the City, including regulatory fines, penalties, and assessments made by other agencies or a court.

§ 9.25.160 Public Nuisance.

Discharge of wastewater in any manner in violation of this Chapter or of any order issued by the Director, as authorized by this Chapter, is hereby declared a public nuisance and shall be corrected or abated as directed by the Director. Any person creating a public nuisance is guilty of a misdemeanor.

§ 9.25.165 Termination of Service.

A. The City, by order of the Director, may physically terminate sewer service and water service to any FSE, as follows:

1. On a term of any order of suspension or revocation of a permit; or

2. Upon the failure of a person not holding a valid Discharge Permit to immediately cease the discharge, whether direct or indirect, to the City's sewer facilities after the notice and process as provided herein.

B. All costs for physical termination shall be paid by the owner or operator of the FSE or Permittee as well as all costs for reinstating service.

§ 9.25.170 Emergency Suspension Order.

The City may, by order of the Director, suspend sewer service and/ or water service when the Director determines that such suspension is necessary in order to stop an actual or impending discharge which presents or may present an imminent or substantial endangerment to the health and welfare of persons, or to the environment, or may cause SSOs, sewer blockages, interference to the City's sewer facilities, or may cause the City to violate any State or Federal Law or Regulation. Any discharger notified of and subject to an Emergency Suspension Order shall immediately cease and desist the discharge of all wastewater containing FOG to the sewer system.

§ 9.25.175 Civil Penalties.

A. In addition to criminal penalties and administrative penalties authorized by this Municipal Code, all users of the City's system and facilities are subject to enforcement actions administratively or judicially by the City, U.S. EPA, State of California Regional Water Quality Control Board, or the County of Orange and other Regulatory Agencies. Said actions may be taken pursuant to the authority and provisions of several laws, including but not limited to:

1. Federal Water Pollution Control Act, commonly known as the Clean Water Act (33 U.S.C.A. Section 1251 et seq.);

2. California Porter-Cologne Water Quality Control Act (California Water Code Section 13000 et seq.);

3. California Hazardous Waste Control Law (California Health & Safety Code Section 25100 et seq.);

4. Resource Conservation and Recovery Act of 1976 (42 U.S.C.A Section 6901 et seq.); and

5. California Government Code, Sections 54739-54740.

B. In the event the City is subject to the payment of fines or penalties pursuant to the legal authority and actions of other regulatory or enforcement agencies based on a violation of law or regulation or its permits, and said violation can be established by the City, as caused by the discharge of any user of the City's system which is in violation of any provision of the City's Chapter or the user's permit, the City shall be entitled to recover from the user all costs and expenses, including, but not limited to, the full amount of said fines or penalties to which it has been subjected.

C. Pursuant to the authority of California Government Code Sections 54739 - 54740, any person who violates any provision of this Chapter; any permit

condition, prohibition or effluent limit; or any suspension or revocation order shall be liable civilly for a sum not to exceed $25,000 per violation for each day in which such violation occurs. Pursuant to the authority of the Clean Water Act, 33 U.S.C. Section 1251 et seq., any person who violates any provision of this Chapter, or any permit condition, prohibition, or effluent limit shall be liable civilly for a sum not to exceed $25,000 per violation for each day in which such violation occurs. The City Attorney of the City, upon request of the Director, shall petition the Superior Court to impose, assess, and recover such penalties, or such other penalties as the City may impose, assess, and recover pursuant to Federal and/or State legislative authorization

D. Administrative Civil Penalties. Pursuant to the authority of California Government Code Sections 54740.5 and 54740.6, the City may issue an administrative complaint to any person who violates: any provision of this Chapter; any permit condition, prohibition, or effluent limit; or any suspension or revocation order.

§ 9.25.180 Criminal Penalties.

Any person who violates any provision of this Chapter is guilty of a misdemeanor, which upon conviction is punishable by a fine not to exceed $1,000.00, or imprisonment for not more than 6 months, or both. Each violation and each day in which a violation occurs may constitute a new and separate violation of this Chapter and shall be subject to the penalties contained herein.

§ 9.25.185 Appeals to the City Manager.

Any FSE, permit applicant, or Permittee adversely affected by a decision made by the Director may appeal the decision by filing, within 10 days, a written request for hearing before the City Manager accompanied by an appeal fee in an amount established by resolution. The request for hearing shall set forth in detail all the issues in dispute all facts supporting appellant's request. A hearing shall be held by the City Manager within 65 days. If the matter is not heard within the required time, the order of Director shall be deemed final. The appeal fee shall be refunded if the City Manager reverses or modifies, in favor of the appellant, the order of the Director. After the hearing, the City Manager shall uphold, modify, or reverse the decision. The written decision shall be sent by certified mail to the appellant or its legal counsel/representative at the appellant's business address. The City Manager’s decision shall be final.

§ 9.25.190 Payment of Charges.

A. Except as otherwise provided, all fees, charges and penalties established by this Chapter are due and payable upon receipt of notice thereof. All such amounts are delinquent if unpaid 45 days after date of invoice.

B. Any charge that becomes delinquent shall have added to it a penalty in accordance with the following:

1. 46 days after date of invoice, a basic penalty of 10% of the base invoice amount, not to exceed a maximum of $1,000; and

2. A penalty of 1.5% per month of the base invoice amount and basic penalty shall accrue from and after the 46th day after date of invoice.

C. Any invoice outstanding and unpaid after 90 days shall be cause for immediate initiation of permit revocation proceedings or immediate suspension of the permit.

D. Penalties charged under this Section shall not accrue to those invoices successfully appealed, provided the City receives written notification of said appeal prior to the payment due date.

E. Payment of disputed charges is still required by the due date during the City review of any appeal submitted by Permittees.

F. Collection of delinquent accounts shall be in accordance with the City's policy resolution establishing procedures for collection of delinquent obligations owed to the City, as amended from time to time by the City Council. Any such action for collection may include an application for an injunction to prevent repeated and recurring violations of this Chapter.

§ 9.25.195 Judicial Review.

A. Pursuant to Section 1094.6 of the California Code of Civil Procedure, the City hereby enacts this part to limit to 90 days following final decisions in adjudicatory administrative hearings the time within which an action can be brought to review such decisions by means of administrative mandamus.

B. Notwithstanding the foregoing, and pursuant to Government Code Section 54740.6, judicial review of a final order of the City Manager or the Director imposing administrative civil penalties pursuant to this Chapter may be made only if the petition for writ of mandate is filed not later than the 30th day following the day on which such order becomes final.

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Chapter 9.30
Sewerage

§ 9.30.005 Connection Permit Required.

No person shall connect, or cause the connection of, any premises to the city sewer system without first obtaining a connection permit. Connection permit applications shall be filed with the director of public works on a city-provided form.

§ 9.30.010 Sewer Lateral Maintenance.

Each sewer service lateral from the building to the collector sewer shall be maintained in a safe and sanitary condition by the owner of the property served. For purposes of this section, the term “sewer service lateral” shall mean a pipe that carries sewage from the plumbing system of buildings to a collector sewer located in the public right-of-way and that has no other sewer tributary.

§ 9.30.015 Connection Charges.

The rates, fees and charges for services and facilities furnished by the department of public works for sewerage shall be as set by city council resolution.

§ 9.30.020 Monthly Charges.

A. Each residential unit, business, industrial enterprise or other entity that has a connection to the city sewer system shall pay a monthly service charge in an amount equal to 22% of the water billing to such user.

B. In addition to the monthly service charge set forth in paragraph A, each residential unit, business, industrial enterprise or other entity that has a connection to the city sewer system shall pay a monthly capital charge in an amount set by city council resolution.

C. Monthly charges for a particular property shall be billed on the same bill and to the same ownership as the water bill for that property.

D. In the event any property in the city is unoccupied for 32 consecutive days during any 2 month billing period and no sewer service is provided to such property, a pro-rated charge shall be made on the basis of a sworn statement by the property owner attesting to the vacancy for the billing period last past.

E. The occupants of each premises shall be liable for payment of all fees and charges provided for in this chapter. Should any premises be unoccupied or should the occupant thereof fail to pay all such fees and charges before delinquency, the owner of the property shall be liable for the payment of all such fees, charges and delinquency penalties.

F. Should an account not be paid on or before the twentieth day of the month in which it became due, it shall be deemed delinquent and a 10% penalty shall be added thereto.

§ 9.30.025 Orange County Sanitation District.

No person shall fail to comply with the provisions of Ordinance No. OCSD-01 of the Orange County Sanitation District.

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Chapter 9.35
Water and Water Conservation

§ 9.35.005 Definitions.

A. For the purpose of this chapter, the following words and phrases shall mean:

1. Backflow: a flow condition, caused by a pressure differential, that causes the flow of water or other liquids, gases, mixtures or substances into the distributing pipes of the city water system from any source other than an approved water supply.

2. Designated Irrigation Days: even numbered days shall be the designated irrigation days for properties having an address ending in an even number; odd numbered days shall be the designated irrigation days for properties having an address ending in an odd number.

3. Director: director of public works/city engineer or the designee thereof.

4. Local Health Agency: Orange County Health Department.

5. Water User: a person who obtains water from the city water system.

B. Any word or phrase used in this chapter that is defined in the Health and Safety Code Section 116275 or in California Code of Regulations Title 17, Section 7583 and not defined in paragraph A shall have the meaning set forth in such state law provision.

§ 9.35.010 Application Requirement.

Water shall not be supplied from the city water system to a property until the owner thereof has applied and received approval for a water service connection. An application shall not be processed unless accompanied by an application fee in an amount set by city council resolution.

§ 9.35.015 Connection and Service Commencement.

Upon approval of a water service connection, the director shall issue a permit authorizing the subject property to be connected to the city water system. The charge for water service shall commence from the date of meter installation.

§ 9.35.020 Rates, Fees and Charges.

The rates, fees and charges for services, facilities and water furnished by the city water department shall be as set by city council resolution.

§ 9.35.025 Billing, Delinquency and Security Deposit. (Ord. No. 1524)

A. Billing and meter reading shall be performed by the city every 2 months. Full payment of a bill is due within 20 days after the invoice date. The charge shall become delinquent if the bill, or that portion thereof not in bona fide dispute, remains unpaid on the 36th day after the invoice date.

B. The director shall comply with the provisions of Public Utilities Code Section 10000 et seq. when issuing delinquency notices or terminating water service to a residential user. The director may terminate water service to non-residential users if payment is not made within 10 days of the issuance of a delinquency notice.

C. The basic penalty for nonpayment of water service charges by the due date shall be 10% of each month's charges for the first month delinquent. In addition to the basic penalty, there shall be a penalty of 0.5% per month for nonpayment of the charges and basic penalty.

D. Once water service has been terminated, the service of a delinquent user shall not be resumed until the user's account has been made current and a reinstatement fee has been paid. The reinstatement fee amount shall be set by city council resolution. The director may remove a meter, and take any other appropriate action, upon determining that terminated water service has been unlawfully restored. This paragraph shall not apply to the furnishing of water to a subsequent tenant, or to the furnishing of water to the property owner in the event the tenant vacates the premises.

E. Tenant residential users shall submit a security deposit prior to establishing an account. The security deposit shall be in an amount determined by the director. The security deposit shall not exceed 3 times the estimated average monthly bill if water is billed separately to the user, or twice the average periodic payment if the user pays for water as a part of his or her rent. In the event of nonpayment of all or a portion of the bill, the security deposit shall be applied to the final bill issued when water service is terminated. No property owner or subsequent tenant shall be liable for any charges or penalties for water service furnished to a delinquent tenant residential user. This paragraph shall not apply to master-metered apartment buildings.

F. In addition to any other remedy provided in this chapter for the enforcement and collection of delinquent bills, all charges and penalties shall be

a lien against the property to which the water service was furnished. Notwithstanding the foregoing, the City shall not impose a lien on residential properties for the delinquent rates or charges of a tenant, except for master-metered apartment buildings.

§ 9.35.030 Facility Maintenance.

When repair or replacement of water meters, service pipes, curb cocks and other fittings installed by the city is necessary due to the act or neglect of the owner or occupant of the premises, the expense therefore shall be charged to the owner of the premises.

§ 9.35.035 Meter Testing.

A. Any water user may request testing of the meter governing the provision of water. Requests shall be made on a city-provided form and shall be accompanied by a deposit in an amount set by city council resolution.

B. Upon receipt of a complete meter testing application, the director shall cause the meter to be tested for the purpose of ascertaining whether it accurately registers the water delivered through it. If such meter is found to register over 3% more water than actually passes through it, then another meter shall be substituted, the deposit shall be returned to the user and the water bill for the current period shall be adjusted in such manner as deemed appropriate by the director. Otherwise, the deposit shall be forfeit and the water bill shall be paid as issued.

§ 9.35.040 Service Interruption.

When necessary, the director may remove a meter or shut down water service temporarily for the purpose of testing or repairs. If another meter is not substituted therefore, the charge for water service during the period of such removal shall be computed pro rata upon the amount of water consumed during the preceding calendar month or upon the rate for sale of water where no meter is installed.

§ 9.35.045 Private Fire Lines.

No private fire line shall be used for any purpose other than the extinguishing fires unless the line is equipped with a full-flow meter. Regular meter rates shall be charged when the line is so equipped. The director shall impose a charge for any unauthorized use of water through a private fire line, which charge shall not be less than $100.

§ 9.35.050 Fire Hydrants.

A. Except as provided in paragraph B, fire hydrants shall be used exclusively for extinguishing fires and for flushing water mains under the jurisdiction of the fire department or the director.

B. With the prior written authorization of the director, a public or building contractor may connect to a fire hydrant. The charge for water used by such contractors shall be as set by city council resolution.

§ 9.35.055 Damaging or Removing Facilities.

No person shall damage any water meter, service pipe, curb cock or other fitting installed by the city. No person shall remove a meter, service pipe or connection without the prior written consent of the director.

§ 9.35.060 Waste Prevention.

Each water service user shall prevent water waste and shall keep service pipes, fixtures, stopcocks and other plumbing apparatus at its premises in good condition.

§ 9.35.065 Access to Meters.

City water meters shall be left open and uncovered at all times, and city representatives shall have access to the meters at any reasonable hour for the purpose of inspection, testing and repair.

§ 9.35.070 Wire Grounding.

No person shall ground any electric wire upon a water main, water pipe or service connection.

§ 9.35.075 Sewer Pipe Proximity.

No sewer pipe or sewer ditch shall be placed nearer to any water main or service pipe than is allowed by state law and the standards of the director.

§ 9.35.080 Pipe Movement.

Any water pipes or service connections required to be moved in order to comply with this chapter shall be relocated on the order of the director. Any cost associated with the relocation shall be paid by the owner of the property.

§ 9.35.085 Irrigation and Storm Flood Control Ditches.

No person shall construct or maintain an irrigation ditch or storm flood control ditch without the prior written consent of the director.

§ 9.35.090 Cross-Connection Program.

A. No person shall make or maintain a cross-connection with the city water system.

B. Backflow prevention devices shall be installed on each property that has any of the following:

1. A substance, other than an auxiliary water supply approved by the director and local health agency as an additional source, that is handled in such fashion as may allow entry into the city water system.

2. Internal cross-connections that cannot be permanently controlled to the satisfaction of the director and the local health agency.

3. Intricate piping arrangements making it impracticable to ascertain the existence of cross-connections.

4. A high probability of hazardous cross-connections.

C. No backflow prevention device shall be removed, relocated or replaced without the prior written approval of the director. The director may condition any approval to ensure that the removal, relocation or replacement is not detrimental to the public health, safety or welfare.

D. The director may summarily terminate water service to a property if necessary to eliminate a clear and immediate hazard to the city water system. The director shall afford the water user a hearing on the necessity for such termination if a request is filed within 10 days of the termination. The director may, following reasonable notice and an opportunity for a hearing, terminate water service to a property when there is a non-immediate hazard to the city water system.

(Ord No. 1586 - 9.35.095 thru 9.35.170)

§ 9.35.095 Permanent Water Conservation.

The water conservation requirements set forth in this Chapter are effective at all times and are applicable unless repealed by the City Council. Violations of this Chapter shall be considered waste and an unreasonable use of water.

§ 9.35.100 Leaks.

Each water user shall repair all leaks from indoor and outdoor plumbing fixture at the user's premises. Such water user shall eliminate any loss or escape of water through breaks, leaks or other malfunctions in the water user's plumbing or distribution system promptly after discovering the leak and in no event in less than 7 days.

§ 9.35.105 Runoff.

No water user shall cause or allow water to run off landscape areas into adjoining streets, sidewalks, driveways, alleys, gutters, ditches or any paved surfaces due to incorrectly maintained sprinklers, excessive watering or use.

§ 9.35.110 Limits on Watering Hours.

No water user shall cause or allow watering or irrigating of the user's lawn, landscape or other vegetated area with potable water between 9:00 a.m. and 5:00 p.m. on any day, except by use of a hand-water shut-off nozzle or device, or for a very short period of time for the limited purpose of adjusting or repairing an irrigation system.

§ 9.35.115 Limit on Watering Duration.

No water user shall cause or allow watering or irrigating of lawn, landscape or other vegetated area with potable water using a landscape irrigation system or a watering device that is not continuously attended for longer than 15 minutes watering per day per station. This section does not apply to landscape irrigation systems that exclusively use very low-flow drip type irrigation systems when no emitter produces more than 2 gallons of water per hour and weather based controllers or stream rotor sprinklers that meet a 70% efficiency standard.

§ 9.35.120 Service of Water at Restaurants.

Restaurants shall not offer water service and shall serve water only to a customer that specifically requests water.

§ 9.35.125 Re-circulating Water Required for Water Fountains and Decorative Water Features.

No person shall operate a water fountain or other decorative water feature that does not use re-circulated water.

§ 9.35.130 No Installation of Single Pass Cooling Systems.

No person shall install single pass cooling systems in connection with new water service.

§ 9.35.135 No Installation of Non-re-circulating in Commercial Car Wash and Laundry Systems

No person shall install non-re-circulating water systems in connection with commercial conveyor car wash and commercial laundry systems. Effective on January 1, 2010, the owner or operator of any commercial conveyor car wash system shall install operational re-circulating water systems, or secure a waiver of this requirement from the Director.

§ 9.35.140 Washing of Vehicles and Equipment.

No person shall wash a motor vehicle, trailer, boat or other type of mobile equipment other than by a hand-held bucket or by a hose equipped with a positive shut-off nozzle. This prohibition shall not apply to washing performed at a commercial car wash.

§ 9.35.145 Determination of Water Conservation Phase.

A. The city council may by resolution declare a water conservation phase upon making a finding specified in paragraph B. Such resolutions shall specify the start day of the phase and shall be effective upon publication in a daily newspaper of general circulation within the city.

B. The finding necessary for each water conservation phase is as follows:

1. Phase 1: Water Supply Shortage exists when the city council determines, in its sole discretion, that due to drought or other water supply conditions, a water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the city council of a Phase 1 Water Supply Shortage condition, the city council will implement the mandatory Phase 1 conservation measures identified in this section.

2. Phase 2: Water Supply Shortage exists when the city council determines, in its sole discretion, that due to drought or other water supply conditions, a severe water supply shortage or threatened shortage exists and a consumer demand reduction is necessary to make more efficient use of water and appropriately respond to existing water conditions. Upon the declaration by the city council of a Phase 2 Water Supply Shortage condition, the

city council will implement the mandatory Phase 2 conservation measures identified in this section.

3. Phase 3: Water Supply Shortage condition is also referred to as an "Emergency" condition. A Phase 3 condition exists when the city council declares a water shortage emergency and notifies its residents and businesses that a significant reduction in consumer demand is necessary to maintain sufficient water supplies for public health and safety. Upon the declaration of a Phase 3 Water Supply Shortage condition, the city council will implement the mandatory Phase 3 conservation measures identified in this section.

§ 9.35.150 Phase 1 Measures.

The following water conservation measures apply during water conservation phase 1.

A. Irrigation shall not be performed except on designated irrigation days and between the hours of 6:00 p.m. and 6:00 a.m. Irrigation may be performed at any time if done by means of a hand-held hose equipped with a positive shut-off nozzle, a hand-held faucet filled bucket of 5 gallons or less, or a drip irrigation system.

B. Agricultural users and commercial nurseries shall curtail all non-essential water use, but are otherwise exempt from phase 1 measures. Watering of livestock and irrigation of propagation beds are permitted at any time.

C. Washing of motor vehicles, boats, airplanes and other mobile equipment shall be performed only on designated irrigation days and between the hours of 6:00 p.m. and 6:00 a.m. This prohibition shall not apply to the washing of garbage trucks, vehicles used to transport food and perishables and other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.

D. Filling or refilling of swimming pools, spas, ponds and artificial lakes shall be performed only on designated irrigation days and between the hours of 6:00 p.m. and 6:00 a.m.

E. Watering golf courses, parks, school grounds and recreational fields shall be performed only between the hours of 6:00 p.m. and 6:00 a.m. This prohibition does not apply to golf course greens.

F. Water shall not be used to wash down sidewalks, hard or paved surfaces, including but not limited to sidewalks, walkways, driveways, parking areas, tennis courts, patios or alleys. Notwithstanding this prohibition, a water user may wash down such surfaces when necessary to alleviate safety or sanitary hazards, and then only by use of a hand-held bucket or similar

container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom.

G. Ornamental fountains and similar structures shall not be operated.

§ 9.35.155 Phase 2 Measures.

The following water conservation measures apply during water conservation phase 2.

A. Irrigation shall not be performed except on designated irrigation days and between the hours of 10:00 p.m. and 6:00 a.m.

B. Agricultural users and commercial nurseries shall use water only between the hours of 6:00 p.m. and 6:00 a.m. Watering of livestock and irrigation of propagation beds are permitted at any time.

C. Washing of motor vehicles, boats, airplanes and other mobile equipment is prohibited except when performed at a commercial car wash. This prohibition shall not apply to the washing of garbage trucks, vehicles used to transport food and perishables and other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.

D. Filling or refilling of swimming pools, spas, ponds and artificial lakes shall be performed only on designated irrigation days and between the hours of 10:00 p.m. and 6:00 a.m.

E. Watering golf courses, parks, school grounds and recreational fields shall be performed only between the hours of 10:00 p.m. and 6:00 a.m. This prohibition does not apply to golf course greens.

F. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts patios or other paved areas except to alleviate immediate fire or sanitation hazards and then only by use of a hand-held bucket or similar container, a hand-held hose equipped with a positive self-closing water shut-off device, a low-volume, high-pressure cleaning machine equipped to recycle any water used, or a low-volume high-pressure water broom. .

G. Restaurants shall not serve water to customers unless specifically requested.

H. Ornamental fountains and similar structures shall not be operated.

I. New construction meters and permits for unmetered service shall not be issued. Construction water shall not be used for earth work or road construction purposes.

J. The use of non-reclaimed and non-recycled water by commercial car washes shall be reduced in volume by 20%.

§ 9.35.160 Phase 3 Measures.

The following water conservation measures apply during water conservation phase 3.

A. Outdoor irrigation is prohibited.

B. Use of water for agricultural or commercial nursery purposes is prohibited. This prohibition shall not apply to watering of livestock.

C. Washing of motor vehicles, boats, airplanes and other mobile equipment is prohibited except when performed at a commercial car wash. This prohibition shall not apply to the washing of garbage trucks, vehicles used to transport food and perishables and other mobile equipment for which frequent cleaning is essential for the protection of the public health, safety and welfare.

D. Filling or refilling of swimming pools, spas, ponds and artificial lakes is prohibited.

E. Watering golf course areas, other than greens, is prohibited. Watering of parks, school grounds and recreational fields is prohibited except for plant materials classified as rare, exceptionally valuable or essential to the well being of rare animals.

F. Water shall not be used to wash down sidewalks, driveways, parking areas, tennis courts patios or other paved areas except to alleviate immediate fire or sanitation hazards.

G. Restaurants shall not serve water to customers unless specifically requested.

H. Ornamental fountains and similar structures shall not be operated.

I. New construction meters and permits for unmetered service shall not be issued. Construction water shall not be used for earth work or road construction purposes.

J. The use of non-reclaimed and non-recycled water by commercial car washes shall be reduced in volume by 50%.

K. The use of water for commercial manufacturing or processing purposes shall be reduced in volume by 50%.

L. Water shall not be used for air conditioning purposes.

§ 9.35.165 Relief From Water Conservation Measures.

A. Within 15 days of the effective date of a resolution declaring the water conservation phase, any water user may apply to the Director for relief from the applicable water conservation measures. Applications shall be filed on a city-provided form and shall be accompanied by an application fee in an amount set by city council resolution.

B. The Director may approve, conditionally approve or deny an application for relief from water conservation measures. In making such determination, the Director shall consider the following factors:

1. Whether additional reduction in water consumption will result in unemployment.

2. Whether additional persons have been added to the household.

3. Whether additional landscaped property has been added to the property since the corresponding billing period of the prior calendar year.

4. Changes in vacancy factors in multi-family housing.

5. Increased number of employees in commercial, industrial and governmental offices.

6. Increased production requiring increased process water.

7. Water uses during new construction.

8. Adjustments to water use caused by emergency health of safety hazards.

9. First filling of a permit-constructed swimming pool.

10. Water use necessary for reasons related to family illness or health.

11. Whether the applicant has achieved the maximum practical reduction in water consumption other than in the specific areas for which relief is sought.

C. The decision of the Director shall be final.

§ 9.35.170 Enforcement of Water Conservation Requirements.

A. The penalties set forth in this section shall be exclusive and not cumulative with any other provision of this code.

B. Violation of water conservation measures shall be penalized as follows:

1. First violation: the Director shall issue a written notice.

2. Second violation during a water conservation phase: the Director shall impose a surcharge in an amount equal to 15% of the violator's water bill.

3. Subsequent violations during a water conservation phase: the Director shall install a flow restricting device of one gallon per minute capacity for services up to 1.5 inches size, and a comparatively sized restrictor for larger service, on the service of the violator at the premises at which the violation occurred for a period of not less than 48 hours. The Director shall charge the water user the actual costs of installation and removal of the device and for restoration of normal service. Normal service shall not be restored until all the account has been made current and all charges have been paid.

C. Any person receiving a notice of second or subsequent violation may request a hearing by the Director by filing a written appeal with the city clerk within 15 days of the date of such notice. The appeal fee shall be in an amount set by city council resolution. A timely request for a hearing shall stay the installation of a flow-restricting device on the appellant's premises until a decision has been made on the appeal. If the Director determines that the surcharge was incorrectly assessed, the city shall refund any money deposited by the customer. The Director's decision on the appeal shall be final.

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Chapter 9.40
Trees

§ 9.40.005 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

A. Director: director of development services in matters involving private property and director of public works/city engineer in matters involving public property.

B. Caliper: the maximum cross sectional width of the trunk of a tree measured at 4 feet above the natural grade. In the case of multi-trunked trees, "caliper" means the sum of the calipers of each trunk measured at 4 feet above grade; provided, however, that if the caliper of at least one trunk is not at least 4 inches, the tree shall be deemed to have no caliper.

C. Eucalyptus Tree: a tree of the eucalyptus species measuring more than 12 inches in diameter at a point 4.5 feet above the ground.

D. Eucalyptus Grove: cluster of 15 or more eucalyptus trees.

E. Top: severely cut back limbs to stubs larger than 3 inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.

§ 9.40.010 City Trees and Structures.

A. No person shall do any of the following:

1. Remove, cut, destroy, relocate, trim, prune, deface, burn, or otherwise injure any tree, hedge, plant, shrub or flower growing upon city property.

2. Top any tree growing upon city property.

3. Hitch an animal to, attach a sign upon, deface, bun, cut or otherwise injure any frame, post, trellis or other structure used to protect or support any tree, hedge, plant, shrub or flower growing upon city property.

B. Paragraph A does not apply to the following when done with written authorization from the director or by city employees engaged in the discharge of official duties:

1. Trimming or pruning for the protection or maintenance of traffic control devices, public utility lines or water, sewer or utility lines.

2. Removal of tree parts that have been damaged by an act of god and that create a hazard to life or property.

3. Removal of a tree that is nonviable as a result of disease or damage.

§ 9.40.015 Eucalyptus Tree Permit Requirement.

No person shall remove, cut, destroy, relocate or perform any activity that may damage a eucalyptus grove without first obtaining a eucalyptus tree permit. This prohibition does not apply to eucalyptus trees located on private property in a residential subdivision that is regulated by a homeowners association.

§ 9.40.020 Approval or Denial of Eucalyptus Tree Permit.

A. The city council shall be the decision maker for eucalyptus tree permits involving property owned or controlled by the city. The planning commission shall be the decision maker for eucalyptus tree permits involving the use or development of private property. The director shall be the decision maker for other eucalyptus tree permits involving private property.

B. The decision maker may approve or conditionally approve a eucalyptus tree permit if the proposed work is consistent with the public health, safety and welfare; otherwise the permit shall be denied. In making such determination, the decision maker shall consider the following factors:

1. Tree condition with respect to disease, risk of falling and potential danger to life, property or a grove.

2. The number of trees that can adequately be supported on the subject property.

3. Extent of tree interference with existing utility services, streets and highways.

4. Effect of the proposed work on erosion, soil retention, surface water flow and neighboring properties.

5. Feasibility of alternative development plans that do not jeopardize the trees.

C. A public hearing shall be held for eucalyptus tree permit applications for which the city council or the planning commission is the decision

maker. Notice of the hearing shall be mailed to property owners within 300 feet of the subject property and published in a newspaper of general circulation not less than 10 days before the hearing date.

D. Eucalyptus tree permit decisions of the director may be appealed to the planning commission, and eucalyptus tree permit decisions of the planning commission may be appealed to the city council. Appeals shall be filed and processed in accordance with the zoning ordinance.

§ 9.40.025 Eucalyptus Tree Permit Expiration.

Eucalyptus tree permits shall expire one year after issuance or on the date specified in the permit, whichever is earlier, unless the work authorized by the permit is commenced prior to such date. On written application, the director may extend the term of the permit for a period not exceeding 1 year.

§ 9.40.030 Property Owner Responsibilities.

A. Each owner of property containing a tree that overhangs an abutting city parkway, street, sidewalk or right-of-way shall do the following:

1. Prune the branches of the tree so as to prevent obstruction of traffic control devices or lighting from street lamps, and so as to ensure a clear space of at least 8' above the surface of the street or sidewalk.

2. Remove dead, diseased or dangerous limbs or trees that constitute a menace to public safety.

B. The city manager may cause such work to be performed summarily whenever the tree presents an immediate threat to the public health, safety or welfare. Otherwise, the work shall be performed by the property owner upon written notification from the city manager. The property owner shall be responsible for the city's actual costs of performing the work.

§ 9.40.035 Violations.

In addition to any misdemeanor penalty assessed, any person violating this chapter shall reimburse the city an amount equal to the actual cost of replacing the tree, hedge, plant, shrub or flower. The director shall determine such cost by considering the characteristics of the damaged or removed tree, including without limitation its age, condition, species and shade potential. Any debt incurred as a result of this chapter shall be enforceable in the same manner as a civil debt. Unless determined otherwise by the director, illegally removed or destroyed trees shall be replaced with a species and in a location designated by the director in accordance with the following schedule:

Caliper Width of the Tree Removed	Number Removed	Replace With Up To	Size
10 inches and under	1	4	24 inch box
10 inches – 14 inches	1	4	36 inch box
15 inches and above	1	4	48 inch box

* * * * * *

Chapter 9.45
Floodplain Management

§ 9.45.005 Statutory Authorization.

The Legislature has in California Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the city council does hereby adopt the following floodplain management regulations.

§ 9.45.010 Findings of Fact.

A. The flood hazard areas of the city are subject to periodic inundation that results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by uses that are inadequately elevated, flood proofed or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards that increase flood heights and velocities also contributes to the flood loss.

§ 9.45.015 Statement of Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

A. Protect human life and health.

B. Minimize expenditure of public money for costly flood control projects.

C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public.

D. Minimize prolonged business interruptions.

E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard.

F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage.

G. Ensure that potential buyers are notified that property is in an area of special flood hazard.

H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

§ 9.45.020 Methods of Reducing Flood Losses.

In order to accomplish its purposes, this chapter includes methods and provisions to:

A. Restrict or prohibit uses that are dangerous to health, safety, and property due to water or erosion hazards, or that result in damaging increases in erosion or flood heights or velocities.

B. Require that uses vulnerable to floods, including facilities that serve such uses, be protected against flood damage at the time of initial construction.

C. Control the alteration of natural floodplains, stream channels and natural protective barriers that help accommodate or channel flood waters.

D. Control filling, grading, dredging and other development that may increase flood damage.

E. Prevent or regulate the construction of flood barriers that will unnaturally divert flood waters or that may increase flood hazards in other areas.

§ 9.45.025 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

A. Accessory Use: a use that is incidental and subordinate to the principal use of the parcel of land on which it is located.

B. Alluvial Fan: a geomorphologic feature characterized by a cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and that is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

C. Apex: the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

D. Appeal: a request for a review of the floodplain administrator's interpretation of any provision of this chapter.

E. Area of Shallow Flooding: a designated AO or AH Zone on the FIRM. The base flood depths range from 1 foot to 3 feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

F. Area of Special Flood Hazard: see "special flood hazard area."

G. Area of Special Flood-Related Erosion Hazard: the land within the city that is most likely to be subject to severe flood-related erosion losses. The area may be designated as Zone E on the FIRM.

H. Area of Special Mudslide (i.e. mudflow) Hazard: the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the FIRM.

I. Base Flood: a flood that has a 1% chance of being equaled or exceeded in any given year (also called the "100-year flood").

J. Basement: any area of the building having its floor subgrade - i.e., below ground level - on all sides.

K. Breakaway Walls: any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material that is not part of the structural support of the building and that is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than 10 and no more than 20 pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet all of the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood.

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

L. Building: see “structure”.

M. Coastal High Hazard Area: an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a FIRM as Zone V1-V30, VE or V.

N. Development: any man-made change to improved or unimproved real estate, including without limitation buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

O. Encroachment: the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain that may impede or alter the flow capacity of the floodplain.

P. Existing Manufactured Home Park or Subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before October 26, 1992.

Q. Expansion to an Existing Manufactured Home Park or Subdivision: the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

R. FBFM: the official Flood Boundary and Floodway Map on which FEMA or FIA has delineated both the areas of special flood hazards and the floodway.

S. FEMA: the Federal Emergency Management Agency.

T. FHBM: the official Flood Hazard Boundary Map on which FEMA or FIA has delineated the areas of flood hazards.

U. FIA: the Federal Insurance Administration.

V. FIRM: the official Flood Insurance Rate Map on which FEMA or FIA has delineated both the areas of special flood hazards and the risk premium zones applicable to the city.

W. FIS: the official Flood Insurance Study provided by FIA that includes flood profiles, the FIRM, the FBFM and the water surface elevation of the base flood.

X. Flood, Flooding, or Flood Water:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows).

2. The condition resulting from flood-related erosion.

Y. Flood-related Erosion: the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical level or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event that results in flooding.

Z. Flood-related Erosion Area" or "Flood-related Erosion Prone Area: a land area adjoining the shore of a lake or other body of water that, due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

AA. Flood-related Erosion Area Management: the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including without limitation emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

BB. Floodplain or Flood-Prone Area: any land area susceptible to being inundated by water from any source - see "flooding."

CC. Floodplain Administrator: the individual appointed to administer and enforce the floodplain management regulations.

DD. Floodplain Management: the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including without limitation emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

EE. Floodplain Management Regulations: this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application

of police power that controls development in flood-prone areas. This term describes federal, state or local regulations in any combination that provide standards for preventing and reducing flood loss and damage.

FF. Floodproofing: any combination of structural and nonstructural additions, changes, or adjustments to structures that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. (Refer to FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93 for guidelines on dry and wet floodproofing.)

GG. Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1 foot. Also referred to as "regulatory floodway."

HH. Floodway Fringe: that area of the floodplain on either side of the "regulatory floodway" where encroachment may be permitted.

II. Fraud and Victimization: fraud on or victimization of the public. In determining whether granting a variance would result in fraud or victimization, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates. (Ord. No. 1533)

JJ. Functionally Dependent Use: a use that cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

KK. Hardship: the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the property characteristics warranting a variance be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one's neighbors likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more

expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended. (Ord. No. 1533)

LL. Highest Adjacent Grade: the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

MM. Historic Structure: any structure that is either:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.

3. Individually listed on a state inventory of historic places in states with historic preservation programs that have been approved by the Secretary of Interior.

4. Individually listed on a city inventory of historic places, which inventory is part of a historic preservation program that has been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior.

NN. Levee: a man-made structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

OO. Levee System: a flood protection system that consists of a levee, or levees, and associated structures, such as closure and drainage devices, that are constructed and operated in accord with sound engineering practices.

PP. Lowest Floor: the lowest floor of the lowest enclosed area, including basement (see “basement”).

1. An unfinished or flood resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building’s lowest floor provided it conforms to applicable non-elevation design requirements, including without limitation the following provisions of this chapter:

a. The wet floodproofing standard.

b. The anchoring standards.

c. The construction materials and methods standards.

d. The standards for utilities.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "basement"). This prohibition includes below-grade garages and storage areas.

QQ. Manufactured Home: a structure, transportable in one or more sections, that is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

RR. Manufactured Home Park or Subdivision: a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

SS. Market Value: the figure obtained by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation, that has accrued since the structure was constructed. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence. Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

TT. Mean Sea Level: the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on the FIRM are referenced.

UU. Mudslide: a condition where there is a river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

VV. Mudslide (i.e. mudflow) prone area: an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

WW. New Construction: structures for which the "start of construction" commenced on or after October 26, 1992, and includes any subsequent improvements to such structures.

XX. New Manufactured Home Park or Subdivision: a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after October 26, 1992.

YY. Obstruction: any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse that may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

ZZ. One Hundred Year Flood or 100-year Flood: see "Base Flood".

AAA. Primary Frontal Dune: a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

BBB. Public Safety Nuisance: anything that is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal or basin.

CCC. Recreational Vehicle: a vehicle that is all of the following:

1. Built on a single chassis.

2. 400 square feet or less when measured at the largest horizontal projection.

3. Designed to be self-propelled or permanently towable by a light-duty truck.

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

DDD. Regulatory Floodway: the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 1'.

EEE. Remedy a Violation: to bring the structure or other development into compliance with state or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

FFF. Riverine: relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

GGG. Sand Dunes: naturally occurring accumulations of sand in ridges or mounds landward of the beach.

HHH. Sheet Flow Area: see "area of shallow flooding".

III. Special Flood Hazard Area (SFHA): an area in the floodplain subject to a 1% or greater chance of flooding in any given year. It is shown on the FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V.

JJJ. Start of Construction: includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 180 days from the date of the permit. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

KKK. Structure: a walled and roofed building that is principally above ground: this term includes a gas or liquid storage tank or a manufactured home.

LLL. Substantial Damage: damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

MMM. Substantial Improvement: any reconstruction, rehabilitation, addition or other proposed new development of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications that have been identified by the code enforcement official and that are the minimum necessary to assure safe living conditions.

2. Any alteration of a "historic structure" provided that the alteration will not preclude the structure's continued designation as a "historic structure."

NNN. V-Zone: see "coastal high hazard area".

OOO. Variance: a grant of relief from the requirements of this chapter, which relief permits construction in a manner that would otherwise be prohibited by this chapter.

PPP. Violation: the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required by this chapter is presumed to be in violation until such time as that documentation is provided.

QQQ. Water Surface Elevation: the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

RRR. Watercourse: a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

§ 9.45.030 General Provisions.

A. Lands to Which this Chapter Applies. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the city.

B. Basis for Establishing the Areas of Special Flood Hazard. The areas of special flood hazard identified by FIA or FEMA in the FIS dated February 4, 2004, accompanying FIRMs and FBFMs dated February 4, 2004, and all subsequent amendments and/or revisions, are hereby adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas that allow implementation of this chapter and that are recommended to the city council by the floodplain administrator. The study, FIRMs and FBFMs are on file at city hall.

C. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

D. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

E. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements.

2. Liberally construed in favor of the city.

3. Deemed neither to limit nor repeal any other powers granted under state statutes.

F. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state, FIA or FEMA for any flood damages that

result from reliance on this chapter or any administrative decision lawfully made hereunder.

§ 9.45.035 Administration.

A. Establishment of Development Permit. A development permit shall be obtained before any construction or other development begins within any area of special flood hazard. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include without limitation: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. Site plan, including without limitation:

a. For all proposed structures, spot ground elevations at building corners and 20 feet or smaller intervals along the foundation footprint, or 1 foot contour elevations throughout the building site.

b. Proposed locations of water supply, sanitary sewer, and utilities.

c. If available, the base flood elevation from the FIS and/or FIRM.

d. If applicable, the location of the regulatory floodway.

2. Foundation design detail, including without limitation:

a. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

b. For a crawl-space foundation, location and total net area of foundation openings as required by this chapter and FEMA Technical Bulletins 1-93 and 7-93.

c. For foundations placed on fill, the location and height of fill, and compaction requirements (compacted to 95% using the Standard Proctor Test method).

3. Proposed elevation, in relation to mean sea level, to which any nonresidential structure will be floodproofed as required by this chapter and FEMA Technical Bulletin TB 3-93.

4. All appropriate certifications listed in this chapter.

5. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of the Floodplain Administrator. The city engineer is hereby appointed to administer, implement and enforce this chapter by granting or denying development permits in accord with its provisions.

C. Duties and Responsibilities of the Floodplain Administrator. The duties and responsibilities of the floodplain administrator shall include without limitation:

1. Permit Review. Review all development permits to determine that:

a. Permit requirements of this chapter have been satisfied.

b. All other required state and federal permits have been obtained.

c. The site is reasonably safe from flooding.

d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, “adversely affects” means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

2. Review, Use and Development of Other Base Flood Data.

a. When base flood elevation data has not been provided in accordance with this chapter, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Section 9.45.040. Any such information shall be submitted to the city council for adoption.

b. Alternatively, if no base flood elevation data is available from a federal or state agency or other source, then a base flood elevation shall be obtained using one of the following two methods from the FEMA publication “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-year) Flood Elevations” dated July 1995 in order to administer this chapter:

(1) Simplified method:

(a) One hundred year or base flood discharge shall be obtained using the appropriate regression equation found in a U.S. Geological Survey publication, or the discharge-drainage area method.

(b) Base flood elevation shall be obtained using the Quick-2 computer program developed by FEMA.

(2) Detailed method:

(a) 100 year or base flood discharge shall be obtained using the U.S. Army Corps of Engineers' HEC-HMS computer program.

B. Base flood elevation shall be obtained using the U.S. Army Corps of Engineers' HEC-RAS computer program.

3. Notification of Other Agencies. In alteration or relocation of a watercourse:

a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation.

b. Submit evidence of such notification to FIA and FEMA.

c. Assure that the flood carrying capacity within the altered or relocated portion of such watercourse is maintained.

4. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the certifications, information and reports required by this chapter.

5. Map Determinations. Make interpretations, where needed, as to the exact location of the boundaries of the areas of special flood hazard. Where there appears to be a conflict between a mapped boundary and actual field conditions, grade and base flood elevations shall be used to determine the boundaries of the special flood hazard area. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in this chapter.

6. Remedial Action. Take action to remedy violations of this chapter as specified in this chapter.

D. Appeals. The city council shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. Appeals shall be governed by the provisions of Title 1 of this code.

§ 9.45.040 Flood Hazard Reduction Provisions.

A. Standards of Construction. In all areas of special flood hazards the following standards are required:

1. Anchoring.

a. All new construction and substantial improvements shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

b. All manufactured homes shall meet the anchoring standards of paragraph (D) below.

2. Construction materials and methods. All new construction and substantial improvement shall be constructed:

a. With flood resistant materials, as specified in FEMA Technical Bulletin TB 2-93, and utility equipment resistant to flood damage.

b. Using methods and practices that minimize flood damage.

c. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

d. If within Zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide flood waters around and away from proposed structures.

3. Elevation and floodproofing.

a. Residential construction, new or substantial improvement, shall have the lowest floor. (Ord. No. 1533)

(1) In an AO Zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in

feet on the FIRM, or elevated at least 2 feet above the highest adjacent grade if no depth number is specified.

(2) In an A zone, elevated to at least 1 foot above the base flood elevation; such base flood elevation shall be determined by one of the methods in Section 9.45.035(C)(2).

(3) In all other zones, elevated to at least 1 foot above the base flood elevation.

Upon the completion of the structure, the elevation of the lowest floor shall be certified by a registered professional engineer or surveyor, and verified by the building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator. (Ord. No. 1533)

b. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with paragraph (A)(3)(a) above or together with attendant utility and sanitary facilities:

(1) Be floodproofed below the elevation recommended under paragraph (A)(3)(a) so that the structure is watertight with walls substantially impermeable to the passage of water.

(2) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

(3) Be certified by a registered professional engineer or architect that the standards of this section are satisfied. Such certification shall be provided to the floodplain administrator.

c. All new construction and substantial improvement with fully enclosed areas below the lowest floor (excluding basements) in non-residential structures that are usable solely for parking of vehicles, building access or storage, and that are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement shall follow the guidelines in FEMA Technical Bulletins TB 1-93 and TB 7-93, and must exceed either of the following minimum criteria: (Ord. No. 1533)

(1) Have a minimum of 2 openings having a total net area of not less than 1 square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than 1 foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater.

(2) Be certified by a registered professional engineer or architect.

d. Manufactured homes shall also meet the standards in paragraph (D) below.

B. Standards for Utilities.

1. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:

a. Infiltration of flood waters into the systems.

b. Discharge from the systems into flood waters.

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for Subdivisions.

1. All preliminary subdivision proposals shall identify the special flood hazard area and the elevation of the base flood.

2. All subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the lowest floor and pad elevations shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

3. All subdivision proposals shall be consistent with the need to minimize flood damage.

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for Manufactured Homes.

1. All manufactured homes that are placed or substantially improved, within Zones A1-30, AH, and AE on the FIRM, on sites located:

a. Outside of a manufactured home park or subdivision;

b. In a new manufactured home park or subdivision;

c. In an expansion to an existing manufactured home park or subdivision; or

d. In an existing manufactured home park or subdivision on a site upon which a manufactured home has incurred substantial damage as the result of a flood;

Shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to at least one foot above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.

2. All manufactured homes that are placed or substantially improved on sites located within Zones V1-30, V, and VE on the FIRM shall meet the requirements of sub-paragraph (1) and paragraph (G) below.

3. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A1-30, AH, AE, V1-30, V, and VE on the FIRM that are not subject to the provisions of sub-paragraph (1) will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either:

a. Lowest floor of the manufactured home is at least 1 foot above the base flood elevation.

b. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, and verified by the building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

E. Standards for Recreational Vehicles.

1. All recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM will either:

a. Be on the site for fewer than 180 consecutive days, and be fully licensed and ready for highway use - a recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only

by quick disconnect type utilities and security devices, and has no permanently attached additions.

b. Meet the permit requirements of Section 9.45.035 and the elevation and anchoring requirements for manufactured homes in paragraph (D)(1) above.

2. Recreation vehicles placed on sites within Zones V1-30, V, and VE on the FIRM shall meet the requirements of sub-paragraph (1) and paragraph (G) below.

F. Floodways. Located within areas of special flood hazard are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters, which carry debris, potential projectiles, and erosion potential, the following provisions apply.

1. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in the base flood elevation during the occurrence of the base flood discharge.

2. If sub-paragraph (1) is satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this section.

G. Coastal High Hazard Areas. Within coastal high hazard areas, the following standards shall apply:

1. All new construction and substantial improvement shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

2. New construction and other development shall be located on the landward side of the reach of mean high tide.

3. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such enclosed space shall not be used for human habitation

and will be usable solely for parking of vehicles, building access or storage. Subgrade enclosed areas are prohibited in residential structures. (Ord. No. 1533)

4. Fill shall not be used for structural support of buildings.

5. Man-made alteration of sand dunes that would increase potential flood damage is prohibited.

6. The floodplain administrator shall obtain and maintain the following records:

a. Certification by a registered engineer or architect that a proposed structure complies with sub-paragraph (1).

b. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement.

H. Mudslide (i.e. Mudflow) Prone Areas.

1. The floodplain administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.

2. Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include without limitation:

a. The type and quality of soils.

b. Evidence of ground water or surface water problems.

c. Depth and quality of any fill.

d. Overall slope of the site.

e. Weight that any proposed development will impose on the slope.

3. Within areas that may have mudslide hazards, the floodplain administrator shall require that:

a. A site investigation and further review be made by persons qualified in geology and soils engineering.

b. The proposed grading, excavation, new construction, and substantial improvement be adequately designed and protected against mudslide damages.

c. The proposed grading, excavations, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site of off-site disturbances.

d. Drainage, planting, watering, and maintenance not endanger slope stability.

I. Flood-Related Erosion Prone Area.

1. The floodplain administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas as known to the city.

2. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.

3. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.

4. Within Zone E on the FIRM, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated useful life of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

J. Prohibition on Subgrade Areas for All Residential Structures. For all residential structures in the City, all subgrade enclosed areas are prohibited as they are considered to be basements. This prohibition includes below-grade garages and storage areas. (Ord. No. 1533)

§ 9.45.045 Variance Procedure.

A. Nature of Variances. The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece

of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city council to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate.

B. Appeal Board.

1. In passing upon requests for variances, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

a. Danger that materials may be swept onto other lands to the injury of others.

b. Danger of life and property due to flooding or erosion damage.

c. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property.

d. Importance of the services provided by the proposed facility to the community.

e. Necessity to the facility of a waterfront location, where applicable.

f. Availability of alternative locations for the proposed use that are not subject to flooding or erosion damage.

g. Compatibility of the proposed use with existing and anticipated development.

h. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area.

i. Safety of access to the property in time of flood for ordinary and emergency vehicles.

j. Expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.

k. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

2. Any applicant to whom a variance is granted shall be given written notice over the signature of a city official that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage.

b. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator with the county recorder in a manner so that it appears in the chain of title of the affected parcel of land.

3. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in the biennial report submitted to the FIA and FEMA.

C. Conditions for Variances.

1. Generally, variances may be issued for new construction, substantial improvement and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing that the procedures of Section 9.45.035 and 9.45.040 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

2. Variances may be issued for the repair or rehabilitation of “historic structures” upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

3. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

4. Variances shall only be issued upon a determination that the variance is the "minimum necessary", considering the flood hazard, to afford relief. "*Minimum necessary*" means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city council need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city council believes will both provide relief and preserve the integrity of the local ordinance.

5. Variances shall only be issued upon a finding of all of the following:

a. Showing of good and sufficient cause.

b. Determination that failure to grant the variance would result in exceptional "hardship" to the applicant.

c. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance, cause fraud or victimization of the public, or conflict with existing local laws or ordinances.

6. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use provided that the provisions of sub-paragraphs (1) through (5) are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

7. Upon consideration of the factors of paragraph (B)(1) above and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

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Chapter 9.50
Grading

§ 9.50.005 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

A. Approved Plans: the current grading plans bearing the city engineer's stamp of approval.

B. Approved Testing Agency: a facility approved by the city engineer as being capable of performing, under the direction of a civil engineer, the tests required by this chapter.

C. Borrow: earth material acquired from an off-site location for use in grading.

D. Clearing, Brushing and Grubbing: mechanical removal of vegetation.

E. Compaction: mechanical densification of a fill.

F. Director: director of public works/city engineer.

G. Earth Material: rock or soil in any combination.

H. Excavation: mechanical removal of earth material.

I. Existing Grade: the grade prior to grading.

J. Fill Placement: mechanical deposit of earth material.

K. Finished Grade: the stage at which the grade fully conforms to the approved plans.

L. Grade: the vertical location of the ground surface.

M. Grading: excavation or fill placement in any combination.

N. Natural Grade: the grade unaltered by artificial means.

O. Precise Grading Permit: a grading permit that is issued on the basis of approved plans that show the precise structure location, finished elevations and on-site improvements.

P. Preliminary Grading Permit: a grading permit that is issued on the basis of approved plans that show interim building pad drainage but do not show precise structure location, finished elevations and on-site improvements.

Q. Rough Grade: the stage at which the grade approximately conforms to the approved plans.

R. Slope: an inclined ground surface, the inclination of which is expressed as a ratio of vertical distance to horizontal distance.

§ 9.50.010 Implementation Manuals.

A. The director may prepare a grading manual and a stormwater pollution prevention manual to facilitate implementation of this chapter. In the event of a conflict between the provisions of this code and either such manual, the provisions of this code shall control.

B. Any permit issued pursuant to this chapter may be suspended or revoked for failure to comply with the grading manual or the stormwater pollution prevention manual. Additionally, any person who fails to comply with either such manual shall be guilty of a misdemeanor.

§ 9.50.015 Grading Permit Requirement.

No person shall perform any of the following activities without first obtaining from the city engineer, and maintaining in full force and effect, a grading permit:

A. Grading or land disturbing or land filling on existing grade that is preparatory to grading.

B. Clearing, brushing and grubbing.

C. Construction of pavement surfacing in excess of 2,499 square feet on existing grade for the purpose of a road or parking lot. This provision does not include resurfacing or maintenance of existing paved surfaces.

D. Alteration of an existing watercourse, channel or revetment by means of excavation, fill placement or installation of rock protection or structural improvements.

§ 9.50.020 Approval or Denial of Grading Permit.

A. Grading permit applications shall be filed with the director on a city-provided form. Applications shall include plans and specifications, as well as supporting data consisting of soil engineering and engineering geology reports,

unless waived by the city engineer. In lieu of preliminary soil engineering reports, the director may require inspection and testing by an approved testing agency.

B. The director may approve or conditionally approve a preliminary grading permit or a precise grading permit if there are no grounds for denial; otherwise the permit shall be denied. A grading permit shall be denied if the director makes any of the following findings:

1. The proposed work does not comply with the general plan, the zoning ordinance or an applicable specific plan and no conditions can be imposed to ensure compliance.

2. The proposed work is liable to constitute an unreasonable hazard to life or property and no conditions can be imposed to mitigate such risk to an acceptable level.

3. The property proposed to be graded is subject to an unreasonable geological or flood hazard and no conditions can be imposed to mitigate such risk to an acceptable level.

C. A grading permit shall automatically expire and become null and void if the authorized work is not commenced within 180 days from the date of permit issuance. Additionally, a grading permit shall automatically expire and become null and void if the authorized work is suspended or abandoned after commencement for a period of 180 days.

§ 9.50.025 Grading Permit Exemptions.

A grading permit shall not be required for any of the following:

A. Excavations below finished grade for basements, building footings, retaining walls or other structures authorized by a building permit provided that the excavation does not have an unsupported height greater than 5 feet after completion of the structure.

B. Cemetery graves.

C. Refuse disposal sites governed by other laws.

D. Agricultural crop management practices occurring on land that has been farmed during each of the preceding 3 years.

E. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards.

F. Excavations within public right-of-way that are performed in accordance with an encroachment permit.

G. Activities meeting all of the following requirements:

1. The land area that is disturbed or filled is 2,499 square feet or less.

2. Natural and finished slopes are less than 10%.

3 Volume of earth material disturbed, stored or used is 50 cubic yards or less.

4. Rainwater runoff is diverted, either during or after construction, from an area smaller than 2,499 square feet.

5. Any impervious surface that is created is 2,499 square feet or less.

6. No drainageway has its stormwater carrying capacity modified.

7. The activity does not take place within 100 feet from the top of a coastal bluff, the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water or within the wetlands associated with a watercourse or water body. The distance shall be determined by horizontal measurement.

§ 9.50.030 Grade Elevation Permit.

A. Except as provided in paragraph D, no person shall raise the existing grade of a residential lot without first obtaining a grade elevation permit from the planning commission.

B. Applications for a grade elevation permit shall be submitted to the director of development services on a city-provided form. Notice of a grade elevation permit application shall be given no less than 10 days before the hearing date by publication in a newspaper of general circulation and by mailing to all property owners and addresses within a 300 foot radius of the subject property.

C. The planning commission may approve, conditionally approve or deny a grade elevation permit after conducting a public hearing on the application. A grade elevation permit shall be denied unless the planning commission makes the following findings:

1. The change of grade will not result in a significant impairment of the primary view from any property located within a 300 foot radius.

2. The change of grade is compatible with the neighborhood.

D. The director of development services and the director may jointly waive the grade elevation permit requirement in either of the following circumstances:

1. When raising the existing grade is necessary for flood hazard reduction in accordance with law.

2. When raising the existing grade is the only feasible alternative for proper drainage function of the site.

§ 9.50.035 Security.

A. When deemed necessary, the director may require any person issued a grading permit to post security to assure that the work shall be completed in accordance with the permit, the approved plans and this chapter. The amount and form of the security shall be determined by the director.

B. Upon determining that a default has occurred in the performance of any grading permit condition, or that there is a failure to comply with an order issued, the director shall give written notice thereof to the permittee and to the surety if applicable. Such notice shall specify the work to be done, the estimated cost thereof and the deadline for completion. If the work is not satisfactorily performed prior to the deadline, the estimated cost of completing the work (including a mobilization charge equal to 10% of such cost) shall be demanded from the surety or obtained from the security, and the director shall cause such work to be performed.

§ 9.50.040 Fees.

A. The city council may by resolution establish fees to cover the estimated reasonable cost of processing permits and administration of this chapter.

B. If the director performs emergency or other work on private property, the owner of such property shall reimburse the city in full for all expenses incurred by the city. Such expenses shall include without limitation a mobilization charge equal to 10% of the cost of performance of the work.

§ 9.50.045 Inspections.

A. The director may inspect a property prior to approving a grading permit in order to confirm that the application accurately reflects existing conditions.

B. The director may inspect grading operations at the various stages of work requiring approval and at any more frequent intervals necessary to determine whether adequate control is being exercised by the permittee and its professional consultants. If any work to be inspected has been covered or concealed, the city engineer may require the permittee to expose such work at its own cost.

C. Upon determining that any work does not comply with the terms of a grading permit, grade elevation permit, this code or other applicable law, or that the soil or other conditions are not as stated on the permit, the city engineer may order the work stopped. Such order shall be effectuated by service of written notice on any person supervising the performance of the work. The grading operations shall not proceed until written authorization is received from the director.

§ 9.50.050 Grading Standards.

Grading operations shall be conducted in compliance with the following standards:

A. The permittee shall maintain a copy of the approved plans in an obvious and accessible location on the subject property.

B. No grading operations shall be performed between 8:00 p.m. and 7:00 a.m., or on Sundays or federal holidays, on any property located within ½ mile of a structure for human occupancy. The city engineer may waive this restriction upon making a finding that it is unnecessary to protect the public health, safety or welfare in a particular situation. The city engineer may impose more stringent restrictions upon making a finding that they are necessary to protect the public health, safety or welfare in a particular situation.

C. Where an excess of 1,000 cubic yards of earth material is moved on public roadways, all the following requirements shall be satisfied:

1. The permittee shall apply water, a palliative or both as directed by the director to minimize spillage of dust onto public property.

2. The permittee shall maintain public property free of dust, earth material and debris from the grading operations.

3. The grading operations shall be performed in accordance with the approved plans.

4. The last 50 feet of the access road, as it approaches the intersection with the public roadway, shall have a grade less than or equal to 3%. The access road shall either be posted with flagmen or there shall be 300 feet of unobstructed sight distance to the intersection from both the public roadway and the access road.

5. A stop sign shall be posted at the entrance of the access road to the public roadway.

6. Advance warning "Truck Crossing" signs shall be posted on the public roadway 400 feet of the access intersection from each direction. The sign shall be diamond shaped, each side being 30 inches in length, shall have an orange background, and the letters thereon shall be 5 inches in height. The sign shall be placed 8 feet from the edge of the pavement and the base of the sign shall be 5 feet above the pavement level. The sign shall be covered or removed when the access intersection is not in use.

D. The permittee shall provide the director with 2 copies of all reports, compaction data and recommendations from its civil engineer, soil engineer, engineering geologist, grading contractor and the approved testing agency.

E. If the permittee's civil engineer, soil engineer, engineering geologist, grading contractor or the approved testing agency finds that the grading operations are not being done in conformance with the approved plans, the discrepancies shall be reported in writing to the director immediately.

F. Grading operations shall stop whenever, during the course of the work, the permittee replaces the civil engineer, the soil engineer, the engineering geologist, the approved testing agency, or the grading contractor of record. This provision shall not apply if the permittee notifies the director in writing of the responsible professional change, and the new responsible professional notifies the director in writing that the work performed to date has been reviewed and approved. This provision also shall not apply if the responsible professional change is between individuals in a single firm.

§ 9.50.055 Completion of Work.

A. The permittee shall notify the director when the grading operation is ready for final inspection. The director shall not issue final approval until all work has been satisfactorily completed in accordance with the approved plans.

B. No building permit shall be issued for a site until grading has been completed pursuant to a precise grading permit.

§ 9.50.060 Violations.

A. Any person who causes grading to be done contrary to the provisions of a grading permit, a grading elevation permit, the approved plans or this chapter is guilty of a misdemeanor.

B. In the event that any grading is done contrary to the provisions of a grading permit, a grading elevation permit, the approved plans or this chapter, the city may take any of the following actions:

1. Record with the county recorder a notice of grading violation. The director shall cause the notice of grading violation to be removed upon determining that the violation no longer exists.

2. Withhold issuance of a building permit, performance of building permit inspections or issuance of a certificate of use and occupancy.

3. Deny approval of a zone change, subdivision map or discretionary permit.

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Chapter 9.55
Underground Utilities

§ 9.55.005 Definitions.

For the purpose of this chapter, the following words and phrases shall mean:

A. Poles, Overhead Wires and Associated Overhead Structures: poles, towers, supports, wires, conductors, guys, stubs, platforms, crossarms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located above ground and used or useful in supplying electric, communication or similar or associated service.

B. Underground Utility District" or "District": an area within which poles, overhead wires and associated overhead structures are prohibited.

C. Utility: all persons or entities regulated by the California Public Utilities Commission and supplying electric, communication or similar or associated service by means of electrical materials or devices.

D. Director: director of public works/city engineer.

§ 9.55.010 Public Hearing.

A. The city council may schedule public hearings to ascertain whether the public health, safety or welfare requires removal of poles, overhead wires and associated overhead structures within designated areas of the city and the underground installation of wires and facilities for supplying electric, communication or similar or associated service. The city clerk shall give 10 day advance written notice of the hearing by mail to affected property owners as shown on the last equalized assessment roll and to affected utilities. Each such hearing shall be open to the public and may be continued from time to time.

B. Prior to the public hearing, the director shall consult with affected utilities and shall prepare a report for submission at the hearing. The report shall contain estimates of the total cost, as well as estimates of the time required to complete the underground installation and removal of overhead facilities. (Ord. No. 1521)

§ 9.55.015 Designation of District.

A. The city council may by resolution designate an underground utility district upon making a finding that the public health, safety or welfare requires removal of poles, overhead wires and associated overhead structures within the designated area and the underground installation of wires and facilities for

supplying electric, communication or similar or associated service. The resolution shall include a description of the area comprising such district and shall fix the time within which removal and underground installation must be accomplished and within which affected property owners must be ready to receive underground service. A reasonable time shall be allowed for such removal, having due regard for the availability of necessary labor, materials and equipment, for the installation of such underground facilities as may be occasioned thereby and for the utility's schedule and availability funds. The decision of the city council shall be final and conclusive. (Ord. No. 1521)

B. The city council may authorize any or all of the following exceptions in a resolution designating an underground utility district:

1. Municipal facilities or equipment.

2. Poles or electroliers used exclusively for street lighting.

3. Overhead wires (exclusive of supporting structures), when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

4. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 34,500 volts.

5. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixtures and extending from a location on the building to another location on the same building or to an adjacent building without crossing any public street.

6. Antennae, associated equipment and supporting structures used by a utility for furnishing communication services.

7. Equipment appurtenant to underground facilities, such as surface mounted transformers, pedestal mounted terminal boxes and meter cabinets, and concealed ducts.

8. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

C. Within 10 days after the effective date of a resolution designating an underground utility district, the city clerk shall give written notice thereof to each affected property owner and utility. The notice shall indicate to the property owners that if an owner or any occupant of their property desire to continue receiving electric, communication or similar associated service, then such owner or occupant must provide all necessary facility changes on the premises so as to

receive such service at a new location. Notification shall be made by mailing a copy of the resolution, together with a copy of this chapter, to each affected property owner as shown on the last equalized assessment roll and to the affected utilities.

§ 9.55.020 Prohibited Conduct.

No person shall install or maintain poles, overhead wires and associated overhead structures in an underground utility district after the date when such facilities are required to be removed.

§ 9.55.025 Emergencies.

Notwithstanding the provisions of this chapter, overhead facilities may be installed and maintained for a period not exceeding 10 days without director authorization when necessary to provide emergency service. The director may authorize the installation and maintenance of overhead facilities to provide emergency service for longer periods.

§ 9.55.030 Utility Responsibilities.

If underground construction is necessary to provide utility service within an underground utility district, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under its applicable rules, regulations and tariffs on file with the California Public Utilities Commission.

§ 9.55.035 Property Owner Responsibilities.

A. Every person owning, operating, leasing, occupying or renting a building or structure within an underground utility district shall construct and provide that portion of the service connection on the property between the facilities furnished by the utility and the termination facility on or within such building or structure.

B. If such work is not accomplished within the time allowed by the resolution designating the district, the director shall give written notice to the person in possession of the premises and to the property owner as shown on the last equalized assessment roll. The notice shall specify the work required to be done, and shall state that if the work is not completed within 30 days the director will cause the work to be performed and the cost thereof to be assessed against the property.

C. If the required work has not been completed within the 30 day period, the director shall cause the work to be performed unless the premises are unoccupied and no electric or communication services are being furnished to the

property. Alternatively, the director may authorize the disconnection and removal of all overhead service wires and associated facilities supplying utility service to the property.

D. Upon completion of the work, the director shall file a written report with the city council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property against which such costs is to be assessed. The city council shall thereupon fix a time and place for hearing protests against the assessment of the cost of such work upon the premises, which time shall not be less than 10 days thereafter. The director shall give written notice of the date and time of the hearing, as well as the amount of the proposed assessment, to the owner and person in possession of the property.

E. Upon the date and hour set for hearing protests, the city council shall hear and consider the report and any protests against the proposed assessment. The city council may confirm as presented, confirm as modified or reject the assessment.

F. If an assessment is not paid within 5 days after confirmation by the city council, the amount of the assessment shall become a lien upon the property against which the assessment is made. The director shall provide the assessor and tax collector a notice of lien on the property, and the assessor and tax collector shall add the amount of the assessment to the next regular bill for taxes levied against the premises. The assessment shall be due and payable at the same time as property taxes and if not paid when due and payable shall bear interest at the rate of 6% per annum.

§ 9.55.040 Administration.

This chapter shall be administered consistent with rights granted by pre-existing franchises and by applicable federal and state law. (Ord. No. 1521)

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Chapter 9.60
Building Code

(Ord. No. 1524; Ord. No. 1562 & 1564U; Ord. No. 1600)

§ 9.60.005 Codes Adopted by Reference.

A. Except as hereinafter provided in this chapter, the codes listed below are adopted by reference as the Building and Safety Code of the City of Seal Beach:

1. California Building Code, 2010 Edition, Incorporating the 2009 "International Building Code" including Appendix F, I and J.

2. California Residential Code, 2010 Edition, Incorporating the 2009 "International Residential Code" including Appendix H

3. California Green Building Standards Code, 2010 Edition, including Appendix A4, A5.

4. California Plumbing Code, 2010 Edition, incorporating the 2009 "Uniform Plumbing Code" including Appendix A and L.

5. California Mechanical Code, 2010 Edition, incorporating the 2009 "Uniform Mechanical Code"

6. California Electrical Code, 2010 Edition, incorporating the 2008 "National Electrical Code"

7. California Fire Code, 2010 Edition, incorporating the 2009 "International Fire Code" including Appendix B, BB, C and CC.

8. "International Property Maintenance Code" 2009 Edition.

9. "Uniform Swimming Pool, Spa and Hot Tub Code" 2009 Edition.

10. "Uniform Solar Energy Code" 2009 Edition.

11. "California Energy Code" 2010 Edition.

12. "California Elevator Safety Construction Code" 2007 Edition.

13. "California Historical Building Code" 2010 Edition.

14. "California Existing Building Code" 2010 Edition.

15. “California Referenced Standards Code” 2010 Edition.

16. “California Administrative Code” 2010 Edition.

B. One copy of each of the above codes shall be maintained by the city clerk for use and examination by the public.

C. All amendments to codes adopted herein by reference shall be considered as part of the Building and Safety Code.

§ 9.60.010 Applicability.

The provisions of this Title shall apply to the construction, removal, alteration, moving or repair of any work or equipment on any premises within the city except work:

A. Of the federal government, the state or the county.

B. Located on property owned by a public school district.

C. Located primarily in the public way.

D. Consisting of public utility wiring.

E. Otherwise specifically excepted by this code.

§ 9.60.015 Engineering Data.

Computations, related diagrams and other engineering data sufficient to show the correctness of the structural, electrical, mechanical, plumbing and other plans shall be submitted when required by the building official.

§ 9.60.020 Building Permit Requirement.

A. It shall be unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to occur unless a separate building permit for each building or structure has first been obtained from the building official.

B. Paragraph A shall not apply to the following:

1. Structures placed in public streets, alleys and sidewalks pursuant to a public works permit, except those regulated by Chapter 32,

Encroachment Into The Public Right-Of Way, and Chapter 33, Safeguards During Construction of the California Building Code.

2. Buildings or structures owned by the federal government, the state, the county, a public school district, or any other building and/or structures exempt under state law (i.e., hospitals, nursing homes, etc.).

3. Work done by city employees on city-owned or leased structures.

4. Waterfront and marine structures for which a public works permit has been obtained.

5. Masonry planter boxes not more than 18-inches in height.

6. Fences less than 36-inches in height above grade.

7. Unroofed walks, platforms, driveways and slabs not more than 18-inches above grade and not over any basement or story below located on private property.

8. Application of hot or cold paint or other roof coating on a roof of a building.

9. Installation of a row of ceramic tile not exceeding 6-inches in height around a bathtub or a laundry tub.

10. Replacement of broken or damaged ceramic tile in an existing installation.

11. Plaster patching not in excess of 10 square yards of interior or exterior plaster.

12. Installation or removal of a household type or single installation unit system or refrigeration that is self-contained and hermetically sealed, a single type of refrigeration of 22 cubic feet capacity or less, N.E.M.A. rating, that is self-contained, that employs no other type of refrigerant than Freon or methyl chloride, a single unit type of refrigeration of 15 cubic feet capacity or less, N.E.M.A. rating, that employs sulphur dioxide refrigerant.

13. Pools not over 18-inches in depth, where there is no electrical or plumbing installation.

14. Any portable heating appliance.

15. Any portable ventilating equipment.

16. Any portable comfort cooling unit.

17. Any steam, hot or chilled water piping within any comfort heating or cooling equipment regulated by this code.

18. Replacement of any component part or assembly of an appliance that does not alter its original approval and complies with other applicable requirements of this code.

19. Any portable evaporative cooler.

20. Any refrigeration equipment for which a permit has been issued pursuant to this code.

21. The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that should any trap, drainpipe, soil, waste or vent pipe be or become defective such that it is necessary to remove and replace the same with new material, the same shall be considered new work and a permit shall be procured and inspections made as hereinafter provided.

22. Clearing of stoppage or the repairing of leaks in pipes, valves, or fixtures, when such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

23. One story detached accessory buildings, limited to: prefabricated tool and storage sheds not exceeding 120 square feet, and playhouses and similar structures not exceeding 50 square feet.

24. Oil derricks.

25. Movable cases, counters and partitions not over 5-feet high.

26. Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.

27. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

28. Temporary motion picture, television and theater stage sets and scenery.

29. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, does not exceed 5,000 gallons and are installed entirely above grade.

§ 9.60.025 Moving Buildings.

A. Any person proposing to move a building into the city from outside the city, or to move a building from a location within the city to another location within the city, shall submit the following to the building official:

1. Three copies of plans containing the following:

a. Site plan of the lot to which the building is to be located with the building shown on the lot.

b. Foundation plan.

c. Complete floor plan and all elevations.

d. All electrical, gas and water facilities in the building as well as the service location of same.

e. Location of sewer service into the building.

2. Information as to when the structure was built and the applicable codes in effect at the time.

3. Copies of building permits if available.

4. Name of legal owner of building and lot to which building is to be located.

5. Any other information required by the building official to determine the safety of the building.

B. The building official shall physically inspect the building prior to its transportation to insure that it is safe or may be made safe. Conditions may be imposed as deemed necessary to insure the building is safe. The owner of the building shall agree in writing to make such changes prior to the issuance of the moving permit.

C. The owner shall post a bond (surety or cash) with the city, in favor of the city for the cost of work required to be done in order to comply with the conditions of the moving permit. Upon fulfilling all conditions imposed on the moving permit and issuance of certificate of occupancy, any unused portion of the bond will be returned to the owner.

D. Building permits and plan check fees must be paid based on the value of work to be done.

E. Inspections will be made by the building department for all work.

F. Upon issuance of the moving permit the owner shall arrange with the public works department and police department for the necessary transportation permits to physically move the building into or through the city.

G. No building shall remain on any street for longer than 8 hours and if left on the street during the hours of darkness, necessary red lights as approved by the police department and city engineer shall be provided and maintained in working order.

H. The application, plans and specifications filed by an applicant for a building, mechanical, plumbing, sewer and/or electrical permit shall be checked by the building official. Such plans shall be reviewed by other departments of the city to check compliance with the laws under their jurisdiction. If the building official is satisfied that the work described in a permit application and the plans filed therewith conform to the requirements of this code and other pertinent laws, and that the applicable fee has been paid, a permit shall be issued to the applicant. When the building official issues the permit, "APPROVED." shall be endorsed in writing or stamp on both sets of plans and specifications. Such approved plans and specifications shall not be changed without authorization from the building official, and all work shall be done in accordance with the approved plans. Plan changes and additional plans require approval by the building official prior to their incorporation into the work.

The building official may issue a building, plumbing, sewer or electrical permit for the construction of part of the building or structure before the entire plans and specifications for the whole building or structure have been submitted or approved. Issuance of such a permit shall not constitute a guaranty that the permit for the entire building or structure will be granted.

On existing premises on which swimming pool installations are to be altered, repaired, or renovated, deviations from the provisions of this code are permitted if necessary and first approved by the building official.

The issuance or granting of a permit or approval of plans shall not prevent the building official from thereafter requiring the correction of errors in the plans and specifications or from preventing construction operations being carried on thereunder when in violation of this code or from revoking any certificate or approval when issued in error.

Nothing contained in this code shall be construed to restrict the use, nor to require any person to reinstall, reconstruct, alter, change or remove any structural, plumbing, mechanical or electrical wiring or equipment that complied

with laws of this jurisdiction in effect before the effective date of this code, unless the same is dangerous, unsafe or hazardous to life or property.

Additions or alterations to, and alterations and renewals of existing installations, shall be made in compliance with the provisions of this code.

I. Permits required by this code shall be issued to the following:

1. A person who both:

a. Holds a valid unexpired and unrevoked contractor's license as issued by the state contractor's licensing board plus a city business license.

b. Files a certificate of worker's compensation insurance, or a certificate of exemption from worker's compensation insurance.

2. An owner of any single family building, or dwelling, not exceeding 3 stories including appurtenances thereto, who contracts for such a project with a licensed and insured contractor or contractors. Electrical, sewer, mechanical and plumbing permits shall be issued to licensed contractors only.

J. Any permit required by this code may be issued to any owner to do any work regulated by this code in a structure, building or a dwelling, including the usual accessory buildings and quarters in connection with such buildings, provided that all of the following criteria are satisfied:

1. The owner shall personally purchase all material and shall personally, or through the owner's employees, perform all labor in connection therewith.

2. Such structure, building or dwelling unit, with or without accessory buildings and quarters or appurtenances thereto, is not intended or offered for sale.

3. The owner files a certificate of consent to self-insure, or a certificate of worker's compensation insurance, or a certificate of exemption from worker's compensation insurance.

4. The owner shall complete and return prior to permit issuance an owner-verification form as required by California Health and Safety Code Section 19831, and as prepared or amended by the building official.

K. Any person regularly employing 1 or more journeymen mechanics and/or maintenance men for the purpose of installation, alteration, maintenance or repair on such person's commercial or industrial buildings and premises, shall

make monthly reports within 15 days following the end of each month covering all installations, additions or alterations and shall pay for each the permit fees provided for by this code. All such work shall be installed and done in accordance with the provisions of this code; and such work shall be subject to inspection by the building official to the same extent as all other similar work for which such inspection is provided. Single projects valued in excess of $200 shall provide drawings, updated monthly, to the building official. A written request, approved by the building official, shall be submitted in advance of this program.

L. No person shall allow any other person to do or cause to be done work under a permit secured by a permittee except persons in the permittee's employ.

§ 9.60.030 Retention of Plans.

A. One set of building official-approved plans, specifications and computations shall be retained by the building official as required by state law, and 1 set of approved plans and specifications shall be returned to the applicant, which set shall be kept on the site of such building or work at all times during which the authorized work is in progress. This set of approved plans (plus future plans or changes that the building official has stamped approved) shall be the only plan used for inspections required by this chapter.

B. Plans submitted for checking for which no permit is issued, and on which no action is taken by the applicant for 180 days, may be returned to the last known address of the applicant, or destroyed by the building official. The building official may extend the time for action by the applicant for a period of 180 days upon request by the applicant showing that uncontrollable circumstances have prevented action from being taken. No application shall be extended more than once. In order to renew action on the plans, a payment of a new plan check fee shall be made.

§ 9.60.035 Building Fees.

A. A fee for each building, sewer, electrical and demolition permit shall be paid as per the fee schedule established by city council resolution. The determination fee amount shall be made by the building official in accordance with city council resolution.

B. In addition to any other penalty imposed, any person who shall commence work for which a permit is required without first having obtained the permit shall, if subsequently granted the permit, pay double the permit cost fixed to such work plus a special investigation fee if a special investigation is required. This provision shall not apply to emergency work when it has been proven to the satisfaction of the building official that such work was urgently necessary and that it was not practical to obtain a permit before commencement. In all cases of

emergency work, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay, a double permit fee shall be charged.

C. The fee for supplementary permits to cover any additional valuation for work included in the original permit shall be as established by Council resolution. Plan check fees shall be paid for the supplementary work. The fee for a building permit authorizing changes from approved plans or specifications shall be established by Council resolution.

§ 9.60.040 Plan Checking Fees.

When the valuation of the proposed construction exceeds $1,000 and a plan is required to be submitted, a plan checking fee shall be paid to the building official at the time of submitting plans and specifications for checking. The plan checking fees shall be as established by city council resolution.

§ 9.60.045 Demolition Permit Fees.

Existing buildings or structures or portions thereof, including sewer, plumbing, electrical and mechanical installations requiring demolition in whole or part, shall pay the required demolition permit fees.

§ 9.60.050 Inspections.

A. All construction or work for which a permit is required shall be subject to inspection by the building official, and certain types of construction shall have continuous inspection by special inspectors as specified in this chapter. The permittee shall coordinate the sequence of on-site construction between and with the subcontractors or the electrical, plumbing, mechanical or sewer contractors working concurrently with a general contractor. The permittee's agent shall be a fully authorized employee or official of the permittee with complete control of the permittee's employees and the subcontractors; provided, however, that this requirement shall not apply to (i) an electrical, plumbing, mechanical or sewer permittee not working concurrently with a general contractor; or (ii) work being coordinated by a construction manager or owner's representative or by an owner.

B. The building official, upon notification from the permittee, shall make the following inspections of swimming pools and shall either approve that portion of construction as completed, or shall notify the permittee wherein the same fails to comply with the law. The following inspections are required:

1. Special Inspection: A special inspector as specified in this chapter shall be present at all times during gunite operations. The special inspector shall assure that the steel, piping, steps, skimmer, drain and other elements imbedded in the gunite is in accordance with the approved plan. The

special inspector shall assure the gunite complies with Chapter 17, Structural Tests and Special Inspections, California Building Code. The special inspector shall forward the inspection reports, including results of cylinder tests, to the building official. The building official's approval shall be conditioned on the street right-of-way being clean and clear of construction materials.

2. Preplaster Inspection: (After the special inspection report and laboratory test report is satisfactory, 3,000 p.s.i.) To be made when all fence and gates are installed.

3. Final Inspection: To be made when all work pertaining to pool is complete. Approval is conditioned on the street being clear and clean and on damaged street elements being repaired.

C. In addition to the called inspections, specified above, the building official may make or require any other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building department. For the purpose of determining compliance, the building official may cause any structure to be reinspected.

D. The notification by the permittee to make an inspection shall signify that the required work is complete, all work was coordinated between all trades by the permittee, and to the best of the permittee's knowledge complies with the applicable referenced model code. The permittee shall accompany the inspector and shall note and assure correction of deficiencies. The permittee shall notify the building official that deficiencies (if any) are completed and a reinspection is required in which case the requirements of the preceding sentence refers to the reinspection.

E. It shall be the duty of the person requesting inspection regulated by this code to provide access to and means for proper inspection. The building official shall not be liable for any expense entailed in the removal or replacement of any material required to allow the inspection.

F. When any reinspection is required due to the negligence of the permittee or other responsible persons, or due to the failure of such parties to comply with previous correction instructions, a fee may be charged by the building official prior to each reinspection in accordance with city council resolution.

G. It shall be the duty of the person doing the work authorized by the permit to make sure that the work will stand the tests prescribed in this code before the above notification is given.

§ 9.60.055 Excessive Inspections.

If in the opinion of the building official, the work is not being coordinated or executed by the permittee, which then requires an inordinate number of reinspections, or corrections called for are not made, or the work deviates from the approved set of plans or the building code, the building official shall require a reinspection fee in accordance with the current resolution adopted by the city council for building fee purposes.

§ 9.60.060 Special Inspections.

A. In addition to the inspections to be made as specified in this chapter, the owner shall employ a special inspector who shall be present at all times during construction of the types of work noted in Chapter 17, Special Tests and Special Inspections, of the California Building Code.

B. An occupant, owner or prospective owner of a building or structure may apply for an inspection of the building or structure. A deposit in the amount determined by the building official shall be made. The building inspector(s) shall be assured there will be no opposition in entering the building when conducting the inspection. The inspector(s) shall not enter crawl spaces. All areas shall be accessible and open for the inspector(s) to observe. The applicant or such person's representative shall accompany the inspectors.

C. The written report shall be based on the building code standards. It will be restricted to those portions of the building observed by the inspector(s). Concealed portions or inaccessible portions of the building can be reported only to the extent that judgment can be made based on visible evidence. Unsafe conditions observed will be processed as prescribed by the building code.

D. The fees shall be as set by city council resolution.

§ 9.60.065 California Building Code Amendments.

The following amendments are made to the California Building Code, as adopted by this chapter:

A. **CHAPTER 1 SCOPE AND ADMINISTRATION** is hereby amended as follows:

Section 104.8 Liability is hereby amended by adding a sentence to the end of the paragraph as follows:

"The provisions of this section shall apply if the building official or his/her authorized representative is employees of this jurisdiction and shall also apply if

the building official or his/her authorized representative is acting under contract as agents of this jurisdiction."

Section 105.2 Work exempt from permit is hereby amended to revise items 2 and 4 under Building to read as follows:

2. Walls and fences not over 36 inches (915.5 mm) high.
4. (Deleted)

Section 113, Board of Appeals is amended to read as follows:

SECTION 113 - BOARD OF APPEALS

For all sections of the California Building Code, California Administrative Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Elevator Safety Construction Code, California Historical Building Code, California Fire Code, California Existing Building Code, California Referenced Standards Code, International Property Maintenance Code, Uniform Pool, Spa and Hot Tub Code and Uniform Solar Energy Code, including any and all amendments included within this division, the following shall apply pertaining to board of appeals and shall replace any sections of those codes that pertain to board of appeals.

In order to determine the suitability of alternate materials and methods of construction and provisions of these codes, there shall be and there is hereby create a board of appeals, consisting of five members, composed of the mayor and the other members of the city council. Said members shall hold their respective membership on said board of appeals by reason of, and concurrently with their terms of service as council members and shall cease to be such members upon their ceasing to be such council members. The director of development services shall be the secretary of the board. The board may adopt reasonable rules and regulations for conducting its investigations and shall render all its decisions and findings on contested matters, in writing to the director of development services, with a duplicate copy thereof to any appellant or contestant affected by any such decision or finding, and may recommend to the city council such new legislation, if any, as is consistent therewith.

Three members of the board shall constitute a quorum. The mayor shall be the presiding officer of the board and in the mayor's absence the mayor pro-tem shall preside. Meetings shall be conducted in accordance with the Brown Act.

The board shall have the right, subject to such limits as the city council may prescribe by resolution, to employ at the cost and expense of the city, such qualified individuals as the board, in its discretion, may deem reasonably necessary in order to assist it in its investigations and making its findings and decisions."

Section 114 Violations is hereby amended to read as follows:

SECTION 114 - VIOLATIONS

For all sections of the California Building Code, California Administrative Code, California Electrical Code, California Mechanical Code, California Plumbing Code, California Energy Code, California Elevator Safety Construction Code, California Historical Building Code, California Existing Building Code, California Fire Code, California Referenced Standards Code, International Property Maintenance Code, Uniform Pool, Spa and Hot Tub Code and Uniform Solar Energy Code, any and all amendments included within this division, the following shall apply pertaining to violations and shall replace any sections of those codes that pertain to violation.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or cause same to be done, contrary to or in violation of any of the provisions of this ordinance.

Any person, firm, or corporation violating any of the provisions of this Chapter, shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, and upon conviction of any such violation such persons shall be punished by a fine of not more than $1,000 or by imprisonment for not more than six months, or by both such fine and imprisonment."

B. **CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY** is amended to read as follows:

Section 403 High-Rise Buildings is hereby amended as follows:

403 High-Rise Buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access, and Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access

Section 403.1 Applicability is hereby amended as follows:

403.1 Applicability. New high-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access, and new Group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access shall comply with Sections 403.2 through 403.6.

403.1.1 Definitions, **High Rise Building**, is hereby amended as follows:

HIGH-RISE BUILDING. In other than Group I-2 occupancies "high-rise buildings" as used by this Code:

1. "Existing high-rise structure" means a high-rise structure, the construction of which commenced or completed prior to July 1, 1974
2. "High-rise structure" means every building of any type of construction or occupancy having floor used for human occupancy located more than 55 feet above the lowest floor level having building access, except buildings used as hospitals as defined by the Health and Safety Code Section 1250.
3. "New high-rise structure" means a high-rise structure, the construction of which commenced on or after July 1, 1974

Section 403.4.7.2 Standby power loads of the California Building Code is hereby amended by deleting #2 and renumber as follows:

403.4.7.2 Standby power loads. The following are classified as standby power loads:

1. Power and lighting for the fire command center required by Section 403.4.5;
2. Standby power shall be provided for elevators in accordance with Sections 1007.4, 3003, 3007 and 3008.

Section 403.4.8.1 Emergency power loads of the California Building Code is hereby amended as follows:

403.4.8.1 1 Emergency power loads. The following are classified as emergency power loads:

1. Exit signs and means of egress illumination required by Chapter 10;
2. Elevator car lighting;
3. Emergency voice/alarm communications system;
4. Automatic fire detection systems;
5. Fire alarm systems;
6. Electrically powered fire pumps; and
7. Ventilation and automatic fire detection equipment for smoke proof enclosures.

Section 412.2 Definitions is hereby amended by adding the following definitions:

APPROACH-DEPARTURE PATH. The flight path of the helicopter as it approaches or departs from the landing pad.

EMERGENCY HELICOPTER LANDING FACILITY (EHLF). A landing area on the roof of a building that is not intended to function as a heliport or helistop but is capable of accommodating fire or medical helicopters engaged in emergency operations.

SAFETY AREA. A defined area surrounding the landing pad which is free of obstructions.

TAKEOFF AND LANDING AREA. The combination of the landing pad centered within the surrounding safety area.

Section 412.7 of the California Building Code is hereby amended by adding Sections 412.7.5 through 412.7.5.13 as follows:

412.7.5. Emergency Helicopter Landing Facility. Emergency Helicopter Landing Facility (EHLF) shall be constructed as specified in Section 412.7.5.1 through 412.7.5.13.

412.7.5.1 General. Every building of any type of construction or occupancy having floors used for human occupancy located more than 75 ft above the lowest level of the fire department vehicle access shall have a rooftop emergency helicopter landing facility (EHLF) in a location approved by the fire code official for use by fire, police, and emergency medical helicopters only.

412.7.5.2 Rooftop Landing Pad. The landing pad shall be 50 ft. x 50 ft. or a 50 ft. diameter circle that is pitched or sloped to provide drainage away from access points and passenger holding areas at a slope of 0.5 percent to 2 percent. The landing pad surface shall be constructed of approved non-combustible, nonporous materials. It shall be capable of supporting a helicopter with a maximum gross weight of 15,000 lbs. For structural design requirements, see California Building Code.

412.7.5.3 Approach-Departure Path. The emergency helicopter landing facility shall have two approach-departure paths separated in plan from each other by at least 90 degrees. No objects shall penetrate above the approach-departure paths. The approach-departure path begins at the edge of the landing pad, with the same width or diameter as the landing pad and is a rising slope extending outward and upward at a ratio of eight feet horizontal distance for every one foot of vertical height.

412.7.5.4 Safety Area. The safety area is a horizontal plane level with the landing pad surface and shall extend 25 ft in all directions from the edge of the landing pad. No objects shall penetrate above the plane of the safety area.

412.7.5.5 Safety Net. If the rooftop landing pad is elevated more than 30 in. (2'-6") above the adjoining surfaces, a 6 ft in wide horizontal safety net capable of

supporting 25 lbs/psf shall be provided around the perimeter of the landing pad. The inner edge of the safety net attached to the landing pad shall be slightly dropped (greater than 5 in. but less than 18 in.) below the pad elevation. The safety net shall slope upward but the outer safety net edge shall not be above the elevation of the landing pad.

412.7.5.6 Take-off and Landing Area. The takeoff and landing area shall be free of obstructions and 100 ft x 100 ft. or 100 ft. diameter.

412.7.5.7 Wind Indicating Device. An approved wind indicating device shall be provided but shall not extend into the safety area or the approach-departure paths.

412.7.5.8 Special Markings. The emergency helicopter landing facility shall be marked as indicated in Figure 412.7.5.8

412.7.5.9 EHLF Exits. Two stairway exits shall be provided from the landing platform area to the roof surface. For landing areas less than 2,501 square feet in area, the second exit may be a fire escape or ladder leading to the roof surface below. The stairway from the landing facility platform to the floor below shall comply with CFC 1009.4.2 for riser height and tread depth. Handrails shall be provided, but shall not extend above the platform surface.

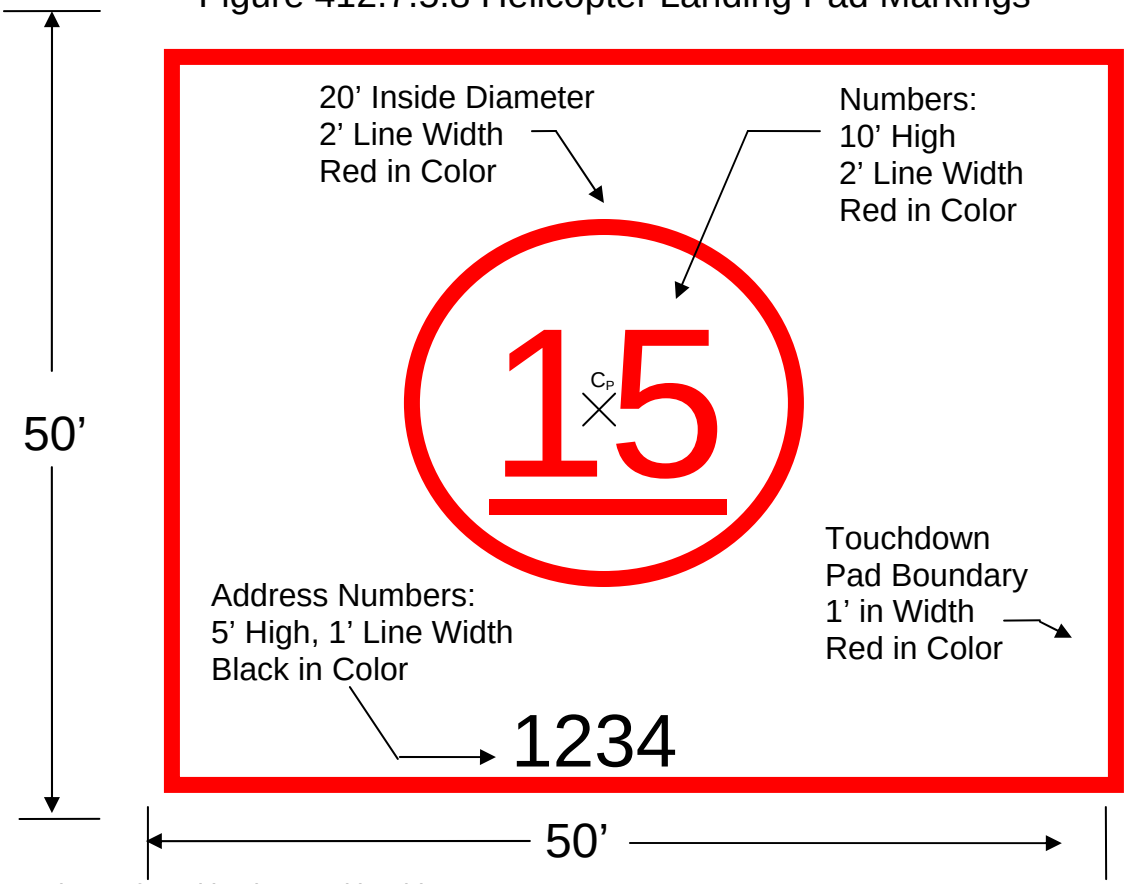
412.7.5.10 Standpipe Systems. The standpipe system shall be extended to the roof level on which the EHLF is located. All portions of the EHLF area shall be within 150 feet of a 2.5-inch outlet on a Class I or III standpipe.

412.7.5.11 Fire Extinguishers. A minimum of one portable fire extinguisher having a minimum 80-B:C rating shall be provided and located near the stairways or ramp to the landing pad. The fire extinguisher cabinets shall not penetrate the approach-departure paths, or the safety area. Installation, inspection, and maintenance of extinguishers shall be in accordance with the CFC, Section 906.

412.7.5.13 EHLF. Fueling, maintenance, repairs, or storage of helicopters shall not be permitted.

(Intentionally Left Blank)

Figure 412.7.5.8 Helicopter Landing Pad Markings



1. The preferred background is white or tan.
2. The circled, red numbers indicate the allowable weight that the facility is capable of supporting in thousands of pounds.
3. The numbers shall be oriented towards the preferred flight (typically facing the prevailing wind).

C. **CHAPTER 9 FIRE PROTECTION SYSTEMS** is amended to read as follows:

Adopt Chapter 9 Fire Protection Systems is amended as follows:

Section 903.2 Where required is hereby amended as follows:

903.2 Where Required. Approved automatic sprinkler systems in buildings and structures shall be provided in the following locations:

New buildings: Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.12, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area, as defined in Section 502.1, exceeds 5,000 square feet (465 m^2), or more than two stories in height, regardless of fire areas or allowable area.

Exception:

Group R-3 occupancies. Group R-3 occupancies shall comply with Section 903.2.8.

Existing buildings: Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:

1. When the addition is 33% or more of the existing building area and the resulting building area, as defined in Section 502.1, exceeds 5000 square feet (465 m^2); or
2. When the addition exceeds 2000 (185.81 m^2)square feet and the resulting building area, as defined in Section 502.1, exceeds 5000 square feet (465 m^2); or
3. An additional story is added above the second floor regardless of fire areas or allowable area.

Section 903.2.8 Group R is amended as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Subsection 903.3.1 shall be provided throughout all buildings with a Group R fire area as follows:

1. All new Group R occupancies, including the attached garages.
2. All existing Group R occupancies and U-1 garages when the total floor area is increase by 50% of the existing area over a 2-year period.
3. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more over a 2-year period.
4. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved.
5. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
6. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor and not housing clients above the second floor.

2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section 903.3.1.1.1, Exempt locations, is hereby amended by revising Exception 4 as follows:

Exception 4. When approved by the fire code official spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, and associated electrical power distribution equipment, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire-barriers constructed in accordance with Section 707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 712, or both.

Section 903.4 Sprinkler system supervision and alarms is hereby amended as follows:

903.4 Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exceptions:

1. Automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area systems serving fewer than 20 sprinklers.
3. Jockey pump control valves that are sealed or locked in the open position.

4. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
5. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

Section 904.3.5 Monitoring is hereby amended as follows:

904.3.5 Monitoring. Where a building fire alarm or monitoring system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm or monitoring system in accordance with NFPA 72.

Section 905.4 Location of Class I standpipe hose connections is hereby amended by adding items 7 and 8 as follows:

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official. See Section 909.20.3.2 for additional provisions in smoke proof enclosures.
2. On each side of the wall adjacent to the exit opening of a horizontal exit.

Exception:

Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a nozzle attached to 100 feet (30 480 mm) of hose, as measured along the path of travel, a hose connection shall not be required at the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception:

Where floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall.
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3-percent slope), each standpipe shall be provided with a

hose connection located either on the roof or at the highest landing of a stairway with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.

6. Where the most remote portion of a nonsprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations. The distance from a hose connection shall be measured along the patch of travel.
7. The centerline of the 2.5 inches (64 mm) outlet shall be no less than 18 inches (457 mm) above and no more than 24 inches (610 mm) above the finished floor.
8. Every new building with any horizontal dimensions greater than 300 feet (91 440 mm) shall be provided with either access doors or a 2.5 inches (64 mm) outlets so that all portions of the building can be reached with 150 feet (45 720 mm) of hose from an access door or hose outlet. Required access doors shall be located in the exterior of the building and shall be accessible without the use of a ladder. The door dimensions shall be not less than 3 feet (914 mm) in width, and not less than 6 feet 8 inches (2032 mm) in height. These doors are for fire department access only.

Section 907.2.13 High-rise buildings is hereby amended as follows:

907.2.13 High-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access, and Group I-2 occupancies having floors located more than 75 feet above the lowest level fire department vehicle access. High-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access and Group I-2 occupancies having floors located more than 75 feet above the lowest level fire department vehicle access shall be provided with an automatic smoke detection in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.5.2.2.

Exceptions:

1. Airport traffic control towers in accordance with Section 907.2.22 and Section 412
2. Open parking garages in accordance with Section 406.3
3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1
4. Low-hazard special occupancies in accordance with Section 503.1.1

5. In Group I-2 and R-2.1 occupancies, the alarm shall sound at a constantly attended location and general occupant notification shall be broadcast by the emergency voice/alarm communication system.

Section 907.3.1 Duct smoke detectors is hereby amended as follows:

907.3.1 Duct smoke detectors. Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit when a fire alarm system is installed. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the California Mechanical Code. Duct smoke detectors shall not be used as a substitute for required open area detection.

Exception:

In occupancies not required to be equipped with a fire alarm system, actuation of a smoke detector shall activate a visible and an audible signal in an approved location. Smoke detector trouble conditions shall activate a visible or audible signal in an approved location and shall be identified as air duct detector trouble.

Section 907.5.2.2 Emergency voice/alarm communication system is amended as follows.

907.5.2.2 Emergency voice/alarm communication system. Emergency voice/alarm communication system required by this code shall be designed and installed in accordance with NFPA 72. The operation of any automatic fire detector, sprinkler waterflow device or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information and directions for a general or staged evacuation in accordance with the building's fire safety and evacuation plans required by Section 404. In high-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access, and Group I-2 occupancies having floors located more than 75 feet above the lowest level fire department vehicle access, the system shall operate on a minimum of the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the building by paging zones. At a minimum, paging zones shall be provided as follows:

1. Elevator groups.
2. Exit stairways.
3. Each floor.
4. Areas of refuge as defined in Section 1002.1.
5. Dwelling Units in apartment houses.
6. Hotel guest rooms or suites.

Exception:

In Group I-1 and R-2.1 occupancies, the alarm shall sound in a constantly attended area and a general occupant notification shall be broadcast over the overhead page.

Section 907.6.3.2 High-rise buildings is hereby amended as follows.

907.6.3.2 High-rise buildings. High-rise buildings having occupied floors located more than 55 feet above the lowest level of fire department vehicle access and Group I-2 occupancies having floors located more than 75 feet above the lowest level fire department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors.
2. Sprinkler waterflow devices.
3. Manual fire alarm boxes
4. Other approved types of automatic detection devices or suppression systems.

Section 910.3.2.2 Sprinklered buildings is hereby amended as follows:

910.3.2.2 Sprinkler buildings. Where installed in buildings provided with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically by actuation of a heat-responsive device rated at least 100º F above the operating temperature of the sprinkler unless otherwise approved.

D. **CHAPTER 12 INTERIOR ENVIRONMENT** is hereby amended to read as follows:

Section 1206.2 Yards is hereby amended to read as follows:

1206.2 Yards. Yards shall not be less than 3 feet (914 mm) in width for one-story, two-story, three-story or four-story buildings with heights of 35 feet (10,675 mm) or less. For buildings more than 35 feet in height, the minimum width of the yard shall be increased at the rate of 1 foot (305 mm) for each additional story greater than two (2). For buildings exceeding 14 stories in height, the required width of the yard shall be computed on the basis of 14 stories.

E. **CHAPTER 15 ROOF ASSEMBLIES AND ROOFTOP STRUCTURES** is hereby amended as follows:

Table 1505.1 is hereby amended as follows:

TABLE 1505.1
MINIMUM ROOF COVERING CLASSIFICATIONS
TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

Section 1505.1.3 Roof coverings within all other areas is hereby amended to read as follows:

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

The roof covering assembly includes the roof deck, underlayment, interlayment, insulation, and covering which is assigned a roof-covering classification.

Exception:

Group R and U occupancies shall have a minimum roof covering of class A."

Section 1510.7 Smooth or cap-sheet surface is added to read as follows:

1510.7 Smooth or cap-sheet surface. Over gravel-surfaced roof coverings, the roof shall be cleaned of all loose gravel and debris. All blisters, buckles, and other irregularities shall be cut and made smooth and secure. Minimum ½-inch (12.6 mm) insulation board shall be nailed or securely cemented to the existing roofing with hot bitumen over which a new roof complying with Section 1507.10 shall be installed. When insulation board is to be attached with hot bitumen, the existing surface shall be primed.

F. **CHAPTER 31 SPECIAL CONSTRUCTION** is hereby amended as follows:

Section 3109.4.1. Barrier height and clearances is hereby amended to read as follows:

3109.4.1. Barrier height and clearances. The top of the barrier shall be at least 72 inches (1,829 mm) above grade measured on the side of the barrier that faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be 2 inches (51 mm) measured on the side of

the barrier that faces away from the swimming pool. Where the top of the pool structure is above grade, such as an aboveground pool, the barrier may be at ground level, such as the pool structure, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be 4 inches (102 mm). When barriers have horizontal members spaced less than 45 inches (1,143 mm) apart, the horizontal members shall be placed on the poolside of the barrier. Any decorative design work on the side away from the swimming pool, such as protrusions, indentations or cutouts, which render the barrier easily climbable, is prohibited.

Section 3109.4.4 Private swimming pools (statewide) is hereby amended to clarify that pool barriers that are already in the Code are scoped so as to apply on all private swimming pools and is amended to read as follows:

Section 3109.4.4.1 Definitions is hereby amended by adding the following definition:

"PRIVATE POOL" means any constructed pool, permanent or portable, which is intended for non-commercial use as a swimming pool by not more than three owner families and their guests.

Section 3109.4.4.2 Construction permit; safety features required is amended as follows:

3109.4.4.2 Construction permit; safety features required. Commencing, January 1, 1998 except as provided in Section 3109.4.4.5, whenever a construction permit is issued for construction of a new private pool at a residence, it shall have an enclosure complying with 3109.4.4.3 and, it shall be equipped with at least one of the following safety features.

Section 3109.4.4.3 Enclosure; required characteristics is amended to revise Item 2 as follows:

3109.4.4.3 Enclosure; required characterisctics.

2. A minimum height of 72 inches.

G. **CHAPTER 33 SAFEGUARDS DURING CONSTRUCTION** is hereby amended as follows:

Section 3313, Plan review fees and **Section 3314, Grading permit fees** are added to read as follows:

3313 Plan review fees. When plans or other data are required to be submitted, a deposit/fee for plan review shall be made at the time of submitting plans and

specifications for review. The amount of the plan review deposit/fee shall be as set forth by City Council resolution. A separate plan review deposit/fee shall apply to retaining walls or major drainage structures as required by City Council resolution. For excavation and fill on the same site, the deposit/fee shall be based upon the volume of earth moved for both excavation and fill.

3314 Grading permit fees. An inspection deposit for each grading permit shall be paid to the building official as set forth by City Council resolution. Separate permits and fees shall apply to retaining walls or major drainage structures as required by City Council resolution.

H. **Chapter 35 Referenced Standards** is herby adopted and amended as follows:

NFPA 13, 2010 Edition, Installation of Sprinkler Systems is hereby amended as follows:

Section 6.8.3 is hereby amended as follows:

6.8.3 Fire department connections (FDC) shall be of an approved type. The FDC shall contain a minimum of two 2 ½" inlets. The location shall be approved and be no more than 150 feet from a public hydrant. The size of piping and the number of inlets shall be approved by the chief. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red. When the fire sprinkler density design requires 500 gpm (including inside hose stream demand) or greater, or a standpipe system is included, four 2 ½" inlets shall be provided. FDC may be located within 150 feet of a private fire hydrant when approved by the chief.

Section 8.3.3.1 is hereby amended as follows:

8.3.3.1. When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the permit is issued. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.7
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
4. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 8.16.1.1.1 Residential Waterflow Alarms is hereby added as follows:

8.16.1.1.1 Residential Waterflow Alarms. A **l**ocal water-flow alarms shall be provided on all sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided. Group R occupancies not requiring a fire alarm system by the California Fire Code shall be provided with a minimum of one approved interior alarm device in each unit. Sound levels in all sleeping areas shall be a minimum of 15 DBA above the average ambient sound or a minimum of 75 DBA with all intervening doors closed. Alarms shall be audible within all other living areas within each dwelling unit. When not connected to a fire alarm or water-flow monitoring system, audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

Section 8.17.2.4.6 is hereby amended as follows:

8.17.2.4.6 Fire department connections shall be on the street side of buildings and shall be located and arranged so that they are immediately adjacent to the approved fire department access road and that hose lines can be readily and conveniently attached to the inlets without interference from nearby objects including buildings, fence, posts, or other fire department connections.

Section 11.1.1.2 is hereby added as follows:

11.1.1.2 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction/s in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve “G”. Use is considered undetermined if a specific tenant/occupant is not identified at the time the permit is issued. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the Fire Code Official:

1. Subtract the project site elevation from the low water level for the appropriate pressure zone and multiplying the result by 0.433;
2. Use a maximum of 40 psi, if available;
3. Utilize the Orange County Fire Authority water-flow test form/directions to document a flow test conducted by the local water agency or a professional engineer licensed in the State of California. The result shall be adjusted in accordance with the graduated scaled found in the guideline.

Section 22.1.3 (43) is hereby amended as follows:

22.1.3 (43) Size and location of hydrants, showing size and number of outlets and if outlets are to be equipped with independent gate valves. Whether hose houses and equipment are to be provided, and by whom, shall be indicated. Static and residual hydrants that were used in the flow tests shall be shown. Flow test shall be completed within six months of the plan submittal to the authority having jurisdiction.

NFPA 13R 2010 Edition Installation of Sprinkler System in Residential Occupancies up to and Including Four Stories in Height is hereby amended as follows:

Section 6.16.1 is hereby amended as follows:

6.16.1 A **l**ocal water-flow alarms shall be provided on all sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided. Group R occupancies containing less than the number of stories, dwelling units or occupant load specified in Section 907.2.8 of the 2010 California Fire Code as requiring a fire alarm system shall be provided with a minimum of one approved interior alarm device in each unit. Sound levels in all sleeping areas shall be a minimum of 15 dBA above the average ambient sound or a minimum of 75 dBA with all intervening doors closed. Alarms shall be audible within all other living areas within each dwelling unit. When not connected to a fire alarm or water-flow monitoring system, audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

There shall also be a minimum of one exterior alarm indicating device, listed for outside service and audible from the access roadway that serves that building.

Section 6.6.6 is hereby amended as follows:

6.6.6 Sprinklers shall not be required in penthouse equipment rooms, elevator machine rooms, concealed spaces dedicated exclusively to containing only dwelling unit ventilation equipment, crawl spaces, floor/ceiling spaces, noncombustible elevator shafts where the elevator cars comply with ANSI A17.1, Safety Code for Elevators and Escalators, and other concealed spaces that are not used or intended for living purposes or storage and do not contain fuel fired equipment.

Section 6.6.9 is hereby added as follows:

6.6.9 Sprinklers shall not be required in attics that are not located over dwelling units. When attics are separated by unit, each unit's attic space may be

protected per NFPA 13D Section 8.6.4.2. All other attics shall be protected per NFPA 13.

NFPA 13D 2010 Edition Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 4.1.5, Stock of Spare Sprinklers is hereby added as follows:

4.1.5 Stock of Spare Sprinklers

Section 4.1.5.1 is hereby added as follows:

4.1.5.1. A supply of at least two sprinklers for each type shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Section 4.1.5.2 is hereby added as follows:

4.1.5.2 The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property.

Section 4.1.5.3 is hereby added as follows:

4.1.5.3 The sprinklers shall be kept in a cabinet located where the temperature to which they are subjected will at no time exceed 100 ^{o}F (38°C).

Section 4.1.5.4 is hereby added as follows:

4.1.5.4 A special sprinkler wrench shall be provided and kept in the cabinet to be used in the removal and installation of sprinklers. One sprinkler wrench shall be provided for each type of sprinkler installed.

Section 7.1.2 is hereby amended as follows:

7.1.2 The system piping shall not have a separate control valve unless supervised by a central station, proprietary or remote station alarm service.

Section 7.3.1 is hereby deleted in its entirety and replaced as follows:

7.3.1 At least one water pressure gauge shall be installed on the riser assembly.

Section 7.6 Alarms is hereby deleted in its entirety and replaced as follows:

7.6 Alarms. Exterior alarm indicating device shall be listed for outside service and audible from the street from which the house is addressed. Exterior audible devices shall be placed on the front or side of the structure and the location

subject to final approval by the fire code official. Additional interior alarm devices shall be required to provide audibility throughout the structure. Sound levels in all sleeping areas with all intervening doors closed shall be a minimum of 15 dBA above the average ambient sound level but not less than 75 dBA. Audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

Exceptions:

1. When an approved water flow monitoring system is installed, interior audible devices may be powered through the fire alarm control panel.
2. When smoke detectors specified under CBC Section 310.9 are used to sound an alarm upon waterflow switch activation.

Section 8.6.4.2 is hereby added as follows:

8.6.4.2 All attics shall be protected with an intermediate temperature quick response sprinkler which shall be located to protect attic penetrations created by the access scuttles or mechanical equipment

NFPA 14, 2007 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 6.4.5.4.1 is hereby deleted in its entirety and replaced as follows:

6.4.5.4.1 The fire department connection shall have a minimum of two 2 ½ inches, internal threaded (NHS) inlets. Additional inlets shall be provided on a 250 GPM per inlet ratio to meet the system demand. The inlets shall be provided with approved caps to protect the system from entry of debris. The location of the FDC shall be approved and be no more than 150 feet from a public hydrant. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red.

Section 7.3.1.1 Hose Connection Height is hereby is deleted in its entirety and replaced as follows:

7.3.1.1 Hose Connection Height Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches, or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2010 Edition, Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 5.9.1.3 is hereby amended as follows:

5.9.1.3 The fire department connection shall be of an approved type and contain a minimum of two 2 ½ inch inlets. The location shall be approved and be no more than 150 feet from a public fire hydrant. If acceptable to the water authority, it may be installed on the backflow assembly. The supply pipe shall be painted OSHA safety red.

Section 5.9.1.3.1 is herby added as follows:

5.9.1.3.1 When the sprinkler density design is 500 gpm (including the interior hose stream demand) or greater, or a standpipe system is included, four 2 ½" inlets shall be provided.

Section 5.9.1.3.2 is hereby added as follows:

5.9.1.3.2 The fire department connection (FDC) may be located within 150 feet of a private fire hydrant provided the FDC connects down-stream of an aboveground sprinkler system check valve.

Section 6.2.1.1 is herby added as follows:

6.2.1.1 The closest upstream indicating valve to the riser shall be painted OSHA red.

Section 6.2.11 (5) is hereby deleted without replacement:

Section 6.2.11 (6) is hereby amended as follows:

6.2.11 (5) Control valves in a one-hour fire-rated room accessible from the exterior

Section 6.2.11 (7) is hereby deleted without replacement:

Section 6.3.3 is herby added as follows:

6.3.3 All post indicator valves controlling fire suppression water supplies shall be painted OSHA red.

Section 10.1.6.3 is hereby added as follows:

10.1.6.3 All ferrous pipe shall be coated and wrapped. Joints shall be coated and wrapped after assembly. All fittings shall be protected with a loose 8-mil polyethylene tube. The ends of the tube shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception:

316 Stainless Steel pipe and fittings

Section 10.3.5.2 is hereby amended as follows:

10.3.5.2 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material, prior to poly-tube, and after installation.

Section 10.3.5.3 is hereby added as follows:

10.3.5.3 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.6.3.1 is hereby amended as follows:

10.6.3.1_ Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 18 inches, as measured from the interior of the exterior wall. The pipe under the building or building foundation shall be 316 stainless steel and shall not contain mechanical joints or comply with 10.6.2.

Section 10.6.5 is hereby amended as follows:

10.6.5 Pipe Joints shall not be located under foundation footings. The pipe under the building or building foundation shall be 316 stainless steel and shall not contain mechanical joints.

NFPA 72, 2010 Edition National Fire Alarm Code

Section 14.2.1.2.3 is hereby amended as follows:

14.2.1.2.3 If a defect or malfunction is not corrected at the conclusion of system inspection, testing, or maintenance, the system owner or the owner' designated representative and fire code official shall be informed of the impairment in writing within 24 hours.

Section 23.8.2 Fire Alarm Control Units is amended as follows:

23.8.2.2 Fire Alarm Control Units. Except as permitted in 23.8.2.3, the fire alarm systems components shall be permitted to share control equipment or shall be able to operate as stand-along subsystems, but in any case, they shall be arranged to function as a single system and send a single signal to a central, remote, or proprietary station.

Section 23.8.2.3 is hereby deleted without replacement:

Section 26.2.3.1 is hereby amended by modifying the start paragraph as follows:

26.2.3.1 Supervising station customers or clients and the fire code official shall be notified in writing within 7 days of any scheduled change in service that results in signals from their property being handled by a different supervising station facility.

§ 9.60.070 Amendments to the 2010 California Residential Code.

A. **Table R301.2(1)** is amended to read as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY [f]	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP [e]	ICE BARRIER UNDERLAYMENT REQUIRED [h]	FLOOD HAZARDS [g]	AIR FREEZING INDEX [i]	MEAN ANNUAL TEMP [j]
	Speed [d] (mph)	Topographic effects [k]		Weathering [a]	Frost line Depth [b]	Termite [c]					
Zero	85	No	D_2 or E	Negligible	12-24"	Very Heavy	43	No	See Footnote l	0	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

a. Weathering may require a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from the Weathering Probability Map [Figure R301.2(3)]. The grade of masonry units shall be determined from ASTM C 34, C 55, C 62, C 73, C 90, C 129, C 145, C 216 or C 652.
b. The frost line depth may require deeper footings than indicated in Figure R403.1(1). The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R30l.2(4)].Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
e. Temperatures shall be permitted to reflect local climates or local weather experience as determined by the building official.
f. The jurisdiction shall fill in this part of the table with the seismic design category determined from Section R301.2.2.1.
g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of all currently effective FIRMs and FBFMs or other flood hazard map adopted by the authority having jurisdiction, as amended.
h. In accordance with Sections R905.2.7.1, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the l00-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32°)" at www.ncdc.noaa.gov/fpsf.htrnl.
j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index-USA Method (Base 32°F)" at www.ncdc.noaa.gov/fpsf.html.
k. In accordance with Section R301.2.1.5, where there is local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall indicate "NO" in this part of the table.

COMMUNITY NAME	COMMUNITY NUMBER	LOCATED ON PANELS	INITIAL NFIP MAP DATE	INITIAL FIRM DATE	MOST RECENT FIRM PANEL DATE
SEAL BEACH, CITY OF	060233	111, 112, 113, 114, 116, 118, 226, 227	JUNE 21, 1974	JULY 3, 1978	DECEMBER 3, 2009

Section R313.1 Townhouse automatic fire sprinklers systems is amended as follows:

R313.1 Townhouse automatic fire sprinklers systems. An automatic residential fire sprinkler system installed in Townhouses as follows:

1. All new Group R occupancies, including the attached garages.
2. All existing Group R occupancies and U-1 garages when the total floor area is increase by 50% of the existing area over a 2-year period.
3. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more over a 2-year period.
4. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved.
5. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
6. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section R313.2 One- and two-family dwellings automatic fire sprinklers systems is amended by deleting it in its entirety and replacing it with the following:

R313.2 One- and two-family dwellings automatic fire sprinklers systems. An automatic residential fire sprinkler system installed in One-and two-family dwellings as follows:

1. All new Group R occupancies, including the attached garages.
2. All existing Group R occupancies and U-1 garages when the total floor area is increase by 50% of the existing area over a 2-year period.
3. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more over a 2-year period.
4. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved.

5. An automatic sprinkler system shall be installed throughout any existing Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
6. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

B. **Section R403.1.3** is amended by deleting the exception for masonry stem walls:

In Seismic Design Categories D_0, D_1 and D_2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Section R405.1 is amended to read as follows:

…..at least one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches of the same material.

C. **Section R902.1 Roofing covering materials** is hereby amended by revising it to allow only Class A roofs as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. A minimum Class A roofing shall be installed in areas designated by this section. Classes A roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E 108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.

Section R902.1.3 Roof coverings within all other areas, is hereby amended by revising it to require a minimum Class B roof as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B.

Section R902.2 Fire-retardant-treated shingles and shakes. First paragraph is hereby amended by revising it to allow only Class A treated wood roofs as follows:

R902.2 Fire-retardant-treated shingles and shakes. Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A roof assemblies.

D. **California Residential Code, Chapter 44 Referenced Standards** is adopted in its entirety with the following amendments:

NFPA 13, 2010 Edition, Installation of Sprinkler Systems is hereby amended as follows:

Section 6.8.3 is hereby amended as follows:

6.8.3 Fire department connections (FDC) shall be of an approved type. The FDC shall contain a minimum of two 2 ½" inlets. The location shall be approved and be no more than 150 feet from a public hydrant. The size of piping and the number of inlets shall be approved by the chief. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red. When the fire sprinkler density design requires 500 gpm (including inside hose stream demand) or greater, or a standpipe system is included, four 2 ½" inlets shall be provided. FDC may be located within 150 feet of a private fire hydrant when approved by the chief.

Section 8.3.3.1 is hereby amended as follows:

8.3.3.1. When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the permit is issued. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.7
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
4. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 8.17.1.1.1 Residential Waterflow Alarms is hereby added as follows:

8.17.1.1.1 Residential Waterflow Alarms. A **l**ocal water-flow alarms shall be provided on all sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided. Group R occupancies not requiring a fire alarm system by the California Fire Code shall be provided with a minimum of one approved interior alarm device in each unit. Sound levels in all sleeping areas shall be a minimum of 15 DBA above the average ambient sound or a minimum of 75 DBA with all intervening doors closed. Alarms shall be audible within all other living areas within each dwelling unit. When not connected to a fire alarm or water-flow monitoring system, audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

Section 8.17.2.4.6 is hereby amended as follows:

8.17.2.4.6 Fire department connections shall be on the street side of buildings and shall be located and arranged so that they are immediately adjacent to the approved fire department access road and that hose lines can be readily and conveniently attached to the inlets without interference from nearby objects including buildings, fence, posts, or other fire department connections.

Section 11.1.1.2 is hereby added as follows:

11.1.1.2 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction/s in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve “G”. Use is considered undetermined if a specific tenant/occupant is not identified at the time the permit is issued. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the Fire Code Official:

1. Subtract the project site elevation from the low water level for the appropriate pressure zone and multiplying the result by 0.433;
2. Use a maximum of 40 psi, if available;
3. Utilize the Orange County Fire Authority water-flow test form/directions to document a flow test conducted by the local water agency or a professional engineer licensed in the State of California. The result shall be adjusted in accordance with the graduated scaled found in the guideline.

Section 22.1.3 (43) is hereby amended as follows:

22.1.3 (43) Size and location of hydrants, showing size and number of outlets and if outlets are to be equipped with independent gate valves. Whether hose houses and equipment are to be provided, and by whom, shall be indicated. Static and residual hydrants that were used in the flow tests shall be shown. Flow test shall be completed within six months of the plan submittal to the authority having jurisdiction.

NFPA 13R 2010 Edition Installation of Sprinkler System in Residential Occupancies up to and Including Four Stories in Height is hereby amended as follows:

Section 6.16.1 is hereby amended as follows:

A local water-flow alarms shall be provided on all sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided. Group R occupancies containing less than the number of stories, dwelling units or occupant load specified in Section 907.2.8 of the 2010 California Fire Code as requiring a fire alarm system shall be provided with a minimum of one approved interior alarm device in each unit. Sound levels in all sleeping areas shall be a minimum of 15 dBA above the average ambient sound or a minimum of 75 dBA with all intervening doors closed. Alarms shall be audible within all other living areas within each dwelling unit. When not connected to a fire alarm or water-flow monitoring system, audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

There shall also be a minimum of one exterior alarm indicating device, listed for outside service and audible from the access roadway that serves that building.

Section 6.6.6 is hereby amended as follows:

6.6.6 Sprinklers shall not be required in penthouse equipment rooms, elevator machine rooms, concealed spaces dedicated exclusively to containing only dwelling unit ventilation equipment, crawl spaces, floor/ceiling spaces, noncombustible elevator shafts where the elevator cars comply with ANSI A17.1, Safety Code for Elevators and Escalators, and other concealed spaces that are not used or intended for living purposes or storage and do not contain fuel fired equipment.

Section 6.6.9 is hereby added as follows:

6.6.9 Sprinklers shall not be required in attics that are not located over dwelling units. When attics are separated by unit, each unit's attic space may be

protected per NFPA 13D Section 8.6.4.2. All other attics shall be protected per NFPA 13.

NFPA 13D 2010 Edition Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 4.1.5 is hereby added as follows:

4.1.5 Stock of Spare Sprinklers

Section 4.1.5.1 is hereby added as follows:

4.1.5.1. A supply of at least two sprinklers for each type shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Section 4.1.5.2 is hereby added as follows:

4.1.5.2 The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property.

Section 4.1.5.3 is hereby added as follows:

4.1.5.3 The sprinklers shall be kept in a cabinet located where the temperature to which they are subjected will at no time exceed 100 ^{o}F (38°C).

Section 4.1.5.4 is hereby added as follows:

4.1.5.4 A special sprinkler wrench shall be provided and kept in the cabinet to be used in the removal and installation of sprinklers. One sprinkler wrench shall be provided for each type of sprinkler installed.

Section 7.1.2 is hereby amended as follows:

7.1.2 The system piping shall not have a separate control valve unless supervised by a central station, proprietary or remote station alarm service.

Section 7.3.1 is hereby deleted in its entirety and replaced as follows:
7.3.1 At least one water pressure gauge shall be installed on the riser assembly.

Section 7.6 Alarms is hereby deleted in its entirety and replaced as follows:

7.6 Alarms. Exterior alarm indicating device shall be listed for outside service and audible from the street from which the house is addressed. Exterior audible devices shall be placed on the front or side of the structure and the location subject to final approval by the fire code official. Additional interior alarm devices

shall be required to provide audibility throughout the structure. Sound levels in all sleeping areas with all intervening doors closed shall be a minimum of 15 dBA above the average ambient sound level but not less than 75 dBA. Audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

Exceptions:

3. When an approved water flow monitoring system is installed, interior audible devices may be powered through the fire alarm control panel.
4. When smoke detectors specified under CBC Section 310.9 are used to sound an alarm upon waterflow switch activation.

Section 8.6.4.2 is hereby added as follows:

8.6.4.2 All attics shall be protected with an intermediate temperature quick response sprinkler which shall be located to protect attic penetrations created by the access scuttles or mechanical equipment

NFPA 14, 2007 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 6.4.5.4.1 is hereby deleted in its entirety and replaced as follows:

6.4.5.4.1 The fire department connection shall have a minimum of two 2 ½ inches, internal threaded (NHS) inlets. Additional inlets shall be provided on a 250 GPM per inlet ratio to meet the system demand. The inlets shall be provided with approved caps to protect the system from entry of debris. The location of the FDC shall be approved and be no more than 150 feet from a public hydrant. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red.

Section 7.3.1.1 is hereby is deleted in its entirety and replaced as follows:

7.3.1.1 Hose Connection Height Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches, or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2010 Edition, Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 5.9.1.3 is hereby amended as follows:

5.9.1.3 The fire department connection shall be of an approved type and contain a minimum of two 2 ½ inch inlets. The location shall be approved and be no more than 150 feet from a public fire hydrant. If acceptable to the water authority, it may be installed on the backflow assembly. The supply pipe shall be painted OSHA safety red.

Section 5.9.1.3.1 is hereby added as follows:

5.9.1.3.1 When the sprinkler density design is 500 gpm (including the interior hose stream demand) or greater, or a standpipe system is included, four 2 ½" inlets shall be provided.

Section 5.9.1.3.2 is hereby added as follows:

5.9.1.3.2 The fire department connection (FDC) may be located within 150 feet of a private fire hydrant provided the FDC connects down-stream of an aboveground sprinkler system check valve.

Section 6.2.1.1 is hereby added as follows:

6.2.1.1 The closest upstream indicating valve to the riser shall be painted OSHA red.

Section 6.2.11 (5) is hereby deleted without replacement:

Section 6.2.11 (6) is hereby amended as follows:

6.2.11 (5) Control valves in a one-hour fire-rated room accessible from the exterior

Section 6.2.11 (7) is hereby deleted without replacement:

Section 6.3.3 is hereby added as follows:

6.3.3 All post indicator valves controlling fire suppression water supplies shall be painted OSHA red.

Section 10.1.6.3 is hereby added as follows:

10.1.6.3 All ferrous pipe shall be coated and wrapped. Joints shall be coated and wrapped after assembly. All fittings shall be protected with a loose 8-mil polyethylene tube. The ends of the tube shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception:

316 Stainless Steel pipe and fittings

Section 10.3.5.2 is hereby amended as follows:

10.3.5.2 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material, prior to poly-tube, and after installation.

Section 10.3.5.3 is hereby added as follows:

10.3.5.3 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.6.3.1 is hereby amended as follows:

10.6.3.1_ Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 18 inches, as measured from the interior of the exterior wall. The pipe under the building or building foundation shall be 316 stainless steel and shall not contain mechanical joints or comply with 10.6.2.

Section 10.6.5 is hereby amended as follows:

10.6.5 Pipe Joints shall not be located under foundation footings. The pipe under the building or building foundation shall be 316 stainless steel and shall not contain mechanical joints.

NFPA 72, 2010 Edition National Fire Alarm Code

Section 14.2.1.2.3 is hereby amended as follows:

14.2.1.2.3 If a defect or malfunction is not corrected at the conclusion of system inspection, testing, or maintenance, the system owner or the owner' designated representative and fire code official shall be informed of the impairment in writing within 24 hours.

Section 23.8.2 Fire Alarm Control Units is hereby amended as follows:

23.8.2.2 Except as permitted in 23.8.2.3, the fire alarm systems components shall be permitted to share control equipment or shall be able to operate as stand-along subsystems, but in any case, they shall be arranged to function as a single system and send a single signal to a central, remote, or proprietary station.

Section 23.8.2.3 is hereby deleted without replacement:

Section 26.2.3.1 is hereby amended by modifying the start paragraph as follows:

26.2.3.1 Supervising station customers or clients and the fire code official shall be notified in writing within 7 days of any scheduled change in service that results in signals from their property being handled by a different supervising station facility.

§ 9.60.075 California Mechanical Code Amendments.

The following amendments are made to the California Mechanical Code, as adopted pursuant to this chapter:

A. **CHAPTER 1 ADMINISTRATION DIVISION II** is amended as follows:

Section 115.1 General is hereby amended to read as follows:

115.1 General. Fees shall be assessed in accordance with the schedule adopted by resolution of the Seal Beach City Council.

B. **CHAPTER 3 GENERAL REQUIREMENTS** is amended to read as follows:

Section 307.0 Location is hereby amended to add new **Section 307.3 Outdoor Location** to read as follows:

307.3 Outdoor Location. Equipment regulated by this Code shall not be located in any required front or side yard as established by the Building Code or zoning ordinance.

§ 9.60.080 California Plumbing Code Amendments.

The following amendments are made to the California Plumbing Code, as adopted pursuant to this chapter

A. **CHAPTER 1 ADMINISTRATION DIVISION II** is amended to read as follows:

Section 102.1 Authority Having Jurisdiction is hereby amended to read as follows:

102.1 Authority Having Jurisdiction. Whenever the term “Authority Having Jurisdiction” is used in this Code, it shall be construed to mean the building official or such person’s authorized representative.

The first paragraph of **Section 103.3.4 - Expiration** is hereby amended to read as follows:

103.3.4 Expiration. Every permit issued by the Authority Having Jurisdiction under the provisions of this Code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days, or if the amount of work done during any continuous period of 180 days amounts to less than ten (10) percent of the total work authorized by such permit. Before such work can be recommenced, a new permit shall first be obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspensions or abandonment has not exceeded one year.

Section 103.4.1 - Permit fees and **Section 103.4.2 - Plan review fees** are hereby amended to read as follows:

103.4.1 Permit fees. The fee for each permit shall be those set forth as per the latest resolution of the City Council relating to the establishment of an Amended Fee Schedule.

103.4.2 Plan review fees. When a plan or other data is required to be submitted by Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be equal to 65 percent of the total permit fees as set forth in Section 103.4.1 above. When plans are incomplete or changed so as to require additional review, a fee shall be charged as set forth in Section 103.4.1 above.

B. **CHAPTER 3 GENERAL REGULATIONS** is hereby amended to read as follows:

Section 311.13 No outside installation is added to read as follows:

311.13 No **outside installation.** No water, soil, or waste pipe shall be installed or permitted outside of a building or on an exterior wall. The only exception will be the normal installation of hose bib connection and/or clean-out connection.

Section 313.0 Protection of piping, materials and structures is hereby amended by adding a new subsection **313.13 Corrosive Soils** to read as follows:

313.13 Corrosive soils. All earth within the City of Seal Beach is corrosive unless the permittee proves to the satisfaction of the building official the specific earth is not corrosive to the plumbing, piping, fittings, fixtures and/or equipment

for installation to contact with or to be buried in the ground. Steel or galvanized steel shall be protected by at least double spiral wrapping, half overlapping with 10 mil plastic tape (total 40 mils cover) or approved equal.

C. **CHAPTER 12 FUEL PIPING** is hereby amended to read as follows:

Section 1209.5.1.1 Acceptable Materials is hereby amended to read:

1209.5.1.1 Acceptable Materials. All pipe used for the installation, extension, alteration, or repair of any gas piping shall be standard weight wrought iron or steel (galvanized or black), yellow brass (containing not more than seventy-five (75) percent copper), or internally tinned or equivalency treated copper of iron pipe size. Ferrous gas piping installed underground shall be prohibited. Approved Poly Ethylene or other non-metallic pipe shall be used in exterior buried and piping systems.

§ 9.60.085 Uniform Swimming Pool, Spa and Hot Tub Code Amendments.

The following amendments are made to the Uniform Swimming Pool, Spa and Hot Tub Code as adopted pursuant to this chapter:

A. **CHAPTER 1 ADMINISTRATION** is hereby amended to read as follows:

Section 102.1 Authority Having Jurisdiction is hereby amended to read as follows:

102.1 Authority Having Jurisdiction. Whenever the term "Authority Having Jurisdiction" is used in this Code, it shall be construed to mean the building official or his authorized representative.

Section 103.3.2 Penalties is hereby amended to revise the first sentence to read as follows:

Any person, firm or corporation violating any provision of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars ($1,000) or by imprisonment for not more than six (6) months, or both fine and imprisonment.

Section 103.4.1 Permit Fees is hereby amended to read as follows:

Such applicant shall pay for each permit at the time of making application, a fee in accordance with the latest resolution of the City Council relating to the establishment of an Amended Fee Schedule.

B. **CHAPTER 3 GENERAL REQUIREMENTS** is hereby amended as follows:

CHAPTER 3 GENERAL REQUIREMENTS is hereby amended by adding a new **Section 301.4** to read as follows:

301.4 Article 2.5 of the California Health and Safety Code, Sections 115920 through 115927, are hereby adopted in their entirety.

Section 312 Waste Water Disposal is hereby amended by adding an additional sentence is added to the end of **Section 312.1** to read as follows:

The filter waste disposal shall discharge into the sanitary sewer only.

Section 327.0 Design Requirements is added to read as follows:

327.0 Design Requirements.

327.1. **Design**. Each swimming pool shall be designed by a Civil Engineer licensed to practice in the State of California and each pool shall withstand expansive soil movement, see Chapter 18, California Building Code.

327.2. **Continuous inspection**. Continuous inspection by a special licensed inspector shall be required on all pools constructed of reinforced gunite. Said special inspector shall take test samples during the placing of concrete or gunite and such samples shall be tested by an approved testing laboratory to attain a minimum strength of 3000 psi. at twenty-eight (28) days. Should such test show the concrete or gunite to fail or to be questionable in quality or strength, the special inspector may require core tests to be taken upon approval of the Building Official. Special inspectors shall submit to the Building and Safety Department a written report showing the dates of inspection, and the result of the laboratory tests.

327.3. **Sand Under Pool Decking**. A sand or crushed rock (minimum depth four (4) inches) shall be required under all pool decking and under concrete slabs adjacent to swimming pools.

327.4. **Deck Drainage**. Decking placed around any swimming pool shall be constructed so that overflow or splash water will drain to an approved deck drainage system and/or to the nearest practicable drainage way as approved by the building official as a safe place to deposit such waters. Provision shall be made so that no such drainage will run off on adjoining property. The deck shall slope away from a building structure, dwelling and/or auxiliary building.

§ 9.60.090 International Property Maintenance Code Amendments.

The following amendments are made to the International Property Maintenance Code as adopted pursuant to this chapter:

A. **Chapter 1 Scope and Administration** is adopted in its entirety with the following amendments:

Section 101.1 TITLE is hereby amended has follows:

Section 101.1 Title. These regulations shall be known as the International Property Maintenance Code of the City of Seal Beach, hereinafter referred to as "this code."

Section 102.3 Application of other codes is hereby amended to read as follows:

Section 102.3 Application of other codes. Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Code, California Residential Code, California Plumbing Code, California Mechanical Code, and the California Electrical Code. Nothing in this code shall be construed to cancel, modify or set aside any provision of the City of Seal Beach Municipal Code.

Section 104 DUTIES AND POWERS OF THE CODE OFFICAL are amended to read as follows:

Section 104.1 General and **Section 104.3 Right of entry** are hereby amended to read as follows:

104.1 General. The building official and the health officer are hereby authorized and directed to administer and enforce all of the provisions of this code. For such purposes, they shall have the powers of a law enforcement officer. The building official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations necessary in order to clarify the application of the provisions of this code. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this code.

104.3 Right of entry. Whenever necessary to make an inspection to enforce any of the provisions of this code, or whenever the building official, the health officer, or their authorized representatives have reasonable cause to believe that there exists in any structure or upon any premises any condition which makes such structure or premises unsafe, as defined in Section 108 of this code, the building official, the health officer, or their authorized representatives may enter such structure premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official or the health officer by this code;

provided that, if such structure or premises be occupied, they shall first present proper credentials and request entry; and if such structure or premises be unoccupied, they shall first make a reasonable effort to locate the owners or other persons having charge or control of the structure or premises and request entry. If such entry is refused, the building official, the health officer or their authorized representatives shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any structure or premises shall fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the building official, the health officer or their authorized representatives for the purpose of inspection and examination pursuant to this code. Any person violating this subdivision shall be guilty of a misdemeanor and subject to punishment in accordance with the Seal Beach Municipal Code."

B. **Chapter 2 Definitions** is adopted in its entirety with the following amendments:

Section 201.3 Terms defined in other codes is hereby amended as follows:

Section 201.3 Teams defined in other codes. Where terms are defined in this code and are defined in the California Building Code, California Residential Code, California Plumbing Code, California Mechanical Code, and the California Electrical Code, such terms shall have the meanings ascribed to them as stated in those codes.

C. **Chapter 3 General Requirements** is adopted in its entirety with the following amendments:

Section 303.2 Enclosures is hereby revising the first sentence to read as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and spas, containing water more than 24 inches (610 mm) in depth shall be completely surrounded by a fence or barrier at least 72 inches (1,829 mm) in height above the finished ground level measured on the side of the barrier away from the pool.

Section 304.1.1 Unsafe conditions is hereby revising the first sentence to read as follows:

Section 304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or the California Existing Building Code as required for existing buildings:

Section 305.1.1 Unsafe conditions is hereby revising the first sentence to read as follows:

Section 305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or the California Existing Building Code as required for existing buildings:

Section 306.1.1 Unsafe conditions is hereby revising the first sentence to read as follows:

Section 306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the Cailfornia Building Code, California Residential Code or the California Existing Building Code as required for existing buildings:

D. **Chapter 4 Light, Ventilation and Occupancy Limitations** is adopted in its entirety with the following amendments:

Section 401.3 Alternative devices are hereby amended to read as follows:

Section 401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code shall be permitted.

E. **Chapter 5 Plumbing Facilities and Fixture Requirements** is adopted in its entirety with the following amendments:

Section 502.5 Public toilet facilities are hereby revising the first sentence to read as follows:

Section 502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the California Plumbing Code.

Section 505.1 General is hereby amended as follows:

Section 505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the California Plumbing Code.

F. **Chapter 6 Mechanical and Electrical Requirements** is adopted in its entirety with the following amendments:

Section 602.2 Residential occupancies are hereby amended as follows:

Section 602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°) in all habitable rooms based on the winter design temperature as indicated in Table R301.2(1) of the California Residential Code. Cooking appliances shall not be used to provide space heating to meet the requirements of this section.

Section 602.3 Heat supply is hereby amended by revising Exception 1 as follows:

Exception:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter design temperature for the locality shall be as indicated in Table R301.2(1) of the California Residential Code.

Section 604.3.1.1 Electrical equipment is hereby amended as follows:

Section 604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaries, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the California Electrical Code.

Section 604.3.2.1 Electrical equipment is hereby amended as follows:

Section 604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California Electrical Code.

§ 9.60.095 California Fire Code Amendments.

The following amendments are made to the California Fire Code as adopted pursuant to this chapter:

A. **Adoption of the California Fire Code, 2010 Edition.**

The California Fire Code, 2010 Edition, incorporating the 2009 "International Fire Code," including Appendix B, BB, C and CC is hereby adopted by the city for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion, save and except such portions as are hereinafter added, deleted, modified or amended. One copy of all the above is now on file in the office of the city clerk for public inspection and is adopted with the same force and effect as through set out herein in full.

B. **Enforcement and Inspections**

The California Fire Code, 2010 Edition, with amendments shall be enforced by the Orange County Fire Authority, which shall be operated under the Director of Fire Services of the Orange County Fire Authority. The Director of Fire Services of the Fire Authority may detail such members of the fire authority as inspectors as shall be necessary from time to time.

C. **Chapter 1 Scope and Administration** is adopted in its entirety with the following amendments:

Section 105.6.29 Miscellaneous combustible storage is hereby amended as follows:

105.6.29. Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2500 cubic feet (71 m^3) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork, green waste, composting, yard waste, or similar combustible material.

Section 105.6.35 Private fire hydrants is hereby deleted without replacement.

Section 109.3 Violation penalties is hereby amended as follows: Infraction, Misdemeanor, as follows:

109.3 Violation penalties. 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 certificate used under provisions of this code, shall be guilty of either a misdemeanor, infraction or both as prescribed in Section 109.3.2 and 109.3.3 Penalties shall be as prescribed in the Municipal Code. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Sections 109.3.2 Infraction is hereby added as follows:

109.3.2 Infraction. Except as provided in this Code, persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction.

Sections 109.3.3 Misdemeanor is hereby added as follows:

109.3.3 Misdemeanor. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative, or who violate the following sections of this code, shall be guilty of a misdemeanor:

104.11.2	Obstructing operations
104.11.3	Systems and Devices
107.6	Overcrowding
109.2.2	Compliance with Orders and Notices
111.4	Failure to comply
305.4	Deliberate or negligent burning
308.1.2	Throwing or placing sources of ignition
310.7	Burning Objects
2404.7	Open or exposed flames

Chapter 2 - Definitions

Chapter 2 (Definitions) is adopted in its entirety with the following amendments:

Sections 202 General Definitions is hereby amended by adding “Flow-line” and “Hazardous Fire Area”, and revising “High-Rise Building” as follows:

202 General Definitions

FLOW-LINE. The lowest continuous elevation on a rolled curb defined by the path traced by a particle in a moving body of water at the bottom of the rolled curb.

HAZARDOUS FIRE AREA. Includes all areas identified within Section 4906.2 and other areas as determined by the Fire Code Official due to the presence of combustible vegetation, or the proximity of the property to an area that contains combustible vegetation.

HIGH-RISE BUILDING. In other than Group I-2 occupancies “high-rise buildings” as used by this Code:

1. “Existing high-rise structure” means a high-rise structure, the construction of which commenced or completed prior to July 1, 1974.

2. “High-rise structure” means every building of any type of construction or occupancy having floor used for human occupancy located more than 55 feet above the lowest floor level having building access except buildings used as hospitals as defined by the Health and Safety Code, Section 1250.
3. “New high-rise structure” means a high-rise structure, the construction of which commenced on or after July 1, 1974.

Chapter 3 - General Precautions Against Fire

Chapter 3 (General Precautions Against Fire) is adopted in its entirety with the following amendments:

Section 304.1.2 (7) Vegetation is hereby amended by adding Section “(E)” as follows:

(E) OCFA Vegetation Management Guideline.

Section 305.5 Chimney spark arrestors is hereby added as follows:

305.5 Chimney spark arrestors. All chimneys attached to any appliance or fireplace that burns solid fuel shall be equipped with an approved spark arrestor, the spark arrester shall meet all of the following requirements:

1. The net free area of the spark arrester shall not be less than four times the net area of the outlet of the chimney.
2. The spark arrester screen shall have heat or corrosion resistance equivalent to 12 gage steel wire, 19 gage galvanized wire or 24 gage stainless steel.
3. Openings shall not permit the passage of spheres having a diameter larger than ½ inch and shall not block the passage of spheres having a diameter of less than 3/8 inch.
4. The spark arrester shall be accessible for cleaning and the screen or chimney cap shall be removable to allow for cleaning of the chimney flue.

Section 318 Development On Or Near Land Containing Or Emitting Toxic, Combustible or Flammable Liquids, Gases or Vapors*,* is hereby added as follows:

318 Development On Or Near Land Containing Or Emitting Toxic, Combustible or Flammable Liquids, Gases or Vapors. The fire code official may require the submittal for approval of geological studies, evaluations, reports, remedial recommendations and/or similar documentation from a state-licensed and department-approved individual or firm, on any parcel of land to be developed which has, or is adjacent to, or within 1,000 feet (304.8 m) of a parcel of land that has an active, inactive, or abandoned oil or gas well operation,

petroleum or chemical refining facility, petroleum or chemical storage, or may contain or give off toxic, combustible or flammable liquids, gases or vapors.

Section 319 Fuel Modification Requirements for New Construction is hereby added as follows:

319 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in areas containing combustible vegetation shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official concurrent with the submittal for approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of the Orange County Fire Authority Vegetation Managements Guideline.
4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval by the fire code official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

Section 320 Clearance of brush or vegetation growth from roadways is hereby added as follows:

320 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces .

Exception:

Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

Section 321 Unusual Circumstances is hereby added as follows:

321 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative

measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.
3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

Section 322 Use of Equipment is hereby added as follows:

322 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated, in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 322.1 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exceptions:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition

Section 322.1 Spark Arrestors is hereby added as follows:

322.1 Spark arrestors. Spark arrestors shall comply with the following:

1. A spark arrester is a device constructed of nonflammable material specifically for the purpose of removing and retaining carbon and other flammable particles over 0.0232 of an inch (0.58 mm) in size from the exhaust flow of an internal combustion engine that uses hydrocarbon fuels or which is qualified and rated by the United States Forest Service.
2. Spark arresters affixed to the exhaust system of engines or vehicles subject to Section 322 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

Section 323 Restricted Entry is hereby added as follows:

323 Restricted Entry. The fire code official shall determine and publicly announce when hazardous fire areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of hazardous fire areas, except public roadways, inhabited areas or established trails and camp sites which have not been closed during such time when the hazardous fire area is closed to entry, is prohibited.

Exceptions:

1. Residents and owners of private property within hazardous fire areas and their invitees and guests going to or being upon their lands.
2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the United States Forest Service.

Section 324 Trespassing on posted property is hereby added as follows:

324 Trespassing on posted property. When the fire code official determines that a specific area within a hazardous fire area presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be closed until changed conditions warrant termination of closure. Such areas shall be posted as hereinafter provided.

1. Signs. Approved signs prohibiting entry by unauthorized persons and referring to applicable fire code chapters shall be placed on every closed area.
2. Trespassing. Entering and remaining within areas closed and posted is prohibited.

Exception:

Owners and occupiers of private or public property within closed and posted areas, their guests or invitees, and local, state and federal public officers and their authorized agents acting in the course of duty.

Section 325 Outdoor fires is hereby added as follows:

325 Outdoor fires. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas, except by permit from the fire code official.

Exception:

Outdoor fires within habited premises or designated campsites where such fires are built in a permanent barbecue, portable barbecue, outdoor fireplace, incinerator or grill and are a minimum of 30 feet (9144 mm) from a grass, grain,

brush, or forest-covered area. Permanent barbecues, portable barbecues, outdoor fireplaces or grills shall not be used for the disposal of rubbish, trash or combustible waste material.

Section 325.1 Outdoor fire permits is hereby added as follows:

325.1 Outdoor fire permits. Outdoor fire permits shall incorporate such terms and conditions which will reasonably safeguard public safety and property. Outdoor fires shall not be built, ignited or maintained in or upon hazardous fire areas under the following conditions:

1. When predicted sustained winds exceed 20 MPH at the ground level or a red flag condition has been declared,
2. When a person age 17 or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

Chapter 4 - Emergency Planning and Preparedness

Chapter 4 (Emergency Planning and Preparedness) Adopt only the Sections listed below:

1. Section 401
2. Section 402
3. Section 403
4. Section 407

Chapter 5 - Fire Service Features

Chapter 5 (Fire Service Features) is adopted in its entirety with the following amendments

Section 503.1.1 Buildings and facilities is amended by adding exception 4 to read as follows:

4. For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, or 903.3.1.3 the fire apparatus access road shall comply with the requirements of this section and shall extend to within 300 feet (91 m) of the main entry door to the building.

Section 503.2.1 Dimensions is amended as follows:

503.2.1 Dimensions. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, except for approved gates in accordance with Section 503.6, and an unobstructed vertical

clearance of not less than 13 feet 6 inches (4115 mm). Street widths are to be measured from top face of curb to top face of curb, on streets with curb and gutter, and from flow-line to flow-line on streets with rolled curbs.

Section 503.2.1.1 Hazardous Areas is added as follows:

503.2.1.1 Hazardous Areas. In areas defined as State Responsibility Area: Very High Fire Hazard Severity Zones, and Local Responsibility Area: Very High Fire Hazard Severity Zones Area as adopted by the local agencies, the minimum fire apparatus road width shall be 28 feet (8.53 m).

Exception:

When the road serves no more than 3 dwelling units and the road does not exceed 150 feet (45.7 m) in length, the road width may be 24 feet 7.3 m).

Section 503.4 Obstruction of fire apparatus access roads is amended as follows**:**

503.4 Obstruction of fire apparatus access roads. Fire apparatus access roads shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established in Section 503.2.1 shall be maintained at all times. Speed Bumps and speed humps, shall be approved prior to installation.

Section 503.6 Security gates is amended as follows:

503.6 Security gates. The installation of security gates across a fire apparatus access road shall be approved by the fire chief. Where security gates are installed, they shall have an approved means of emergency operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F 2200.Vehicle access gates or barriers shall be in accordance with the Orange County Fire Authority Guidelines “Fire Master Plan for Commercial and Residential Development”. All electrically operated vehicle access gates shall be equipped with an automatic opening device in addition to a key opening switch.

Section 505.1 Address Identification is amended as follows:

505.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4

inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) for R-3 occupancies, for all other occupancies the numbers shall be a minimum of 6 inches high with a minimum stroke width of 1 inch. Where access is by a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

Section 507.5.1 Where required is amended as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than allowed in APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exception:

For Group R-3 and Group U occupancies equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, or 903.3.1.3, the distance requirement shall be not more than 600 feet (183 m).

Section 510.1 Emergency responder radio coverage in buildings is amended as follows:

510.1 Emergency responder radio coverage in buildings. All new buildings shall have radio coverage for emergency responders in accordance with the city's digital radio ordinance. In the absence of a city ordinance, Orange County Fire Authority's Emergency Responder Digital Radio Guideline shall apply. This section shall not require improvement of the existing public safety communication systems.

Exception:

Where it is determined by the fire code official that coverage system is not needed.

Section 510.2 Radio signal strength is hereby deleted without replacement.

Section 510.3 Emergency responder radio coverage in existing buildings is hereby deleted without replacement.

Chapter 6 - Building Services and Systems

Chapter 6 (Building Service and Systems) is adopted in its entirety with the following amendments

Section 604.2.15.1.1 CFC Standby power loads, is hereby amended as follows:

604.2.15.1.1 Standby power loads. The following loads are classified as standby power loads:

1. Smoke control system.
2. Fire pumps.
3. Standby power shall be provided for elevators in accordance with Section 3003 of the California Building Code.

Section 604.2.15.2.1 CFC (Section 403.1.1 CBC) Emergency power loads, is hereby amended by adding item 6 as follows:

6. Ventilation and automatic fire detection equipment for smoke proof enclosures.

Section 606.8 Refrigerant Detector is hereby amended as follows:

606.8 Refrigerant Detector. Machinery rooms shall contain a refrigerant detector with an audible and visual alarm. The detector, or a sampling tube that draws air to the detector, shall be located in an area where refrigerant from a leak will concentrate. The alarm shall be actuated at a value not greater than the corresponding TLV-TWA values shown in the California Mechanical Code for the refrigerant classification. Detectors and alarms shall be placed in approved locations. Emergency shutoff shall also be automatically activated when the concentration of refrigerant vapor exceeds 25 percent of LFL. The detector shall transmit a signal to an approved location.

Section 606.10.1.2 Manual Operation is hereby amended as follows:

606.10.2 Manual operation. When required by the fire code official, automatic crossover valves shall be capable of manual operation. The manual valves shall be located in an approved location immediately outside of the machinery room, in a secure metal box or equivalent and marked as Emergency Controls.

Section 608.1 Scope is hereby amended as follows:

608.1 Scope. Stationary storage battery systems having an electrolyte capacity of more than 50 gallons (189 L) for flooded lead acid, nickel cadmium (Ni-Cd) and valve-regulated lead acid (VRLA), or 1,000 pounds (454 kg) for lithium-ion and lithium metal polymer, used for facility standby power, emergency power or, uninterrupted power supplies, shall comply with this section and Table 608.1. Indoor charging of electric carts/cars with more than 50 gallons (189 L) shall comply with Section 608.10,

Section 608.10 Indoor charging of electric carts/cars is hereby added as follows:

608.10 Indoor charging of electric carts/cars. Indoor charging of electric carts/cars where the combined volume of all electric/cars battery electrolyte exceeds 50 gallons shall comply with following:

1. Spill control and neutralization shall be provided and comply with Section 608.5.
2. Room ventilation shall be provided and comply with Section 608.6.1
3. Signage shall be provided and comply with Section 608.7
4. Smoke detection shall be provided and comply with Section 907.2

Section 610 Photovoltaic Systems is hereby added as follows:

Section 610 PHOTOVOLTAIC SYSTEMS

Section 610.1 General is hereby added as follows:

610.1 Manual operation. Photovoltaic systems shall comply with Orange County Fire Chief's Association Guideline for Fire Safety Elements of Solar Photovoltaic Systems. The provision of this section may be applied by either the fire code official or the building code official.

Chapter 7 - Fire-Resistive-Rated Construction

Chapter 7 (Fire-Resistive-Rated Construction) is adopted in its entirety without amendments.

Chapter 8 - Interior Finish, Decorative Materials and Furnishings

Chapter 8 (Interior Finish, Decorative Materials and Furnishings) adopt only the Sections and Subsections listed below:

1. Section 801
2. Section 802
3. Section 803
4. Section 804
5. Subsection 806.2
6. Subsection 807.1
7. Subsection 807.1.2
8. Subsection 807.4.5.1
9. Subsection 807.4.2.4.1
10. Subsection 807.4.5
11. Subsection 807.4.2.4
12. Table 803.3

Chapter 9 - Fire Protection Systems

Chapter 9 (Fire Protection Systems) is adopted in its entirety with the following amendments:

Section 903.2 Where required is hereby amended as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists

1. New buildings: Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.12, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m^2) as defined in Section 202, regardless of fire areas or allowable area.

Exception:

Group R-3 occupancies. Group R-3 occupancies shall comply with Section 903.2.8.

2. Existing Buildings: Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and when one of the following conditions exists:
   a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5000 square feet (465 m^2) as defined in Section 202; or
   b. When an addition exceeds 2000 square feet (186 m^2) and the resulting building area exceeds 5000 square feet (465 m^2) as defined in Section 202.

Section 903.2.8 Group R is hereby amended as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Subsection 903.3.1 shall be provided throughout all buildings with a Group R fire area as follows:

1. All new Group R occupancies, including the attached garages.
2. All existing Group R occupancies and U-1 garages when the total floor area is increase by 50% of the existing area over a 2-year period.
3. All existing Group R occupancies and U-1 garages when the total area is increased by 750 square feet or more over a 2-year period.
4. All existing Group R occupancies and U-1 garages when an additional story is added to the structure regardless of the area involved.
5. An automatic sprinkler system shall be installed throughout any existing

Group R Occupancy building when the floor area of the Alteration or Combination of an Addition and Alteration, within any two year period, is 50% or more of area/value of the existing structure and where the scope of the work exposes building framing and facilitates sprinkler installation and is such that the Building/Fire Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

6. Any addition to an existing building which has fire sprinklers installed.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or mentally retarded, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section 903.3.1.1.1 Exempt locations is hereby amended by revising exception 4 as follows:

Exception*:*

4. When approved by the fire code official spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, and associated electrical power distribution equipment, provided those spaces or areas are equipped throughout with an automatic smoke detection system in accordance with Section 907.2 and are separated from the remainder of the building by fire barriers consisting of not less than 1-hour fire barriers constructed in accordance with Section

707 or not less than 2-hour horizontal assemblies constructed in accordance with Section 712, or both..

Section 903.4 Sprinkler system supervision and alarms is hereby amended by modifying item 1, deleting item 3 and 5, and renumbering the Exceptions as follows:

1. Automatic sprinkler systems protecting one- and two-family dwellings.
2. Limited area systems serving fewer than 20 sprinklers.
3. Jockey pump control valves that are sealed or locked in the open position.
4. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
5. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

Section 904.3.5 Monitoring is hereby amended as follows:

904.3.5 Monitoring. Where a building fire alarm or monitoring system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm or monitoring system in accordance with NFPA 72.

Section 905.4 Location of Class I standpipe hose connections is hereby amended by adding items 7 and 8 as follows:

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required stairway, a hose connection shall be provided for each floor level above or below grade. Hose connections shall be located at an intermediate floor level landing between floors, unless otherwise approved by the fire code official. See Section 909.20.3.2 for additional provisions in smoke proof enclosures.
2. On each side of the wall adjacent to the exit opening of a horizontal exit.

Exception:

Where floor areas adjacent to a horizontal exit are reachable from exit stairway hose connections by a nozzle attached to 100 feet (30 480 mm) of hose, as measured along the path of travel a hose connection shall not be required at the horizontal exit.

3. In every exit passageway, at the entrance from the exit passageway to other areas of a building.

Exception:

Where floor areas adjacent to an exit passageway are reachable from exit stairway hose connections by a 30-foot (9144 mm) hose stream from a nozzle attached to 100 feet (30 480 mm) of hose, a hose connection shall not be required at the entrance from the exit passageway to other areas of the building.

4. In covered mall buildings, adjacent to each exterior public entrance to the mall and adjacent to each entrance from an exit passageway or exit corridor to the mall.
5. Where the roof has a slope less than four units vertical in 12 units horizontal (33.3 percent slope), each standpipe shall be provided with a hose connection located either on the roof or at the highest landing of a stairway with stair access to the roof. An additional hose connection shall be provided at the top of the most hydraulically remote standpipe for testing purposes.
6. Where the most remote portion of a nonsprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection or the most remote portion of a sprinklered floor or story is more than 150 feet (45 720 mm) from a hose connection, the fire code official is authorized to require that additional hose connections be provided in approved locations. The distance from a hose connection shall be measured along the patch of travel.
7. The centerline of the 2.5 inches (63.5 mm) outlet shall be no less than 18 inches (457.2 mm) above and no more than 24 inches above the finished floor.
8. Every new building with any horizontal dimensions greater than 300 feet (91,440 mm) shall be provided with either access doors or a 2.5 inches outlets so that all portions of the building can be reached with 150 feet (46 m)) of hose from an access door or hose outlet. Required access doors shall be located in the exterior of the building and shall be accessible without the use of a ladder. The door dimensions shall be not less than 3 feet (914 mm) in width, and not less than 6 feet 8 inches (2032 mm) in height. These doors are for fire department access only.

Section 907.2.13 High-rise buildings is hereby amended as follows:

907.2.13 High-rise buildings having occupied floors located more than 55 feet (16 769 mm) above the lowest level of fire department vehicle access and Group I-2 occupancies having floors located more than 75 feet (22 860 mm) above the lowest level fire department vehicle access shall be provided with an automatic smoke detection in accordance with Section 907.2.13.1, a fire department communication system in accordance with Section 907.2.13.2 and an emergency voice/alarm communication system in accordance with Section 907.6.2.2.

Exceptions:

1. Airport traffic control towers in accordance with Section 907.2.22 and Section 412 of the California Building Code.
2. Open parking garages in accordance with Section 406.3 of the California Building Code.
3. Buildings with an occupancy in Group A-5 in accordance with Section 303.1 of the California Building Code.
4. Low-hazard special occupancies in accordance with Section 503.1.1 of the California Building Code.
5. In Group I-2 and R-2.1 occupancies, the alarm shall sound at a constantly attended location and general occupant notification shall be broadcast by the emergency voice/alarm communication system

Section 907.4.1 Duct smoke detectors is hereby amended as follows:

907.4.1 Duct smoke detectors. Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit when a fire alarm system is installed. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the California Mechanical Code. Duct smoke detectors shall not be used as a substitute for required open area detection.

Exception:

In occupancies not required to be equipped with a fire alarm system, actuation of a smoke detector shall activate a visible and an audible signal in an approved location. Smoke detector trouble conditions shall activate a visible or audible signal in an approved location and shall be identified as air duct detector trouble.

Section 907.6.2.2 Emergency voice/alarm communication system is amended as follows.

907.6.2.2 Emergency voice/alarm communication system. Emergency voice/alarm communication systems required by this code shall be designed and installed in accordance with NFPA 72. The operation of any automatic fire detector, sprinkler water-flow device or manual fire alarm box shall automatically sound an alert tone followed by voice instructions giving approved information and directions for a general or staged evacuation in accordance with the building's plans required by Section 404. In high-rise buildings having occupied floors located more than 55 feet, and Group I-2 occupancies having floors located more than 75 feet (22 860 mm) above the lowest level fire department vehicle access, the system shall operate on a minimum of the alarming floor, the floor above and the floor below. Speakers shall be provided throughout the

building by paging zones. At a minimum, paging zones shall be provided as follows:

1. Elevator groups.
2. Exit stairways.
3. Each floor.
4. Areas of refuge as defined in Section 1002.1.
5. Dwelling Units in apartment houses.
6. Hotel guest rooms or suites.

Exception:

In Group I-1 and R-2.1occupancies, the alarm shall sound in a constantly-attended area and a general occupant notification shall be broadcast over the overhead page.

Section 907.7.3.2 High-rise buildings is amended as follows.

907.7.3.2 High-rise buildings. High-rise buildings having occupied floors located more than 55 feet (16 764 mm) above the lowest level of fire department vehicle access and Group I-2 occupancies having occupied floors located more than 75 feet (22 860 mm) above the lowest level fire department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors.
2. Sprinkler water-flow devices.
3. Manual fire alarm boxes
4. Other approved types of automatic detection devices or suppression systems.

Section 910.3.2.2 Sprinklered buildings is hereby amended as follows:

910.3.2.2 Sprinklered Buildings. Where installed in buildings equipped with an approved automatic sprinkler system, smoke and heat vents shall be designed to operate automatically by actuation of a heat-responsive device rated at least 100º F above the operating temperature of the sprinkler, unless otherwise approved.

Chapter 10 - Means of Egress

Chapter 10 (Means of Egress) is adopted in its entirety without amendments.

Chapter 11 - Aviation Facilities

Chapter 11 (Aviation Facilities) is adopted in its entirety with the following amendments:

Section 1102.1 Definitions is hereby amended by adding the following definitions:

APPROACH-DEPARTURE PATH. The flight path of the helicopter as it approaches or departs from the landing pad.

EMERGENCY HELICOPTER LANDING FACILITY (EHLF). A landing area on the roof of a high rise building that is not intended to function as a heliport or helistop but is capable of accommodating fire or medical helicopters engaged in emergency operations.

SAFETY AREA. A defined area surrounding the landing pad which is free of obstructions.

TAKEOFF AND LANDING AREA. The combination of the landing pad centered within the surrounding safety area.

Section 1108 EHLF is hereby amended by adding the following subsections:

Section 1108.1 through 1108.1. 11 are hereby added as follows:

1108.1 General. Every building of any type of construction or occupancy having floors used for human occupancy located more than 75 ft above the lowest level of the fire department vehicle access shall have a rooftop emergency helicopter landing facility (EHLF) in a location approved by the fire code official for use by fire, police, and emergency medical helicopters only.

1108.1.1 Rooftop Landing Pad. The landing pad shall be 50 ft. x 50 ft. or a 50-ft. diameter circle that is pitched or sloped to provide drainage away from access points and passenger holding areas at a slope of 0.5 percent to 2 percent. The landing pad surface shall be constructed of approved non-combustible, nonporous materials. It shall be capable of supporting a helicopter with a maximum gross weight of 15,000 lbs. For structural design requirements, see California Building Code.

1108.1.2 Approach-Departure Path. The emergency helicopter landing facility shall have two approach-departure paths separated from each other by at least 90 degrees. No objects shall penetrate above the approach-departure paths. The approach-departure path begins at the edge of the landing pad, with the same width or diameter as the landing pad and is a rising slope extending

outward and upward at a ratio of eight feet horizontal distance for every one foot of vertical height.

1108.1.3 Safety Area. The safety area is a horizontal plane level with the landing pad surface and shall extend 25 ft in all directions from the edge of the landing pad. No objects shall penetrate above the plane of the safety area.

1108.1.4 Safety Net. If the rooftop landing pad is elevated more than 30 in. (2'-6") above the adjoining surfaces, a 6 ft in wide horizontal safety net capable of supporting 25 lbs/psf shall be provided around the perimeter of the landing pad. The inner edge of the safety net attached to the landing pad shall be slightly dropped (greater than 5 in. but less than 18 in.) below the pad elevation. The safety net shall slope upward but the outer safety net edge shall not be above the elevation of the landing pad.

1108.1.5 Take-off and Landing Area. The takeoff and landing area shall be free of obstructions and 100 ft x 100 ft. or 100 ft. diameter.

1108.1.6 Wind Indicating Device. An approved wind indicating device shall be provided but shall not extend into the safety area or the approach-departure paths.

1108.1.7 Special Markings. The emergency helicopter landing facility shall be marked as indicated in Figure 1108.1.7

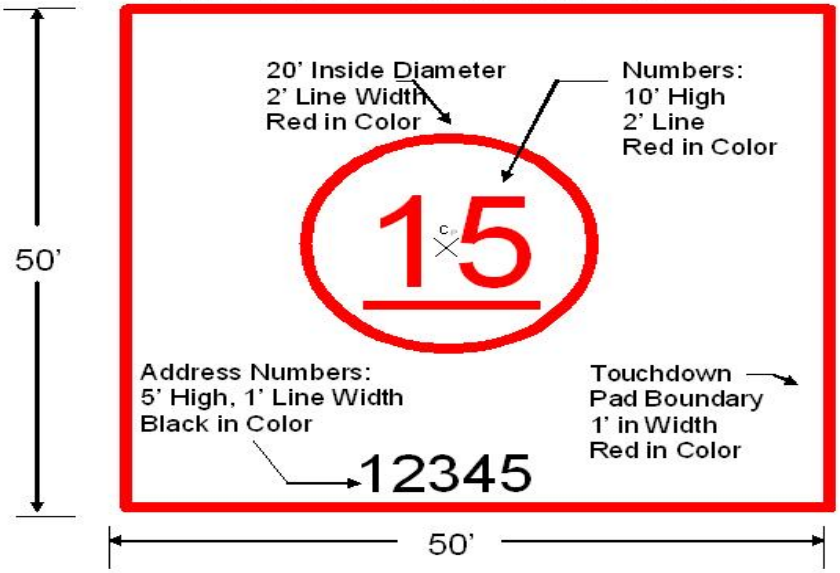
1108.1.8 EHLF Exits. Two stairway exits shall be provided from the landing platform area to the roof surface. For landing areas less than 2,501 square feet in area, the second exit may be a fire escape or ladder leading to the roof surface below. The stairway from the landing facility platform to the floor below shall comply with CFC 1009.4.2 for riser height and tread depth. Handrails shall be provided, but shall not extend above the platform surface.

1108.1.9 Standpipe systems. The standpipe system shall be extended to the roof level on which the EHLF is located. All portions of the EHLF area shall be within 150 feet of a 2.5-inch outlet on a Class I or III standpipe.

1108.1.10 Fire extinguishers. A minimum of one portable fire extinguisher having a minimum 80-B:C rating shall be provided and located near the stairway or ramp to the landing pad. The fire extinguisher cabinets shall not penetrate the approach-departure paths, or the safety area. Installation, inspection, and maintenance of extinguishers shall be in accordance with the CFC, Section 906.

1108.1.11 EHLF. Fueling, maintenance, repairs, or storage of helicopters is prohibited.

Figure 1108.1.7 Helicopter Landing Pad Markings



1. The preferred background is white or tan.
2. The circled, red numbers indicate the allowable weight that the facility is capable of supporting in thousands of pounds.
3. The numbers shall be oriented towards the preferred flight (typically facing the prevailing wind).

Chapter 12 - Dry Cleaning

Chapter 12 (Dry Cleaning) is adopted in its entirety without amendments.

Chapter 13 - Combustible Dust-Producing Operations

Chapter 13 (Combustible Dust-Producing Operations) is adopted in its entirety without amendments.

Chapter 14 - Fire Safety During Construction and Demolition

Chapter 14 (Fire Safety During Construction and Demolition) is adopted in its entirety without amendments.

Chapter 15 - Flammable Finishes

Chapter 15 (Flammable Finishes) is adopted in its entirety without amendments.

Chapter 16 - Fruit and Crop Ripening

Chapter 16 (Fruit and Crop Ripening) is adopted in its entirety without amendments.

Chapter 17 - Fumigation and Thermal Insecticidal Fogging

(Not adopted by the State Fire Marshal)

Chapter 18 - Semiconductor Fabrication Facilities

Chapter 18 (Semiconductor Fabrication Facilities) is adopted in its entirety without amendments

Chapter 19 - Lumber Yards and Woodworking Facilities

Chapter 19 (Lumber Yards and Woodworking Facilities) is adopted in its entirety with the following amendments:

Section 1901.2 Permit is hereby amended as follows:

1901.2 Permit. Permits shall be required as set forth in Section 105.6. For Miscellaneous Combustible Storage Permit, see Section 105.6.29.

Section 1908.1 General is hereby amended as follows:

1908.1 General. The storage and processing of more than 400 cubic feet of wood chips, hogged materials, fines, compost, green waste, and raw product produced from yard waste, debris and recycling facilities shall comply with Sections 1908.2 through 1908.10.

Section 1908.2 Storage site is hereby amended as follows:

1908.2 Storage site. Storage sites shall be level and on solid ground or other all-weather surface. Sites shall be thoroughly cleaned and approval from fire code official is obtained before transferring products to the site.

Section 1908.3 Size of piles is hereby amended as follows:

1908.3 Size of piles. Piles shall not exceed 15 feet (4572 mm) in height, 50 feet (15 240 mm) in width and 100 feet (30 480 mm) in length.

Section 1908.7 Pile fire protection is hereby amended as follows:

1908.7 Pile fire protection. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be equipped with an approved automatic sprinkler system. Oscillating sprinklers with a sufficient projectile reach are required to maintain a 40% to 60% moisture content and wet down burning/smoldering areas.

Section 1908.9 Material-handling equipment, is hereby amended as follows:

1908.9 Material-handling equipment. All material handling equipment operated by an internal combustion engine shall be provided and maintained with an approved spark arrester. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

Chapter 20 - Manufacture of Organic Coatings

Chapter 20 (Manufacture of Organic Coatings) is adopted in its entirety without amendments.

Chapter 21 - Industrial Ovens

Chapter 21 (Industrial Ovens) is adopted in its entirety without amendments.

Chapter 22 - Motor Fuel-Dispensing Facilities and Repair Garages

Chapter 22 (Motor Fuel-Dispensing Facilities and Repair Garages) is adopted in its entirety without amendments.

Chapter 23 - High-Piled Combustible Storage

Chapter 23 (High-Piled Combustible Storage) shall be adopted in it's entirely with the following amendments.

Section 2308.3 Flue spaces is hereby amended as follows:

2308.3 Flue spaces. Flue spaces shall be provided in accordance with Table 2308.3. Required flue spaces shall be maintained. In double-row racks a pallet/commodity stop shall be provided along the longitudinal flue space at each level. The stop shall be steel or other ferrous material ¼ inch thick and in the mounted position shall extend a minimum of 4 inches above the shelve or cross member, or other method approved by fire code official. In double row racks and where products are hand-stacked chain link shall be securely attached to the rear of both racks. Chain link shall be a minimum of 12 gauge. Attachment method shall be in compliance with Figure 2308.3 or other methods as approved by the fire code official.

Table 2308.3 Required Flue Spaces for Rack Storage is hereby amended as follows:

TABLE 2308.3: REQUIRED FLUE SPACES FOR RACK STORAGE

RACK CONFIGURATION	FIRE SPRINKLER PROTECTION Storage Height		SPRINKLER AT THE CEILING WITH OR WITHOUT MINIMUM IN-RACK SPRINKLERS			IN-RACK SPRINKLERS AT EVERY TIER	NON-SPRINKLERED
			≤ 25 feet		> 25 feet	Any Height	Any Height
			Option 1	Option 2			
Single-row Rack	Transverse Flue Space	Size [b]	3 inch	NA	3 inch	NR	NR
		Vertically Aligned	NR	NA	Yes	NA	
	Longitudinal Flue Space		NR	NA	NR	NR	
Double-row Rack	Transverse Flue Space	Size [b]	6 inch [a, c]	3 inch	3 inch	NR	
		Vertically Aligned	NR	NR	Yes	NA	
	Longitudinal Flue Space		NR	6 inch	6 inch	NR	
Multi-row Rack	Transverse Flue Space	Size [b]	6 inch [c]	NA	6 inch	NR	
		Vertically Aligned	NR	NA	Yes	NA	
	Longitudinal Flue Space		NR	NA	NR	NR	

NR = "not required." NA means "not applicable."

[a] Three-inch transverse flue spaces shall be provided at least every 10 feet where ESFR sprinkler protection is provided.
[b] Random variations are allowed, provided that the configuration does not obstruct water penetration.
[c] *Transverse flue space shall be maintained by mechanical means as approved.*

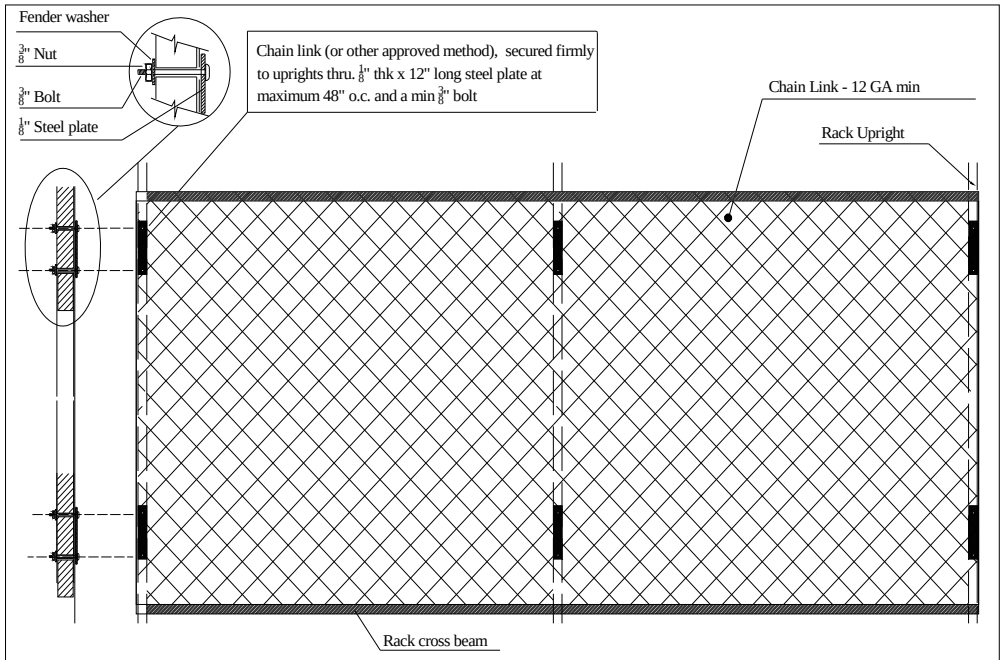


Fig 2308.3 - Chain Link Attachment Method Detail - NTS

Chapter 24 - Tents, Canopies, and Other Membrane Structures

Chapter 24 (Tents, Canopies, and Other Membrane Structures) is adopted in its entirety without amendments.

Chapter 25 - Tire Rebuilding & Tire Storage

Chapter 25 (Tire Rebuilding & Tire Storage) is adopted in its entirety without amendments.

Chapter 26 - Welding and Other Hot Works

Chapter 26 (Welding and Other Hot Works) is adopted in its entirety without amendments.

Chapter 27 - Hazardous Materials – General Provisions

Chapter 27 (Hazardous Materials – General Provisions) is adopted in it's entirely with the following amendments.

Section 2701.5.2 Hazardous Materials Inventory Statement (HMIS), is hereby amended by modifying the starting paragraph as follows:

2701.5.2 Hazardous Materials Inventory Statement (HMIS). When required by the *fire code official*, an application for a permit shall include Orange County Fire Authority's Chemical Classification Packet which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises. The HMIS shall include the following information:

1. Product Name
2. Component
3. Chemical Abstract Service (CAS) number
4. Location where stored or used.
5. Container size
6. Hazard classification
7. Amount in storage
8. Amount in use-*closed* systems
9. Amount in use-*open* systems.

Table 2703.1.1(1) Maximum Allowable Quantity per Control Area is hereby amended by deleting Footnote K without replacement as follows:

Section 2703.1.1.1 Extremely Hazardous Substances is hereby added as follows:

2703.1.1.1 Extremely Hazardous Substances. No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.

Section 2703.5 Hazard identification signs is hereby amended by modifying the NFPA standard as follows:

2703.5 Hazard identification signs. Unless otherwise exempted by the fire code official, visible hazard identification signs as specified in the Orange County Fire Authority Signage Guidelines for the specific material contained shall be placed on stationary containers and above-ground tanks and at entrances to locations where hazardous materials are stored, dispensed, used or handled in quantities requiring a permit and at specific entrances and locations designated by the fire code official.

Chapter 28 - Aerosols

Chapter 28 (Aerosols) is adopted in its entirety without amendments.

Chapter 29 - Combustible Fibers

Chapter 29 (Combustible Fibers) is adopted in its entirety without amendments.

Chapter 30 - Compressed Gases

Chapter 30 (Compressed Gases) is adopted in its entirety without amendments.

Chapter 31 - Corrosive Materials

Chapter 31 (Corrosive Materials) is adopted in its entirety without amendments.

Chapter 32 - Cryogenic Fluids

Chapter 32 (Cryogenic Fluids) is adopted in its entirety with the following amendment.

Section 3203.4.1 Identification signs is hereby amended as follows:

3203.4.1 Identification signs. Visible hazard identification signs in accordance with the Orange County Fire Authority Signage Guidelines shall be provided at entrances to buildings or areas in which cryogenic fluids are stored, handled or used.

Chapter 33 - Explosives and Fireworks

Chapter 33 (Explosives and Fireworks) California Fire Code Chapter 33 is adopted in its entirety with the following amendments

Section 3301.2 Retail Fireworks is hereby added as follows:

3301.2 Retail Fireworks. The storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe & Sane) and fireworks 1.3G is prohibited.

Exception:

Fireworks 1.4G and fireworks 1.3G may be part of an electrically fired public display when permitted and conducted by a licensed pyrotechnic operator

Section 3301.3 Seizure of Fireworks is hereby added as follows:

3301.3 Seizure of Fireworks. The fire code official shall have the authority to seize, take, and remove all fireworks stored, sold, offered for sale, used or

handled in violation of the provisions of Title 19 CCR, Chapter 6. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law.

Section 3308.1 General is hereby amended as follows:

3308.1 GENERAL. Outdoor fireworks displays, use of pyrotechnics before proximity audience and pyrotechnic special effects in theatrical, and group entertainment productions, shall comply with California Code of Regulations, Title 19 , Division 1, Chapter 6 – Fireworks, the Orange County Fire Authority Guidelines for Public Fireworks Displays, and with the conditions of the permit as approved by the fire code official.

Section 3308.2 Firing is hereby added as follows:

3308.2 Firing. All fireworks displays shall be electrically fired.

Chapter 34 - Flammable and Combustible Liquids

Chapter 34 (Flammable and Combustible Liquids) is adopted in its entirety with the following amendment.

Section 3404.2.3.2 Label or placard is hereby amended by modifying the NFPA standard as follows:

3404.2.3.2 Label or placard. Tanks more than 100 gallons (379 L) in capacity, which are permanently installed or mounted and used for the storage of Class I, II or III liquids, shall bear a label and placard identifying the material therein. Placards shall be in accordance with the Orange County Fire Authority Signage Guidelines.

Chapter 35 - Flammable Gases

Chapter 35 (Flammable Gases) is adopted in its entirety without amendments.

Chapter 36 - Flammable Solids

Chapter 36 (Flammable Solids) is adopted in its entirety without amendments.

Chapter 37 - Highly Toxic and Toxic Materials

Chapter 37 (Highly Toxic and Toxic Materials) is adopted in its entirety with the following amendments.

Section 3704.2.2.7 Treatment system is hereby amending the exception as follows:

Exception:

1. Toxic gases – storage/use. Treatment systems are not required for toxic gases supplied by cylinders or portable tanks not exceeding 1,700 pounds (772 Kg) water capacity when the following are provided:
   - 1.1 A listed or approved gas detection system with a sensing interval not exceeding 5 minutes.
   - 1.2 For storage, valve outlets are equipped with gas-tight outlet plugs or caps.
   - 1.3 For use, an approved listed or approved automatic-closing fail-safe valve located immediately adjacent to cylinder valves. The fail-safe valve shall close when gas is detected at the permissible exposure limit (PEL) by a gas detection system monitoring the exhaust system at the point of discharge from the gas cabinet, exhausted enclosure, ventilated enclosure or gas room. The gas detection system shall comply with Section 3704.2.2.10.

Chapter 38 - Liquefied Petroleum Gases

Chapter 38 (Liquefied Petroleum Gases) is adopted in its entirety without amendments.

Chapter 39 - Organic Peroxides

Chapter 39 (Organic Peroxides) is adopted in its entirety without amendments.

Chapter 40 - Oxidizers

Chapter 40 (Oxidizers) is adopted in its entirety without amendments.

Chapter 41 - Pyrophoric Materials

Chapter 41 (Pyrophoric Materials) is adopted in its entirety without amendments.

Chapter 42 - Pyroxylin Plastics

Chapter 42 (Pyroxylin Plastics) is adopted in its entirety without amendments.

Chapter 43 - Unstable (Reactive) Materials

Chapter 43 Unstable (Reactive) Materials is adopted in its entirety without amendments.

Chapter 44 - Water-Reactive Solids and Liquids

Chapter 44 (Water-Reactive Solids and Liquids) is adopted in its entirety without amendments.

Chapter 45 - Marinas

Chapter 45 (Marinas) is adopted in its entirety with the following amendments.

Section 4503.7 Slip Identification is amended as follows:

Section 4503.7 Slip identification. Slips and mooring spaces shall be individually identified by an approved numeric or alphabetic designator. Space designators shall be posted at the space. Signs indicating the space designators located on finger piers and floats shall be posted at the base of all piers, finger piers, floats and finger floats. A monument sign shall be installed at each gate designating slip and mooring spaces in contrasting colors.

Section 4504.2 Standpipes is hereby amended by adding section 4504.2.2 as follows:

4504.2.2 All standpipes exposed to the outside elements shall be painted for corrosion protection.

Exception:

Stainless Steel (316 Grade) Standpipes

Chapter 46 - Construction Requirements for Existing Buildings

Chapter 46 (Construction Requirements for Existing Buildings) is adopted, but only those Sections and Subsections listed below:

1. Section 4606
2. Subsection 4603.6
3. Subsection 4603.6.3
4. Subsection 4603.6.3.1
5. Subsection 4603.6.8 through 4603.6.8.2
6. Subsection 4603.6.9 through 4603.6.9.10
7. Subsection 4603.7 through 4603.7.5.3

Chapter 47 - Referenced Standards

Chapter 47 (Referenced Standards) is adopted in its entirety with the following amendments:

NFPA 13, 2010 Edition, Installation of Sprinkler Systems is hereby amended as follows:

Section 6.8.3 is hereby amended as follows:

6.8.3 Fire department connections (FDC) shall be of an approved type. The FDC shall contain a minimum of two 2 ½" inlets. The location shall be approved and be no more than 150 feet from a public hydrant. The size of piping and the number of inlets shall be approved by the chief. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red. When the fire sprinkler density design requires 500 gpm (including inside hose stream demand) or greater, or a standpipe system is included, four 2 ½" inlets shall be provided. FDC may be located within 150 feet of a private fire hydrant when approved by the chief.

Section 8.3.3.1 is hereby amended as follows:

8.3.3.1. When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the permit is issued. Sprinklers in light hazard occupancies shall be one of the following:

5. Quick-response type as defined in 3.6.4.7
6. Residential sprinklers in accordance with the requirements of 8.4.5
7. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
8. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 8.17.1.1.1 is hereby added as follows

8.17.1.1.1 Residential Waterflow Alarms. A **l**ocal water-flow alarms shall be provided on all sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided. Group R occupancies not requiring a fire alarm system by the California Fire Code shall be provided with a minimum of one approved interior alarm device in each unit. Sound levels in all sleeping areas shall be a minimum of 15 DBA above the average ambient sound or a minimum of 75 DBA with all intervening doors closed. Alarms shall be audible within all other living areas within each dwelling unit. When not connected to a fire alarm or water-flow monitoring system, audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

Section 8.17.2.4.6 is hereby amended as follows:

8.17.2.4.6 Fire department connections shall be on the street side of buildings and shall be located and arranged so that they are immediately adjacent to the approved fire department access road and that hose lines can be readily and conveniently attached to the inlets without interference from nearby objects including buildings, fence, posts, or other fire department connections.

Section 11.1.1.2 is hereby added as follows:

11.1.1.2 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction/s in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the permit is issued. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the Fire Code Official:

1. Subtract the project site elevation from the low water level for the appropriate pressure zone and multiplying the result by 0.433;
2. Use a maximum of 40 psi, if available;
3. Utilize the Orange County Fire Authority water-flow test form/directions to document a flow test conducted by the local water agency or a professional engineer licensed in the State of California. The result shall be adjusted in accordance with the graduated scaled found in the guideline.

Section 22.1.3 (43) is hereby amended as follows:

22.1.3 (43) Size and location of hydrants, showing size and number of outlets and if outlets are to be equipped with independent gate valves. Whether hose houses and equipment are to be provided, and by whom, shall be indicated. Static and residual hydrants that were used in the flow tests shall be shown. Flow test shall be completed within six months of the plan submittal to the authority having jurisdiction.

NFPA 13R 2010 Edition Installation of Sprinkler System in Residential Occupancies up to and Including Four Stories in Height is hereby amended as follows:

Section 6.16.1 is hereby amended as follows:

6.16.1 A **l**ocal water-flow alarms shall be provided on all sprinkler systems and shall be connected to the building fire alarm or water-flow monitoring system where provided. Group R occupancies containing less than the number of stories, dwelling units or occupant load specified in Section 907.2.8 of the 2010 California Fire Code as requiring a fire alarm system shall be provided with a minimum of one approved interior alarm device in each unit. Sound levels in all sleeping areas shall be a minimum of 15 dBA above the average ambient sound or a minimum of 75 dBA with all intervening doors closed. Alarms shall be audible within all other living areas within each dwelling unit. When not connected to a fire alarm or water-flow monitoring system, audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

There shall also be a minimum of one exterior alarm indicating device, listed for outside service and audible from the access roadway that serves that building.

Section 6.6.6 is hereby amended as follows:

6.6.6 Sprinklers shall not be required in penthouse equipment rooms, elevator machine rooms, concealed spaces dedicated exclusively to containing only dwelling unit ventilation equipment, crawl spaces, floor/ceiling spaces, noncombustible elevator shafts where the elevator cars comply with ANSI A17.1, Safety Code for Elevators and Escalators, and other concealed spaces that are not used or intended for living purposes or storage and do not contain fuel fired equipment.

Section 6.6.9 is hereby added as follows:

6.6.9 Sprinklers shall not be required in attics that are not located over dwelling units. When attics are separated by unit, each unit's attic space may be protected per NFPA 13D Section 8.6.4.2. All other attics shall be protected per NFPA 13.

NFPA 13D 2010 Edition Installation of Sprinkler Systems in One and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 4.1.5 is hereby added as follows:

4.1.5 Stock of Spare Sprinklers

Section 4.1.5.1 is hereby added as follows:

4.1.5.1. A supply of at least two sprinklers for each type shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

Section 4.1.5.2 is hereby added as follows:

4.1.5.2 The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property.

Section 4.1.5.3 is hereby added as follows:

4.1.5.3 The sprinklers shall be kept in a cabinet located where the temperature to which they are subjected will at no time exceed 100 ^{o}F (38°C).

Section 4.1.5.4 is hereby added as follows:

4.1.5.4 A special sprinkler wrench shall be provided and kept in the cabinet to be used in the removal and installation of sprinklers. One sprinkler wrench shall be provided for each type of sprinkler installed.

Section 7.1.2 is hereby amended as follows:

7.1.2 The system piping shall not have a separate control valve unless supervised by a central station, proprietary or remote station alarm service.

Section 7.3.1 is hereby deleted in its entirety and replaced as follows:
7.3.1 At least one water pressure gauge shall be installed on the riser assembly.

Section 7.6 is hereby deleted in its entirety and replaced as follows:

7.6 Alarms Exterior alarm indicating device shall be listed for outside service and audible from the street from which the house is addressed. Exterior audible devices shall be placed on the front or side of the structure and the location subject to final approval by the fire code official. Additional interior alarm devices shall be required to provide audibility throughout the structure. Sound levels in all sleeping areas with all intervening doors closed shall be a minimum of 15 dBA above the average ambient sound level but not less than 75 dBA. Audible devices shall be powered from an uninterruptible circuit (except for over-current protection) serving normally operated appliances in the residence.

Exception:

5. When an approved water flow monitoring system is installed, interior audible devices may be powered through the fire alarm control panel.
6. When smoke detectors specified under CBC Section 310.9 are used to sound an alarm upon waterflow switch activation.

Section 8.6.4.2 is hereby added as follows:

8.6.4.2 All attics shall be protected with an intermediate temperature quick response sprinkler which shall be located to protect attic penetrations created by the access scuttles or mechanical equipment

NFPA 14, 2007 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 6.4.5.4.1 is hereby deleted in its entirety and replaced as follows:

6.4.5.4.1 The fire department connection shall have a minimum of two 2 ½ inches, internal threaded (NHS) inlets. Additional inlets shall be provided on a 250 GPM per inlet ratio to meet the system demand. The inlets shall be provided with approved caps to protect the system from entry of debris. The location of the FDC shall be approved and be no more than 150 feet from a public hydrant. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red.

Section 7.3.1.1 is hereby is deleted in its entirety and replaced as follows:

7.3.1.1 Hose Connection Height Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches, or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2010 Edition, Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 5.9.1.3 is hereby amended as follows:

5.9.1.3 The fire department connection shall be of an approved type and contain a minimum of two 2 ½ inch inlets. The location shall be approved and be no more than 150 feet from a public fire hydrant. If acceptable to the water authority, it may be installed on the backflow assembly. The supply pipe shall be painted OSHA safety red.

Section 5.9.1.3.1 is herby added as follows:

5.9.1.3.1 When the sprinkler density design is 500 gpm (including the interior hose stream demand) or greater, or a standpipe system is included, four 2 ½" inlets shall be provided.

Section 5.9.1.3.2 is hereby added as follows:

5.9.1.3.2 The fire department connection (FDC) may be located within 150 feet of a private fire hydrant provided the FDC connects down-stream of an aboveground sprinkler system check valve.

Section 6.2.1.1 is herby added as follows:

6.2.1.1 The closest upstream indicating valve to the riser shall be painted OSHA red.

Section 6.2.11 (5) is hereby deleted without replacement:

Section 6.2.11 (6) is hereby amended as follows:

6.2.11 (5) Control valves in a one-hour fire-rated room accessible from the exterior

Section 6.2.11 (7) is hereby deleted without replacement:

Section 6.3.3 is herby added as follows:

6.3.3 All post indicator valves controlling fire suppression water supplies shall be painted OSHA red.

Section 10.1.6.3 is hereby added as follows:

10.1.6.3 All ferrous pipe shall be coated and wrapped. Joints shall be coated and wrapped after assembly. All fittings shall be protected with a loose 8-mil polyethylene tube. The ends of the tube shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception:

316 Stainless Steel pipe and fittings

Section 10.3.5.2 is hereby amended as follows:

10.3.5.2 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material, prior to poly-tube, and after installation.

Section 10.3.5.3 is hereby added as follows:

10.3.5.3 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.6.3.1 is hereby amended as follows:

10.6.3.1 Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 18 inches, as measured from the interior of the exterior wall. The pipe under the building or building foundation shall be 316 stainless steel and shall not contain mechanical joints or comply with 10.6.2.

Section 10.6.5 is hereby amended as follows:

10.6.5 Pipe Joints shall not be located under foundation footings. The pipe under the building or building foundation shall be 316 stainless steel and shall not contain mechanical joints.

NFPA 72, 2010 Edition National Fire Alarm Code

Section 14.2.1.2.3 is hereby amended as follows:

14.2.1.2.3 If a defect or malfunction is not corrected at the conclusion of system inspection, testing, or maintenance, the system owner or the owner' designated representative and fire code official shall be informed of the impairment in writing within 24 hours.

Section 23.8.2 Fire Alarm Control Units is amended as follows:

23.8.2.2 Except as permitted in 23.8.2.3, the fire alarm systems components shall be permitted to share control equipment or shall be able to operate as stand-along subsystems, but in any case, they shall be arranged to function as a single system and send a single signal to a central, remote, or proprietary station.

Section 23.8.2.3 is hereby deleted without replacement:

Section 26.2.3.1 is hereby amended by modifying the start paragraph as follows:

26.2.3.1 Supervising station customers or clients and the fire code official shall be notified in writing within 7 days of any scheduled change in service that results in signals from their property being handled by a different supervising station facility.

Chapter 48 - Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities, and Production Locations

Chapter 48 (Motion Picture and Television Production Studio Sound Stages, Approved Production Facilities, and Production Locations) is adopted in its entirety without amendments.

Chapter 49 - Requirements for Wildland-Urban Interface Fire Areas

Chapter 49 (Requirements for Wildland-Urban Interface Fire Areas) is adopted in its entirety with the following amendments:

Section 4906.3 Vegetation is hereby amended by adding Section "(5)" as follows:

(5) OCFA Vegetation Management Guideline.

Section 4908 Fuel Modification Requirements for New Construction is hereby added as follows:

4908 Fuel Modification Requirements for New Construction. All new buildings to be built or installed in hazardous fire areas shall comply with the following:

1. Preliminary fuel modification plans shall be submitted to and approved by the fire code official concurrent with the submittal for approval of any tentative map.
2. Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.
3. The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of the Orange County Fire Authority Vegetation Management Guidelines.
4. The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approved by the fire code official.
5. All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.

Section 4909 Explosives and Blasting is hereby added as follows:

4909 Explosives and Blasting. Explosives shall not be possessed, kept, stored, sold, offered for sale, given away, used, discharged, transported or disposed of within wildland-urban interface areas or hazardous fire areas except by permit from the fire code official.

Appendix B is adopted in its entirety with the following amendment:

Section B105.1 One- and two-family dwellings is hereby added as follows:

B105.1 One- and two-family dwellings*.* The minimum fire-flow and flow duration requirements for one- and two-family dwellings having a fire-flow calculation area that does not exceed 3,600 square feet (344.5m2) shall be 1,000 gallons per minute (3785.4 L/min) for 1 hour. Fire-flow and flow duration for dwellings having

a fire-flow calculation area in excess of 3,600 square feet (344.5m2) shall not be less than that specified in Table B105.1.

Exception:

When the building is equipped with an approved automatic sprinkler system, the fire flow requirements of Table B105.1 are reduced by 50%, provided that the resulting fire flow is not less than 1,000 gallons per minute (3785.4 L/min) for 1 hour.

Appendix BB is adopted in its entirety without amendments:

Appendix C is adopted in its entirety without amendments:

Appendix CC is adopted in its entirety without amendments:

§ 9.60.100 Uniform Solar Energy Code Amendments.

The following amendments are made to the Uniform Solar Energy Code adopted pursuant to this chapter:

A. **CHAPTER 1 ADMINISTRATION** is hereby amended to read as follows:

Section 102.3.2 Penalties is hereby amended to read as follows:

102.3.2 Penalties. Any person, firm or corporation violating any provisions of this Code shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not more than one thousand dollars ($1,000), or by imprisonment for not more than six (6) months, or by both fine and imprisonment.

§ 9.60.105 California Electrical Code Amendments.

The following amendments are made to the California Electrical Code, adapted pursuant to this chapter:

A. **Article 110 Requirements for Electrical Installations** is amended to read as follows:

Section 110.5 Conductors is hereby amended by adding a second paragraph to read as follows:

Conductors shall be of copper. Copper wire shall be the preferred material used for wiring No. 6 and smaller in all installations. Consideration for use of

aluminum wiring can be made by the building official for feeder lines only on an individual case basis where adequate safety measures can be ensured.

B. **Article 210 Branch Circuits** is amended to read as follows:

Section 210.23(A) 15- and 20-Ampere Branch Circuits is hereby amended to read as follows:

210.23(A)15- and 20-Ampere Branch Circuits. A 15 ampere branch circuit shall be permitted to supply only wall or ceiling lighting fixtures to an individual fixed appliance. A 20 ampere branch circuit shall be permitted to supply lighting outlets, receptacle outlets, fixed appliances or a combination of same. The total rating of fixed appliances supplied by such circuit shall not exceed 50% of the rating of the branch circuit. The rating of a single fixed appliance supplied by an individual branch circuit shall not exceed 80% of the rating of the circuit.

Exception:

The small appliance branch circuits required in a dwelling unit(s) by Section 210.11(C) shall supply only the receptacle outlets specified in that Section."

C. **Article 240 Overcurrent Protection** is amended to read as follows:

Section 240.24 Locations in or on premises is hereby amended by adding Subsection **(G) Prohibited Locations** to read as follows:

(G) Prohibited Locations. Panels and switchboards containing overcurrent devices shall not be located in any closet, cabinet, toilet room or room containing a lavatory.

D. **Article 300 Wiring Methods** is amended to read as follows:

Section 300.6 Protection Against Corrosion and Deterioration, subsection (A)(3) In Concrete or in Direct Contact with the Earth is hereby amended by adding the following paragraph to read as follows:

(A)(3) In Concrete or in Direct Contact with the Earth. All earth within the City of Seal Beach is corrosive, unless the applicant proves to the satisfaction of the building official the specific earth is not corrosive for the installation of the above noted electrical items in contact with or buried in the earth. Unless otherwise authorized by the building official, all such items embedded in the earth shall be protected by at least double, spiral wrapping, half overlapping with 10 mil plastic tape (total 40 mils cover), or approved equal.

§ 9.60.110 California Green Building Standards Code Amendments.

Section 202 is hereby amended to read as follows:

Sustainability. Consideration of present development and construction impacts on the community, the economy, and the environment without compromising the needs of the future.

Section 4.304.1 is hereby amended to read as follows:

Irrigation controllers. Automatic irrigation system controllers for landscaping provided and installed at the time of final inspection and shall comply with the following:

1. Controllers shall be weather- or soil moisture-based irrigation controllers that automatically adjust irrigation in response to changes in plants' needs as weather conditions change.

2. Weather-based controllers without integral rain sensors or communication systems that account for local rainfall shall have a separate wired or wireless rain sensor which connects of communicates with the controller(s). Soil moisture-based controllers are not required to have rain sensor input.

§ 9.60.115 Exception for "R Occupancy.

The following shall apply to "R" Occupancies with one thousand (1,000) square feet of floor area or less, containing not more than two (2) bedrooms having no natural gas fired appliances, having no fixed window security guards, and provided with a private security system for the community. In addition, this section shall apply only to planned adult communities, construction prior to 1966 in which each individual dwelling unit is equipped with an approved smoke detector device:

A. Patio Covers. Patio covers may be constructed that are open on one (1) side only. Said side may be provided with decorative pierced concrete block which is approximately fifty percent (50%) open and unobstructed.

B. Repair Provisions to Non-conforming Existing Dwelling Units.

1. Existing patio roof covers may be repaired or replaced with materials as originally constructed or reconstructed with other approved materials providing they meet the design requirements as specified in Chapter 15, 22 and 23 and Section 803, California Building Code, 2010 Edition.

2. Existing aluminum and glass window walls and/or decorative pierced concrete block with wall covering on inside may substantially remain as

originally constructed but must not be altered during the repair process or said wall areas will be required to meet applicable requirements.

§ 9.60.120 Sandblasting.

A. Permit Required. No person shall engage in sandblasting the outside of any building or structure in the city without first obtaining a permit to do so from the building official.

B. Such permit is required for the purpose of placing the city on notice regarding intended sandblasting operations, thus making possible the inspection of sandblasting operations in the city so that sandblasting regulations enacted for the protection of the health and property of members of the public may effectively be enforced.

C. No sandblasting permit shall be issued to any person not licensed or otherwise prohibited by state law from engaging in sandblasting operations.

D. A separate permit shall be required for each separate premise, court or group of structures to be sandblasted. More than one actual building or structure may be included on a single permit if all said buildings or structures are on one lot or one contiguous parcel of land.

E. Application for Permit. Each permit application shall contain the following information:

1. The name and address of the person or company applying for the permit.

2. The name and address of the foreman or person who will be actually directing the job for the applicant.

3. The location of the job.

4. The building or structure or portion thereof to be sandblasted.

5. The estimated length of time of the job.

6. A statement of the amount of the applicant's public liability and property damage insurance, giving the name and address of the company issuing the policy.

7. Such other information as the building official shall reasonably require to aid proper inspection and enforcement of city sandblasting regulations.

F. Inspection Fee. No sandblasting permit shall be issued prior to the payment of an inspection fee set forth in the fee schedule. No checking fee or other type of additional fee shall be required.

G. Notice of Sandblasting. Any person conducting sandblasting in the city shall, not less than twenty-four (24) hours prior to said sandblasting, deliver to each residence or business establishment within 100 feet of all buildings or structures to be sandblasted, a written notice in a form provided by the building official.

H. Dry Sandblasting. No person shall engage in "dry" sandblasting in the city in the absence of written special permission from the building official. Said special permission to be granted only if the particular circumstances of the job make wet sandblasting impractical.

I. Hours. No person shall engage in sandblasting before 8:00 a.m. or after 5:00 p.m. of any day, or on Sunday or legal holidays, in any neighborhood that is exclusively a residential neighborhood or upon any structure which is within 100 feet of any inhabited single or multi-unit residential dwelling. All clean-up work must be done before 5:00 p.m. In commercial areas, sandblasting is to be done from 11:00 a.m. to 7:00 p.m. All clean-up must be done by and/or before 7:00 p.m.

J. Property Protection. No person shall engage in sandblasting, liquid washing, compressed air cleaning or steam cleaning of exterior surfaces of buildings without first protecting adjacent property, public streets and pedestrian walkway areas by erecting canvas or other suitable barriers sufficient to protect them from the sandblasting or blowing of and/or water.

§ 9.60.125 Nonsubdivision Development Standards.

A. Construction of Curbs, Gutters and Sidewalks.

1. Requirements. Any person constructing or arranging for the construction of any commercial building, industrial building, residential building or any other facility, or addition thereto, exceeding 400 square feet in floor area, who is not otherwise required to make the improvements enumerated herein, shall provide for the construction of concrete curbs, gutters, sidewalks and pavement on the one-half of the street and alley abutting the lot on which the building or facility is to be constructed in accordance with the standard specifications of the city engineer unless adequate concrete curbs, gutter, sidewalks and pavement already exist along all streets and alleys abutting the lot on which the building or facility is to be constructed, except as provided in paragraph B below.

Curbs, gutters and sidewalks required to be constructed by this section shall be located within the street right-of-way at the locations and grades established by the city engineer.

2. Delay of Construction. Notwithstanding any other provision of this article, the city engineer may delay the construction of curbs, gutters and/or sidewalks and pavement upon determining that the street grade cannot be readily established or when on a block by block basis in the immediate vicinity of the proposed development appears to the engineer to be imminent, provided the property owner posts a cash bond with the city insuring the construction may be performed in a more efficient and expeditious manner.

3. Improvement Procedure.

a. Any person required to make improvements by the provisions of this section shall file with the city engineer a bond in such amount as the city engineer shall estimate and determine to be necessary to complete all of the improvements required.

b. Such bond may be either a cash bond or a bond executed by a company authorized to act as a surety in this state. The bond shall be payable to the city and be conditioned upon the faithful performance of any and all work required to be done and should the work not be done or completed within the time specified, the city may, at its option, cause the same to be done or completed, and the parties executing the bond shall be firmly bound under a continuing obligation for the payment of all necessary costs and expenses incurred in the construction thereof. The bond shall be executed by the owner of the lot as principal and, if a surety bond, shall also be executed by a corporation authorized to act as a surety under the laws of the State of California.

4. Approval and acceptance by building official. The building official shall deny final approval and acceptance on final public utility connections to any commercial building, industrial buildings, residential building, or any other facility until such concrete curbs and gutters, or concrete curbs, gutters, sidewalks and pavement exist or are constructed, or their construction is guaranteed by cash deposited with the city in a sum determined by the city engineer, based upon the number of lineal feet of concrete curbs, gutters, sidewalks and pavement to be installed.

Whenever the owner elects to deposit a cash bond, the city is authorized in the event of any default on his part to use any or all of the deposit money to cause all of the required work to be done or completed and for payment of all costs and expenses therefore. Any money remaining shall be refunded to the owner.

When a substantial portion of the required improvement has been completed to the satisfaction of the city engineer and the completion of the remaining improvements is delayed due to conditions beyond the owner's control, the city engineer may accept the completed portion and consent to a proportionate reduction of the surety bond in an amount estimated and determined by the city engineer to be adequate to assure the completion of the required improvement remaining to be made.

B. Existing Public Utilities.

1. Required. Any person constructing or arranging for the construction of any commercial building, industrial building, residential building, or addition thereto exceeding two thousand square feet in floor area, shall be required to replace existing public utilities facilities such as street lighting, water and sewer lines, and related appurtenances serving the property if in the determination of the city engineer the existing public utilities facilities are insufficient to accommodate such construction.

C. Future Undergrounding of Utilities. Any person constructing or arranging for the construction of any commercial building, industrial building, residential building or any other facility, or addition thereto, exceeding 400 square feet in floor area or ground area, or any accessory building having an area greater than 400 square feet, shall provide for future underground power and telephone connections. Undergrounding facilities shall consist of conduits acceptable to the city engineer running from the power panel and/or telephone line hookup to the appropriate utility easement, alley, or street as determined by the city engineer.

D. Development Fee for Park and Recreation Facilities. Any person constructing or arranging for the construction of any residential dwelling unit shall, through the payment of a fee, provide at least in part for the park and recreational needs of the proposed development's inhabitants.

The amount of the park and recreation fee to be levied pursuant to this section shall be as adopted by the city council on a dwelling unit basis. The building official shall not issue a building permit until such fee has been paid to the city.

Provided, however, that the net increase in the number of dwelling units situated upon a lot shall be used in determining the fee to be levied under the provisions of this section, and provided further that this section shall not apply to any property the subdivision of which has caused either the dedication of parkland or the payment of a fee in lieu thereof.

§ 9.60.130 Plan Checks for Structures Housing X-Ray Equipment.

A. Definitions. The following definitions shall apply to the terms of this section:

1. "*Health Officer*" means the County Health Officer or such person's designee.

2. "*X-ray Machine*" means any radiation machine or device capable of producing ionizing radiation when associated control devices are operated.

B. Review and Approval.

1. Prior to the issuance of a building permit for the construction, conversion or alteration of a building or enclosure in which an x-ray machine is to be housed, the applicant shall receive approval from the Environmental Health Division of the Orange County Health Care Agency.

2. The health officer shall review the plans and shielding specifications required to be submitted pursuant to this chapter and shall either approve the plans and shielding specifications or indicate the modifications required to bring those plans and shielding specifications into compliance with the requirements of the Radiation Control Law, Division 20, Chapter 7.6, California Health and Safety Code, and any regulations enacted pursuant thereto.

§ 9.60.135 Repair and Reconstruction of Damaged Structures.

A. This section amends the California Building Standards Code as adopted by the City by establishing regulations for the expeditious repair of damaged structures. In the event that an amendment to the California Building Standards Code results in conflict between this section and the California Building Standards Code, the text of this section shall govern. In accordance with California Health and Safety Code Section 17958.7, express findings that modifications to the California Building Standards Code are reasonably necessary because of local climatic, geological or topographical conditions are either already on file with the California Building Standards Commission, or will be filed prior to the effective date of the ordinance codified in this Chapter.

B. For the purposes of this section, the following definition applies and is hereby added to Section 3402.1, Definitions, of the 2007 California Building Code (CBC):

Substantial Structural Damage: *a* condition where:

1. In any story, the vertical elements of the lateral-force-resisting system, have suffered damage such that the lateral load-carrying capacity of the structure in any direction has been reduced by more than 20 percent from its pre-damaged condition, or

2. The capacity of any vertical gravity load-carrying component, or any group of such components, that supports more than 30 percent of the total area of the structure's floor(s) and roof(s) has been reduced more than 20 percent from its pre-damaged condition, and the remaining capacity of such affected elements with respect to all dead and live loads is less than 75 percent of that required by the building code for new buildings of similar structure, purpose, and location.

C. For the purposes of this section, the following repair requirements are hereby added as a new Subsection 3403.5 Repairs, to Section 3403 Additions, Alterations or Repair of the 2007 California Building Code:

3403.5 Repairs. Repairs of structural elements shall comply with this section.

3403.5.1 Seismic evaluation and design. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

3403.5.1.1 Evaluation and design procedures. The seismic evaluation and design shall be based on the procedures specified in the building code, ASCE 31 *Seismic Evaluation of Existing Buildings* (for evaluation only) or ASCE 41 *Seismic Rehabilitation of Existing Buildings*. The procedures contained in Appendix A of the *International Existing Building Code* shall be permitted to be used as specified in Section 3403.5.1.3.

3403.5.1.2 CBC level seismic forces. When seismic forces are required to meet the building code level, they shall be one of the following:

1. 100% of the values in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor specified for structural systems classified as "Ordinary" unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "Intermediate" or "Special".

2. Forces corresponding to BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 3403.5.1.2.

TABLE 3403.5.1.2
ASCE 41 and ASCE 31 PERFORMANCE LEVELS

OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	See note (a)	See note (a)
IV	Immediate Occupancy (IO)	Life Safety (LS)

Note (a): Performance Levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and Occupancy Category IV.

3403.5.1.3 Reduced CBC level seismic forces. When seismic forces are permitted to meet reduced building code levels, they shall be one of the following:

1. 75% of the forces prescribed in the building code. The R factor used for analysis in accordance with Chapter 16 of the building code shall be the R factor as specified in Section 3403.5.1.2.
2. In accordance with the applicable chapters in Appendix A of the *International Existing Building Code* as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced building code force levels.
   - 2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.
   - 2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.
   - 2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.
   - 2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.
   - 2.5. Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

3. In accordance with ASCE 31 based on the applicable performance level as shown in Table 3403.5.1.2.

4. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 3403.5.1.2. Where ASCE 41 is used, the design spectral response acceleration parameters Sxs and Sx1 shall not be taken less than 75% of the respective design spectral response acceleration parameters SDS and SD1 defined by the *International Building Code* and its reference standards.

3403.5.1.4 Wind Design. Wind design of existing buildings shall be based on the procedures specified in the building code.

3403.5.2 Repairs to damaged buildings. Repairs to damaged buildings shall comply with this section.

3403.5.2.1 Unsafe conditions. Regardless of the extent of structural damage, unsafe conditions shall be eliminated.

3403.5.2.2 Substantial structural damage to vertical elements of the lateral–force-resisting system. A building that has sustained substantial structural damage to the vertical elements of its lateral-force-resisting system shall be evaluated and repaired in accordance with the applicable provisions of Section 3403.5.2.2.1 through 3403.5.2.2.3.

3403.5.2.2.1 Evaluation. The building shall be evaluated by a registered design professional, and the evaluation findings shall be submitted to the Building Official. The evaluation shall establish whether the damaged building, if repaired to its pre-damage state, would comply with the provisions of the building code. Wind forces for this evaluation shall be those prescribed in the building code. Seismic forces for this evaluation are permitted to be the reduced level seismic forces specified in Code Section 3403.5.1.3.

3403.5.2.2.2 Extent of repair for compliant buildings. If the evaluation establishes compliance of the pre-damage building in accordance with Section 3403.5.2.2.1, then repairs shall be permitted that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage.

3403.5.2.2.3 Extent of repair for non-compliant buildings. If the evaluation does not establish compliance of the pre-damage building in accordance with Section 3403.5.2.2.1, then the building shall be rehabilitated to comply with applicable provisions of the building code for load combinations including wind or seismic forces. The wind design level for the repair shall be as required by the building code in effect at the time of original construction unless the damage was

caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the building code, whichever is greater. Seismic forces for this rehabilitation design shall be those required for the design of the pre-damaged building, but not less than the reduced level seismic forces specified in Section 3403.5.1.3. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

3403.5.2.3 Substantial structural damage to vertical load-carrying components. Vertical load-carrying components that have sustained substantial structural damage shall be rehabilitated to comply with the applicable provisions for dead and live loads in the building code. Undamaged vertical load-carrying components that receive dead or live loads from rehabilitated components shall also be rehabilitated to carry the design loads of the rehabilitation design. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

3403.5.2.3.1 Lateral force-resisting elements. Regardless of the level of damage to vertical elements of the lateral force-resisting system, if substantial structural damage to vertical load-carrying components was caused primarily by wind or seismic effects, then the building shall be evaluated in accordance with Section 3403.5.2.2.1 and, if non-compliant, rehabilitated in accordance with Section 3403.5.2.2.3.

3403.5.2.4 Less than substantial structural damage. For damage less than substantial structural damage, repairs shall be allowed that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage. New structural members and connections used for this repair shall comply with the detailing provisions of the building code for new buildings of similar structure, purpose, and location.

3403.5.3 Referenced Standards.

Standard Reference Number	Title	Referenced in Code Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3403.5.1.1, Table 3403.5.1.2, 3403.5.1.3
ASCE 41-06	Seismic Rehabilitation of Existing Buildings	3403.5.1.1, 3403.5.1.2, Table 3403.5.1.2, 3403.5.1.3

§ 9.60.140 Safety Assessment Placards

A. The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Seal Beach. The City Council may extend the provisions as necessary.

B. For the purposes of this section, the following definition applies:

1. *Safety Assessment*: a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

C. Safety Assessment Placards.

1. The following Safety Assessment Placards shall be used to designate the condition for continued occupancy of buildings or structures.

a. **INSPECTED - Lawful Occupancy Permitted** shall be posted on any building or structure wherein no apparent structural hazard has been found and shall not mean that there is no damage to the building or structure.

b. **RESTRICTED USE** shall be posted on each damaged building or structure wherein the damage has resulted in some form of restriction to the continued occupancy. The Restricted Use placard shall contain a general description of the type of damage encountered and shall clearly and concisely note the restrictions on continued occupancy.

c. **UNSAFE - Do Not Enter or Occupy** shall be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life, health, or safety. No person or persons shall enter a building or structure on which such a placard has been posted under any circumstance except safety assessment teams or persons authorized in writing by the Building Official. The “unsafe – Do Not Enter or Occupy” placard shall not to be used or construed to be a demolition order. The individual who posts such placard shall note thereon in general terms the type of damage encountered.

2. Every Safety Assessment Placard shall cite this section number, and include the City’s name, address, and phone number.

3. Once a Safety Assessment Placard has been attached to a building or structure, it shall not be removed, altered or covered except by an authorized representative of the Building Official. It shall be unlawful for any person, firm, or corporation to alter, remove, cover, obscure, or deface a Safety Assessment Placard unless authorized pursuant to this section.

4. The form of Safety Assessment Placard shall be substantially the same as follows:

INSPECTED

LAWFUL OCCUPANCY PERMITTED

This structure has been inspected (as indicated below) and no apparent structural hazard has been found.

Date: _____

Time: _____

Inspected Exterior Only

(**Caution:** Aftershocks since inspection may increase damage and risk)

Inspected Exterior and Interior

Report any unsafe condition to local authorities; reinspection may be required.

This facility was inspected under emergency conditions by:

Inspector comments:
_____
_____
_____

City of Seal Beach
211 Eighth Street
Seal Beach, CA 90740
(562) 431-2527

Facility Name and Address:
_____
_____

Inspector ID/Agency:
_____
_____

Do Not Remove, Alter or Cover this Placard until Authorized by the Building Official
(Municipal Code Section 9.60.140)

RESTRICTED USE

Caution: This structure has been inspected and found to be damaged as described below:

_____

_____

_____

Entry, occupancy, and lawful use are restricted as indicated below

Do not enter the following areas:

_____

_____

Brief entry allowed for access to contents:

_____

_____

Other restrictions:

_____

_____

Date: _____

Time: _____

(**Caution:** Aftershocks since inspection may increase damage and risk)

This facility was inspected under emergency conditions by:

City of Seal Beach
211 Eighth Street
Seal Beach, CA 90740
(562) 431-2527

Inspector ID/Agency:

_____

_____

Facility Name and Address:

_____

_____

Do Not Remove, Alter or Cover this Placard until Authorized by the Building Official
(Municipal Code Section 9.60.140)

UNSAFE

DO NOT ENTER OR OCCUPY
(THIS PLACARD IS NOT A DEMOLITION ORDER)

Caution: This structure has been inspected, found to be seriously damaged and is unsafe to occupy as described below:

_____
_____
_____

Date: _____

Time: _____

This facility was inspected under emergency conditions by:

Do not enter, except as specifically authorized in writing by the City of Seal Beach. Entry may result in death or injury.

City of Seal Beach
211 Eighth Street
Seal Beach, CA 90740
(562) 431-2527

Facility Name and Address:

_____
_____
_____

Inspector ID/Agency:

_____
_____
_____

Do Not Remove, Alter or Cover this Placard until Authorized by the Building Official
(Municipal Code Section 9.60.140)

Section 2. This Ordinance shall become effective January 1, 2011.

Section 3. In adopting the Codes as set forth in this Ordinance the City Council finds, determines and declares, pursuant to Health and Safety Code Section 17958.5, that the changes or modifications to the Codes, other than those that are administrative in nature, are reasonably necessary due to local climatic, geographic or topographical conditions in that:

A. Health and Safety Code Section 17958 mandates that the City of Seal Beach adopt ordinances and regulations imposing the same requirements as are contained in the regulations adopted by the Sate pursuant to Health and Safety Code Section 17922;

B. Health and Safety Code Section 17958.5 permits the City to make changes or modifications to the codes as are reasonably necessary because of local conditions;

C. Health and Safety Code Section 17958.5 requires that the City make findings that such changes are modifications are needed due to climatic, geographic, or topographic conditions;

D. The Fire Marshal and Building Official have recommended that changes and modifications be made to the 2010 Codes, and have advised that certain of said changes and modifications to the California Building Code, 2010 Edition, are reasonably necessary due to local conditions within the City of Seal Beach, and have further advised that the remainder of the said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the Codes, or are reasonably necessary to safeguard life and property within the City of Seal Beach as follows:

1. Climatic Conditions:

a. The City of Seal Beach is located in a semi-arid Mediterranean type climate. It annually experiences extended periods of high temperatures with little or no precipitation. Hot, dry (Santa Ana) winds, which may reach speeds of 70 M.P.H. or greater are also common to the area. These climatic conditions cause extreme drying of vegetation and common building materials. Frequent periods of drought and low humidity add to the fire danger. This predisposes the area to large destructive fires (conflagration). In addition to directly damaging or destroying buildings, these fires also disrupt utility services throughout the area.

Obstacles generated by strong winds, such as fallen trees, street lights and utility poles, and the requirement to climb 75 feet vertically up flights of stairs will greatly impact the response time to reach an incident scene. Additionally, there is a significant increase in the amount of wind force at 60 feet above the ground. Use of aerial type fire fighting apparatus above this height would place rescue personnel at increased risk of injury.

b. The climate alternates between extended periods of drought and brief flooding conditions. Flood conditions may affect the Orange County Fire Authority's ability to respond to a fire or emergency condition. Floods also disrupt utility services to buildings and facilities within the County.

c. Water demand in this densely populated area far exceeds the quantity supplied by natural precipitation; and, although the population continues to grow, the already-taxed water supply does not. California is projected to increase in population by nearly 10 million over the next quarter of

a century with 50 percent of that growth centered in Southern California. Due to storage capacities and consumption and a limited amount of rainfall, future water allocation is not fully dependable. This necessitates the need for additional on-site fire protection features. The shortage of water would also leave tall buildings vulnerable to uncontrolled fires due to a lack of available water and an inability to pump sufficient quantities of available water to upper floors in a fire.

d. These dry climatic conditions and winds contribute to the rapid spread of even small fires originating in high-density housing or vegetation. These fires spread very quickly and create a need for increased levels of fire protection. The added protection of fire sprinkler systems and other fire protection features will supplement normal fire department response by providing immediate protection for the building occupants and by containing and controlling the fire spread to the area of origin. Fire sprinkler systems will also reduce the use of water for firefighting by as much as 50 to 75 percent.

Necessary Local Amendments: Therefore, the amendments to the California Building Code set forth in Section 9.60.065.A; Section 9.60.065.C; Section 9.60.065.D; Section 9.60.065.E; and Section 9.60.065.H, and the amendments to the California Residential Code set forth in Section 9.60.070A; Section 9.60.070.B; and Section 9.60.070.C, and the amendments to the California Fire Code set forth in Section 9.60.095.C; Section 9.60.095.D; Section 9.60.095.F; Section 9.60.095.G; Section 9.60.095.H; Section 9.60.095.I; Section 9.60.095.K; Section 9.60.095.L; Section 9.60.095.O; Section 9.60.095.P; Section 9.60.095.R; Section 9.60.095.T; Section 9.60.095.U; and Section 9.60.095.V are necessary.

2. Topographical conditions:

a. The majority of Seal Beach is located within the alluvial plain that extends southward from the convergence of Coyote Creek and the San Gabriel River. The two channels drain from the northeast and north, respectively, and the combined flow reaches the sea at Alamitos Gap. Elevations within the City vary from sea level to 60 feet at Landing Hill. The Landing Hill area is part of the Newport-Inglewood Fault System.

b. Traffic and circulation congestion is an artificially created, obstructive topographical condition, which is common throughout Orange County.

c. These topographical conditions combine to create a situation, which places fire department response time to fire occurrences at risk, and makes it necessary to provide automatic on-site fire-extinguishing systems and other protection measures to protect occupants and property.

Necessary Local Amendments: Therefore, the amendments to the California Building Code set forth in Section 9.60.065.A; Section 9.60.065.D; Section

9.60.065.E; Section 9.60.065.F; Section 9.60.065.G; and Section 9.60.065.H, and the amendments to the California Residential Code set forth in Section 9.60.070.A; Section 9.60.070.B; and Section 9.60.070.C, and the amendments to the California Fire Code set forth in Section 9.60.095.C; Section 9.60.095.D; Section 9.60.095.F; Section 9.60.095.G; Section 9.60.095.H; Section 9.60.095.I; Section 9.60.095.K; Section 9.60.095.L; Section 9.60.095.O; Section 9.60.095.P; Section 9.60.095.Q; Section 9.60.095.R; Section 9.60.095.T; and Section 9.60.095.U are necessary.

3. Geological conditions:

a. The Orange County region is a densely populated area that has buildings constructed over and near a vast and complex network of faults that are believed to be capable of producing future earthquakes similar or greater in size than the 1994 Northridge and the 1971 Sylmar earthquakes. Earthquake faults run along the northeast and southwest boundaries of Orange County. The Newport-Inglewood Fault, located within Orange County and traversing Seal Beach, was the source of the destructive 1933 Long Beach earthquake (6.3 magnitude) which took 120 lives and damaged buildings in an area that ran from Laguna Beach to Marina Del Rey to Whittier. In December 1989, another earthquake occurred in the Irvine at an unknown fault line. Regional planning for reoccurrence of earthquakes is recommended by the State of California, Department of Conservation.

b. Previous earthquakes have been accompanied by disruption of traffic flow and fires. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks there exists a need to provide increased protection for anyone on upper floors of buildings. The October 17, 1989, Santa Cruz earthquake resulted in one major fire in the Marina District (San Francisco). When combined with the 34 other fires locally and over 500 responses, the department was taxed to its fullest capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. This situation creates the need for both additional fire protection and automatic on-site fire protection for building occupants. The State Department of Conservation noted, in their 1988 report (Planning Scenario on a Major Earthquake on the Newport Inglewood Fault Zone, page 59), "unfortunately, barely meeting the minimum earthquake standards of building codes places a building on the verge of being legally unsafe."

c. Road circulation features located throughout the City also make amendments reasonably necessary. There are major roadways, highways and flood control channels that create barriers and slow response times. Hills, slopes, street and storm drain design accompanied by occasional heavy rainfall,

causes roadway flooding and landslides and at times may make an emergency access route impassable.

d. Soils throughout the County posses corrosive properties that reduce the expected usable life of water services when metallic pipes come in contact with these soils. Certain natural constituents in local soils are corrosive to gas piping. The City's drinking water is safe for municipal uses. Certain natural constituents in the ocean air and in the water, however, will react with ferrous piping.

e. Due to the topographical conditions of sprawling development separated by waterways and narrow and congested streets and the expected infrastructure damage inherent in seismic zone described above, it is prudent to rely on automatic fire sprinkler systems to mitigate extended fire department response time and keep fires manageable with reduced fire flow (water) requirements for a given structure. Additional fire protection is also justified to match the current resources of firefighting equipment and personnel within the Orange County Fire Authority, which provides fire protection and emergency response services to Seal Beach.

Necessary Local Amendments: Therefore, the amendments to the California Building Code set forth in Section 9.60.065.A; Section 9.60.065.C; Section 9.60.065.D; Section 9.60.065.E; Section 9.60.065.F; Section 9.60.065.G; Section 9.60.065.H; Section 9.60.065.I; and Section 9.60.065.J; and the amendments to the California Residential Code set forth in Section 9.60.070.A; Section 9.60.070.B, and Section 9.60.070.C; and the amendments to the California Plumbing Code set forth in Section 9.60.080.A; Section 9.60.080.B; and Section 9.60.080.C; and the amendments to the California Fire Code set forth in Section 9.60.095.C; Section 9.60.095.D; Section 9.60.095.F; Section 9.60.095.G; Section 9.60.095.H; Section 9.60.095.I; Section 9.60.095.K; Section 9.60.095.L; Section 9.60.095.M; Section 9.60.095.N; Section 9.60.095.O; Section 9.60.095.P; Section 9.60.095.Q; Section 9.60.095.R; Section 9.60.095.T; Section 9.60.095.U; and Section 9.60.095.V are necessary.

Section 4. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or any part thereof is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining portions of this ordinance or any part hereof. The City Council of the City of Seal Beach hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared invalid.

*** * * * * ***

Chapter 9.65
Recycling and Diversion of Construction and Demolition Waste

(Ord No. 1578)

§ 9.65.005 Definitions.

A. For the purposes of this Chapter, the following words and phrases shall mean:

1. Applicant: any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, renovation, or similar operations on a project within the City.

2. City Sponsored Project: a project constructed by the City or a project receiving 50% or more of its financing from the City.

3. Construction: the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.

4. Construction and Demolition Debris: building materials and solid waste resulting from construction, remodeling, repair, cleanup, or demolition operations that are not hazardous as defined in California Code of Regulations, Title 22, Sections 66261.3, *et seq*. This term includes, but is not limited to, asphalt, concrete, portland cement concrete, brick, lumber, gypsum wallboard, cardboard, and other associated packaging, roofing material, ceramic tile, carpeting, plastic pipe and steel. The material may be commingled with rock, soil, tree stumps, and other vegetative matter resulting from land clearing and landscaping for construction or land development projects.

5. Covered Project: those projects that qualify as Covered Projects pursuant to Section 9.65.015.

6. Deconstruction: the selective dismantling or removal and salvaging of reusable materials, including but not limited to appliances, fixtures, windows, and other components, from buildings or other structures prior to their demolition.

7. Demolition: the razing, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

8. Divert: to use material for any purpose other than disposal in a landfill or material recovery facility.

9. Diversion Requirement: the diversion of a percentage of the total construction and demolition debris generated by a project via reuse or recycling, unless the Applicant has been granted an exemption pursuant to Section 9.65.010 in which case the diversion requirement shall be the maximum feasible diversion rate established by the waste management plan compliance official in relation to the project.

10. Material Recovery Facility: a processing facility permitted by the State of California where solid waste and/or recyclable materials are sorted or separated, by hand or by the use of machinery, for the purpose of recycling, reuse, and/or composting.

11. Non-Covered Project: those projects that do not qualify as Covered Projects pursuant to Section 9.65.015.

12. Project: any activity which requires an application for a building or demolition permit or any similar permit from the City.

13. Recycling: the same meaning as set forth in Public Resources Code Section 40180, as amended from time to time.

14. Renovation: any change, addition alteration or modification to an existing facility, structure, wall, fence, or paving, including any tenant improvements to an existing facility or structure.

15. Reuse: the use, in the same or similar form as it was produced, of a material which might otherwise be discarded.

16. Solid Waste: all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes. “Solid waste” does not include any of the following wastes:

a. Hazardous waste, as defined in Public Resources Code Section 40141;

b. Radioactive waste regulated pursuant to the Radiation Control Law [Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code];

c. Medical waste regulated pursuant to the Medical Waste Management Act [Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code].

17. Waste Diversion: the diversion of solid waste, in accordance with all applicable federal, state, and local requirements, from disposal at solid waste landfills or transformation facilities through recycling, reuse or composting. Where used in this Chapter, the words “diversion” and “divert” shall refer to waste diversion.

18. Waste Diversion Fee Deposit: a fee deposited with the City pursuant to Section 9.65.045.

19. Waste Management Plan (WMP): a completed waste management plan form, approved by the City for the purpose of compliance with this Chapter, submitted by the Applicant for any Covered Project.

20. Waste Management Plan Compliance Official: the Building Official or his or her designee.

§ 9.65.010 Diversion Requirements.

A. At least 75% of all concrete and asphalt construction and demolition debris and 50% of all other construction and demolition debris generated by any Covered Project shall be delivered to a material recovery facility, with the intention that such material be recycled, or otherwise diverted from landfills through direct delivery of such materials to brokers or end-users, through on-site reuse, or through any other diversion method(s) specified in an approved Waste Management Plan. When calculating diversion amounts pursuant to this Section, "all other construction and demolition debris" shall include fixtures, appliances, and other similar items. All Covered Projects are subject to Section 6.20.180 regarding unauthorized containers.

B. Each Applicant for a Covered Project shall meet the diversion requirements of this Section unless the Applicant is granted an exemption pursuant to this Chapter, in which case the diversion requirement shall be the maximum diversion rates feasible (the "lower alternate diversion rates") as established in writing by the Building Official in his or her sole discretion.

§ 9.65.015 Thresholds for Covered Projects.

A. Covered Project: shall mean any of the following projects:

1. Additions of 1,000 square feet or more of gross floor area;

2. Tenant improvements of 1,000 square feet or more of gross floor area;

3 New structures of 1,000 square feet or more of gross floor area; and

4. Demolition of 1,000 square feet or more of gross floor area.

§ 9.65.020 Non-Covered Projects.

Applicants for Non-Covered Projects are encouraged to divert construction and demolition debris to an extent and in a manner consistent with the diversion requirements of this Chapter. All Non-Covered Projects are subject to Section 6.20.180 regarding unauthorized containers.

§ 9.65.025 City Sponsored Projects.

A. City-sponsored construction, demolition or renovation activities that involve 1,000 square feet or greater of project area shall divert construction and demolition debris in a manner consistent with this Chapter to the extent necessary to meet or exceed the diversion requirements of Section 9.65.010. For such City-sponsored projects, a written Waste Management Plan, in a form approved by the City, must be submitted to and approved by the Building Official prior to the commencement of the subject construction, demolition, or renovation activities.

B. City-sponsored construction, demolition and renovation activities that involve less than 1,000 square feet of project area are not required, but shall be encouraged, to divert construction and demolition debris to an extent and in a manner consistent with the diversion requirements of this Chapter.

§ 9.65.030 Deconstruction Requirement.

In order to ensure the diversion of reusable and/or recyclable fixtures, appliances, and other similar items from every demolition or renovation project, no demolition may take place until the Applicant for a Covered Project has demonstrated through documentation submitted to and approved by the Building Official that deconstruction activities will take place prior to demolition. At a minimum, such documentation shall identify the name of the party that will conduct the deconstruction activity and the dates or time period when such activity is anticipated to occur. Reusable materials salvaged and diverted through the deconstruction of any Covered Project shall count towards the diversion requirements of Section 9.65.010 if such materials are included in the WMP and in the reporting documentation required by Section 9.65.055.

§ 9.65.035 Waste Management Plan and Waste Diversion Fee Deposit Exemptions.

A Waste Management Plan and a Waste Diversion Fee Deposit shall not be required for the following:

A. Activities that do not qualify as Covered Projects under this Chapter;

B. Roofing projects that do not include the tear-off of existing roof;

C. Work that requires only a plumbing, electrical, or mechanical permit;

D. Seismic retrofits;

E. Emergency demolition required to protect the public health and safety;

F. Projects that have obtained a valid building permit prior to the effective date of this Chapter; and

G. A project of City public works or City public construction for which the notice inviting bids has been published pursuant to Title 3: Administration, Chapter 3.20: Purchasing System, Section 3.20.030.B: Bid Invitation Notice, of this Code prior to the effective date of this Chapter.

§ 9.65.040 Waste Management Plan.

A. The Applicant for a Covered Project shall submit a WMP to the City, in a form approved by the City, and receive express written approval of the WMP from the Building Official, prior to beginning any construction, demolition, or renovation activities that generate solid waste.

B. The Applicant shall submit its completed, signed and dated WMP to the City during the construction, demolition, and/or similar permit application process(es). Approval of the WMP by the Building Official shall be a condition precedent to the issuance of any building or demolition permit for all projects that require a WMP under this Chapter. At a minimum, an approved WMP shall contain the following:

1. Proposed start and end date for the project;

2. Description of deconstruction efforts to be made;

3. Estimated weight of project waste to be generated by material type;

4. Maximum weight of such materials that can feasibly be diverted via reuse or recycling by material type;

5. Vendor(s) that the Applicant proposes to use to haul the materials;

6. Name and location of facility or facilities to which the materials will be hauled, and their expected diversion rates by material type; and

7. Estimated weight of construction and demolition debris that will be disposed of in a landfill.

If necessary to estimate the weight of materials identified in the WMP, the Applicant may use standardized volume to weight conversion rates and methodologies approved by the Building Official. If the Applicant calculates the projected feasible diversion amounts as described above, and finds the amounts do not meet the diversion requirements, the Applicant must then submit documentation supporting and justifying a lower alternate diversion rates. If this documentation is not included, the WMP shall be deemed incomplete.

C. The Building Official shall only approve a WMP if he or she determines that all of the following conditions have been met:

1. The WMP provides all of the required information set forth in this Section, and any other requested information deemed necessary by the Building Official;

2. The WMP indicates that at least the required percentage of each type of construction and demolition debris generated by the project, as set forth in Section 9.65.010, or lower alternate diversion rates as justified in the submitted WMP and approved in writing by the Building Official, shall be diverted; and

3. The Applicant has submitted an appropriate Waste Diversion Fee Deposit and Administrative Fee for the project in accordance with Section 9.65.045.

D. Upon approval of the Building Official, a Master Waste Management Plan may be submitted for multiple tenant improvement Covered Projects that will be completed during a single calendar year. The information in the Master Waste Management Plan must conform to the requirements contained in Section B, and must be presented for each individual Covered Project included in the Master Waste Management Plan.

E. If the Building Official determines that the WMP is incomplete or fails to indicate that at least the required percentages (or approved lower alternate diversion rates) of all construction and demolition debris generated by the project will be diverted, he or she shall either:

1. Return the WMP to the Applicant marked "Disapproved," including a statement of reasons for disapproval; or

2. Return the WMP to the Applicant marked "Further Explanation Required," including a statement of necessary information or explanation.

F. If during the course of a Covered Project the Applicant determines based on new or previously unknown or undiscovered conditions that he or she will be unable to meet the required diversion rates (or approved lower alternate diversion rates), the Applicant may submit a revised WMP to the Building Official including documentation supporting and justifying lower alternate diversion rates. The Building Official, in his or her sole discretion, may approve or reject the revised WMP and the lower alternate diversion rates.

§ 9.65.045 Waste Diversion Fee Deposit and Administrative Fee Required.

A. Waste Diversion Fee Deposit. As a condition precedent to the issuance of any construction, demolition, or similar permit for a Covered Project, the Applicant shall post a deposit with the City in an amount per square foot of building area related to Covered Project that will be constructed, demolished, or renovated, as established by resolution of the City Council. In no case shall the required deposit exceed $50,000 for any single Covered Project. The deposit shall be returned in total to the Applicant, promptly and without interest, at the conclusion of the project and upon the Applicant presenting proof satisfactory to the Building Official that no less than the required diversion rates (or approved lower alternate diversion rates) of construction and demolition debris generated by the Covered Project have been recycled, reused or otherwise diverted from landfills to the extent indicated in the approved WMP. City-sponsored construction, demolition and renovation activities shall be exempt from the Waste Diversion Fee Deposit requirements.

If lesser diversion rates of construction and demolition debris tonnage than required were diverted, the deposit refund shall be returned on a pro-rata basis based on the percentage of compliance with the required diversion rate.

Failure to comply with the provisions of Section 9.65.055 will result in the Applicant's forfeiture of the entire Waste Diversion Fee Deposit.

B. Waste Diversion Administrative Fee. As a condition precedent to the issuance of any construction, demolition, or similar permit for a Covered Project, the Applicant shall pay an administrative fee with the City in an amount per square foot of building area related to Covered Project that will be constructed, demolished, or renovated, as established by resolution of the City Council. City-sponsored construction, demolition and renovation activities shall be exempt from the Waste Diversion Administrative Fee requirements.

C. Certificates of Occupancy on a project shall not be withheld due solely to the failure of a project to achieve the diversion requirements of the WMP.

D. The City may at anytime, by formal resolution of the City Council, modify the basis for calculation of the required fee deposit or administrative fee.

§ 9.65.050 On-site Practices.

During the course of completion of the Covered Project, the Applicant shall divert the required percentage of waste and keep records of such activities in a form specified by the Building Official. The Building Official will evaluate and may monitor each Covered Project to determine the percentage of waste recycled or reused from the Covered Project. For Covered Projects involving both construction/renovation and demolition activities, diversion of materials from demolition activities shall be tracked and measured separately from diversion of materials from construction/renovation activities. To the maximum extent feasible, project waste shall be separated on-site if this practice increases separation shall include, but not be limited to, salvageable materials (e.g., fixtures, appliances, and other similar items) and dimensional lumber, wallboard, diversion. For construction, demolition and/or renovation projects, on-site concrete and corrugated cardboard.

§ 9.65.055 Reporting.

A. Within 180 days following the completion of the demolition phase of a Covered Project, and again within 180 days following the completion of the construction and/or renovation phase of a Covered Project, the Applicant shall, as a condition precedent to receiving a refund of the Waste Diversion Fee Deposit set forth in Section 9.65.045, submit documentation demonstrating to the satisfaction of the Building Official compliance with both the diversion requirements set forth in Section 9.65.010, and the approved WMP for the project. (Ord No. 1601)

The documentation shall include a copy of the approved WMP; actual waste tonnage supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors, end users, and/or landfill and disposal companies;

and any other documentation required in the approved WMP. Receipts and weight tags will be used to verify whether waste generated from the Covered Project has been or will be recycled, reused, or disposed. The Applicant shall make reasonable efforts to ensure that all designated recyclable and reusable waste is measured and recorded using the most accurate method of measurement available.

B. To the extent practical, all construction and demolition waste shall be weighed in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition waste for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the Applicant shall use standardized conversion rates and methodologies approved by the Building Official.

C. If a Covered Project involves both demolition and renovation or construction, the report and documentation for the demolition phase of the project must be submitted and approved by the Building Official prior to the issuance of a building permit for the construction or renovation phase of the project. Alternatively, the Applicant may submit a letter stating that no non-hazardous solid waste or recyclable materials were generated from the Covered Project, in which case this statement shall be subject to verification by the Building Official.

D. Any deposit posted pursuant to Section 9.65.045 of this Chapter shall be forfeited if the Applicant does not meet the timely reporting and other requirements of this section.

§ 9.65.060 Appeals.

If an Applicant is aggrieved by any decision of the Building Official under this Chapter, the Applicant may appeal pursuant to the provisions of Title 1: General Provisions, Chapter 1.15: Enforcement.

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Chapter 9.70
Water Efficient Landscaping
(Ord No. 1588)

§ 9.70.005 Purpose

A. The State Legislature has found that:

1. the waters of the State are of limited supply and are subject to ever increasing demands;

2. the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;

3. it is the policy of the State to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;

4. landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development;

5. landscape design, installation, maintenance, and management can and should be water efficient; and

6. Article X, Section 2 of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served, and the right does not and shall not extend to waste or unreasonable method of use of water.

B. The City hereby finds that:

1. Orange County has an established, large *reclaimed water* infrastructure system;

2. Allocation-based and tiered water rate structures allow public agencies to document water use in landscapes;

3. Incentive-based water use efficiency programs have been actively implemented within Orange County since before 1991;

4. current local design practices in new landscapes typically achieve the State Model Water Efficient Landscape Ordinance water use goals;

5. all water services within the City are metered;

6. Orange County is a leader in researching and promoting the use of *smart automatic irrigation controllers* with more than 4,500 installations as of June 2009;

7. all new *irrigation controllers* sold after 2012 within Orange County will be *smart controllers*;

8. the average rainfall in Orange County is approximately 12 inches per year.

9. the City as the local water purveyor has implemented a tiered rate billing program and endorses water waste prohibitions for all existing metered landscaped areas throughout its service area, which includes a majority of the City of Seal Beach.

10. that this council has determined, based upon the written and oral testimony presented to it, that this Chapter is substantially equivalent to the model ordinance prepared by the State of California.

C. Consistent with these findings, the purpose of this Chapter is to establish an alternative model acceptable under AB 1881 as being at least as effective as the State Model Water Efficient Landscape Ordinance in the context of conditions in the City in order to:

1. promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;

2. promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;

3. establish a structure for planning, designing, installing, and maintaining and managing water efficient landscapes in *new construction* and rehabilitated projects;

4. establish provisions for water management practices and water waste prevention for existing landscapes;

5. use water efficiently without waste by setting a *Maximum Applied Water Allowance* as an upper limit for water use and reduce water use to the lowest practical amount; and

6. encourage the use of economic incentives that promote the efficient use of water, such as implementing a *tiered-rate structure*.

§ 9.70.010 Applicability.

A. All planting, irrigation, and landscape-related improvements required by this Chapter shall apply to the following *landscape projects*:

1. new landscape installations or landscape rehabilitation projects by public agencies or private non-residential developers, except for cemeteries, with a *landscaped area*, including pools or other *water features* but excluding hardscape, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial *permit* for a landscape or *water feature*;

2. new landscape installations or landscape rehabilitation projects by developers or property managers of single-family and multi-family residential projects or complexes with a landscaped area, including pools or other *water features* but excluding *hardscape*, equal to or greater than 2,500 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial *permit* for a landscape or *water feature*;

3. new landscape installation projects by individual homeowners on single-family or multi-family residential lots with a total project landscaped area, including pools or other *water features* but excluding *hardscape*, equal to or greater than 5,000 square feet, and which are otherwise subject to a discretionary approval of a landscape plan, or which otherwise require a ministerial *permit* for a landscape or *water feature*;

4. sections 2.2, 2.8 and 2.9 of the *Guidelines* shall apply to new landscape installations or landscape rehabilitation projects at cemeteries.

B. Section 3(b) of the *Landscape Water Use Standards* of this Chapter shall apply to:

1. all *landscaped areas* installed after January 1, 2010 to which Section 1.1(a) is applicable.

C. This Chapter does not apply to:

1. registered local, state, or federal historical sites;

2. ecological restoration projects that do not require a permanent irrigation system;

3. plant collections, as part of botanical gardens and arboretums open to the public.

§ 9.70.015 Implementation Procedures

A. Prior to installation, a *Landscape Documentation Package* shall be submitted to the City for review and approval of all *landscape projects* subject to the provisions of this Chapter. Any *Landscape Documentation Package* submitted to the City shall comply with the provisions of the *Guidelines*.

B. The *Landscape Documentation Package* shall include a certification by a professional appropriately licensed in the State of California stating that the landscape design and water use calculations have been prepared by or under the supervision of the licensed professional and are certified to be in compliance with the provisions of this Chapter and the *Guidelines*.

1. Landscape and irrigation plans shall be submitted to the City for review and approval with appropriate water use calculations. Water use calculations shall be consistent with calculations contained in the Guidelines and shall be provided to the local water purveyor, under procedures determined by the City.

2. Verification of compliance of the landscape installation with the approved plans shall be obtained through a *Certification of Completion* in conjunction with a Certificate of Use and Occupancy or Permit Final process, as provided in the *Guidelines*.

§ 9.70.020 Landscape Water Use Standards

A. For applicable landscape installation or rehabilitation projects subject to Section 1.1(a) of this Chapter, the *Estimated Applied Water Use* allowed for the *landscaped area* shall not exceed the *MAWA* calculated using an *ET adjustment factor* of 0.7, except for *special landscaped areas* where the *MAWA* is calculated using an *ET adjustment factor* of 1.0; or the design of the *landscaped area* shall otherwise be shown to be equivalently water-efficient in a manner acceptable to the City; as provided in the *Guidelines*.

B. Irrigation of all *landscaped areas* shall be conducted in a manner conforming to the rules and requirements, and shall be subject to penalties and incentives for water conservation and water waste prevention as determined and implemented by the *local water purveyor* or as mutually agreed by *local water purveyor* and the City.

§ 9.70.025 Third Party.

The City may enter into a contract with, a *local agency* or third party with lawful authority, to implement, administer, and/or enforce any of the provisions of the Chapter on behalf of the City.

§ 9.70.030 Definitions.

The following definitions are applicable to Title 9 Public Property, Public Works, and Building Regulations - Chapter 9.70 Water Efficient Landscaping:

A. Applied Water: the portion of water supplied by the irrigation system to the landscape.

B. Budget-Based Tiered-Rate Structure: tiered or block rates for irrigation accounts charged by the retail water agency in which the block definition for each customer is derived from lot size or irrigated area and the evapotranspiration requirements of landscaping.

C. Ecological Restoration Project: a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

D. Estimated Applied Water Use: the average annual total amount of water estimated to be necessary to keep plants in a healthy state, calculated as provided in the Guidelines. It is based on the reference evapotranspiration rate, the size of the landscape area, plant water use factors, and the relative irrigation efficiency of the irrigation system.

E. ET Adjustment Factor or ETAF: is equal to the plant factor divided by the irrigation efficiency factor for a landscape project, as described in the Guidelines. The ETAF is calculated in the context of local reference evapotranspiration, using site-specific plant factors and irrigation efficiency factors that influence the amount of water that needs to be applied to the specific landscaped area.

A combined plant mix with a site-wide average plant factor of 0.5 (indicating a moderate water need) and average irrigation efficiency of 0.71 produces an ET adjustment factor of (0.7) = (0.5/0.71), which is the standard of water use efficiency generally required by this Chapter and the Guidelines, except that the ETAF for a special landscape area shall not exceed 1.0.

F. Guidelines: refers to the Guidelines for Implementation of the Water Efficient Landscape Ordinance, as adopted by the City, which describes procedures, calculations, and requirements for landscape projects subject to this Chapter. The Guidelines shall be adopted by resolution and may be amended from time to time.

G. Hardscapes: any durable material or feature (pervious and non-pervious) installed in or around a landscaped area, such as pavements or walls. Pools and other water features are considered part of the landscaped area and not considered hardscapes for purposes of this Chapter.

H. Homeowner Installed Landscape: any landscaping either installed by a private individual for a single family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this Chapter, is a person who occupies the dwelling he or she owns. This definition excludes speculative homes, which are not owner-occupied dwellings and which are subject under this Chapter to the requirements applicable to developer-installed residential landscape projects.

I. Irrigation Efficiency: the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this Chapter is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

J. Landscaped Area: all the planting areas, turf areas, and water features in a landscape design plan subject to the Maximum Applied Water Allowance and Estimated Applied Water Use calculations. The landscaped area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or non-pervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

K. Landscape Contractor: a person licensed by the State of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

L. Landscape Documentation Package: the documents required to be provided to the City for review and approval of landscape design projects, as described in the Guidelines.

M. Landscape Project: total area of landscape in a project, as provided in the definition of “landscaped area,” meeting the requirements under Section 1.1 of this Chapter.

N. Local Agency: a city or county, including a charter city or charter county, that is authorized by the City to implement, administer, and/or enforce any of the provisions of this Chapter on behalf of the City. The local agency may be responsible for the enforcement or delegation of enforcement of this Chapter including, but not limited to, design review, plan check, issuance of permits, and inspection of a landscape project.

O. Local Water Purveyor” means any entity, including a public agency, city, county, or private water company that provides retail water service.

P. Maximum Applied Water Allowance or MAWA: the upper limit of annual applied water for the established landscaped area as specified in Section 2.2 of the Guidelines. It is based upon the area's reference evapotranspiration, the ET Adjustment Factor, and the size of the landscaped area. The Estimated Applied Water Use shall not exceed the Maximum Applied Water Allowance.

Q. New Construction: for the purposes of this Chapter, a new building with a landscape or other new landscape such as a park, playground, or greenbelt without an associated building.

R. Non-Pervious: any surface or natural material that does not allow for the passage of water through the material and into the underlying soil.

S. Pervious: any surface or material that allows the passage of water through the material and into the underlying soil.

T. Permit: an authorizing document issued by local agencies for new construction or rehabilitated landscape.

U. Plant Factor or Plant Water Use Factor: is a factor, when multiplied by ETo, that estimates the amount of water needed by plants. For purposes of this Chapter, the plant factor range for low water use plants is 0 to 0.3; the plant factor range for moderate water use plants is 0.4 to 0.6; and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this Chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species."

V. Recycled Water or Reclaimed Water: treated or recycled waste water of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

W. Reference Evapotranspiration or ETo: a standard measurement of environmental parameters which affect the water use of plants. ETo is given expressed in inches per day, month, or year as represented in Appendix A of the Guidelines, and is an estimate of the evapotranspiration of a large field of four-to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the Maximum Applied Water Allowances.

X. Rehabilitated Landscape: any re-landscaping project that meets the applicability criteria of Section 1.1(a), where the modified landscape area is greater than 2,500 square feet, is 50% of the total landscape area, and the modifications are planned to occur within one year.

Y. Smart Automatic Irrigation Controller: an automatic timing device used to remotely control valves that operate an irrigation system and which

schedules irrigation events using either evapotranspiration (weather-based) or soil moisture data.

Z. Special Landscape Area: an area of the landscape dedicated solely to edible plants such as orchards and vegetable gardens, areas irrigated with recycled water, water features using recycled water, and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

AA. Turf: a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses. Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

BB. Valve: a device used to control the flow of water in an irrigation system.

CC. Water Feature: a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscaped area. Constructed wetlands used for on-site wastewater treatment, habitat protection or storm water best management practices that are not irrigated and used solely for water treatment or storm water retention are not water features and, therefore, are not subject to the water budget calculation.

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