

ORDINANCE NO. 3455 C.S.

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY
AMENDING CHAPTERS 9 AND 13 OF THE MONTEREY CITY CODE ADOPTING
THE 2010 CALIFORNIA BUILDING CODE AND APPENDICES I AND J;
2010 CALIFORNIA HISTORIC BUILDING CODE;
2010 CALIFORNIA EXISTING BUILDING CODE;
2010 CALIFORNIA RESIDENTIAL CODE;
2010 CALIFORNIA PLUMBING CODE;
2010 CALIFORNIA ELECTRIC CODE;
2010 CALIFORNIA MECHANICAL CODE;
2010 CALIFORNIA FIRE CODE INCLUDING A-J; AND
2006 INTERNATIONAL PROPERTY MAINTENANCE CODE**

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Monterey ("City") may adopt the provisions of the International Building Code, the Plumbing Code, the Mechanical Code, the Fire Code, the Housing Code, and the National Electrical Code, to protect the health, welfare, and safety of the citizens of Monterey because of local climatic, geological, topographical, and environmental conditions; and

WHEREAS, the factual findings made in the past continue to be valid and relate to the amendments made to the International Codes in this adoption; and

WHEREAS, the City of Monterey has made an environmental finding that the current City of Monterey green building program as compared to title 24, Part 11 also known as Cal Green, is determined to be more restrictive; and

WHEREAS, this Ordinance was found to be categorically exempt from environmental review, per the provisions of Section 15061(b) (3) of the California Environmental Quality Act ("CEQA") of 1970, as amended;

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 1: Chapter 9, § 9-0.1 of the Monterey City Code is hereby amended by deleting the current Section 9-0.1 in its entirety and replacing it to read as follows:

**ARTICLE 1.0
ADOPTION OF BUILDING AND RELATED CODES**

Section 9-0.1. Adoption of Codes.

Except as otherwise amended by this chapter and Chapter 13 of this City Code, the following model codes are hereby adopted and are incorporated in this chapter by reference and made a part hereof as if fully set forth herein:

1. 2010 CALIFORNIA BUILDING CODE AND APPENDICES I, J;
2. 2010 CALIFORNIA HISTORIC BUILDING CODE;
3. 2010 CALIFORNIA EXISTING BUILDING CODE;

4. 2010 CALIFORNIA RESIDENTIAL CODE;
5. 2010 CALIFORNIA PLUMBING CODE;
6. 2010 CALIFORNIA ELECTRIC CODE;
7. 2010 CALIFORNIA MECHANICAL CODE;
8. 2010 CALIFORNIA FIRE CODE AND APPENDICES A-J
9. 2006 INTERNATIONAL PROPERTY MAINTENANCE CODE

SECTION 2: Chapter 9, § 9-0.2 of the Monterey City Code is hereby amended by deleting the current Section 9-0.2 in its entirety and replacing it to read as follows:

Section 9-0.2. Exemption for Pending Applications.

1. The provisions of the 2010 Editions of the California Building Code, and Appendices I, J, the California Historic Building Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, the California Fire Code and appendices A-J, the 2006 International Property Maintenance Code, and the 2010 Existing Building Code, as adopted and amended herein, shall not apply to any building or structure for which application for a building permit was made prior to January 1, 2011. Such buildings or structures shall be erected, constructed, enlarged, altered or repaired in accordance with the provisions of this chapter in effect at the date of said application.

2. All other applications shall be processed in accordance with the provisions of the 2010 Editions of the California Building Code, and Appendices I, J, the California Historic Building Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, the California Fire Code and appendices A-J, the 2006 International Property Maintenance Code, and the 2010 Existing Building Code, all as adopted and amended herein.

SECTION 3: Chapter 9, § 9-1 of the Monterey City Code is hereby amended by deleting the current Section 9-1 in its entirety and replacing it to read as follows:

**ARTICLE 1.5.
AMENDMENTS TO UNIFORM CODES**

Section 9-1. Amendments to California Building Code.

Section 105.3.2 is hereby amended to read as follows:

Section 105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing AND pays a fee equal to \$500.00 of the for each requested 90- day extension and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

Section 105.5 is hereby amended to read as follows:

Section 105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in Section 110.3 of the 2010 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of 90 (ninety) days may be granted by the building official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee of \$1,000 for each ninety (90) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees applied for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

Section 1505.1.1 is hereby amended to read as follows:

Section 1505.1.1 Real Coverings within ALL Fire Hazard Severity Zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire retardant roof or class A roof.

Section 9.1.1 is added to read as follows:

Section 9.1.1. Amendments to 2010 California Residential Code.

Section R105.3.2 is hereby amended to read as follows:

Section R105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing AND pays a fee equal to \$500.00 of the for each requested 90- day extension and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

Section R105.5 is hereby amended to read as follows:

Section R105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in Section 110.3 of the 2010 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of 90 (ninety) days may be granted by the building official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee of \$1,000 for each ninety (90) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted and permit obtained along with all applicable fees applied for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

Section R313.2 is hereby amended to read as follows:

Section R313.2 One-and Two-Family Dwellings Automatic Fire Systems. New one- and two-family dwellings, an automatic residential fire sprinkler system shall be installed, or to which additions, alterations, or repairs are made that involve the removal or replacement to 50 percent or greater of the linear length of walls of the building (exterior plus interior) within a one-year period shall meet the requirements of new construction or this code.

Exception:

(1) One-and two-family dwelling buildings with less than 1500 square feet where an addition will not increase the total square footage to more than 1500 square feet, unless the increase involves a second story (in this case, the 50% linear wall length rule would apply to determine if the project would need an automatic fire sprinkler system).

Section R403.1.3 is hereby amended to read as follows:

Section R403.1.3 Seismic Reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns, or pedestals are permitted.

Section R902.1.1 is hereby amended to read as follows:

Section R902.1.1 Real Coverings within ALL Fire Hazard Severity Zones. Any new roof on a new or existing structure, and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire retardant roof or class A roof.

SECTION 4: Chapter 9, § 9-2 of the Monterey City Code is hereby amended by deleting said section in its entirety and replacing it with the following:

Section 9-2. Amendments to California Plumbing Code.

Section 710.1 is hereby amended to read as follows:

Section 710.1 In every case where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet (2') above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer in any new or existing drainage system, approved types of backwater valve, relief vent and cleanout approved shall be installed in the building sewer at the point of lowest elevation of the ground surface of the building site outside of the building or at such other location as is permitted by the Building Inspector, providing that at any such location, the elevation of the ground surface is not less than two (2') below the lowest trap outlet served by the building sewer.

The installation shall consist of an approved fresh air inlet and a Y branch or combination fitting installed in sequence in the line of flow from the building. The vent from this fresh air inlet shall be piped to the ground surface and capped with a vent cap. Provision shall be made by elevation above the ground or by other means for preventing the obstruction of the vent opening or the flow of water therein. The cleanout shall be placed as close to the valve as is practical and shall be piped to within one foot (1') of the ground surface and closed with an approved cleanout plug. Every existing installation which includes a plumbing fixture trap outlet which is less than two feet (2') above the rim of the nearest manhole uphill from the point of connection of the building sewer to the public sewer is hereby declared to be dangerous, unsanitary and a menace to life, health and property. Whenever it shall come to the attention of the Building Inspector that such an installation exists, he or she is hereby empowered to order and require that such plumbing outlet be immediately plugged or capped, or that the equipment described in the preceding paragraph of this section be installed immediately."

SECTION 5: Chapter 13, § 13-0.1 of the Monterey City Code is hereby amended by deleting said section in its entirety and replacing it with the following:

Section 13-0.1. Adoption of 2010 California Fire Code.

Except as otherwise amended by this chapter, the 2010 California Fire Code, including Appendices A-J (2009 International Fire Code), is hereby adopted pursuant to Monterey City Ordinance No. ____ (effective January 1, 2011) and is incorporated in this city code by reference and made a part hereof as if set forth fully herein.

SECTION 6: Chapter 13, § 13-0.2 of the Monterey City Code is hereby amended by deleting said section in its entirety and replacing it with the following:

Section 13-0.2. Amendments to 2010 California Fire Code.

Section 101.1 is amended to read as follows:

101.1 Title. These regulations shall be known as the Fire Code of The City of Monterey hereinafter referred to as "this code."

Section 109.3 is amended to read as follows:

109.3 Violation Penalties. Persons who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or 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 an infraction, punishable by a fine not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Section 202 is amended to add the following definitions:

ALL WEATHER SURFACE. A road surface constructed to the minimum standards adopted by the jurisdiction.

Section 304 and 305 to read as follows:

Section 304 – Combustible Materials

Storage and Accumulation of Rubbish and Vegetation

304 Rubbish within Dumpsters. In all rooms or above outside areas, adjacent to building or underneath roof overhangs or when located nearer than 10 feet to adjacent property line, used for storage of combustible waste materials in other than Group R, Division 3 occupancies shall be protected by automatic sprinkler protection. Such sprinklers may be connected to the domestic water supply, provided sufficient coverage of the area is provided and an approved accessible shutoff valve is provided for each room or area.

Exception:

- (1) Trash areas adjacent to solid brick or concrete walls with no openings or eaves are not required to be protected by automatic sprinkler system(s).

Section 305 – Control of Sources of Ignition

305. General. Use of equipment, appliances and open flame devices shall be in accordance with this section.

(a) The use of any fuel burning or consuming apparatus, electrical device or explosives on Municipal Wharves No.1 and No.2 shall be prohibited. Such as but not limited to:

1. Generators
2. Oil Burning Equipment
3. Liquefied petroleum gas equipment
4. Lanterns
5. Stoves
6. Heaters
7. Candles
8. Barbecues

This section shall not apply to:

1. Motor vehicles
2. Devices operated or used within buildings located on Municipal Wharves No.1 and No.2, and fish pumps
3. Any repair or construction undertaken by the City of Monterey, its agents or any public entity

Section 307 is amended to read as follows:

Section 307 – Incinerators, Open Burning and Commercial Barbecue Pits

Open Burning

307 General. Open burning shall be prohibited including outdoor rubbish fires and bonfires, unless (1) the fire is confined to an approved container as defined by the Uniform Mechanical Code and authorized by the Monterey Bay Air Pollution Control District, (2) the open fire is for the explicit purpose of preparation of food, such as in the case of a luau, barbecue, and the like, or (3) a special condition or circumstance exists and written authorization is granted by the Chief.

Section 503 is added as follows:

Section 503 – Fire Apparatus Access

Section 503.2.1 is added 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 security gates in accordance with Section 503.6, and an unobstructed vertical clearance of not less than 13 feet 6 inches (4115 mm).

BRIDGE. A structure to carry a roadway over a depression or obstacle.

Section 503.2.6.1 is added to read as follows:

503.2.6.1 Private Bridge Engineering. Every private bridge hereafter constructed shall meet the following engineering requirements:

- a. The weight shall be designed for a minimum of HS-20 loading as prescribed by the AASHTO.
- b. The unobstructed vertical clearance shall be not less than 15 feet clear.
- c. The width shall be a minimum of 20 feet clear. The fire code official may require additional width when the traffic flow may be restricted or reduce the width to a minimum of 12 feet for Occupancy Group U or R-3 occupancies.
- d. The maximum grade change of the approach to and from any private bridge shall not exceed 8% for a minimum distance of 10 feet.

Section 503.2.6.2 is added to read as follows:

503.2.6.2 Private Bridge Certification. Every private bridge hereafter constructed shall be engineered by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. Certification that the bridge complies with the design standards required by this code and the identified standards, and that the bridge was constructed to those standards, shall be provided by the licensed engineer, in writing, to the fire code official. Every private bridge, including existing and those constructed under this code, shall be certified as to its maximum load limits every ten (10) years or whenever deemed necessary by the fire code official. Such recertification shall be by a licensed professional engineer knowledgeable and experienced in the engineering and design of bridges. All fees charged for the purpose of certification or recertification of private bridges shall be at the owner's expense.

Section 503.2.7 is amended to read as follows:

503.2.7 Grade. The grade of fire apparatus access roads shall be no greater than 15% unless specifically approved by the fire code official.

Section 503.2.7.1 is added to read as follows:

503.2.7.1 Paving. All fire apparatus access roads over eight percent (8%) shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.

Section 505 is added to read as follows:

Section 505 – Premises Identification

505.1 Address Identification. New 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 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). Where access is by means of 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. Large complexes or multiple buildings shall have their address posted so that it is visible from the street.

Section 506.1 is amended to read as follows:

506.1 Where Required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box or other approved emergency access device to be installed in an approved location. The key box or other approved emergency access device shall be of an approved type and shall contain keys or other information to gain necessary access as required by the fire code official.

Section 507.5.2 is amended to read as follows:

507.5.2 Inspection, Testing and Maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations and servicing shall comply with approved standards. When required by the fire code official, hydrants shall be painted in accordance with the most current edition of NFPA 291.

Section 603.6.6 is added to read as follows:

603.6.6 Spark Arresters. An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks or similar devices for conveying smoke or hot gases to the outer air.

Section 901.1.1 is added to read as follows:

901.1.1 Responsibility. The owner of the protected premises shall be responsible for all fire protection systems within the protected premises, whether existing or installed under this code.

Section 901.4 is amended to read as follows:

901.4 Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. All systems shall be extended, altered, or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled or added to. Alterations to the fire protection systems shall be done in accordance with applicable standards.

Section 901.4.5 is added to read as follows:

901.4.5 Nonoperational Equipment. Any fire protection equipment that is no longer in service shall be removed.

Section 901.7 is added to read as follows:

901.7 Systems Out of Service. Where a required fire protection system is out of service, the fire department and the fire code official shall be notified immediately and, where required by the fire code official, the building shall either be evacuated or an approved fire watch shall be provided for all occupants left unprotected by the shutdown until the fire protection system has been returned to service.

Section 903 is amended to read as follows:

Section 903 – Fire Sprinklers

Section 903.2 is amended to read as follows:

903.2 Where Required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into or relocated within the jurisdiction. Exceptions: (1) Structures not classified as Group R occupancies and not more than 500 square feet in total floor area.

The following sections are amended by changing requirements to 500 square feet for fire sprinkler installation, as follows (the complete text of the section is not provided):

903.2.1.1 Group A-1. Change 12,000 square feet to 500 square feet.

903.2.1.2 Group A-2. Change 5,000 square feet to 500 square feet.

903.2.1.3 Group A-3. Change 12,000 square feet to 500 square feet.

903.2.1.4 Group A-4. Change 12,000 square feet to 500 square feet.

903.2.1.5 Group A-5. Change 1,000 square feet to 500 square feet.

903.2.3 Group E. Change 12,000 square feet to 500 square feet.

903.2.4 Group F-1. Change 12,000 square feet to 500 square feet. Change 2,500 square feet for woodworking operations to 500 square feet.

903.2.7-1 Group M. Change 12,000 square feet to 500 square feet.

903.2.7-3 Group M. Change 24,000 square feet to 500 square feet.

903.2.9 Group S-1. Change 12,000 square feet to 500 square feet.

903.2.9.1 Repair Garages. Change 10,000 square feet (2 story buildings) and 12,000 square feet (1 story buildings) to 500 square feet.

903.2.9.2 Bulk storage of tires. Change 20,000 cubic feet to 500 square feet.

Section 903.2.8 is amended to read as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all buildings with a Group R fire area, including, but not limited to, one-and two-family dwellings, town homes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

Section 903.3.1.1.2 is added to read as follows:

903.3.1.1.2 Elevators. Automatic fire sprinklers shall not be installed at the top of passenger elevator hoist ways or in the associated passenger elevator mechanical rooms.

903.3.1.1.2.1 Where automatic fire sprinklers are not installed at the top of passenger elevator hoist ways, heat detectors for the shunt trip mechanism shall not be installed, nor shall smoke detectors for elevator recall be installed.

903.3.1.1.2.2 Where automatic fire sprinklers are not installed in associated elevator mechanical rooms, heat detectors for the shunt trip mechanism shall not be installed. A smoke detector shall be installed for elevator recall.

Section 903.3.1.3 is amended to read as follows:

903.3.1.3 NFPA 13D Sprinkler Systems. Where allowed, automatic sprinkler systems installed in one-and two-family dwellings shall be installed throughout in accordance with NFPA 13D.

903.3.1.3.1 All fire sprinkler systems installed in one-and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for two-hour duration.

903.3.1.3.2 Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the fire code official.

903.3.1.3.6 Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

Section 903.4.1 is amended to read as follows:

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72-2010, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location.

(Exceptions remain unchanged)

Section 903.4.2 is amended to read as follows:

903.4.2 Alarms. One exterior approved audible device shall be connected to every automatic sprinkler system in an approved location. Such sprinkler water flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.4.3 is amended to read as follows:

903.4.3 Floor Control Valves. Approved indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in all buildings over one story in height, and shall be individually annunciated as approved by the fire code official.

Section 903.6 is amended to read as follows:

903.6 Repairs, Alterations, and Additions. In all buildings, except where otherwise provided herein in this Section, where the total floor area exceeds five thousand square feet (5000sf), or which are forty feet (40') or more in height, or which are three or more stories in height, they shall be made to comply with the provisions of this Section.

In all buildings where the total floor area exceeds five thousand square feet (5000sf), or which are forty feet (40') or more in height, or which are three or more stories in height, if the repairs or alterations are made exceeding twenty-five percent of the current market value of the building and property as shown in the records of the County Assessor within any three hundred sixty (360) day period shall be made to comply with the provisions of this section.

Exception:

(1) Valuation may also be determined by the replacement costs of the existing structure based upon the most recent "Building Valuation Data" contained in the "Building Standards" magazine published by the International Conference of Building Officials. The intent of this exception is to allow the use of a less restrictive application (if applicable) to determine if repair, alterations or additions are twenty-five percent (25%) or more of the value of the building.

Definitions.

Repair. It is the reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance.

Alteration. It is any change, addition, or modification in construction or occupancy.

Exception: Projects where the sole purpose is for seismic upgrade.

Existing Group R, Division 3 buildings to which additions, alterations, or repairs are made that involve the removal or replacement to 50 percent or greater of the linear length of walls of the building (exterior plus interior) within a one-year period shall meet the requirements of new construction or this code.

Exception:

(1) Group R Division 3 buildings with less than 1500 square feet where an addition will not increase the total square footage to more than 1500 square feet, unless the increase involves a second story (in this case, the 50% linear wall length rule would apply to determine if the project would need an automatic fire sprinkler system).

Section 904.11 is added to existing section.

904.11 Non-Conforming Restaurant Cooking Appliances and Fire Extinguishing Systems. All non-conforming restaurant cooking appliances, hood and duct systems, and fire

extinguishing systems found to exist as of the effective date of this Ordinance shall be made to conform to the requirements of this Section within ninety (90) days of notification. It shall thereafter be unlawful for any person to maintain or suffer to be maintained any non-conforming restaurant cooking appliance, hood and duct system or fire extinguishing system on any property owned or controlled by said person within the City of Monterey.

Section 907.7.4 is added to read as follows:

907.7.4 Zone Transmittal. Where required by the fire code official, fire alarm signals shall be transmitted by zone to the supervising station and retransmitted by zone to the public fire service communications center.

Section 907.8.2 is amended to read as follows:

907.8.2 Completion Documents. The following documentation shall be provided at the time of acceptance testing for all fire alarm system installations:

1. A record of completion in accordance with NFPA 72.
2. A contractor's statement verifying that the system has been installed in accordance with the approved plans and specifications, and has been 100% tested in accordance with NFPA 72.
3. A contractor's affidavit of personnel qualifications, indicating that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the fire code official.

Section 907.13 is amended to read as follows:

907.13 Access. Access shall be provided to each fire alarm system component for periodic inspection, maintenance and testing.

Section 3404.4 is added to read as follows:

Section 3404.4 Outdoor Storage of Containers and Portable Tanks. Storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited except as permitted by the Zoning Ordinance.

Exceptions:

1. For marine fueling operations, a maximum of 2000 gallons of diesel fuel may be stored and dispensed from an above ground tank as approved by the Fire Chief.
2. Storage tanks of 500 gallon maximum capacity may be used only in conjunction with emergency generators as approved by the Fire Chief."

Add the following Appendix to read as follows:

APPENDIX M: Standard Fire Conditions for Single Family Dwellings

Section M109 – Defensible Space

M 109.1 Standard Defensible Space Requirements. (FIRE 019) Remove combustible vegetation from within a minimum of 100 feet or to the property line from structures, whichever

is closer. Vegetation shall be no taller than four inches (4") high. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional or alternate fire protection approved by the fire code official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the fire code official and other jurisdictional authorities.

Add the following Appendix to read as follows:

APPENDIX R: Roofs

Section R101 – General

R101 .1 Scope. Applications for the construction or remodel of any buildings shall be subject to the roofing conditions of this appendix when conditioned by the fire code official.

R101.2 Conflicting Sections. Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the fire code official.

Section R102 – New Buildings

R102.1 General. (FIRE 026) Roofing requirements for all new buildings shall be a minimum Class "A" roof assembly as defined by the International Building Code.

R102.2 Very High Hazard Severity Zones. (FIRE 027) Roofing requirements for all new buildings in Very High Hazard Severity Zones shall be a minimum Class "A" roof assembly as defined by the International Building Code.

Section R103 – Existing Buildings

R103.1 General. (FIRE 026) Roofing requirements for existing buildings when fifty percent (50%) or more of the roof area is reroofed within a one-year period after the issuance of a building permit shall be a minimum Class "B" roof assembly as defined by the International Building Code. Where there is no permit issued, this section is applicable to buildings constructed after the effective date of this code and to buildings where fifty percent (50%) or more of the roof area is reroofed within a one-year period after commencing construction.

R103.2 Very High Hazard Severity Zone. (FIRE 027) Roofing requirements for existing buildings within a very high hazard severity zone when fifty percent (50%) or more of the roof area is reroofed within a one-year period after the issuance of a building permit shall be a minimum Class "A" roof assembly as defined by the International Building Code. Where there is no permit issued, this section is applicable to such buildings constructed after the effective date of this code and to buildings where fifty percent (50%) or more of the roof area is reroofed within a one-year period after commencing construction.

Add the following Appendix to read as follows:

APPENDIX AE: Alternative Energy Systems

AE101.1 Scope. Applications for the installation, additions or remodel of alternative energy system, including but not limited to photovoltaic and wind generation systems, shall be subject to this appendix when conditioned by the fire code official.

AE101.2 Conflicting Sections. Where provisions in this appendix conflict with other sections of this code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the fire code official.

AE102 Signing and Marking. All photovoltaic systems shall be permanently marked as specified in this section.

AE102.1 Main Service Disconnect.

a. Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

b. Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non-serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

AE102.2 Direct Current (DC) Conduits, Raceways, Enclosures, Cable Assemblies, and Junction Boxes.

a. Marking is required on all interior and exterior direct current (DC) conduits, raceways, enclosures, cable assemblies, and junction boxes.

b. Marking Locations. Marking shall be placed on all DC conduits, raceways, enclosures, and cable assemblies every ten feet (10'), at turns and above and below penetrations. Marking shall also be placed on all DC combiner and junction boxes.

c. Marking Content and Format. Marking for DC conduits, raceways, enclosures, cable assemblies and junction boxes shall be red with white lettering with minimum 3/8" capital letters in a non-serif font, to read "WARNING: SOLAR CIRCUIT". Marking shall be reflective, weather resistant, and suitable for the environment. Materials used should be in compliance with UL Standard 969.

AE102.3 Secondary Power Sources. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

AE102.4 Installer Information. Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

AE102.5 Inverters. No markings are required for inverters.

AE102.6 AC Photovoltaic Systems. AC Photovoltaic Systems shall be marked as specified in this section.

a. **Main Panel Exterior Marking.** A placard is required to be permanently affixed to the car service disconnect panel. The placard shall be red in color with white capital letters at least 3/4" in height and in a non-serif font, to read "SOLAR DISCONNECT INSIDE PANEL." The placard shall be constructed of weather resistant, durable plastic with engraved letters, or other approved material.

b. **Circuit Disconnecting Means Marking.** A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8" in height and in a non-serif font, to read "SOLAR DISCONNECT." The label shall be constructed of durable adhesive material or other approved material.

AE103 Building Mounted Photovoltaic Systems

AE103.1 All building-or roof-mounted photovoltaic systems shall be installed as specified in this section.

a. **Access, Pathways, and Smoke Ventilation.** Access and spacing requirements shall be observed to ensure emergency access to the roof, provide pathways for specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.

b. **Exceptions.** Exceptions to the requirements in this section shall be permitted to be granted by the fire code official where access, pathway or ventilation requirements are reduced due to any of the following circumstances:

- (1). Proximity and type of adjacent exposures.
- (2). Alternative access opportunities, as from adjoining roofs.
- (3). Ground level access to the roof.
- (4). Adequate ventilation opportunities below solar arrays.
- (5). Adequate ventilation opportunities afforded by module set back from other rooftop equipment.
- (6). Automatic ventilation devices.
- (7). New technologies, methods, or other innovations that ensure adequate fire department access, pathways, and ventilation opportunities.

c. **Designation of ridge, hip, and valley** does not apply to roofs with 2-in-12 or less pitch.

d. **Measurement Conventions.** All roof dimensions shall be measured to centerlines.

e. **Roof Access Points.** Roof access points shall be defined as areas where ladders are not placed over openings (windows or doors) and are located at strong points of building construction and in locations where they will not conflict with overhead obstructions (tree limbs, wires, or signs).

AE103.2 Household Systems (One-and Two-Family Dwellings).

a. **Access and Pathways.**

(1). **Hip Roof Layouts.** Modules shall be located in a manner that provides one (1) three foot (3') wide clear access pathway from the eave to the ridge of each roof slope where the modules are located. The access pathway shall be located at a structurally sound location on

the building, such as a bearing wall.

Exception: Where adjoining roof planes provide a three foot (3') wide clear access pathway.

(2). Single Ridge Layouts. Modules shall be located in a manner that provides two (2) three-foot (3') wide access pathways from the eave to the ridge on each roof slope where the modules are located.

(3). Hip and Valley Layouts. Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

b. Ridge Setback. The modules shall be located no higher than one and one-half feet (1-1/2') below the ridge.

AE103.3 Commercial Systems.

a. Definition. Commercial Systems shall be defined as all photovoltaic systems installed in any occupancy other than a one and two family dwelling.

b. Alternative Requirements. Where the fire code official determines that the roof configuration is similar to residential (i.e., townhouses, condominiums, or single-family attached buildings) the fire code official shall be permitted to make a determination to apply the requirements under Section AE 1 03.2, above.

c. Access. There shall be a minimum six-foot (6') wide clear perimeter around the edges of the roof. Exception: If either access to the building is 250' or less, there shall be a minimum four foot (4') wide clear perimeter around the edges of the roof.

d. Pathways. Pathways shall be established as follows:

(1). Pathways shall be over structural members.

(2). Centerline axis pathways shall be provided in both axes of the roof.

(3). Centerline axis pathways shall run on structural members or Over the next closest structural member nearest to the center lines of the roof.

(4). Pathways shall be straight line not less than four feet (4') clear to skylights, ventilation hatches, and/or roof standpipes.

(5). Pathways shall provide not less than four feet (4') clear around roof access hatches with at least one not less than four foot (4') clear pathway to the parapet or roof edge.

e. Smoke Ventilation.

(1). Solar arrays shall be no greater than 150 feet by 150 feet in distance in either axis.

(2). Ventilator options between array sections shall be (a) a pathway eight feet (8') or greater in width; (b) a pathway four feet (4') or greater in width and bordering on existing roof skylights or ventilation hatches; or (c) a pathway four feet (4') or greater in width and bordering four foot by eight foot (4' X 8) "venting cutouts" every twenty feet (20') on alternating sides of the pathway.

AE104 Location of Direct Current (DC) Conductors.

a. Exterior mounted Direct Current conduits, wiring systems and raceways for photovoltaic circuits shall be located as close as possible to the ridge, hip or valley and from the hip or valley

as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities.

b. Conduit runs between sub-arrays and to DC combiner boxes shall use design guidelines that minimize the total amount of conduit by taking the shortest path from the array to the DC combiner box.

c. DC combiner boxes shall be located so that conduit runs are minimized in the pathways between arrays.

d. DC wiring shall be run in metallic conduit or raceways when located within enclosed spaces in a building and shall be run as follows:

(1). When run perpendicular or parallel to load bearing members, a minimum ten-inch (10") space below roof decking or sheathing shall be maintained.

(2). Where flexible metal conduit (FMC) or metal clad cable (MC) containing PV power circuit conductors is installed across ceilings or floor joists, the raceway or cable shall be protected by guard strips.

AE105 Ground Mounted Photovoltaic Systems

AE105.1 Marking. Marking shall be in accordance with Section AE102, above.

AE105.2 Setbacks. Special setback requirements do not apply to ground-mounted, freestanding photovoltaic arrays. NOTE: The zoning regulations of the jurisdiction regulate setbacks between buildings, accessory structures (possibly including ground-mounted photovoltaic arrays) and property lines.

AE105.3 Clearances. A clear area of ten feet (10') around ground-mounted photovoltaic installations shall be provided.

AE105.4 Non-Combustible Base. A gravel base or other non-combustible base acceptable to the fire code official shall be installed and maintained under and around the installation.

AE105.6 Fire Sprinkler Protection. Fire sprinkler protection is not required for ground-mounted photovoltaic installations.

SECTION 7: Chapter 13, § 13-4 of the Monterey City Code is hereby amended to read as follows:

Section 13-4. Prohibition of Fireworks.

Section 3301 Explosives and Fireworks.

(a) As used herein, the term "fireworks" shall refer to and have the same meaning as that set forth in Health and Safety Code Section 12511.

(b) The sale, offering for sale, display, possession, or discharge of fireworks by any person or entity is hereby prohibited.

(c) Fireworks found within Monterey shall be subject to confiscation, turned over to the Fire Department, and upon conviction, pleas of guilty of nolo contendere, or posting and forfeiting of bail, shall be disposed of in a safe manner. Violation of this section shall constitute a misdemeanor.

(d) The remainder of this section notwithstanding, the possession and discharge of fireworks for public display by licensed pyrotechnic operators may be permitted if approved by the Fire Chief. Any person denied such permission may appeal in the same manner and fashion as set forth in Section 13-3.

SECTION 8: Chapter 13, § 13-6 of the Monterey City Code is hereby amended by adding an additional exception to Section 13-6 to read as follows:

ARTICLE 2.
CLEAN UP OF HAZARDOUS SUBSTANCES

Section. 13-6. Definitions.

vi. Vehicle operating fluids from a motor vehicle accident less than five (5) gallons including: gasoline, transmission fluid, motor oil, and radiator fluid.

SECTION 9: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 10: This ordinance shall be in full force and effect on January 1, 2011.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 2nd day of November, 2010, by the following votes:


AYES:	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None

ATTEST:

APPROVED:



City Clerk thereof



Mayor of Said City

STATE OF CALIFORNIA
COUNTY OF MONTEREY
CITY OF MONTEREY

I, Catherine A. Raynor, SENIOR ASSISTANT CITY CLERK OF THE CITY OF MONTEREY, AND EX-OFFICIO CLERK OF THE COUNCIL THEREOF, HEREBY CERTIFY THAT THE FOREGOING ORDINANCE WAS DULY PASSED TO PRINT IN THE OFFICIAL NEWSPAPER OF SAID CITY BY THE COUNCIL THEREOF ON THE 19th DAY OF October, 2010 BY THE FOLLOWING VOTE:

AYES	5	COUNCILMEMBERS:	Della Sala, Downey, Haferman, Selfridge, Sollecito
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None


CITY CLERK OF SAID CITY

PUBLICATION: October 23, 2010