

ORDINANCE NO. 3551 C.S.

AN ORDINANCE OF THE COUNCIL OF THE CITY OF MONTEREY

ORDINANCE REPEALING AND REPLACING ARTICLES 1.0 AND 1.5 OF CHAPTER 9 AND SECTIONS 13-0.1 THROUGH 13-2 OF CHAPTER 13 OF THE MONTEREY CITY CODE; REPEALING SECTION 13-3 OF THE MONTEREY CITY CODE; AND ADOPTING THE 2016 CALIFORNIA BUILDING STANDARDS CODE INCLUDING THE CALIFORNIA BUILDING CODE AND APPENDICES H, I, J; 2016 CALIFORNIA HISTORIC BUILDING CODE; 2016 CALIFORNIA RESIDENTIAL CODE; 2016 CALIFORNIA PLUMBING CODE; 2016 CALIFORNIA ELECTRIC CODE; 2016 CALIFORNIA MECHANICAL CODE; 2016 CALIFORNIA GREEN BUILDING STANDARDS CODE INCLUDING APPENDIX G AND I; 2016 CALIFORNIA FIRE CODE; AND 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE EXCEPT SECTION 111;

THE COUNCIL OF THE CITY OF MONTEREY DOES ORDAIN, as follows:

SECTION 1:

WHEREAS, the City intends to pass an ordinance adopting the California Building Standards Code which consists of the 2016 editions of the California Building Code and appendices H, I, J, Historic Building Code, Residential Code, Plumbing Code, Mechanical Code, Electrical Code, Green Building Standards Code Fire Code, and the 2015 International Maintenance Code and making modifications and changes thereto, all of which will consist of Chapters 9 and 13 of the Monterey City Code;

WHEREAS, pursuant to Sections 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Monterey ("City"), before making modifications or changes to the California Building Standards Code, must make an express finding that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions;

WHEREAS, the Monterey City Council finds that a departure from the California Building Standards Code is reasonably necessary to provide specific and greater protections to the public health, safety, and welfare than afforded by the California Building Standards Code due to local climatic, geographical, or topographical conditions;

WHEREAS, the City intends to adopt the provisions of the 2015 International Property Maintenance Code, except section 111, to protect the health, welfare, and safety of the residents of Monterey; and

WHEREAS, the City of Monterey determined that the proposed action is not a project as defined by the California Environmental Quality Act (CEQA)(CCR, Title 14, Chapter 3 ("CEQA Guidelines), Article 20, Section 15378). In addition, CEQA Guidelines Section 15061 includes the general rule that CEQA applies only to activities which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no

possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. Because the proposed action and this matter have no potential to cause any effect on the environment, or because it falls within a category of activities excluded as projects pursuant to CEQA Guidelines section 15378, this matter is not a project. Because the matter, adoption of State-mandated building safety codes traditionally seen as ministerial actions, does not cause a direct or any reasonably foreseeable indirect physical change on or in the environment, this matter is not a project. Any subsequent discretionary projects resulting from this action will be assessed for CEQA applicability; and

WHEREAS, the Monterey City Council hereby finds as follows: Specific amendments have been established by the City which are more restrictive in nature than those sections adopted by the State of California (State Building Standards Code commonly referred to as Title 24 of the California Code of Regulations). These "Findings of Fact" are submitted and made a part of this Ordinance pursuant to Sections 18941, 17958.5 and 17958.7 of the California Health and Safety Code. Under provisions of the California Health and Safety Code, local amendments shall be based on climatic, geographical, or topographical conditions. The Findings of Fact contained herein shall address each of these situations and shall present the local situation, which either singularly or in combination causes the established amendments to be adopted.

Profile of the City of Monterey: In 1850, when the State of California became the thirty-first state to join the United States, the City of Monterey had already been a "Charter City" and was so noted under State Law. The City of Monterey encompasses an area of 8.62 square miles of land and 3.47 square miles of water, with resident population of 29,003 as of the 2012 population estimates. Due to the significant visitor population to the City of Monterey, the actual population is considered by many studies to exceed 70,000 during a given daytime period. The physical location of the City is between the adjacent lands of the City of Pacific Grove, City of Seaside, and the City of Carmel. Unincorporated areas of Monterey County, the City of Del Rey Oaks, and Monterey Peninsula Airport District fill the remainder of its borders.

The placement of the residential and commercial development within the City of Monterey has generally adopted itself to areas of least resistance, within the confines of ridges, foothills, mesas, and canyons. Other unique environmental characteristics include the flatter plains that contain small lakes and the shoreline of Monterey Bay, which creates the boundaries that attract the visitor population.

Throughout the City of Monterey are major roadways and highways that create barriers. Other barriers could be considered the military facilities, which include the United States Army, Presidio of Monterey, United States Naval Postgraduate School, and the United States Coast Guard Station as well as the Monterey Peninsula Airport.

In June 1981, updated in April 1998 and again in September 2002 the City of Monterey Fire Department and Building Safety and Inspection Division established certain requirements. These were developed to increase the safety of the citizens and guests, as well as the buildings within its boundaries. The following points were established as causes of concern to the City and are herein established and submitted as the Findings of Fact:

Climatic I: The climate weather patterns within the City of Monterey are considered to be moderately effected by the ocean bodies of the Pacific Ocean and Monterey Bay, which extend the year around growing season of vegetation. The normal year's rainfall is approximately eighteen to nineteen (18-19) inches on the average yearly calendar. Summer conditions, with the prevalent Pacific High Cell create the mid-day fog normally associated with Monterey. This climatic fog assists the natural vegetation in growth.

Later in the year, the winds and drying vegetation mix to create a hazardous fuel condition, which has caused grassland and brush land fires in recent years. While normal temperatures usually do not exceed 75-80 degrees, during late summer and early fall (August, September, October) the temperatures can climb to the high 80 degrees plus. The afternoon winds can move a fire quickly in the hillsides and canyon areas of the City.

Because of weather patterns and population increases, the City of Monterey (like other California cities) has experienced water rationing and water allocation. Due to storage capacities and consumption, as well as climatic conditions, limited water resources are an issue.

While sound management of the water resources is possible, actual demands on an already stressed water supply can most assuredly be predicted.

Climatic II: The region is within a climate zone that requires compliance with energy efficiency standards for building construction. The amendment adds up-to-date design standards that will add to energy efficiency in construction while maintaining nationally recognized health and safety standards.

Geographical I: Residents and visitors alike appreciate the scenic appeal and geographical features of the City of Monterey. The mountains and canyons accent one another, as they wind around the City. The forested areas along with the lower brush lands give a feel of balance and a sort of backdrop for the City itself. These geographical features establish the roadways and building sites, as well create barriers for accessibility for fire suppression forces.

The forested areas of oak and pines create windbreaks from oncoming winds, while producing fuel from the annual fall leaves, which drop to the ground, as well as from decayed trees and branches. The dry vegetation, mountainous terrain, and minimal water available tend to cause concern and added fire problems.

The City of Monterey has within its boundaries potentially active seismic hazards with respect to the "Navy," "Berwick Canyon," "Chupines" and "Seaside" faults. While systems have been developed to study and monitor the activity of earthquakes, science has not yet been able to predict (with reliability) the potential for activity on these or any active fault.

Seismic activity within the City occurs yearly with little or no damage, although real potential for damage does exist with these four active faults. New construction may be limited by its respective distance to such faults, and replacement of existing structures could be costly.

The geographical layout of the forested areas creates hazardous conditions when a storm of gale-force winds causes trees to fall onto roadways used for access by Fire Department equipment and personnel. The growing pattern and inherent nature of the Monterey Pine lends itself to being blown over easily. This is due in part to the shallow root system associated with the Monterey Pine tree.

Landslides have also been experienced within the City of Monterey, due to excessive land cuts associated with the roadway systems designed within the City. While stabilization can sometimes be provided, heavy rainfalls have caused failures. These failures have closed roadways within the City, again making accessibility impossible until properly cleared.

Mountains and hills surrounding and within the City of Monterey, create slopes in excess of 60% with an overall average of between five to ten percent throughout (if an average slope were to be accessed). The City of Monterey has a start at sea level and extends to areas in excess of 600 feet above sea level. The elevation change caused by the mountains and hills creates the geographical foundation on which the City has built and will continue to build. With much of the flatlands already built upon, it can be anticipated that future growth will occur on steeper slopes and with greater contrasts in terrain.

Geographical II: The region is located in an area of high seismic activity as indicated by

United States Geological Survey and California Division of Mines and Geology. Recent earthquake activity has indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. Activities have indicated the need for increased levels of safety in buildings systems, including but not limited to means of egress, wiring systems, and fire protection systems.

Topographical: The topographical element of this report is associated closely with the geographical element noted above. While the geographic features create the topographic conditions, the findings in this section are caused by the construction and design of the City of Monterey, due to the elevation changes, as well as mountains, hills, canyons, lakes, and streams that dissect the City.

The water supply (domestic and fire flow) system is directly effected by the topographic layout. The distribution system consists of water lines that carry the water from storage tanks and dammed areas to the public via pipes. These street mains create lift-zones where the pressure and flows are adequate at lower elevations and minimal, sometimes critical supplies at the top. Water supplies within the City of Monterey vary from less than 250 gallons-per-minute to flows in excess of 5,500 gallons-per-minute. This wide variation causes major problems to development, as well as fire suppression forces.

The roadway system is designed around the topography with respect to narrow, windy, steep grades and overhanging tree branches. The grades on the roadway surfaces exceed 25% and widths of less than twelve (12) feet for access are not uncommon. Due to traffic congestion on many streets, especially the commercial downtown area and New Monterey-Cannery Row, vehicles double park for loading and unloading purposes. This creates barriers that reduce response time of fire equipment.

The topography also makes construction more restricted to the level portions of the City with higher concentrations of building in these areas. The existing structures are being removed and replaced with larger, more cost effective buildings. Those existing structures which remain cause concern to the Fire Department because of their lack of adequate fire protection (firewalls, fire extinguishing systems, etc.). The hazard exposure created by these structures poses a separate and significant problem.

It is not uncommon to see a single or two-story building torn down and replaced with a two-, three- or four-story building. For practical and cost reasons, these new structures are built of wood (Type V). The potential for conflagration exists with the high build out of the various specific areas of Monterey. The concentrated commercial, as well as residential occupancies cause concern regarding the exposure elements of building-to-building and building-to-grassland areas of this City.

The topographical nature of Monterey also lends itself to power failures caused when trees and tree limbs damage sections of electrical transmission lines. These power failures cause the electrical pumps to become inactive, interrupting water supplies. Vehicular accidents also have been known to interrupt this pumping operation, due to the narrow streets, which are congested with residents and visitors.

The encouragement of greenbelts between various subdivisions of the City has given rise to brush and grass fires for many years. The existing canyons cause natural barriers, and delay response time due to complex roadways.

The natural rocky shorelines of Monterey create a situation by which access to the building can only be made from the street. The front of the building is essentially the only accessibility point for responding firefighters. Built property-line to property-line, these structures create an element of construction of nearly nine blocks of continuous construction. Residential as well as commercial occupancies can be found along the entire shoreline of

Monterey Bay.

A harbor, created by wharves (Municipal Wharf One and Municipal Wharf Two) and piers creates an interesting fire problem due to the confinement of hundreds of boats and other vessels (413) within a small area. The problems associated with firefighting within a marine environment cause concern and create interesting situations (access, water/fuel, etc.), which must be addressed as an everyday fire problem.

Lastly, while possibly not being within the “topographical” context of Findings of Fact, the historical significance is a major visitor draw for the City of Monterey. Buildings and roadways have been preserved to create a lasting reminder of what has been. The tunnel (constructed and opened to traffic in March 1968) allows traffic to flow between historical structures without causing detracting from the overall visual impact of the buildings.

While many of the historical structures are small and surrounded by landscaped courtyards, etc., some buildings are constructed closer than would be presently allowed under the International Building Code. Construction methods were also less restrictive than would be required today. These structures and settings create barriers, which firefighters must work around and protect from exposure. Forty-four to fifty historical buildings, dating back to the early 1800’s are irreplaceable.

These Findings of Fact, which identify the various “climatic, geographical, and topographical” conditions, are considered reasonably necessary to modify aspects of the California Building Standards Code based upon local conditions.

While it is clearly understood that the adoption of these regulations may not prevent the incidence of fire or building related accidents, implementation of these various regulations and/or requirements may serve to reduce the severity and potential loss of life and property.

NOW THEREFORE, the Monterey City Council declares as follows:

SECTION 2:

Article 1 of Chapter 9 of the Monterey City Code is hereby amended by deleting the current Article 1 in its entirety and replacing it to read as follows:

ARTICLE 1.0 ADOPTION OF BUILDING AND RELATED CODES

Sec. 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. 2016 California Building Code And Appendices H, I, J;
2. 2016 California Historic Building Code;
3. 2016 California Existing Building Code;
4. 2016 California Residential Code;
5. 2016 California Plumbing Code;
6. 2016 California Electric Code;

7. 2016 California Mechanical Code;
8. 2016 California Green Building Standards Code;
9. 2016 California Fire Code;
10. 2015 International Property Maintenance Code

Sec. 9-0.2. Exemption for pending applications.

The provisions of the 2016 Editions of the California Building Code, and Appendices H, I, J, the 2016 California Historic Building Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Electrical Code, the 2016 California Fire Code, the 2016 International Property Maintenance Code, and the 2016 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, 2014. 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.

SECTION 3:

Article 1.5 of Chapter 9 of the Monterey City Code is hereby amended by deleting the current Article 1.5 in its entirety and replacing it to read as follows:

**ARTICLE 1.5.
AMENDMENTS TO UNIFORM CODES**

Sec. 9-1. Amendments to California Building Code.

Section 105.3.2 is hereby amended to read as follows:

105.3.2 Time limitation of applications. 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 for each requested 90-day extension and the project has not changed in scope.

Exception: If a project has been approved by the City on condition where a pending approval from an outside agency exists at time of expiration, written extensions will not be required.

Section 105.5 is hereby amended to read as follows:

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 2013 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 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 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 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:

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. (Climatic I, Geographical I, Topographical findings)

Sec. 9-1.1. Amendments to California Residential Code.

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

R105.5 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 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 on condition where a pending approval from an outside agency exists at time of expiration, written extensions will not be required.

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

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 2013 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 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 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 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:

R313.2 One- and Two-Family Dwellings Automatic Fire Systems. An automatic residential fire sprinkler system shall be installed in new one- and two-family dwellings, 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.

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

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. (Geographical II finding)

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

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. (Climatic I, Geographical I, Topographical findings)

Sec. 9-2. Amendments to California Plumbing Code.

Section 710.1 is hereby amended to read as follows:

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 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. (Topographical finding)

Sec. 9-3. Repealed by Ordinance No. 3398 C.S.

Sec. 9-4. Repealed by Ordinance No. 3398 C.S.

SECTION 4:

Sections 13-0.1 through 13-2 of Chapter 13 of the Monterey City Code are hereby amended by deleting the current Sections 13-0.1 through 13-2 in their entirety and replacing those sections

to read as follows:

Sec. 13-0.1. Adoption of 2016 California Fire Code.

Except as otherwise amended by this chapter, the 2016 California Fire Code, (2015 International Fire Code), is hereby adopted pursuant to Monterey City Ordinance No. _____ (effective January 1, 2017) and is incorporated in this city code by reference and made a part hereof as if set forth fully herein.

Sec. 13-0.2. Amendments to the Fire Code.

Section (A) 101.1 is amended to read as follows:

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

Section (A) 105.1.2 is amended to read as follows:

(A) 105.1.2 Types of permits. There are two types of permits as follows:

1. Operational permit. Any and all conditions of an operational permit will be established through a separate Resolution approved from the City Council.
2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section (A)105.1.1.

Section (A) 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 definition:

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: 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.
2. Detached Group U occupancies (private garages, carports, sheds, and agriculture buildings)

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 903.2.20 shall be added as follows:

903.2.20 Change of use. Automatic fire sprinklers shall be installed when the occupancy changes from a single occupancy to a mixed-use occupancy which would require the installation of an occupancy separation, or when the occupancy changes from any type of occupancy to an Assembly use occupancy.

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.

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.

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 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 5704.2.9.6.1 is added to read as follows:

Section 5704.2.9.6.1 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.

Section 4907.1.1 is added to read as follows:

4907.1.1 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.

Sec. 13-0.3. Exemption for pending applications.

1. The provisions of the 2016 California Fire 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, 2008. Such building or structure 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 2016 California Fire Code as adopted and amended herein.

Sec. 13-1. Penalties for Violations.

Violation of any adopted fire code or City amendment thereto by any person shall constitute a misdemeanor and upon conviction thereof, shall be punishable by fine as set forth in Monterey City Code Section 1-7. In addition, any such violation, including but not limited to the failure to pay any fire inspection fee imposed by the City, may be enforced by the procedures set forth in the City's Administrative Remedies Ordinance (MCC Sections 1-9 through 1-11). (Ord. 3424 § 6, 2009; Ord 3255 § 7, 1999)

Sec. 13-2. Installation of fire hydrants on private property.

(a) In addition to any requirements of the Uniform Fire Code adopted by this Chapter, whenever the Fire Chief shall find and determine that private property or an area or portion thereof is beyond the practical availability of publicly maintained fire hydrants and is such a distance therefrom that such property cannot be adequately served by such publicly maintained fire hydrants, and shall find and determine further that such property or area or portion thereof has been developed to such a density, either by residential development or other types of structures, that an additional fire hazard is created by reason of such development, and by reason of such property or area or portion being beyond such publicly maintained fire hydrants, then the Fire Chief shall order the property owner to install on such private property or area or portion thereof on which such hazard exists sufficient water mains and meters of adequate size, and fire hydrants of such kind, size and style and in such numbers, as the Fire Chief may find and determine to be necessary for the protection of such private property or portion or area thereof, or properties adjacent thereto, against the hazard so found to exist.

(b) Any finding or determination made by the Fire Chief pursuant to this Section shall be made in accordance with regulations, specification and tables recommended by the National Fire Protection Association or the Pacific Fire Rating Bureau. Such order shall be given in writing to the owner of property on which such hazard is found to exist, and such order shall state in detail the installations required. Such order may be delivered to the property owner in person or may be mailed to such person by registered mail if the same is addressed to the property owner at the address shown on the last equalized assessment roll of the County, with the postage prepaid thereon, and deposited in the United States mail.

(c) Such installation as order by the Fire Chief shall be at the cost of the property owner and shall be commenced within 30 days from the date of the notice and diligently prosecuted to completion, and the same shall be completed within 60 days from the date of the notice unless the Fire Chief, in writing, for good cause shown, extends such time.

(d) Any finding, order or determination made by the Fire Chief pursuant to this Section may be appealed by the owner, or agent of the owner, of property on which fire hydrants, water mains or meters are required to be placed. Such appeal shall be filed in writing with the City Clerk within ten days after the date of the written order of the Fire Chief. Such appeal shall contain the name of the owner or agent making such appeal, the mailing address where notices shall be sent and the portions of the order to which appeal is being made.

(e) Upon receipt of an appeal, the City Clerk shall set time for a public hearing at a regular or adjourned meeting of the City Council; provided that such meeting shall be not less than ten days nor more than 30 days from the filing of such appeal. At least five days prior to such hearing, the City Clerk shall mail notice of such hearing to the person filing such appeal at the address given in such appeal.

At the time set, the City Council shall hold a public hearing and shall take all evidence, written or oral, from all persons wishing to be heard, and shall make final determination on all issues raised by the appeal. The City Council may continue the public hearing from time to time; provided, that they shall make final determination of all issues raised by the appeal within 30 days from and after the time set for public hearing, and that the City Council may continue such hearings in excess of 30 days from and after the time set for public hearing with the consent of the person filing such appeal, or his authorized representative.

(f) The violation of any of the provisions of this Section shall be deemed a nuisance. Civil

action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the appropriate legal officers of the City.

In addition to any penalty prescribed therefore, failure to comply with the provisions of this Section shall render the improvements on the premises unsafe and subject to the procedural provisions of Section 203 of the Uniform Building Code adopted by Chapter 9 of this Code.

SECTION 5: Section 13-3 of Chapter 13 of the Monterey City Code is hereby repealed in its entirety.

SECTION 6: All ordinances and parts of ordinances in conflict herewith are hereby repealed.

SECTION 7: This ordinance shall be in full force after its final passage and adoption with an effective date of January 1, 2017.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF MONTEREY this 18th day of October, 2016, by the following vote:

AYES:	5	COUNCILMEMBERS:	Barrett, Downey, Haffa, Smith, Roberson
NOES:	0	COUNCILMEMBERS:	None
ABSENT:	0	COUNCILMEMBERS:	None
ABSTAIN:	0	COUNCILMEMBERS:	None

APPROVED:



Mayor of said City

ATTEST:



City Clerk thereof

