

ORDINANCE NO. 22-04

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

THE CITY COUNCIL OF THE CITY OF DANA POINT DOES ORDAIN AS FOLLOWS:

Section 1. The City hereby adopts Ordinance No. 22-XX that amends Title 8 “Buildings and Construction” of the Dana Point Municipal Code by amending Chapters 8.02, 8.03, 8.14, 8.16, 8.20, 8.24, 8.28, 8.30, 8.32, 8.34, 8.36 and 8.38. Chapters 8.01, 8.04, 8.08, 8.10, 8.11, 8.12, 8.18, 8.22, 8.26, 8.40 and 8.42 remain in effect and are not impacted by this Ordinance. The city repeals the portions of Ordinance No. 13-03 that pertain to Chapters 8.02, 8.03, 8.14, 8.16, 8.20, 8.24, 8.28, 8.30, 8.32, 8.34, 8.36 and 8.38. This Ordinance shall take effect on January 1, 2023 for all codes.

Section 2. Section 8.02.001 of Chapter 8.02 of the Dana Point Municipal Code entitled “Adoption of the California Building Code” is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures by reference the California Code of Regulations Title 24, Part 2, known and designated as the California Building Code (CBC), 2022 Edition, based on the 2021 International Building Code as published by the International Code Council, including Division II in Chapter 1 and with the modifications set forth below. The provisions of this code shall constitute the building code regulations of the City. The California Building Code is on file for public examination in the office of the Building Official.

Section 3. Section 8.02.010 of Chapter 8.02 of the Dana Point Municipal Code entitled “Amendments, Additions and Deletions” is hereby amended to read in its entirety as follows:

1. Subsection [A] 101.1 of Section 101 of Division II of the CBC is hereby amended to read as follows:

[A] 101.1 Title. These regulations shall be known as the California Building Code of the City of Dana Point, hereinafter referred to as “this code.”

2. Subsection [A] 101.2 of Section 101 of Division II of the CBC is hereby amended to add a second paragraph that reads:

The provisions of this code shall apply to and affect all of the territory of the City of Dana Point, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in these codes, hydraulic flood control structures, facilities for the production, generation, storage or transmission of water or electrical energy by a local agency unless requested otherwise by the local authority/agency.

3. Subsection [A] 105.2 of Section 105 of Division II of the CBC is hereby amended by deleting items 1 through 13 under “Building” and replacing them with the following:

Building:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses and structures, such as portable shade cloth structures, provided the floor area does not exceed 120 square feet (11 m²). Such structures must comply with the setback and height requirements of the City Zoning Ordinance and the Fire Code.
2. Masonry or concrete fences not over 36 inches (914 mm) in height above lowest adjacent grade, and all other fences not over six (6) feet (1,829 mm) in height above lowest adjacent grade.

Exception: Walls and fences less than six (6) feet (1829 mm) in height which are required as a condition of project approval, guard system or pool barrier system are required to have permits.

3. Oil derricks.
4. Retaining walls that are not over three (3) feet (914 mm) in height measured from the bottom of footing to the top of wall unless supporting a surcharge or impounding Class I, II or IIIA liquids.

5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
6. Decks, platforms or similar structures, walkways, sidewalks and driveways not more than 30 inches (762mm) above adjacent grade, and not over any basement or story below and which are not part of an accessible route.
7. Painting, papering, tiling, carpeting and similar finish work that does not involve electrical, mechanical or plumbing work and providing this work is not part of a Code Enforcement case or action.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457 mm) deep, do not exceed 5,000 gallons and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.
13. Radio and television antenna, and flagpoles not over twelve (12) feet (3,658 mm) in height measured from grade.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Any of the above items that are located on a Coastal Bluff, Flood Plain Overlay District, Environmentally Sensitive Area or subject to a discretionary Planning Division approval or as otherwise required by the Planning Division or any other authority/agency is not exempt from permits.

4. Subsection [A] 105.3.1 of Section 105 of Division II of the CBC is hereby amended to read in its entirety as follows:

[A] 105.3.1 Action on Application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to

the requirements of pertinent laws, or if the building, structure, or property is not in compliance with any and all federal, state, local laws, and ordinances and all fines, levies, and abatement costs are not paid in full, the Building Official shall reject such application in writing, stating the reasons therefor. If the Building Official is satisfied that the proposed work conforms to the requirement of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefor as soon as possible. The Building Official shall not issue any permits to an applicant if the building, structure, or property is not in compliance with all federal, state, local laws, and ordinances and all fines, levies, and abatement cost are not paid in full.

5. Subsection [A] 105.3.2 of Section 105 of Division II of the CBC is hereby amended to read in its entirety as follows:

[A] 105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or permit has been issued; except that the Building Official is authorized to grant one or more extensions of time in writing for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee and comply with the then-effective regulations and standards.

6. Subsection [A] 105.5 of Section 105 of Division II of the CBC is hereby amended to read in its entirety as follows:

[A] 105.5 Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 12 months (365) days from the date of such permit. Work shall be considered suspended or abandoned if substantial approval of one of the required progress inspections is not accomplished for a period of 6 months (180) days as determined by the Building Official. Before such work can be re-commenced a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work; provided, however, that:

1. No changes have been made or will be made in the original plans and specifications for such work; and
2. Such suspension or abandonment has not exceeded one (1) year; and
3. A re-endorsement of the compliance of the plans with the applicable regulations, by the Building Official, shall be obtained.

In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Time limitation for permit expiration as the result of code enforcement shall be as per notice of violation or as otherwise determined by the Building Official.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Such written request shall be submitted no later than sixty (60) days after expiration of the permit. No permit shall be extended more than once.

7. A new Subsection [A] 105.8 is hereby added to Section 105 of Division II of the CBC to read in its entirety as follows:

[A] 105.8 Maintenance of property during construction. During construction, all property shall be maintained in a reasonably clean and well-kept manner. All lumber and building materials shall be neatly piled or stacked in a safe manner and stored in the rear yard of the residential property or inside the building construction perimeter, except that building materials may be stored in a front yard for a period not to exceed thirty (30) days. A written waiver of this requirement may be obtained from the Building Official or his/her designated representative if the construction is screened from view from adjacent occupied or public property with fencing materials approved by city zoning and building regulations.

8. A new Subsection [A] 105.9 is hereby added to Section 105 of Division II of the CBC to read in its entirety as follows:

[A] 105.9 Requirement and Responsibility of Permittee. Permits as required by this Chapter shall be issued only to the following individuals:

1. Duly Licensed Contractor/Contractor Proxy. A duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code, or a contractor proxy acting for a duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code with the completed Contractor Permit Proxy form in compliance with Section 7031.5 of the California Business and Professions Code.

2. Owner Builder/Authorized Agent of the Owner Builder. An owner of a one- or two-family dwelling and related accessory building or structure acting in compliance with the provisions of Section 7044 of the California Business and

Professions Code, or an agent authorized to act on behalf of an owner acting in compliance with the provisions of Section 7044 of the California Business and Professions Code with the completed Authorization of Agent to Act on Owner's Behalf form in compliance with Section 19825 of the California Health and Safety Code; provided however, that the improvements of the property are not intended or offered for sale, the owner occupies and is their principal place of residence or intends to occupy one (1) of the units where such permit is to be obtained for the twelve (12) months prior to the completion of the work, and the owner has not performed work on more than two (2) buildings or structures during any three-year period.

3. Workers' compensation insurance verification. The Department is required by Section 3800(a) of the California Labor Code to verify workers' compensation insurance prior to issuing a permit. The permittee shall sign a declaration under penalty of perjury verifying Workers' Compensation Coverage or exemption from coverage as required by Section 19825 of the California Health and Safety Code.

4. Responsibility. Permits shall be presumed to incorporate the provision that the permittee, the permittee's agent, employees, contractors or subcontractors shall carry out the proposed work in accordance with the approved construction documents and with all provisions of this Title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this Title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto.

Permits issued are the responsibility of the applicant/permittee/property owner and to be maintained in an active state until final inspection is granted or obtained. An applicant/permittee of a permit which allows said permit to expire is in violation of this code.

9. Subsection [A] 107.1 of Section 107 of Division II of the CBC is hereby amended to read as follows:

[A] 107.1 General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets, or in a digital format where allowed by the Building Official, with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed, these documents also include

Electrical/Mechanical/Plumbing plans and load calculations for residential and non-residential buildings meeting the threshold outlined in the policy. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

10. A new Subsection [A] 107.2.6 is added to Section 107 of Division II of the CBC to read in its entirety as follows:

[A] 107.2.6 Soil report. A Soil report shall be submitted with all permit applications for new construction and additions. Soil Reports shall be prepared by a professional engineer licensed by the State to prepare such reports. The Building Official may waive this requirement if he/she finds that the scope of work applied for does not necessitate a soil report.

11. Subsection [A] 107.3 of Section 107 of Division II of the CBC is hereby amended to add a second paragraph that reads as follows:

When submittal documents are required by Section [A] 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fees are separate fees from the permit fees specified in Section [A] 109.2 and are in addition to the permit fees. Said plan review fee shall be as set forth in the City Council Fee Resolution. The initial plan review fee is for one complete review and one re-check review. Reviews beyond the initial and the re-check shall require additional fees as set forth in the City Council Fee Resolution.

12. Subsection [A] 107.5 of Section 107 of Division II of the CBC is hereby amended to add a second paragraph that reads as follows:

The approved plans, permit application and inspection card and other construction documents required by the Building Official shall be imaged after the final inspection and will be a permanent record in the City. The applicant shall pay the cost of imaging at the time of permit. Said imaging fee shall be as set forth in the City Council Fee Resolution.

13. Subsection [A] 109.2 of Section 109 of Division II of the CBC is hereby amended by adding a sentence at the end to read as follows:

The fee for each permit shall be as set forth in the City Council Fee Resolution unless otherwise specified by this code.

14. Subsection [A] 109.3 of Section 109 of Division II of the CBC is hereby amended to add a second paragraph that reads as follows:

The Building Official shall make the determination of value or valuation under any provisions of this code. The valuation shall be determined by using rational methods

established by the Building Official that reasonably establish the construction value or the contract price of the actual construction cost. The value of work to be used in computing the Building Permit and Building Plan Review fees shall be the total value of all construction work for which the permit is issued, as well as, all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

15. Subsection [A] 109.4 of Section 109 of Division II of the CBC is hereby amended to add a second paragraph that reads as follows:

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

16. Subsection [A] 109.6 of Section 109 of Division II of the CBC is hereby amended to read in its entirety as follows:

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

The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of payment. No refund will be made for less than \$25.00. Permit and plan check fees will be refunded in their entirety when collected in error.

17. A new Subsection [A] 110.7 is hereby added to Section 110 of Division II of the CBC to read in its entirety as follows:

[A] 110.7 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as

controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection record card is not posted or otherwise made available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee as established by the City Council Fee Resolution.

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

18. Subsection [A] 111.3 of Section 111 of Division II of the CBC is hereby amended to add a second paragraph that reads as follows:

The application fee for such Temporary Certificate of Occupancy shall be as established by the City Council Fee Resolution. The Temporary Certificate of Occupancy may be subject to such conditions as deemed necessary by the Building Official. The Temporary Certificate of Occupancy expires 30 days after issuance and may be renewed for additional 30 day periods upon providing acceptable justification, the payment of a new application fee for each 30 day period and approval by the Building Official. The violation or failure of any such condition imposed shall be grounds for revocation of such Temporary Certificate of Occupancy.

19. Subsection [A] 113.1 of Section 113 of Division II of the CBC is hereby amended to read in its entirety as follows:

[A] 113.1 General. In order to hear and decide appeals of the orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council or a hearing officer appointed by the City Council. Depending on the subject of the appeal, specialized expertise may be solicited for the purpose of providing input to the Appeals Board. The board shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

20. Subsection [A] 113.3 of Section 113 of Division II of the CBC is hereby deleted.

21. Subsection [A] 114.4 of Section 114 of Division II of the CBC is hereby amended to add a second paragraph that reads as follows:

Any person, firms, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

22. A new Section [A] 117 is hereby added to Division II of the CBC to read in its entirety as follows.

[A] 117.1 Underground Utilities Required. The Building Official shall, as a condition precedent to the issuance of a Building Permit, require all utility services located within the exterior boundary lines of lot or parcel of property to be installed underground if:

1. The property is to be developed with a new or relocated main building;
2. The remodeling, alteration, or addition to an existing main building exceeds fifty (50) percent of the value and/or area of the existing building;
3. A residential building or use is converted to any nonresidential use or purpose.

For purposes of this section, the term "main building" shall mean a building in which is conducted the principal use of the lot or building site on which it is located.

The owner or developer of the property is responsible for complying with requirements of this section and shall provide all necessary facilities on the property to receive such service from the supplying utilities. Compliance with this requirement is satisfied by submitting the utility company service work order to the Building Official.

If it is determined that practical difficulties, or unreasonable hardships inconsistent with the purposes of this chapter and unique to a particular parcel of property, would result from the literal interpretation of this section, the Building Official may waive, modify, or delay the imposition of any undergrounding requirement imposed pursuant to the section upon written application of any affected property owner. The Building Official shall notify the applicant of his decision in writing by certified mail. If the Building Official determines to delay the installation of the required underground utilities, he may require a recorded agreement guaranteeing the future performance of the work, together with adequate performance security enforceable by the City in the form of a cash deposit, bond, letter of credit, or other instrument satisfactory to the City Attorney or require the installation of an over/under electrical service with

the underground conduit being installed out to an approved pull-box in the parkway in conformance with current utility requirements.

For purposes of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system, may be placed above ground.

Any person dissatisfied with the decision of the Building Official may file an appeal pursuant to Section 2.04.100 to 2.04.130 of the Dana Point Municipal Code.

23. Subsection 201.4 of Section 201 of Division II of the CBC is hereby amended to replace the first paragraph that reads as follows:

Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged (1961 edition, through the 2002 addenda), shall be considered as providing ordinarily accepted meaning unless the context requires otherwise.

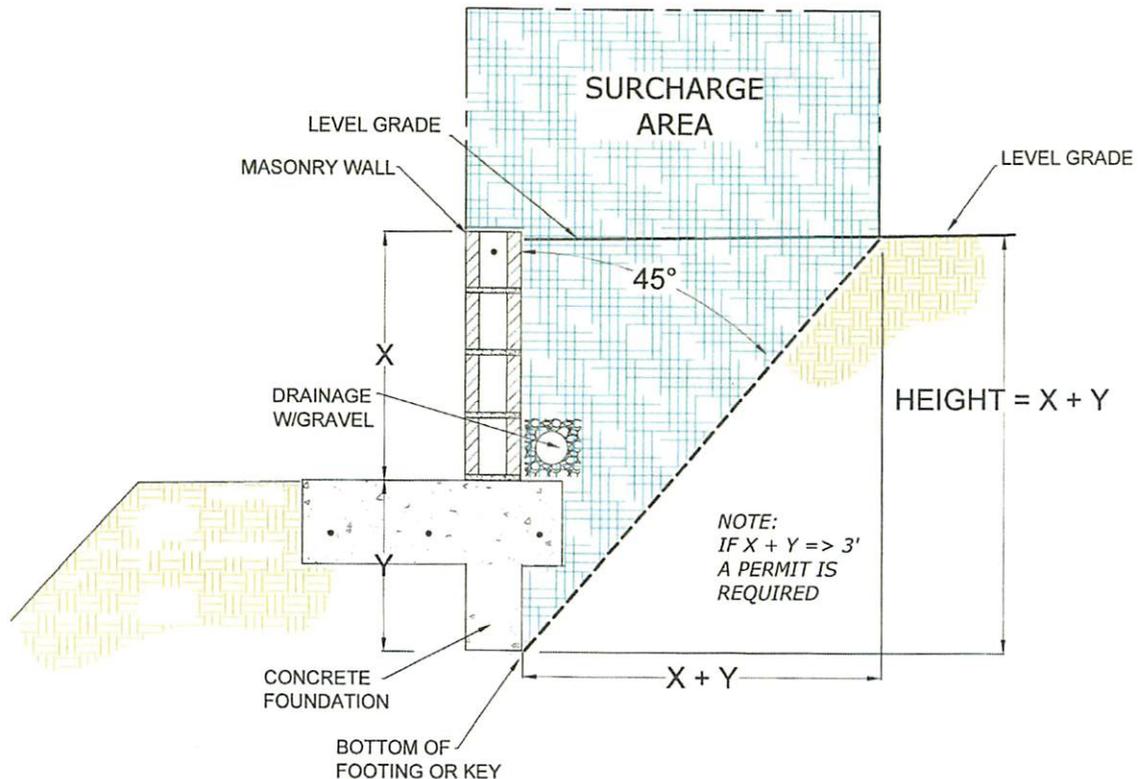
24. Section 202 of the CBC is hereby amended by adding/revising the following definitions as follows:

[F] FLOOR AREA, FIRE SPRINKLERS. For the purpose of calculating square footage for application of fire sprinkler requirements, the floor area shall be determined to include the entire square footage of a room or designated area where any work or modifications are being made or proposed.

[F] SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

[A] SURCHARGE. A surcharge on a retaining wall is any load in addition to level grade, within that area defined by a 45 degree angle from the bottom of the footing to level grade. Examples of a surcharge may be a building or structure, fence, vehicle, driveway, slope or similar condition above level grade, within the hatched "Surcharge Area" shown in the figure below.



[A] SURCHARGE LOAD. A surcharge load is an additional load superimposed onto the earth pressure force to yield the total lateral force.

[A] SWIMMING POOL(S). Any structure intended for swimming, recreational bathing or wading that contains water over 18 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

25. Subsection 406.2.4 of Section 406 of the CBC is hereby amended by deleting the exception and amending to read in its entirety as follows:

Floor surfaces shall be of concrete or similar approved noncombustible and nonabsorbent materials. The area of floor used for parking of automobiles or other vehicles shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway with an approved oil separator or trap discharging to sewers in accordance with the California Plumbing Code.

26. Subsection [F] 502.1 of Section 502 of the CBC is hereby amended to read in its entirety as follows:

[F] 502.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification on the building placed in a position that is plainly legible and visible from the street or road fronting the property. Multi-family dwellings and non-residential buildings that have access from an alley or thoroughfare shall have an additional set of address number installed that is visible from said alley or thoroughfare. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) for R-3 occupancies, for all other occupancies the numbers shall be a minimum of 6 inches high with a minimum stroke width of 1 inch. Where access is by a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

27. Subsection 701A.1 of Section 701A of the CBC is hereby amended to read as follows:

701A.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings and qualifying alterations/additions located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency as defined in Section 702A.

28. A new Subsection 701A.3 of Section 701A of the CBC is hereby added to Section 701 to read entirely as follows:

701A.3 Application. New buildings and qualifying alterations/additions (as defined in 701A.3.1.1 below) located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

29. Subsection 701A.3.1 of Section 701A of CBC is hereby amended by deleting the words "all sections of this chapter, including all of the following areas" and by adding item #4 to read as follows:

4. Land designated by the City of Dana Point as defined in Fig 701A-1 (Ember Zones 1 & 2) shall comply only with section 701A.3.2 and 701A.3.3. These requirements shall be applicable to building permits submitted on or after the effective date of the local ordinance. Ember Zones 1 & 2 shall not be considered Wildland Urban Interface Fire Area.

30. A new Subsection 701A.3.1.1 is hereby added to Section 701A of the CBC to read in its entirety as follows:

701A.3.1.1 Existing Buildings. When an existing building undergoes alterations or additions, only those construction elements altered or added to the original structure shall comply with this chapter.

31. A new Subsection 701A.3.2 is hereby added to Section 701A of the CBC to read in its entirety as follows:

701A.3.2 Construction Features Designated by the Enforcing Agency: Ember Zone 1.

New buildings and qualifying alterations/additions located within Ember Zone 1 for which an application for a building permit is submitted on or after the effective date of this ordinance shall comply only with the following sections of this chapter:

1. 703A - Standards of Quality, as applicable
2. 704A - Ignition Resistant Construction, as applicable
3. 705A - Roofing
4. 706A - Vents

32. A new Subsection 701A.3.3 is hereby added to Section 701A of the CBC is read in its entirety as follows:

701A.3.3 Construction Features Designated by the Enforcing Agency: Ember Zone 2.

New buildings and qualifying alterations/additions located within Ember Zone 2 for which an application for a building permit is submitted on or after the effective date of this ordinance shall comply only with the following sections of this chapter:

1. 703A - Standards of Quality, as applicable
2. 704A - Ignition Resistant Construction, as applicable
3. 705A - Roofing
4. 706A - Vents
5. Decking

Decks, porches, balconies and stairs shall comply with the requirements of Section 709A when a) the walking surface area of a single deck or balcony is greater than 100 square feet (increased to 120 square feet when connected to a stair), and b) located within 100 feet of fuel modification or open space containing unmanaged, non-irrigated vegetation.

Decking within a Fuel Modification Zone. Decking located within any portion of a fuel modification zone shall be entirely non-combustible.

6. Accessory Structures

Applicability. The provision of this section shall apply to patio covers located closer than 100 feet from fuel modification or open space containing unmanaged, non-irrigated vegetation.

Requirements. The patio covers shall be constructed of noncombustible or ignition-resistant materials.

Exception: When the construction features meet all of the following:

- A. Columns: Minimum dimension of 4x4 (nominal dimension in inches)
- B. Horizontal beams: Minimum 4x6 (nominal dimension in inches)
- C. Top horizontal members: A minimum of 2-inch spacing is provided between the members: and
- D. The ledger meets the ignition-resistant material definition as prescribed in CBC Section 702A.

33. Subsection [F] 903.2 of Section 903 of the CBC is hereby amended to read in its entirety as follows:

[F] 903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.11, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.

Exception: Subject to written approval by the fire code official, open parking garages in accordance with Section 406.5 of the California Building Code that are smaller than the area specified in section 903.2.10 (3) or 903.2.10.1 of the California Fire Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5,000 square feet
 - b. When an addition exceeds 2,000 square feet, and the resulting building area exceeds 5,000 square feet.

- c. An additional story is added above the second floor regardless of fire areas or allowable area.

3. **Additions:** Sprinkler protection shall be provided throughout the entire building when:

1. Existing unsprinklered buildings less than 5,000 square feet: where 20% or more is added and the gross floor area exceeds 5,000 square feet.
2. Existing building equal or greater than 5,000 square feet: where more than 1,000 square feet is added.
3. The existing building has fire sprinklers installed.
4. Change of use when required by that use.

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8.

34. Subsection [F] 903.2.8 of Section 903 of the CBC is hereby amended to read in its entirety as follows:

[F] 903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings, including attached garages.
2. **Existing R-3 Buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:
 1. When the floor area of alterations within any two year period exceeds 50 percent of gross floor area of the existing structure and the building gross floor area exceeds 5,000 square feet; or
 2. An additional story is added to the structure regardless of the area involved; or
 3. Any addition to an existing building that has fire sprinklers installed; or
 4. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Official

determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or developmentally disabled, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).
5. If it is determined that practical difficulties, or unreasonable hardship would cause a demonstrated financial strain to the property owner when complying with 903.2.8(2)(4) the Building Official may waive, modify, or delay the imposition of requiring fire sprinklers to an existing building.

When not used in accordance with Sections 504.2 or 506.3 an automatic sprinkler system installed in accordance with Subsection 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

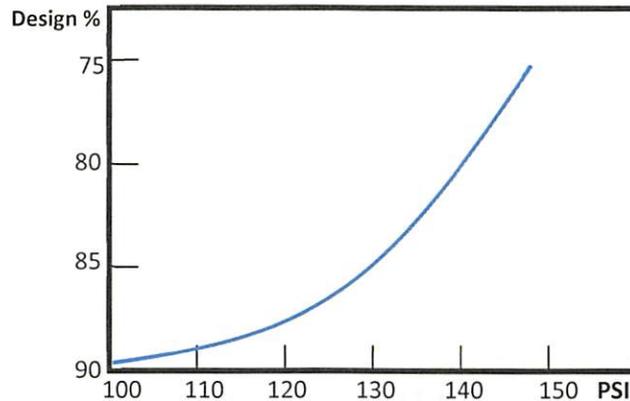
An automatic sprinkler system designed in accordance with Subsection 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

35. Subsection [F] 903.3.5.3 of Section 903 of the CBC is hereby added to read as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



36. Subsection [F] 905.4 of Section 905 of the CBC is hereby amended by adding item 7 as follows:

7. The centerline of the 2.5" (64mm) outlet shall be no less than 18" (457) above and no more than 24" (610mm) above the finished floor.

37. Subsection [P] 1503.4 of Section 1503 of the CBC is hereby amended by adding a second paragraph to read as follows:

Water that accumulates on a roof shall be effectively drained and conveyed from the roof to a storm drain, street gutter, or other locations approved in writing by the Building Official. Such water shall be conveyed through gutters, leaders, associated piping or other non-erodible surface drainage devices as approved in writing by the Building Official. For any minor or small roofs, the Building Official may exempt this requirement.

38. Table 1505.1 in Subsection 1505.1 of Section 1505 of the CBC is hereby amended to read as follows:

TABLE 1505.1^a
MINIMUM ROOF COVERING CLASSIFICATION
FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

For SI: 1 Foot = 304.8 mm, 1 square foot = 0.0929 m²

a. Unless otherwise required in accordance with Chapter 7A

39. Subsections 1505.1.1, 1505.1.2, 1505.1.3 of Section 1505 of the CBC are hereby deleted and replaced with new Subsections 1505.1.1 and 1505.1.2 to read in its entirety as follows:

1505.1.1 Roof Coverings. The roof covering or roofing assembly on any new structure regulated by this code shall be Class A fire retardant roof minimum as classified in Section 1505.2. Non-combustible roof covering may be applied in accordance with the manufacturer's requirements in lieu of a fire retardant roofing assembly. Wood roofing materials are prohibited unless pressure treated and approved for fire retardant of Class A minimum. An existing structure with ten percent (10%) or more of the total roof area is re-roofed within any one-year period, shall have a Class A fire retardant roof covering for entire roof area. For an existing structure when less than ten percent (10%) of the total roof area is re-roofed within any one-year period, shall have a fire retardant roof covering class equal to or greater than the existing roof covering and not less than Class B.

1505.1.2 Certification. Upon request contractors installing roof assemblies, or the building owner shall, prior to final approval of installation, provide a certificate of the roof assembly classification to the building inspector.

40. Subsection 1807.1.6 of Section 1807 of CBC is hereby amended to read as follows:

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

41. Section 3109.2 of Section 3109 Swimming Pools, Spas and Hot Tubs of the CBC is hereby amended as follows:

115921 (c) "Enclosure" is amended to read as follows:

(c) "Enclosure" means a fence, wall, or other barrier that isolates a pool from access to the home and access from adjacent properties and public ways.

115922 (a) is amended to read as follows: With the exception of item #1, and items #2 through #7 of 115922(a) are unamended.

(a) Except as provided in Section 115925, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home all pools shall be enclosed by an enclosure that meets the provisions of 115923 and in addition a second drowning prevention safety feature shall be added. When the dwelling is a part of the

enclosure two additional safety features from the items #2 through #7, inclusive, shall be installed.

115922 (1) is amended to read as follows:

(1) An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single family home and access from adjacent properties and public ways.

115923 (b) A minimum height of 60 inches measured from the grade from the adjacent property.

115923 (e) is amended by adding to the end: "Where the barrier is composed of vertical and horizontal members the maximum distance between the vertical members shall be 4 inches. The minimum distance between horizontal members shall be 45 inches to prevent a climbable condition. Decorative embellishments shall not cause a climbable condition and are limited to ¾ inch projection or 60 degree slope."

42. A new Subsection 3109.1.1 is hereby added to Section 3109 of the CBC to read as follows:

3109.1.1 Sound Attenuation. Filters, heating systems, and pumps installed to serve pool, spa, hot tub, waterfall or any body of water, shall be enclosed and soundproofed. An acoustical report prepared by a licensed or approved acoustical professional can be used to substitute for sound wall enclosures as long as the report demonstrates the compliance of the requirements specified in Chapter 11.10 of the Dana Point Municipal Code.

43. **Chapter 35 Referenced Standards** is adopted in its entirety with the following amendments:

NFPA 13, 2022 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved in writing by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised to read as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved in writing by the fire code official:

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
- 2) Use a maximum of 40 psi, if available; or
- 3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2022 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

NFPA 14, 2022 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby revised to read as follows:

7.3.1.1 Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.

NFPA 24, 2022 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is hereby revised to read as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

- (1) A post indicator valve installed not less than 40 ft. (12 m) from the building
 - (a) For buildings less than 40 ft. (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft. (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
- (2) A wall post indicator valve

- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft. (12 m) from the building
 - (a) For buildings less than 40 ft. (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft. (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is hereby revised to read as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby revised to read as follows:

10.4.3.2 Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with Sections 10.4.3.2.1 through 10.4.3.2.4.

Section 4. Section 8.03.001 of Chapter 8.03 entitled “Adoption of the California Residential Code” is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair, improving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of all buildings and structures by reference the California Code of Regulations Title 24, Part 2.5, known and designated as the California Residential Code (CRC), 2022 Edition, based on the 2021 International Residential Code including Division II in Chapter 1 and with the modifications set forth below. The provisions of this code shall constitute the One- and Two-Family and Townhouse building code regulations of the City. The California Residential Code is on file for public examination in the office of the Building Official.

Section 5. Section 8.03.010 of Chapter 8.03 of the Dana Point Municipal Code entitled “Amendments, Additions and Deletions” is hereby amended to read in its entirety as follows.

1. Subsection R101.1 of Section R101 of Division II of CRC is hereby amended to read in its entirety as follows:

R101.1 Title. These regulations shall be known as the California Residential Code for One- and Two-family Dwellings and Townhouses of the City of Dana Point, hereinafter referred to as “this code.”

2. Subsection R101.2 of Section R101 of Division II of CRC is hereby amended to add a second paragraph that reads:

The provisions of this codes shall apply to and affect all of the territory of the City of Dana Point, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in these codes, hydraulic flood control structures, facilities for the production, generation, storage or transmission of water or electrical energy by a local agency unless requested otherwise by the local authority/agency.

3. Subsection R105.2 of Section 105 of Division II of CRC is hereby amended by deleting items 1 through 10 under “Building” and replacing them with the following:

Building:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses and structures such as portable shade cloth structures, provided the floor area does not exceed 120 square feet (11 m²). Such structures must comply with the setback and height requirements of the City Zoning Ordinance and the Fire Code.

2. Masonry or concrete fences not over 36 inches (914 mm) in height above lowest adjacent grade, and all other fences not over six (6) feet (1,829 mm) in height above lowest adjacent grade.

Exception: Walls and fences less than six (6) feet (1,829 mm) in height which are required as a condition of project approval, guard system or pool barrier system are required to have permits.

3. Oil derricks.
4. Retaining walls that are not over three (3) feet (914 mm) in height measured from the bottom of footing to the top of wall unless supporting a surcharge or impounding Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2:1.
6. Decks, platforms or similar structures, walkways, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.
7. Painting, papering, tiling, carpeting and similar finish work that does not involve electrical, mechanical or plumbing work and providing this work is not part of a Code Enforcement case or action.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches (457 mm) deep, do not exceed 5,000 gallons and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.
12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over five (5) feet nine (9) inches (1,753 mm) in height.
13. Radio and television antenna, and flagpoles not over twelve (12) feet (3,658 mm) in height measured from grade.

Unless otherwise exempted, separate plumbing, electrical and mechanical permits will be required for the above-exempted items.

Any of the above items that are located on a Coastal Bluff, Flood Plain Overlay District, Environmentally Sensitive Area or subject to a discretionary Planning Division approval or as otherwise required by the Planning Division or any other authority/agency is not exempt from permits.

4. Subsection R105.3.1 of Section R105 of Division II of CRC is hereby amended to read as follows:

R105.3.1 Action on Application. The Building Official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, or if the building, structure, or property is not in compliance with any and all federal, state, local laws, and ordinances and all fines, levies, and abatement cost are not paid in full, the Building Official shall reject such application in writing, stating the reasons therefor. If the Building Official is satisfied that the proposed work conforms to the requirement of this code and laws and ordinances applicable thereto, the Building Official shall issue a permit therefor as soon as possible. The Building Official shall not issue any permits to an applicant if the building, structure, or property is not in compliance with all federal, state, local laws, and ordinances and all fines, levies, and abatement cost are not paid in full.

5. Subsection R105.3.2 of Section R105 of Division II of CRC is hereby amended to read in its entirety as follows:

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or permit has been issued; except that the Building Official is authorized to grant one or more extensions of time in writing for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee.

6. Subsection R105.5 of Section R105 of Division II of CRC is hereby amended to read in its entirety as follows:

R105.5 Expiration. Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 12 months (365) days from the date of such permit. Work shall be considered suspended or abandoned if substantial approval of one of the required progress inspections is not accomplished for a period of 6 months (180) days as determined by the

Building Official. Before such work can be re-commenced a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work; provided, however, that:

1. No changes have been made or will be made in the original plans and specifications for such work; and
2. Such suspension or abandonment has not exceeded one (1) year; and
3. A re-endorsement of the compliance of the plans with the applicable regulations, by the Building Official, shall be obtained.

In order to renew action on a permit after expiration, the permittee shall pay a new full permit fee.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to commence work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding one hundred eighty (180) days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Such written request shall be submitted no later than sixty (60) days after expiration of the permit. No permit shall be extended more than once.

Group R-3 Residential Remodel Permits. Permits issued for work which constitutes the construction, enlargement, alteration, erection, repair, demolition, or improvement of an existing Group R- 3 residential building, or other improvement located on residential property containing a Group R-3 residential building, shall become invalid unless the work on the site authorized by such permit is completed and approved by the City within 18 months after its issuance. The Building Official is authorized to grant, in writing, one or more extensions of time for an additional period not to exceed 6 months (180) days. The extension shall be requested in writing and demonstrate that:

- (1) due to circumstances beyond the owner's or permittee's control, construction could not be completed within the time frame allowed by this section;
- (2) that all means reasonably available to the permittee to complete the work within the prescribed time have been exhausted;
- (3) that the condition of the property presents no health or safety hazard; and

(4) that the continued delay will not create any unreasonable visual or physical detriment to the neighborhood.

Time limitation for permit expiration as the result of code enforcement shall be as per notice of violation or as otherwise determined by the Building Official.

7. A new Subsection R105.10 is hereby added to Section R105 of Division II of CRC to read in its entirety as follows:

R105.10 Maintenance of property during construction. During construction, all property shall be maintained in a reasonably clean and well-kept manner. All lumber and building materials shall be neatly piled or stacked in a safe manner and stored in the rear yard of the residential property or inside the building construction perimeter, except that building materials may be stored in a front yard for a period not to exceed thirty (30) days. A waiver of this requirement may be obtained if approved in writing from the Building Official or his/her designated representative if the construction is screened from view from adjacent occupied or public property with fencing materials approved by city zoning and building regulations.

8. A new Subsection R105.11 is hereby added to Section 105 of Division II of CRC to read in its entirety as follows:

R105.11 Requirement and Responsibility of Permittee. Permittee. Permits as required by this Chapter shall be issued only to the following individuals:

1. **Duly Licensed Contractor/Contractor Proxy.** A duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code, or a contractor proxy acting for a duly licensed contractor acting in compliance with the provisions of Sections 7000 through 7199 of the California Business and Professions Code with the completed Contractor Permit Proxy form in compliance with Section 7031.5 of the California Business and Professions Code.

2. **Owner Builder/Authorized Agent of the Owner Builder.** An owner of a one- or two-family dwelling and related accessory building or structure acting in compliance with the provisions of Section 7044 of the California Business and Professions Code, or an agent authorized to act on behalf of an owner acting in compliance with the provisions of Section 7044 of the California Business and Professions Code with the completed Authorization of Agent to Act on Owner's Behalf form in compliance with Section 19825 of the California Health and Safety Code; provided however, that the improvements of the property are not intended or offered for sale, the owner occupies and is their principal place of residence or intends to occupy one (1) of the units where such permit is to be obtained for the twelve (12) months prior to the completion of the work, and the owner has not performed work on more than two (2) buildings or structures during any three-year period.

3. **Workers' compensation insurance verification.** The Department is required by Section 3800(a) of the California Labor Code to verify workers' compensation insurance prior to issuing a permit. The permittee shall sign a declaration under penalty of perjury verifying Workers' Compensation Coverage or exemption from coverage as required by Section 19825 of the California Health and Safety Code.

4. **Responsibility.** Permits shall be presumed to incorporate the provision that the permittee, the permittee's agent, employees, contractors or subcontractors shall carry out the proposed work in accordance with the approved construction documents and with all provisions of this Title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto, whether specified or not. No approval shall relieve or exonerate any person from the responsibility of complying with the provisions and intent of this Title, municipal code or other ordinances of the City or laws and statutes of the State applicable thereto.

Permits issued are the responsibility of the applicant/permittee/property owner and to be maintained in an active state until final inspection is granted or obtained. An applicant/permittee of a permit which allows said permit to expire is in violation of this code.

9. Subsection R106.1 of Section R106 of Division II of CRC is hereby amended to read as follows:

R106.1 Submittal Documents. Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each application for a permit. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed, these documents also include Electrical/Mechanical/Plumbing plans and load calculations for the one and two-family or when required by the Building Official. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by a registered design professional.

10. A new Subsection R106.2.1 is added to Section R106 of Division II of CRC to read in its entirety as follows:

R106.2.1 Soil report. A soil report shall be submitted with all permit applications for new construction and additions. Soil reports shall be prepared by a professional engineer licensed by the State to prepare such reports. The Building Official may waive this requirement in writing if he/she finds that the scope of work applied for does not necessitate a soil report.

11. Subsection R106.3 of Section R106 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

When submittal documents are required by Section R106.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fees are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees. Said plan review fee shall be as set forth in the City Council Fee Resolution. The initial plan review fee covers one complete review and one re-check review. Reviews beyond the initial and the re-check shall require addition fees as set forth in the City Council Fee Resolution.

12. Subsection R106.5 of Section R106 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

The approved plans, permit application and inspection card and other construction documents required by the Building Official shall be imaged after the final inspection and will be a permanent record in the City. The applicant shall pay the cost of imaging at the time of permit. Said imaging fee shall be as set forth in the City Council Fee Resolution.

13. Subsection R108.2 of Section R108 of Division II of CRC is hereby amended by adding a sentence at the end to read as follows:

The fee for each permit shall be as set forth in the City Council Fee Resolution unless otherwise specified by this code.

14. Subsection R108.3 of Section R108 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

The Building Official shall make the determination of value or valuation under any provisions of this code. The valuation shall be determined by using rational methods established by the Building Official that reasonably establish the construction value or the contract price of the actual construction cost. The value of work to be used in computing the Building Permit and Building Plan Review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire extinguishing systems and any other permanent equipment.

15. Subsection R108.5 of Section R108 of Division II of CRC is hereby amended to read in its entirety as follows:

R108.5 Refunds. The Building Official may authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review has been paid is withdrawn or canceled before any plan reviewing is done.

The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than 180 days after the date of payment. No refund will be made for less than \$25.00. Permit and plan check fees will be refunded in their entirety then collected in error.

16. Subsection R108.6 of Section R108 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

17. A new Subsection R109.5 is hereby added to Section R109 of Division II of CRC to read in its entirety as follows:

R109.5 Reinspections. A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made.

This subsection is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when phased inspections for the same inspection type, the inspection record card is not posted or otherwise made available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or for deviating from plans requiring the approval of the Building Official.

To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee as established by the City Council Fee Resolution.

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

18. Subsection R110.1 is hereby amended to add the following to the end of the paragraph:

When a certificate of occupancy is not applicable, the Building Official has the authority to determine its equivalency.

19. Subsection R110.4 of Section R110 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

The application fee for such Temporary Certificate of Occupancy shall be as established by the City Council Fee Resolution. The Temporary Certificate of Occupancy may be subject to such conditions as deemed necessary by the Building Official. The Temporary Certificate of Occupancy expires 30 days after issuance and may be renewed for additional 30 day periods upon providing acceptable justification, the payment of a new application fee for each 30 day period and written approval by the Building Official. The violation or failure of any such condition imposed shall be grounds for revocation of such Temporary Certificate of Occupancy.

20. Subsection R112.1 of Section R112 of Division II of CRC is hereby amended to read in its entirety as follows:

R112.1 General. In order to hear and decide appeals of the orders, decisions or determinations made by the Building Official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be the City Council. Depending on the subject of the appeal, specialized expertise may be solicited for the purpose of providing input to the Appeals Board. The board shall render all decisions and findings in writing to the appellant with a duplicate copy to the Building Official.

21. Subsection R112.3 of Section R112 of Division II of CRC is hereby deleted.

22. Subsection R113.4 of Section R113 of Division II of CRC is hereby amended to add a second paragraph that reads as follows:

Any person, firms, or corporation violating any of the provisions of this Code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Code is committed, continued, or permitted, and upon conviction of any such violation such person shall be punished by a fine of not more

than one thousand dollars (\$1,000.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.

23. A new Section R115.1 is hereby added to Division II of CRC to read in its entirety as follows.

R115.1 Underground Utilities Required. The Building Official shall, as a condition precedent to the issuance of a Building Permit, require all utility services located within the exterior boundary lines of lot or parcel of property to be installed underground if:

1. The property is to be developed with a new or relocated main building;
2. The remodeling, alteration, or addition to an existing main building exceeds fifty (50) percent of the value and/or area of the existing building; or
3. A residential building or use is converted to any nonresidential use or purpose.

For purposes of this section, the term "main building" shall mean a building in which is conducted the principal use of the lot or building site on which it is located.

The owner or developer of the property is responsible for complying with requirements of this section and shall provide all necessary facilities on the property to receive such service from the supplying utilities. Satisfying this requirement requires the service work order from the utility company submitted to the Building Official.

If it is determined that practical difficulties, or unreasonable hardships inconsistent with the purposes of this chapter and unique to a particular parcel of property, would result from the literal interpretation of this section, the Building Official may waive, modify, or delay the imposition of any undergrounding requirement imposed pursuant to the section upon written application of any affected property owner. The Building Official shall notify the applicant of his decision in writing by mail. If the Building Official determines to delay the installation of required underground utilities, he/she may require a recorded agreement guaranteeing the future performance of the work, together with adequate performance security enforceable by the City in the form of a cash deposit, bond, letter of credit, or other instrument satisfactory to the City Attorney or require the installation of an over/under electrical service with the underground conduit being installed out to an approved pull-box in the parkway in conformance with current utility requirements.

For purposes of this section, appurtenances and associated equipment such as, but not limited to, surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system, may be placed

above ground.

Any person dissatisfied with the decision of the Building Official may file an appeal pursuant to Section 2.04.100 to 2.04.130 of the Dana Point Municipal Code.

24. Subsection R201.4 of Division II of CRC is hereby amended to replace the first paragraph to read as follows:

Where terms, phrases and words are not defined, they shall have their ordinary accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged (1961 edition, through the 2002 addenda), shall be considered as providing ordinarily accepted meaning unless the context requires otherwise.

25. Section R202 of Division II of CRC is hereby amended by adding the following definitions as follows:

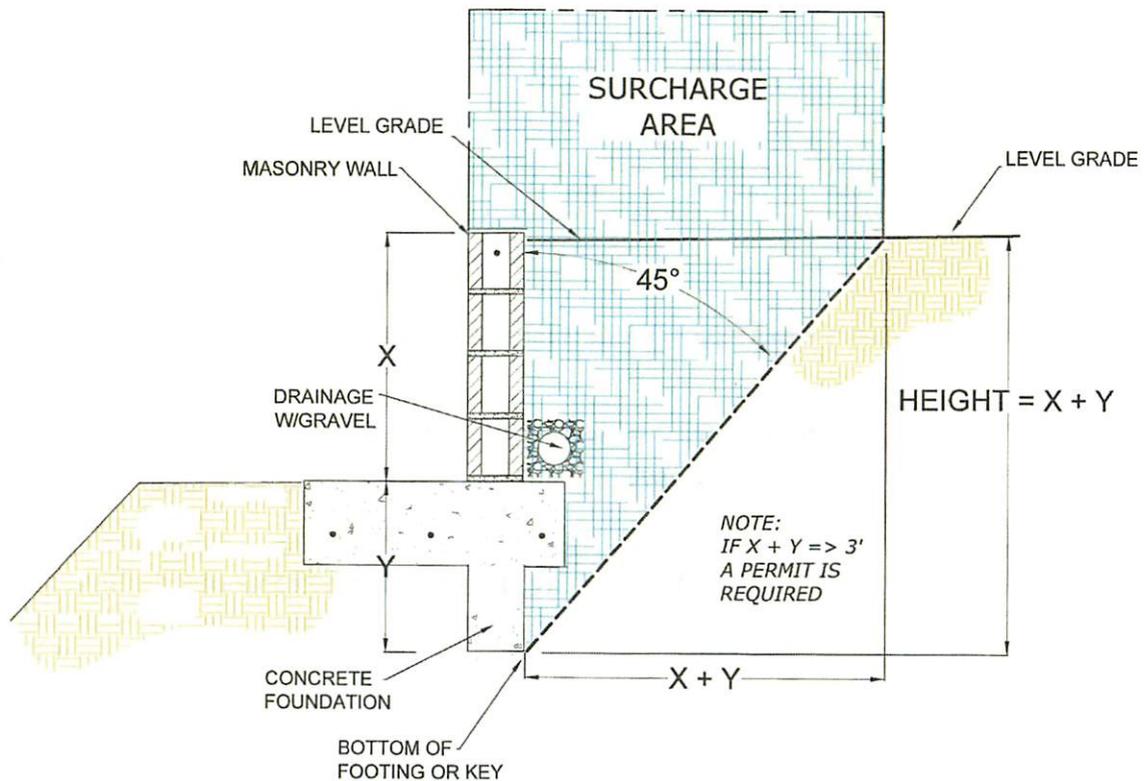
FLOOR AREA, FIRE SPRINKLERS. For the purpose of calculating square footage for application of fire sprinkler requirements, the floor area shall be determined to include the entire square footage of a room or designated area where any work or modifications are being made or proposed.

HAZARDOUS FIRE AREA. Includes all areas identified within California Fire Code Section 4906.2 and other areas as determined by the fire code official as presenting a fire hazard due to the presence of combustible vegetation, or the proximity of the property to an area that contains combustible vegetation.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

SURCHARGE. A surcharge on a retaining wall is any load in addition to level grade, within that area defined by a 45 degree angle from the bottom of the footing to level grade. Examples of a surcharge may be a building or structure, fence, vehicle, driveway, slope or similar condition above level grade, within the hatched "Surcharge Area" shown in the figure below.



SURCHARGE LOAD. A surcharge load is an additional load superimposed onto the earth pressure force to yield the total lateral force.

SWIMMING POOL(S). Any structure intended for swimming, recreational bathing or wading that contains water over 18 inches deep. This includes in-ground, above-ground and on-ground pools; hot tubs; spas and fixed-in-place wading pools.

26. Table R301.2 of Section R301 of Division II of CRC is hereby amended to read as follows:

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground snow load ^o	WIND DESIGN				Seismic design category ^f	SUBJECT TO DAMAGE FROM			Ice barrier underlayment required ^h	Flood hazards ^g	Air freezing index ⁱ	Mean annual temp ^j
	Speed ^d (mph)	Topo. effects ^k	Special wind region ^l	Windborne debris zone ^m		Weathering ^a	Frost line depth ^b	Termite ^c				
Zero	95	No	No	No	D ₂ or E	Negligible	12-24" ^e	Very Heavy	No	Yes/No	0	60

ELEVATION	LATITUDE	WINTER HEATING	SUMMER COOLING	ALTITUDE CORRECTION FACTOR	INDOOR DESIGN TEMPERATURE	DESIGN TEMPERATURE COOLING	HEAT TEMPERATURE DIFFERENCE
305	34	37	91		70	75	
COOLING TEMPERATURE DIFFERENCE	WIND VELOCITY HEATING	WIND VELOCITY COOLING	COINCIDENT WET BULB	DAILY RANGE	WINTER HUMIDITY	SUMMER HUMIDITY	
7			69	27		7(50% RH)	

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

27. A new Subsection R301.9 is hereby added to Section R301 of Division II of CRC to read in its entirety as follows:

R301.9 Fuel Modification Requirements for New Construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance using guidance from the OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for new Construction Fuel Modification Plans and Maintenance Program."

28. Subsection R309.6 Fire sprinkler attached garages, and carports with habitable space above of Section R309 Division II of CRC is hereby amended by modifying the exception to read as follows:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic fire sprinkler system installed unless a sprinkler system is required in accordance with California Fire Code Section 903.2.8.

29. Subsection R313.1 of Section R313 of Division II of CRC is hereby amended to read in its entirety as follows:

R313.1 Townhouse automatic fire sprinklers systems. An automatic residential fire sprinkler system installed in Townhouses as follows:

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new townhouse buildings, including attached garages.
2. **Existing R-3 Buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:

1. When the floor area of alterations within any two year period exceeds 50 percent of gross floor area of the existing structure and the building gross floor area exceeds 5,000 square feet; or
2. An additional story is added to the structure regardless of the area involved; or
3. Any addition to an existing building that has fire sprinklers installed; or
4. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory clients above the first floor and not housing clients above the second floor.
 2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
 3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or developmentally disabled, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
 4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).
 5. If it is determined that practical difficulties, or unreasonable hardship would cause a demonstrated financial strain to the property owner when complying with 903.2.8(2)(4) the Building Official may waive, modify, or delay the imposition of requiring fire sprinklers to an existing building.
30. Subsection R313.2 of Section R313 of Division II of CRC is hereby amended to read in its entirety as follows:

R313.2 One- and two-family dwellings automatic fire sprinklers systems. An automatic residential fire sprinkler system installed in one- and two-family dwellings as follows:

New Buildings: An automatic sprinkler system shall be installed throughout all new one- and two-family dwellings, including the attached garages.

Existing R-3 Buildings: An automatic sprinkler system shall be installed throughout when one of the following conditions exists:

1. When the floor area of alterations within any two-year period exceeds 50 percent of gross floor area of the existing structure and the building gross floor area exceeds 5,000 square feet; or
2. An additional story is added to the structure regardless of the area involved; or
3. Any addition to an existing building that has fire sprinklers installed; or
4. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing nonambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or developmentally disabled, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

5. If it is determined that practical difficulties, or unreasonable hardship would cause a demonstrated financial strain to the property owner when complying with 903.2.8(2)(4) the Building Official may waive, modify, or delay the imposition of requiring fire sprinklers to an existing building.

31. Subsection R313.3.6.2.2 of Section R313 of Division II of CRC is hereby amended by amending the first paragraph to read as follows:

Subsection R313.3.6.2.2 Calculation procedure. Determination of the required size for water distribution piping shall be in accordance with the following procedure and California Fire Code Section 903.3.5.3.

32. Subsection R319.1 of section R319 of Division II of CRC is hereby revised as follows:

R319.1 Address identification. New and existing buildings shall have approved address numbers, building numbers or approved building identification on the building placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 4 inches (101.6 mm) high with a minimum stroke width of 0.5 inch (12.7 mm) for R-3 occupancies, for all other occupancies the numbers shall be a minimum of 6 inches high with a minimum stroke width of 1 inch. Where access is by a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure.

33. Subsection R337.1.1 of Section R337 of CRC is hereby amended to read as follows:

R337.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings and qualifying alterations/additions located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency as defined in Section R337.2.

34. Subsection R337.1.3 of Section R337 of the CRC is hereby amended by deleting exception number 4 and amending the first paragraph to read as follows:

R337.1.3 Application. New buildings and qualifying alterations/additions (as defined in R337.1.3.1.1 below) located in any Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date and additions to and remodel of buildings constructed before 2012 located in areas currently designated as such, shall comply with the provisions of this chapter. The provisions shall also apply to additions, remodels, and accessory structures located within 100 feet of a fuel modification zone, vegetation, regardless of whether the property is currently located in a designated

Fire Hazard Severity Zone or Wildland-Urban Interface Area, when materials and/or construction methods for exterior wildfire exposure were previously required at the property by the building or fire code official.

Exceptions:

1. Building of an accessory character classified as group U occupancy and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building.
 2. Buildings of an accessory character classification classified as a Group U occupancy of any size located at least 50 feet from an applicable building.
 3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.
35. Subsection R337.1.3.1 of Sections R337 of the CRC is hereby amended by deleting the words “all sections of this chapter, including all of the following areas” and by adding item #4 to read as follows:
4. Land designated by the City of Dana Point as defined in CBC Fig 701A-1 (Ember Zones 1 & 2) shall comply only with Sections R337.1.3.2 and R337.1.3.3. These requirements shall be applicable to building permits submitted on or after the effective date of the local ordinance. Ember Zones 1 & 2 shall not be considered Wildland Urban Interface Fire Area.
36. A new Subsection R337.1.3.1.1 is hereby added to Section R337 of the CRC to read in its entirety as follows:
- R337.1.3.1.1 Existing Buildings.** When an existing building undergoes alterations or additions, only those construction elements altered or added to the original structure shall comply with this chapter.
37. A new Subsection R337.1.3.2 is hereby added to Section R337 of CRC to read in its entirety as follows:
- R337.1.3.2 Construction Features Designated by the Enforcing Agency: Ember Zone 1.**
- New buildings and qualifying alterations/additions located within Ember Zone 1 for which an application for a building permit is submitted on or after the effective date of this ordinance shall comply only with the following sections of this chapter:
1. R337.3 - Standards of Quality, as applicable
 2. R337.4 - Ignition Resistant Construction, as applicable
 3. R337.5 - Roofing
 4. R337.6 - Vents

38. A new Subsection R337.1.3.3 is hereby added to Section R337 of CRC is hereby amended to read as follows:

R337.1.3.3 Construction Features Designated by the Enforcing Agency: Ember Zone 2.

New buildings and qualifying alterations/additions located within Ember Zone 2 for which an application for a building permit is submitted on or after the effective date of this ordinance shall comply only with the following sections of this chapter:

1. R337.3 - Standards of Quality, as applicable
2. R337.4 - Ignition Resistant Construction, as applicable
3. R337.5 - Roofing
4. R337.6 - Vents
5. Decking

Decks, porches, balconies and stairs shall comply with the requirements of Section R337.9.3 when a) the walking surface area of a single deck or balcony is greater than 100 square feet (increased to 120 square feet when connected to a stair), and b) located within 100 feet of fuel modification or open space containing unmanaged, non-irrigated vegetation.

Decking Within a Fuel Modification Zone. Decking located within any portion of a fuel modification zone shall be entirely non-combustible.

6. Accessory Structures

Applicability. The provision of this section shall apply to patio covers located closer than 100 feet from fuel modification or open space containing unmanaged, non-irrigated vegetation.

Requirements. The patio covers shall be constructed of noncombustible or ignition-resistant materials.

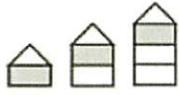
Exception: When the construction features meet all of the following:

- A. Columns: Minimum dimension of 4x4 (nominal dimension in inches)
- B. Horizontal beams: Minimum 4x6 (nominal dimension in inches)
- C. Top horizontal members: A minimum of 2-inch spacing is provided between the members.
- D. The ledger meets the ignition-resistant material definition as prescribed in CBC Section 702A.

39. Subsection R405.1 of in Section R405 of Division II of CRC is hereby amended by deleting the exception.

40. Table R602.10.3(3) of Section R602 of Division II of CRC is hereby amended to read as follows:

TABLE R602.10.3(3)
 BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY

<ul style="list-style-type: none"> • SOIL CLASS D^b • WALL HEIGHT = 10 FEET • 10 PSF FLOOR DEAD LOAD • 15 PSF ROOF/CEILING DEAD LOAD • BRACED WALL LINE SPACING ≤ 25 FEET 			MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE ^a				
Seismic Design Category	Story Location	Braced Wall Line Length (feet)	Method LIB ^c	Method GB ^d	Methods DWB, SFB, PBS, PCP, HPS, CS-SFB ^{e,g}	Method WSP	Methods CS-WSP, CS-G
C (townhouses only)		10	2.5	2.5	2.5	1.6	1.4
		20	5.0	5.0	5.0	3.2	2.7
		30	7.5	7.5	7.5	4.8	4.1
		40	10.0	10.0	10.0	6.4	5.4
		50	12.5	12.5	12.5	8.0	6.8
		10	NP	4.5	4.5	3.0	2.6
		20	NP	9.0	9.0	6.0	5.1
		30	NP	13.5	13.5	9.0	7.7
		40	NP	18.0	18.0	12.0	10.2
		50	NP	22.5	22.5	15.0	12.8
		10	NP	6.0	6.0	4.5	3.8
		20	NP	12.0	12.0	9.0	7.7
		30	NP	18.0	18.0	13.5	11.5
		40	NP	24.0	24.0	18.0	15.3
		50	NP	30.0	30.0	22.5	19.1
D ₀		10	NP	2.8 5.6	2.8 5.6	1.8	1.6
		20	NP	5.5 11.0	5.5 11.0	3.6	3.1
		30	NP	8.3 16.6	8.3 16.6	5.4	4.6
		40	NP	11.0 22.0	11.0 22.0	7.2	6.1
		50	NP	13.8 27.6	13.8 27.6	9.0	7.7
		10	NP	5.3 NP	5.3 NP	3.8	3.2
		20	NP	10.5 NP	10.5 NP	7.5	6.4
		30	NP	15.8 NP	15.8 NP	11.3	9.6
		40	NP	21.0 NP	21.0 NP	15.0	12.8
		50	NP	26.3 NP	26.3 NP	18.8	16.0
		10	NP	7.3 NP	7.3 NP	5.3	4.5
		20	NP	14.5 NP	14.5 NP	10.5	9.0
		30	NP	21.8 NP	21.8 NP	15.8	13.4
		40	NP	29.0 NP	29.0 NP	21.0	17.9
		50	NP	36.3 NP	36.3 NP	26.3	22.3

(continued)

TABLE R602.10.3(3)—continued
 BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY

<ul style="list-style-type: none"> • SOIL CLASS D^a • WALL HEIGHT = 10 FEET • 10 PSF FLOOR DEAD LOAD • 15 PSF ROOF/CEILING DEAD LOAD • BRACED WALL LINE SPACING ≤ 25 FEET 			MINIMUM TOTAL LENGTH (FEET) OF BRACED WALL PANELS REQUIRED ALONG EACH BRACED WALL LINE ^b					
Seismic Design Category	Story Location	Braced Wall Line Length (feet)	Method LIB ^c	Method GB ^d	Methods DWB, SFB, PBS, PCP, HPS, CS-SFB ^{e,Δ}	Method WSP	Methods CS-WSP, CS-G	
D ₁		10	NP	3.0 6.0	3.0 6.0	2.0	1.7	
		20	NP	6.0 12.0	6.0 12.0	4.0	3.4	
		30	NP	9.0 18.0	9.0 18.0	6.0	5.1	
		40	NP	12.0 24.0	12.0 24.0	8.0	6.8	
		50	NP	15.0 30.0	15.0 30.0	10.0	8.5	
		10	NP	6.0 NP	6.0 NP	4.5	3.8	
		20	NP	12.0 NP	12.0 NP	9.0	7.7	
		30	NP	18.0 NP	18.0 NP	13.5	11.5	
		40	NP	24.0 NP	24.0 NP	18.0	15.3	
		50	NP	30.0 NP	30.0 NP	22.5	19.1	
		10	NP	8.5 NP	8.5 NP	6.0	5.1	
		20	NP	17.0 NP	17.0 NP	12.0	10.2	
		30	NP	25.5 NP	25.5 NP	18.0	15.3	
		40	NP	34.0 NP	34.0 NP	24.0	20.4	
		50	NP	42.5 NP	42.5 NP	30.0	25.5	
D ₂		10	NP	4.0 8.0	4.0 8.0	2.5	2.1	
		20	NP	8.0 16.0	8.0 16.0	5.0	4.3	
		30	NP	12.0 24.0	12.0 24.0	7.5	6.4	
		40	NP	16.0 32.0	16.0 32.0	10.0	8.5	
		50	NP	20.0 40.0	20.0 40.0	12.5	10.6	
		10	NP	7.5 NP	7.5 NP	5.5	4.7	
		20	NP	15.0 NP	15.0 NP	11.0	9.4	
		30	NP	22.5 NP	22.5 NP	16.5	14.0	
		40	NP	30.0 NP	30.0 NP	22.0	18.7	
		50	NP	37.5 NP	37.5 NP	27.5	23.4	
		10	NP	NP	NP	NP	NP	NP
		20	NP	NP	NP	NP	NP	NP
		30	NP	NP	NP	NP	NP	NP
		40	NP	NP	NP	NP	NP	NP
		50	NP	NP	NP	NP	NP	NP
	Cripple wall below one- or two-story dwelling	10	NP	NP	NP	NP	7.5	6.4
		20	NP	NP	NP	NP	15.0	12.8
		30	NP	NP	NP	NP	22.5	19.1
		40	NP	NP	NP	NP	30.0	25.5
		50	NP	NP	NP	NP	37.5	31.9

For SI: 1 inch = 25.4 mm, 1 foot = 305 mm, 1 pound per square foot = 0.0479 kPa.

- a. Linear interpolation shall be permitted.
- b. Wall bracing lengths are based on a soil site class "D." Interpolation of bracing length between the S_w values associated with the Seismic Design Categories shall be permitted when a site-specific S_w value is determined in accordance with Section 1613.3 of the *International Building Code*.
- c. Method LIB shall have gypsum board fastened to at least one side with nails or screws per Table R602.3(1) for exterior sheathing or Table R702.3.5 for interior gypsum board. Spacing of fasteners at panel edges shall not exceed 8 inches.
- d. Method CS-SFB applies in SDC C only.
- e. Methods GB and PCP braced wall panel h/w ratio shall not exceed 1:1 in SDC D0, D1 or D2. Methods DWB, SFB, PBS, and HPS are not permitted in SDC D0, D1, or D2.

41. Subsections R902.1.1, R902.1.2, R902.1.3 of Section R902 of Division II of CRC are hereby deleted and replaced with new Subsections R902.1.1 and R902.1.2 to read in its entirety as follows:

R902.1.1 Roof Coverings. The roof covering or roofing assembly on any new structure regulated by this code shall be Class A fire retardant roof minimum as classified in Section 1505.2 of the CBC. Non-combustible roof covering may be applied in accordance with the manufacturer's requirements in lieu of a fire retardant roofing assembly. Wood roofing materials are prohibited unless pressure treated and approved for fire retardant of Class A minimum. For existing structure when ten percent (10%) or more of the total roof area is re-roofed within any one-year period, shall have a Class A fire retardant roof covering for entire roof area. For existing structure when less than ten percent (10%) of the total roof area is re-roofed within any one-year period, shall have a fire retardant roof covering class equal to or greater than the existing roof covering and not less than Class B.

R902.1.2 Certification. Contractors installing roof assemblies or the building owner shall, prior to final approval of installation, provide a certificate of the roof assembly classification to the building inspector upon request.

42. Subsection R902.2 first paragraph is amended by revising it to allow only Class A or B treated wood roofs as follows:

R902.2 Fire-retardant -treated shingles and shakes. Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A or B roofs.

43. Subsection R903.4 of Section R903 of Division II of CRC is hereby amended by adding a second paragraph to read as follows:

Water that accumulates on a roof shall be effectively drained and conveyed from the roof to a storm drain, street gutter, or other locations approved in writing by the Building Official. Such water shall be conveyed through gutters, leaders, associated piping or other non-erodible surface drainage devices as approved in writing by the Building Official. For any minor or small roofs, the Building Official may exempt this requirement in writing.

44. A new Subsection R1001.13 is hereby added to Section R1001 of CRC to read in its entirety as follows:

R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices.

Outdoor fireplaces, fire pits, fire rings, or similar exterior devices shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking.

A new Subsection R1001.13.1 is hereby added to Section R1001 of CRC to read as follows:

R1001.13.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved in writing by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester in accordance with Section R1003.9.2.

A new Subsection R1001.13.2 is hereby added to Section R1001 of CRC to read as follows:

R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Fireplaces burning wood or other solid fuel shall be constructed in accordance with Section R1001. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace.

A new Subsection R1001.13.3 is hereby added to Section R1001 of CRC to read as follows:

R1001.13.3 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and adopted Fire Hazard Severity Zones (FHSZ) or in locations where conditions could cause the spread of fire to the WRA or FHSZ, unless determined by the fire code official that the location or design of the device should reasonably prevent the start of a wildfire.

45. Chapter 44 Referenced Standards is hereby adopted and revised as follows:

NFPA 13, 2022 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved in writing by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided. All approvals shall be in writing.

Section 8.3.3.1 is hereby revised as follows:

8.3.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems.

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
- 2) Use a maximum of 40 psi, if available;
- 3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2022 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

Section 6. Section 8.14.001 of Chapter 8.14 of the Dana Point Municipal Code entitled "Adoption of the California Electrical Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 3, known and designated as the California Electrical Code (CEC), 2022 Edition based on the National Electrical Code (NEC), 2020 Edition, as published by the National Fire Protection Association with the modifications set forth below for the purpose of prescribing regulations for the installation, arrangement, alteration, repairing, replacement, remodeling, or use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the City. The provisions of this code shall constitute the electrical code regulations of the City. The California Electrical Code is on file for public examination in the office of the Building Official.

Section 7. Section 8.14.010 of Chapter 8.14 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows:

1. Section 89.108 of Article 89 of the California Electrical Code is hereby amended in accordance with the administrative and fee provisions contained in Chapter 1 Division II of the California Building Code and California Residential Code as amended by the City of Dana Point, where applicable.
2. A new Subdivision (C) of Section 90.8 of Article 90 of the California Electrical Code is hereby added to read in its entirety as follows:

(C) Wiring to be in an Underground System. Supply wiring for or to accessory uses, accessory buildings, secondary units, yard lights and post signs shall be in an underground system.

3. A new section 225.28 of Article 225 of the California Electrical Code is hereby added to read in its entirety as follows:

225.28 Outdoor Installations. All yard wiring shall be installed underground except for festoon lighting, temporary lighting or wiring systems serviced by a public utility.

4. Subsection 230.2 of Article 230 of Chapter 3 of the California Electrical Code is hereby amended by amending the first sentence to read as follows:

A building, tenant space, or other structure served shall be supplied by only one service unless permitted in 230.2(A) through (D).

5. Subdivision 310.106(B) of Section 310.106 of Article 310 of Chapter 3 of the California Electrical Code is hereby amended to add a third and fourth paragraph to read as follows:

Copper wire shall be used for wiring No. 6 and smaller in all installations. Consideration for use of aluminum wiring can be made by the Building Official for feeder lines only on an individual basis and in writing where adequate safety measures can be ensured.

Aluminum wire may only be permitted on an individual case-by-case basis by the Building Official. Any such approval shall be based upon findings showing that all of the following conditions exist:

- (a) Wire size shall not be less than No. 6
- (b) Continuous inspection of each connection by a qualified inspector approved in writing by the Building Official in advance.
- (c) Installation of antioxidant compound/material at each connection.
- (d) Use of electrical equipment listed for aluminum wiring.
- (e) The installer shall notify the building owner in writing that aluminum wiring was used. The notification shall specify exact locations of wire and its purposes. Certificate of Occupancy will not be issued until a copy of the notification letter is submitted to the Building Official for a review and approval.

6. Table No. 310.106(A) of Section 310.106 of Article 310 of Chapter 3 of the California Electrical Code is hereby amended by adding a note at the bottom to read as follows:

Note. Use of aluminum conductors requires prior approval from Building Official. See Section 310.106(B) Conductor Material.

7. Subsection 690.13 Building or Other Structures Supplied by a Photovoltaic System of Article 690 of Chapter 6 of the California Electrical Code is hereby amended by the addition to read as follows:

(A) Location. The PV disconnecting means shall be installed at a readily accessible location either on the outside of a building or structure or inside nearest the point of entrance of the system conductors.

Section 8. Section 8.16.001 of Chapter 8.16 of the Dana Point Municipal Code entitled "Adoption of the California Plumbing Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 5, known and designated as the California Plumbing Code (CPC), 2022 Edition based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials with the modifications set forth below for the purpose of prescribing regulations for the design, quality of materials, erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of plumbing systems in the City including Appendices A, B, C, D, E, H, I, J, K, and L. The provisions of this code shall constitute the plumbing code regulations of the City. The California Plumbing Code is on file for public examination in the office of the Building Official.

Section 9. Section 8.16.010 of Chapter 8.16 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows:

1. Chapter 1 Division II of the California Plumbing Code is hereby amended in accordance with the administrative and fee provisions contained in Chapter 1 Division II of the California Building Code and California Residential Code as amended by the City of Dana Point, where applicable.
2. Subsection 604.1 of Section 604.0 of the California Plumbing Code is hereby amended by adding a sentence to end of the second paragraph to read as follows:

Ferrous materials are prohibited for water pipe and fittings when installed in the ground unless a soils analysis is provided to show that soil conditions will not be damaging to the piping material. *(Balance of the section to remain unchanged)*

3. Subsection 609.3(2) of Section 609.0 of the California Plumbing Code is hereby amended by amending the first paragraph to read in its entirety as follows:

609.3(2) Copper water piping installed under concrete floor slabs within a building or structure shall be copper tube Type "K" and shall be installed without joints where possible. Where joints are permitted, they shall be brazed and fitting shall be wrought copper. Such copper tubing shall be placed in a sand bed a minimum of

three inches (3") in depth, and properly protected penetrates concrete and similar materials.

4. Subsection 610.8 of Section 610 of the California Plumbing Code is hereby amended by deleting the last paragraph and replacing it with the following:

No building supply pipe shall be less than one inch (1") in diameter unless a design or calculations are submitted and approved in writing by Administrative Authority. Each main building shall have a minimum of two three-quarter-inch (3/4") hose bibs; one located readily accessible to the front yard and one to the back yard.

5. Subsection 1208.5 of Section 1208.0 of California Plumbing Code is hereby amended by adding the following sentences to the end of the paragraph:

Approved PE pipe and fittings shall be used in exterior buried gas piping systems. Ferrous gas piping is not permitted to be installed underground unless a soils analysis is provided to show that soil conditions will not be damaging to the piping material.

Section 10. Section 8.20.001 of Chapter 8.20 of the Dana Point Municipal Code entitled "Adoption of the California Mechanical Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 4, known and designated as the California Mechanical Code (CMC), 2022 Edition based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials with the modifications set forth below for the purpose of prescribing regulations for the design, construction, installation, quality of materials, location, operation and maintenance or use of heating, ventilating, cooling, refrigeration systems, incinerators and other heat-producing appliances in the City including Appendices A, B, C, D, E, F and G. The provisions of this code shall constitute the mechanical code regulations of the City. The California Mechanical Code is on file for public examination in the office of the Building Official.

Section 11. Section 8.20.010 of Chapter 8.20 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows:

1. Chapter 1 Division II of the California Mechanical Code is hereby amended in accordance with the administrative and fee provisions contained in Chapter 1 Division II of the California Building Code and California Residential Code as amended by the City of Dana Point, where applicable.
2. Subsection 304.3.1.2 of Section 304 of the California Mechanical Code is hereby amended by amending the first paragraph to read as follows:

304.3.1.2 Permanent Ladders. Permanent ladders required by section 304.3.1.1 and permanent ladders attached to the exterior of the building shall be constructed in accordance with the following:

3. The first paragraph of Subsection 504.3 of the Section 504 of the California Mechanical Code is hereby amended to read as follows:

504.3 Domestic Range Hoods and Vents. Kitchen Range Hoods shall be installed for cooking facilities with an approved forced-draft system of ventilation vented to the outside of the building. Ducts used for domestic kitchen range ventilation shall be of metal, or other approved material, and shall have smooth interior surfaces. Ducts for domestic range hoods shall only serve cooking appliances. *(Balance of the subsection to remain unchanged.)*

Section 12. Section 8.24.001 of Chapter 8.24 of the Dana Point Municipal Code entitled "Adoption of the California Fire Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 9, known and designated as the 2022 California Fire Code (CFC), based on the International Fire Code, 2021 Edition, with errata, published by International Code Council (ICC), and the whole thereof, including Division II in Chapter 1, Appendix A, Appendix B, Appendix BB, Appendix C and Appendix CC. The provisions of this code shall constitute the fire code regulations of the City. The California Fire Code is on file for public examination in the office of the Building Official.

Section 13. Section 8.24.010 of Chapter 8.24 of the Dana Point Municipal Code entitled "Amendments, Additions, and Deletions" is hereby amended to read in its entirety as follows:

1. Subsection [A] 101.1 of Section R101 of Division II of the CFC is hereby amended to read in its entirety as follows:

[A] 101.1 Title. These regulations shall be known as the California Fire Code of the City of Dana Point, hereinafter referred to as "this code."

2. Subsection [A] 102.10 of Section 102 of Division II of Chapter 1 of the CFC is hereby amended to read in its entirety as follows:

[A] 102.10 Conflicting Provisions. Where there is a conflict between a general requirement and a specific requirement, the fire code official shall decide which requirement meets the general intent of this code.

3. Subsection [A] 103.2 of Section 103 of Division II of Chapter 1 of the CFC is hereby amended to read in its entirety as follows:

103.2 Appointment. The Building Official and the Orange County Fire Authority are charged with the administration and enforcement of this Fire Code and are hereby appointed and authorized to act as the fire code official for the purpose of implanting, administering and enforcing the provisions of this Fire Code.

4. A new Subsection [A] 103.4 is hereby added to Section 103 of Division II of Chapter 1 of CFC to read in its entirety as follows.

[A] 103.4 Enforcement and Inspections. The California Fire Code and the International Fire Code with amendments shall be enforced by the Building Official and/or Orange County Fire Authority, which shall be operated under the Fire Chief of the Orange County Fire Authority. The Fire Chief of the Orange County Fire Authority may detail such members of the fire authority as inspectors as shall be necessary from time to time.

5. Subsection [A] 104.9 of Section 104 of Division II of Chapter 1 of the CFC is hereby amended to add the following sentence at the end of the paragraph:

All modifications must be approved in writing by both the Building Official and the Orange County Fire Authority.

6. Subsection [A] 104.10 of Section 104 of Division II of Chapter 1 of the CFC is hereby amended to add the following sentence at the end of the paragraph:

All requests for alternative material and design methods must be approved by both the Building Official and the Orange County Fire Authority.

7. Subsection [A] 112.4 of Division II of Chapter 1 of the CFC is hereby amended and by adding new Subsections 112.4.2 as follows:

[A] 112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or shall fail to comply with any issued orders or notices or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be subject to penalties assessed as prescribed in the OCFA Prevention Field Services adopted fee schedule. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

112.4.2 Infraction and misdemeanor. Persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction.

Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative are guilty of a misdemeanor.

8. Section 202 of the CFC is hereby amended and by adding/revising the following definitions:

ALTERATION. Any construction or renovation to an existing structure other than a repair or addition. Alterations include but are not limited to the addition or elimination of walls within the existing building envelope. Alteration also includes modifications to the structure which involve 50% or more removal and replacement of wall board within any room.

FLOOR AREA, FIRE SPRINKLERS. For the purpose of calculating square footage for application of fire sprinkler requirements, the floor area shall be determined to include the entire square footage of a room or designated area where any work or modifications are being made or proposed.

HAZARDOUS FIRE AREA. Includes all areas identified within Section 4906.2 and other areas as determined by the fire code official due to the presence of combustible vegetation, or the proximity of the property to an area that contains combustible vegetation.

OCFA: Orange County Fire Authority.

SPARK ARRESTER. A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:

1. Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.
2. Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.

Chapter 3 General Requirements is adopted in its entirety, with the exception of section 308.1.4, 311.5 through 311.5.5, 318 and 319, and with the following amendments:

9. Subsection 304.1.2 is hereby amended to read as follows:

304.1.2 Vegetation. Weeds, grass, vines or other growth that is capable of being ignited and endangering property, shall be cut down and removed by the owner or occupant of the premises. Vegetation clearance requirement in urban-wildland interface areas shall be in accordance with Chapter 49. Type, amount, arrangement, and maintenance of vegetation in a fuel modification area, interior slope, or similarly hazardous area using guidance from OCFA Guideline C-05 "Vegetation

Management Guideline—Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program.”

10. A new subsection 305.6 is hereby added to section 305 of CFC to read in its entirety as follows:

305.6 Hazardous conditions. Outdoor fires burning wood or other solid fuel are not allowed when any of the following conditions applies:

1. When predicted sustained winds exceed 8 MPH and relative humidity is less than 25%, or a red flag condition has been declared; or
2. When an official sign was caused to be posted by the fire code official, or a public announcement is made

No outdoor fires using any fuel type are permitted when predicted sustained winds exceed 20 MPH or when such fires present a hazard as determined by the fire code official.

11. A new subsection 305.7 is hereby added to section 305 of CFC to read in its entirety as follows:

305.7 Disposal of rubbish. Rubbish, trash or combustible waste material shall be burned only within an approved incinerator and in accordance with Section 307.2.1.

12. A new subsection 307.6 is hereby added to section 307 of CFC and the title of 307 is amended to read as follows:

Section 307 OPEN BURNING, RECREATIONAL FIRES, FIRE PITS, FIRE RINGS AND PORTABLE OUTDOOR FIREPLACES is hereby revised as follows:

307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies. Outdoor fireplaces, fire pits, fire rings, or similar exterior devices used at Group R occupancies shall comply with this section.

Exception: Barbeques, grills, and other portable devices intended solely for cooking.

13. A new subsection 307.6.1 is hereby added to section 307 of CFC to read in its entirety as follows:

307.6.1 Gas-fueled devices. Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Official and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction and vegetation shall not be located within three feet of an atmospheric column that extends vertically from

the perimeter of the device. At other R occupancies, the minimum distance shall be ten feet. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester as defined in Section 202.

Exceptions:

1. Portable fireplaces and fire rings/pits equipped with a device to arrest sparks shall be located at least 3' from combustible construction at R-3 occupancies,
2. Portable fireplaces, and fire pits/rings equipped with a device to arrest sparks, shall be located at least 15 feet from combustible structures at other R occupancies.

14. A new subsection 307.6.2 is hereby added to section 307 of CFC to read in its entirety as follows:

307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas. Permanent outdoor fireplaces burning wood or other solid fuel shall be constructed in accordance with the California Building Code with clearance from combustible construction and building openings as required therein. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks.

The burning of wood or other solid fuel in a device is not allowed within 25 feet of combustible structures unless within an approved permanent fireplace, Conditions which could cause a fire to spread within 25 feet of a structure or to vegetation shall be eliminated prior to ignition. Fires in devices burning wood or solid fuel shall be in accordance with Sections 305, 307, and 308.

Exceptions:

1. Portable fireplaces and fire rings/pits equipped with a device to arrest sparks shall be located at least 3' from combustible construction at R-3 occupancies,
2. Portable fireplaces, and fire pits/rings equipped with a device to arrest sparks, shall be located at least 15 feet from combustible structures at other R occupancies.

15. A new subsection 307.6.2.1 is hereby added to section 307 of CFC to read in its entirety as follows:

307.6.2.1 Where prohibited. The burning of wood and other solid fuels shall not be conducted within a fuel modification zone, Wildfire Risk Area (WRA), Wildland-

Urban Interface Area (WUI), or in locations where conditions could cause the spread of fire to the WRA or WUI.

Exceptions:

1. Permanent fireplaces that are not located in a fuel modification zone when determined by the fire code official in writing that the location or design of the device should reasonably prevent the start of a wildfire.
 2. Where determined by the fire code official in writing that the location or design of the device should reasonably prevent the start of a wildfire.
16. A new section 324 Fuel modification requirements for new construction is hereby added to Chapter 3 of the CFC to read in its entirety as follows:

324 Fuel modification requirements for new construction. All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved using guidance from OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

17. A new section 325 Clearance of brush or vegetation growth from roadways is hereby added to Chapter 3 of the CFC to read in its entirety as follows:

325 Clearance of brush or vegetation growth from roadways. The fire code official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of highways and private streets which are improved, designed or ordinarily used for vehicular traffic, to be cleared of flammable vegetation and other combustible growth. Measurement shall be from the flow-line or the end of the improved edge of the roadway surfaces.

Exception: Single specimens of trees, ornamental shrubbery or cultivated ground cover such as green grass, ivy, succulents or similar plants used as ground covers, provided that they do not form a means of readily transmitting fire.

18. A new section 326 Unusual circumstances is hereby added to Chapter 3 of the CFC to read in its entirety, as follows:

326 Unusual circumstances. The fire code official may suspend enforcement of the vegetation management requirements and require reasonable alternative measures designed to advance the purpose of this code if determined that in any specific case that any of the following conditions exist:

1. Difficult terrain.
2. Danger of erosion.

3. Presence of plants included in any state and federal resources agencies, California Native Plant Society and county-approved list of wildlife, plants, rare, endangered and/or threatened species.
4. Stands or groves of trees or heritage trees.
5. Other unusual circumstances that make strict compliance with the clearance of vegetation provisions undesirable or impractical.

19. A new section 327 Use of equipment is hereby added to Chapter 3 of the CFC to read in its entirety as follows:

327 Use of equipment. Except as otherwise provided in this section, no person shall use, operate, or cause to be operated in, upon or adjoining any hazardous fire area any internal combustion engine which uses hydrocarbon fuels, unless the engine is equipped with a spark arrester as defined in Section 202 maintained in effective working order, or the engine is constructed, equipped and maintained for the prevention of fire.

Exceptions:

1. Engines used to provide motor power for trucks, truck tractors, buses, and passenger vehicles, except motorcycles, are not subject to this section if the exhaust system is equipped with a muffler as defined in the Vehicle Code of the State of California.
2. Turbocharged engines are not subject to this section if all exhausted gases pass through the rotating turbine wheel, there is no exhaust bypass to the atmosphere, and the turbocharger is in good mechanical condition

20. A new subsection 327.1 Use of equipment and devices generating heat, sparks, or open flames is hereby added to section 327 of the CFC to read in its entirety as follows:

327.1 Use of equipment and devices generating heat, sparks or open flames. During any time of the year within Wildfire Risk Areas, within or immediately adjacent to any forest- or brush-covered land or non-irrigated grass-covered land, no person shall use or operate any welding equipment, cutting torches, tar pots, grinding devices, or other tools or equipment that may produce a spark, fire, or flame that could result in a wildfire without doing the following:

1. First clearing away all flammable material, including snags, from the area around such operation for a distance of 30 feet or other approved method to reduce fire spread into the wildlands. If 30 feet clearing cannot be achieved, then an alternate method shall be approved by the AHJ prior to work starting.
2. Maintain one serviceable round point shovel with an overall length of not less than forty-six (46) inches and one backpack pump water-type fire extinguisher fully equipped and ready for use at the immediate area during the operation.

3. Stop work when winds are 8 MPH or greater during periods when relative humidity is less than 25%, or a red flag condition has been declared or public announcement is made, when an official sign was caused to be posted by the fire code official, or when such fires present a hazard as determined by the fire code official.
 4. Keep a cell phone nearby and call 911 immediate in case of fire.
21. A new subsection 327.2 is hereby added to section 327 of the CFC to read in its entirety as follows:

327.2 Spark arresters. Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 327 shall not be placed or mounted in such a manner as to allow flames or heat from the exhaust system to ignite any flammable material.

22. Subsection 407.5 of section 407 of the CFC is hereby amended to read in its entirety as follows:

407.5 Hazardous Materials Inventory Statement. Where required by the fire code official, each application for a permit shall include OCFA's Chemical Classification Guideline in accordance with Section 5001.5.2.

23. **Chapter 5 Fire Service Features** is adopted in its entirety as amended by the SFM with the following amendments:

Section 501.1 of the CFC shall read in its entirety as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter and, where required by the fire code official, with OCFA Guideline B-09, "Fire Master Plan for Commercial & Residential Development."

24. Section 510.1 of the CFC is hereby revised to read in its entirety as follows:

510.1 Emergency responder radio coverage in new buildings. All new buildings shall have approved radio coverage for emergency responders within the building based upon the existing coverage levels of the public safety communication systems of the jurisdiction, at the exterior of the building. This section shall not require improvement of the existing public safety communication systems. The Emergency Responder Radio Coverage System shall comply with the requirements of the Orange County Sheriff's Department, Communications and Technology Division, and where the functionality or performance requirements in the California Fire Code are more stringent, this code.

Exceptions:

1. In buildings or structures where it is determined by the fire code official in writing that the radio coverage system is not needed, including but not limited to the following:
 - a. Existing buildings or structures, unless required by the Building Official and OCFA for buildings and structures undergoing extensive remodel and/or expansion.
 - b. Elevators.
 - c. Structures that meet all of the following:
 - i. Three stories or less, and
 - ii. Do not have subterranean storage or parking, and
 - iii. Do not exceed 50,000 square feet on any single story.
 - d. Structures that meet all of the following:
 - i. Residential structures four stories or less, and
 - ii. Constructed of wood, and
 - iii. Do not have subterranean storage or parking, and
 - iv. Are not built integral to an above ground multi-story parking structure.

Should a structure that is three stories or less and 50,000 square feet or smaller on any single story include subterranean storage or parking, then this ordinance shall apply only to the subterranean areas.

1. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of the facility, the fire code official shall have the authority to accept an automatically activated emergency radio coverage system.
25. Subsection 903.2 of section 903 of the CFC is hereby amended to read in its entirety as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided when one of the following conditions exists:

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.11, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.

Exception: Subject to written approval by the fire code official, open parking garages in accordance with Section 406.5 of the California Building Code that

are smaller than the area specified in section 903.2.10 (3) or 903.2.10.1 of the California Fire Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5,000 square feet
 - b. When an addition exceeds 2,000 square feet, and the resulting building area exceeds 5,000 square feet.
 - c. An additional story is added above the second floor regardless of fire areas or allowable area
3. **Additions:** Sprinkler protection shall be provided throughout the entire building when:
 - a. Existing unsprinklered buildings less than 5,000 square feet: where 20% or more is added and the gross floor area exceeds 5,000 square feet.
 - b. Existing building equal or greater than 5,000 square feet: where more than 1,000 ft² is added.
 - c. The existing building has fire sprinklers installed.
 - d. Change of use when required by that use.

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8.

26. Subsection 903.2.8 Group R of section 903 of the CFC is hereby amended to read in its entirety as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with section 903.3 shall be provided throughout all buildings with a Group R fire area as follows:

4. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings, including attached garages.
5. **Existing R-3 Buildings:** An automatic sprinkler system shall be installed throughout when one of the following conditions exists:

1. When the floor area of alterations within any two year period exceeds 50 percent of gross floor area of the existing structure and the building gross floor area exceeds 5,500 square feet; or
2. An additional story is added to the structure regardless of the area involved; or
3. Any addition to an existing building that has fire sprinklers installed; or
4. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies not housing bedridden clients, not housing non-ambulatory clients above the first floor and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 425.8.3.3.
3. Pursuant to Health and Safety Code Section 13113 occupancies housing ambulatory children only, none of whom are mentally ill or developmentally disabled, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and buildings or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code Section 13143.6 occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).
5. If it is determined that practical difficulties, or unreasonable hardship would cause a demonstrated financial strain to the property owner when complying with 903.2.8(2)(4) the Building Official may waive, modify, or delay the imposition of requiring fire sprinklers to an existing building.

When not used in accordance with Section 504.2 or 506.3 an automatic sprinkler system installed in accordance with Subsection 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

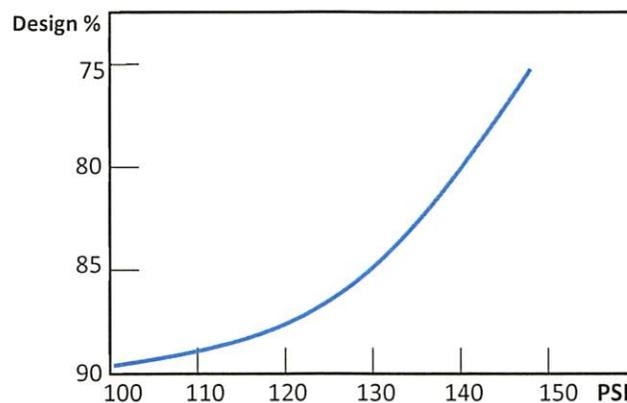
An automatic sprinkler system designed in accordance with Subsection 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

27. Subsection 903.3.5.3 of section 903 of the CFC is hereby added to read in its entirety as follows:

903.3.5.3 Hydraulically calculated systems. The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



24.

28. **Chapter 12 Energy Systems** is adopted in its entirety as amended by SFM with the following amendment added:

1201.1.1 Other Systems Where required by the fire code official, other systems and operations including but not limited to battery systems assembly, battery reconditioning and storage, research and development of battery storage systems, electric vehicle manufacturing and testing, and battery charging systems for cars and carts inside of buildings or structures, shall comply with this chapter.

Exception: When approved by the fire code official, charging stations for electric vehicles located in open parking garages of Type I or II construction.

29. Subsection 2801.2 of Section 2801 Lumber Yards and Agro-Industrial, Solid Biomass and Woodworking Facilities of CFC is hereby amended to read in its entirety as follows:

2801.2 Permit. Permits shall be required as set forth in Section 105.6 and 105.6.29.

30. Subsection 2808.2 of Section 2808 of CFC is hereby amended to read in its entirety as follows:

2808.2 Storage site. Storage sites shall be level and on solid ground, elevated soil lifts or other all-weather surface. Sites shall be thoroughly cleaned and approval obtained from the fire code official before transferring products to the site.

31. Subsection 2808.3 of Section 2808 of CFC is hereby amended to read as follows:

2808.3 Size of piles. Piles shall not exceed 15 feet in height, 50 feet in width and 100 feet in length.

Exception: The fire code official is authorized to allow in writing the pile size to be increased where a fire protection plan is provided for approval that includes, but is not limited to, the following:

1. Storage yard areas and materials-handling equipment selection, design and arrangement shall be based upon sound fire prevention and protection principles.
2. Factor that lead to spontaneous heating shall be identified in the plan, and control of the various factors shall be identified and implemented, including provisions for monitoring the internal condition of the pile.
3. The plan shall include means for early fire detection and reporting to the public fire department; and facilities needed by the fire department for fire extinguishment including a water supply and fire hydrants.
4. Fire apparatus access roads around the piles and access roads to the top of the piles shall be established, identified and maintained.
5. Regular yard inspections by trained personnel shall be included as part of an effective fire prevention maintenance program.

Additional fire protection called for in the plan shall be provided and shall be installed in accordance with this code. The increase of the pile size shall be based upon the capabilities of the installed fire protection system and features.

32. Subsection 2808.4 of Section 2808 of CFC is hereby amended to read as follows:

2808.4. Pile separation. Piles shall be separated from adjacent piles by-minimum distance of 20 feet. Additionally, piles shall have a minimum separation of 100 feet from combustible vegetation.

33. Subsection 2808.7 of Section 2808 of CFC is hereby amended to read as follows:

2808.7 Pile fire protection. Automatic sprinkler protection shall be provided in conveyor tunnels and combustible enclosures that pass under a pile. Combustible conveyor systems and enclosed conveyor systems shall be equipped with an approved automatic sprinkler system. Oscillating sprinklers with a sufficient projectile reach are required to maintain a 40% to 60% moisture content and wet down burning/smoldering areas.

34. Subsection 2808.9 of Section 2808 of CFC is hereby amended to read as follows:

2808.9 Material-handling equipment. All material-handling equipment operated by an internal combustion engine shall be provided and maintained with an approved spark arrester. Approved material-handling equipment shall be available for moving wood chips, hogged material, wood fines and raw product during fire-fighting operations.

35. A new Subsection 2808.11 is hereby added to Chapter 28 of CFC to read in its entirety as follows:

2808.11 Temperature control. The temperature shall be monitored and maintained as specified in Sections 2808.11.1 and 2808.11.2.

36. A new Subsection 2808.11.1 is hereby added to Chapter 28 of CFC to read in its entirety as follows:

2808.11.1 Pile temperature control. Piles shall be rotated when internal temperature readings are in excess of 165 degrees Fahrenheit.

37. A new Subsection 2808.11.2 is hereby added to Chapter 28 of CFC to read in its entirety as follows:

2808.11.2 New material temperature control. New loads delivered to the facility shall be inspected and tested at the facility entry prior to taking delivery. Material with temperature exceeding 165 degrees Fahrenheit shall not be accepted on the site. New loads shall comply with the requirements of this chapter and be monitored to verify that the temperature remains stable.

38. A new Subsection 2808.12 of Section 2808 of CFC is hereby added to read in its entirety as follows:

2808.12 Water Availability. Facilities with over 2500 cubic feet shall provide a water supply. The minimum fire flow shall be no less than 500 GPM @ 20 psi for a minimum of 1 hour duration for pile heights up to 6 feet and 2 hour duration for pile

heights over 6 feet. If there is no water purveyor, an alternate water supply with storage tank(s) shall be provided for fire suppression. The water supply tank(s) shall provide a minimum capacity of 2500 gallons per pile (maximum 30,000 gallons) for piles not exceeding 6 feet in height and 5000 gallons per pile (maximum 60,000) for piles exceeding 6 feet in height. Water tank(s) shall not be used for any other purpose unless the required fire flow is left in reserve within the tank at all times. An approved method shall be provided to maintain the required amount of water within the tank(s).

39. A new Subsection 2808.13 of Section 2808 of CFC is hereby added to read in its entirety as follows:

2808.13 Tipping areas shall comply with the following:

1. Tipping areas shall not exceed a maximum area of 50 feet by 50 feet.
2. Material within a tipping area shall not exceed 5 feet in height at any time.
3. Tipping areas shall be separated from all piles by a 20 foot wide fire access lane.
4. A fire hydrant or approved fire water supply outlet shall be located within 150 feet of all points along the perimeter of the tipping area.
5. All material within a tipping area shall be processed within 5 days of receipt.

40. A new Subsection 2808.14 of Section 2808 of CFC is hereby added to read in its entirety as follows:

2808.14 Emergency Contact. The contact information of a responsible person or persons shall be provided to the Fire Department and shall be posted at the entrance to the facility for responding units. The responsible party should be available to respond to the business in emergency situation.

41. **Section 2808.15 Maximum Grid of Piles and Rows** is hereby added as follows:

2808.15 Maximum Grid of Piles and Rows, Rows of Piles shall not exceed 500 feet by 500 feet. Grids shall be separated by a minimum 50 foot clear space used for no other purpose.

42. **2808.16 Push-out / Clear area** is hereby added as follows:

2808.16 Push-out / Clear area Piles exceeding 20 cubic yards shall be provided with push-out areas. Push-out areas shall be maintained clear at all times to allow for the largest pile to be spread out to a depth of 2 feet in height. Push-out areas shall be located within 250 feet of all edges of any pile and shall be located a minimum of 20 feet from any building.

43. **Chapter 49 Requirements for Wildland-Urban Interface Fire Areas** is adopted in its entirety with the following amendment:

Section 4903.3 Fuel Modification Plans is hereby added as follows:

4903.3 Fuel Modification Plans. Fuel modification plans shall be reviewed and approved in writing by OCFA for all new buildings to be built or installed in a wildfire risk area. Plans shall reference the recommendations set forth in OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program." In R3 occupancies owner builder plans developed by others with proficiency in vegetation management.

44. **Chapter 50 Hazardous Materials – General Provisions** is adopted in its entirety as amended by SFM with the following amendments.

Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS), is hereby revised as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include the Orange County Fire Authority's—Chemical Classification Guideline, which shall be completed and approved in writing prior to approval of plans, and/or the storage, use or handling of chemicals on the premises.

Subsection 5003.1.1 of Section 5003 of CFC is hereby amended by adding a new subsection as follows:

5003.1.1.1 Extremely Hazardous Substances. No person shall use or store any amount of extremely hazardous substances (EHS) in excess of the disclosable amounts (see Health and Safety Code Section 25500 et al) in a residential zoned or any residentially developed property.

45. **Section 56 Explosives and Fireworks** is adopted in its entirety with the following amendments:

A new Subsection 5608.2 of Section 5608 of CFC is hereby added to read in its entirety as follows:

5608.2 Firing. All fireworks displays, regardless of mortar, device, or shell size, shall be electrically fired.

A new Subsection 5608.3 of Section 5608 of CFC is hereby added to read in its entirety as follows:

Section 5608.3 Application for Permit. A diagram of the grounds on which the display is to be held showing the point at which the fireworks are to be discharged, the fallout area based on 100 feet per inch of shell size, the location of all buildings, roads, and other means of transportation, the lines behind which the audience will

be restrained, the location of all nearby trees, telegraph or telephone line, or other overhead obstructions shall be provided to OCFA.

46. **Chapter 57 Flammable and Combustible Liquids.** Adopt Chapter 57, with the exception of Section 5707, in its entirety and with the following amendment:

A new Subsection 5701.1.1 Mobile fueling of Section 5701.1 of CFC is hereby added to read in its entirety as follows:

Section 5701.1.1 Mobile fueling. On-demand mobile fueling of Class I, II, and III liquids into the fuel tanks of vehicles is prohibited.

47. **Chapter 58 Flammable Gases and Flammable Cryogenic Fluids.** Adopt Chapter 58, with the exception of Section 5809, in its entirety and with the following amendment:

Subsection 5801.1 of Section 5801 of the CFC is hereby amended to read as follows:

Section 5801.1 Scope. The storage and use of flammable gases and flammable cryogenic fluids shall be in accordance with this chapter, 2022 NFPA 2 and NFPA 55. Compressed gases shall also comply with Chapter 53 and cryogenic fluids shall also comply with Chapter 55. Flammable cryogenic fluids shall comply with Section 5806. Hydrogen motor fuel-dispensing stations and repair garages and their associated above-ground hydrogen storage systems shall also be designed, constructed and maintained in accordance with Chapter 23. Mobile fueling of gaseous and liquid hydrogen, compressed natural gas (CNG), and liquefied natural gas (LNG) into the fuel tanks of vehicles is prohibited.

Exceptions:

1. Gases used as refrigerants in refrigeration systems (see Section 605).
2. Liquefied petroleum gases and natural gases regulated by Chapter 61.
3. Fuel-gas systems and appliances regulated under the California Mechanical Code and the California Plumbing Code other than gaseous hydrogen systems and appliances.
4. Pyrophoric gases in accordance with Chapter 64.

48. Chapter 80 Referenced Standards of CFC is hereby adopted in its entirety with the following amendments:

NFPA 13, 2022 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 16.12.3.3 is hereby revised as follows:

16.12.3.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved in writing and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved in writing by the fire code official. The size of piping and the number of 2½" inlets shall be approved in writing by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 9.4.3.1 is hereby revised as follows:

9.4.3.1 When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 9.2.1.7 is hereby revised as follows:

9.2.1.7 Concealed spaces filled with noncombustible insulation shall not require sprinkler protection when approved in writing by the fire code official.

NFPA 13D 2022 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.

NFPA 14, 2022 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby deleted in its entirety and replaced as follows:

NFPA 24, 2022 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 All indicating valves controlling fire suppression water supplies shall be painted OSHA red.

Exceptions:

1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.
2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.

Section 6.2.9 is hereby amended as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

(1) A post indicator valve installed not less than 40 ft. (12 m) from the building

(a) For buildings less than 40 ft. (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft. (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.

(2) A wall post indicator valve

- (1) An indicating valve in a pit, installed in accordance with Section 6.4
- (2) A backflow preventer with at least one indicating valve not less than 40 ft. (12 m) from the building

(a) For buildings less than 40 ft. (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft. (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.

- (3) Control valves installed in a fire-rated room accessible from the exterior
- (4) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is hereby revised as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby deleted and replaced as follows:

10.4.3. Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.

Appendices

Appendix A is deleted in its entirety.

Appendix B is adopted in its entirety.

Appendix BB is adopted in its entirety.

Appendix C is adopted in its entirety.

Appendix CC is adopted in its entirety.

Appendix D is deleted in its entirety.

Appendix E is deleted in its entirety.

Appendix F is deleted in its entirety.

Appendix G is deleted in its entirety.

Appendix H is adopted in its entirety.

Appendix I is deleted in its entirety.

Appendix J is deleted in its entirety.

Appendix K is deleted in its entirety.

Appendix L is deleted in its entirety.

Appendix M is deleted in its entirety.

Appendix N is deleted in its entirety.

Appendix O is deleted in its entirety.

Section 14. Section 8.28.001 of Chapter 8.28 of the Dana Point Municipal Code entitled "Adoption of the California Administrative Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 1, known and designated as the California Administrative Code, 2022 Edition. The California Administrative Code is on file for public examination in the office of the Building Official.

Section 15. Section 8.30.001 of Chapter 8.30 of the Dana Point Municipal Code entitled "Adoption of the California Energy Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 6, known and designated as the California Energy Code, 2022 Edition. The California Energy Code is on file for public examination in the office of the Building Official.

Section 16. Section 8.32.001 of Chapter 8.32 of the Dana Point Municipal Code entitled "Adoption of the California Green Building Standards Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 11, known and designated as the California Green Building

Standards Code, 2022 Edition. The California Green Building Standards Code is on file for public examination in the office of the Building Official.

Section 17. Section 8.32.010 of Chapter 8.32 of the Dana Point Municipal Code entitled "Amendments, Additions and Deletions" is hereby amended to read in its entirety as follows:

1. Subsection 301.1 of Section 301 is hereby amended to read as follows:

301.1 Scope. Buildings shall be designed to include the green building measures specified as mandatory in this code. Voluntary green building measures are also included in this code the application checklists and may be included in the design and construction of structures covered by this code, but are not required unless they are adopted by a city or county as specified in Section 101.7.

2. **Section 301.1.1 Additions and alterations.** [HCD] The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings. Code sections relevant to additions and alterations shall only apply to the portions of the building being added or altered within the scope of the permitted work.

Note: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of a certificate of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected and other important enactment dates.

Section 18. Section 8.34.001 of Chapter 8.34 of the Dana Point Municipal Code entitled "Adoption of California Historical Building Code" is hereby amended to read in its entirety, as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 8, known and designated as the California Historical Building Code, 2022 Edition. The California Historical Building Code is on file for public examination in the office of the Building Official.

Section 19. Section 8.36.001 of Chapter 8.36 of the Dana Point Municipal Code entitled "Adoption of California Existing Building Code" is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 10, known and designated as the California Existing Building Code, 2022 Edition. The California Existing Building Code is on file for public examination in the office of the Building Official.

Section 20. Section 8.38.001 of Chapter 8.38 of the Dana Point Municipal Code entitled “Adoption of California Reference Standards Code” is hereby amended to read in its entirety as follows:

The City Council of the City of Dana Point hereby adopts by reference the California Code of Regulations Title 24, Part 12, known and designated as the California Referenced Standards Code, 2022 Edition. The California Referenced Standards Code is on file for public examination in the office of the Building Official.

Section 21. The amendments to the California Building Code, California Residential Code, California Electrical Code, California Plumbing Code, California Mechanical Code, California Fire Code and California Green Building Standards Code herein have been adopted pursuant to Health and Safety Code sections 17958.5, 17958.7, and 18941.5 and Public Resources Code section 4117 and have been justified by the local conditions prevalent in the City of Dana Point as more particularly described in City Council Resolution 22-11-15-__ incorporated herein by this reference as if set forth in full.

Section 22. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this Ordinance, or the application thereof to any person or place, is for any reason held to be invalid or unconstitutional by the decision of any court or competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or its application to other persons or places. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases, or portions of the application thereof to any person or place, be declared invalid or unconstitutional.

Section 23. The City’s adoption of the codes referenced in this Ordinance does not affect any civil lawsuit instituted or filed or prosecutions for ordinance violations committed on or prior to the effective date of said codes, does not waive any fee or penalty due and unpaid prior to the effective date of the City’s adoption of said Codes, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance.

Section 24. Unless superseded and expressly repealed, references in City forms, documents and regulations to any previously adopted code shall be construed to apply to the corresponding provisions contained within the Codes adopted pursuant to this Ordinance, and all other ordinances or parts of ordinances in conflict herewith are hereby superseded and expressly repealed.

Section 25. Unless otherwise provided herein, any person violating any provision of the Codes adopted pursuant to this Ordinance shall be guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding six months, or both such fine and imprisonment.

Section 26. The City Clerk shall certify as to the adoption of the Ordinance and cause the same to be published and posted as required by law.

PASSED, APPROVED, AND ADOPTED this 6th day of December 2022.



JOSEPH L. MULLER, MAYOR

ATTEST:



SHAYNA SHARKE, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

I, Shayna Sharke, City Clerk of the City of Dana Point, California, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 22-04 adopted and passed by the City Council of the City of Dana Point, California, at a regular meeting thereof held on the 6th day of December 2022, by the following vote:

AYES: Federico, Viczorek, Villar, Frost and Muller

NOES: None

ABSENT: None

ABSTAIN: None



SHAYNA SHARKE, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss
CITY OF DANA POINT)

AFFIDAVIT OF POSTING
AND PUBLISHING

SHAYNA SHARKE, being first duly sworn, deposes, and says:

That she is the duly appointed and qualified City Clerk of the City of Dana Point;

That in compliance with State Laws of the State of California, ORDINANCE NO. 22-04 being:

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF DANA POINT, CALIFORNIA, AMENDING CHAPTERS 8.02, 8.03, 8.12, 8.14, 8.16, 8.20, 8.24, 8.26, 8.28, 8.30, 8.32, 8.34, 8.36 AND 8.38 OF TITLE 8 OF THE DANA POINT MUNICIPAL CODE ADOPTING BY REFERENCE THE CALIFORNIA CODES OF REGULATIONS TITLE 24, PARTS 1-12, KNOWN AND DESIGNATED AS THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE, 2022 EDITION OF THE CALIFORNIA PLUMBING CODE, 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE, 2022 EDITION OF THE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION OF THE CALIFORNIA REFERENCE STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA ENERGY CODE, 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION OF THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION OF THE CALIFORNIA EXISTING BUILDING CODE AND THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, MAKING AMENDMENTS THERETO, AND RELATED ACTIONS.

was published in summary in the Dana Point Times on the 25th day of November 2022, and the 16th day of December 2022, and, in further compliance with City Resolution No. 91-10-08-1, on the 17th day of November 2022, and the 8th day of December 2022, was caused to be posted in four (4) public places in the City of Dana Point, to wit:

Dana Point City Hall
Capistrano Beach Post Office
Dana Point Post Office
Dana Point Library



SHAYNA SHARKE
CITY CLERK
Dana Point, California