

ORDINANCE 22-347

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO ADOPTING BY REFERENCE THE 2022 CALIFORNIA FIRE CODE, WITH CERTAIN AMENDMENTS AND DELETIONS THERETO

THE CITY COUNCIL OF THE CITY OF MISSION VIEJO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 8.04 “Fire Code” of Title 8 “Buildings and Construction” of the Mission Viejo Municipal Code, adopting by reference the California Fire Code, 2022 Edition, with amendments thereto, is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of any of said code occurring prior to the effective date of this ordinance.

Section 2. A new Chapter 8.04 is hereby added to Title 8 of the Mission Viejo Municipal Code to read as follows:

CHAPTER 8.04. FIRE CODE

Sec. 8.04.010. Adoption of the California Fire Code.

The 2022 California Fire Code, incorporating the International Fire Code 2021 Edition, published by the International Code Council, including Appendices A B, BB, C and CC, and the Referenced Standards, is hereby adopted by reference by the City of Mission Viejo for the purpose of prescribing regulations governing conditions hazardous to the life and property from fire or explosion, save and except such portions as are hereinafter added, deleted, modified or amended.

Sec. 8.04.020. Enforcement and inspections.

Except as otherwise provided by the City Council, the California Fire Code, as amended, shall be enforced by the Orange County Fire Authority, which shall be operated under the Director of Fire Services of the Orange County Fire Authority. The Director of Fire Services of the Fire Authority may detail such members of the fire authority as inspectors as shall be necessary from time to time.

Sec. 8.04.030. Section 112.4 Violation penalties amended.

Section 112.4 Violation penalties is hereby revised as follows:

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.

Sec. 8.04.040. Section 110.4.2 Infraction added.

Sections 110.4.2 Infraction and misdemeanor is hereby added as follows:

***110.4.2 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.*

Sec. 8.04.050. Chapter 2 Definitions amended.

Section 202 General Definitions is hereby revised as follows:

Sections 202 General Definitions is hereby revised by adding “OCFA,” and “Spark Arrester” as follows:

***OCFA:** Orange County Fire Authority, fire authority having jurisdiction.*

***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. .*

Sec. 8.04.060. Section 304.1.2 Vegetation amended.

Section 304.1.2 Vegetation is hereby revised 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 shall be in accordance with OCFA Guideline C-05 “Vegetation Management Guideline—Technical Design for New Construction, Fuel Modification Plans, and Maintenance Program.”*

Sec. 8.04.080. Section 305.6 Hazardous Conditions added.

Section 305.6 Hazardous Conditions is hereby added 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*
- 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.

Sec. 8.04.090. Section 305.7 Disposal of rubbish added.

Section 305.7 Disposal of rubbish is hereby added 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.*

SECTION 307 OPEN BURNING, RECREATIONAL FIRES, FIRE PITS, FIRE RINGS, AND PORTABLE OUTDOOR FIREPLACES

Sec. 8.04.100. Section 307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies added.

Section 307.6 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices used at Group R Occupancies is hereby added 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 shall comply with this section.*

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

Sec. 8.04.110. Section 307.6.1 Gas-fueled devices added.

307.6.1 Gas-fueled devices is hereby added 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 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. 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.

Sec. 8.04.120. Section 307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas added.

307.6.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added as follows:

***307.6.2 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 the California Building Code. 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. 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.*

Sec. 8.04.130. Section 307.6.2.1 Where prohibited added.

307.6.2.1 Where prohibited is hereby added 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*
- 2. Where determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.*

Sec. 8.04.150. Section 324 Fuel Modification Requirements for New Construction added.

Section 324 Fuel Modification Requirements for New Construction is hereby added as follows:

***324 Fuel Modification Requirements for New Construction.** All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved*

and in accordance with the requirements of OCFD Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."

Sec. 8.04.160. Section 325 Clearance of brush or vegetation growth from roadways added.

Section 325 Clearance of Brush or Vegetation Growth from Roadways is hereby added 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.

Sec. 8.04.160. Section 326 Unusual Circumstances added.

Section 326 Unusual Circumstances is hereby added 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.*

Sec. 8.04.170. Section 327 Use of Equipment added.

Section 327 Use of Equipment is hereby added 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*

Sec. 8.04.180. Section 327.1 Use of Equipment and Devices generating Heat, Sparks or Open flames added.

Section 327.1

Use of Equipment and Devices Generating Heat, Sparks or Open Flames is hereby added as follows:

323.1 327.1 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-foot 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.*

Sec. 8.04.190. Section 324.2 Spark Arresters is hereby added as follows:

Section 324.2 Spark arresters. *Spark arresters shall comply with Section 202, and when affixed to the exhaust system of engines or vehicles subject to Section 324 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.*

Sec. 8.04.220. Chapter 4 Emergency Planning and Preparedness amended.

Chapter 4: Emergency Planning and Preparedness. Adopt only those sections and subsections adopted by SFM with the following amendment.

Sec. 8.04.230. Section 407.5 Hazardous Materials Inventory Statement amended.

Section 407.5 Hazardous Materials Inventory Statement is hereby revised 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 Packet* in accordance with Section 5001.5.2.

Sec. 8.04.240. Section 501.1 Scope

is adopted in its entirety as amended by SFM with the following amendments:

Section 501.1 Scope is hereby revised 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-01, "Fire Master Plan for Commercial & Residential Development."*

Sec. 8.04.250. Section 510.1 Emergency responder radio coverage in new buildings amended.

Section 510.1 Emergency responder radio coverage is hereby revised 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 utilized by the jurisdiction, measured 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 Orange County Sheriff's Department, Communications and Technology Division guidelines and specifications 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 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.

- 2. 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.

Sec. 8.04.260. Section 510.2 Emergency responder radio coverage in existing buildings deleted.

Section 510.2 Emergency responder radio coverage in existing buildings is hereby deleted.

Sec. 8.04.270. 510.4.2.2 Technical Criteria is hereby deleted.

Sec. 8.04.280. Section 510.5.1 Approval prior to installation is hereby deleted.

Sec. 8.04.290. Section 510.5.2 Minimum qualification of personnel is hereby deleted.

Sec. 8.04.300. Section 510.5.3 Acceptance test procedure is hereby deleted.

Sec. 8.04.310. Section 510.6.1 Testing and proof of compliance is hereby deleted.

Sec. 8.04.315. Chapter 6 (Building Services & Systems) and Chapter 7 (Fire and Smoke Protection Features) are adopted in its entirety as amended by SFM.

Sec. 8.04.320. Chapter 9 Fire Protection and Life Systems
is adopted in its entirety as amended by SFM with the following amendments:

Chapter 9 Fire Protection and Life Systems is hereby revised 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., an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²) as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.*

Exception: Subject to 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.

1. ***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 5000 square feet as defined in Section 202; or*
 - b. *When an addition exceeds 2000 square feet and the resulting building area exceeds 5000 square feet) as defined in Section 202; or*
 - c. *An additional story is added above the second floor regardless of fire areas or allowable area.*

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

Section 903.2.8 Group R is hereby revised as follows:

903.2.8 Group R. An automatic fire 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 fire sprinkler system shall be installed throughout all new buildings.*
2. ***Existing R-3 Buildings:*** *An automatic fire 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:*

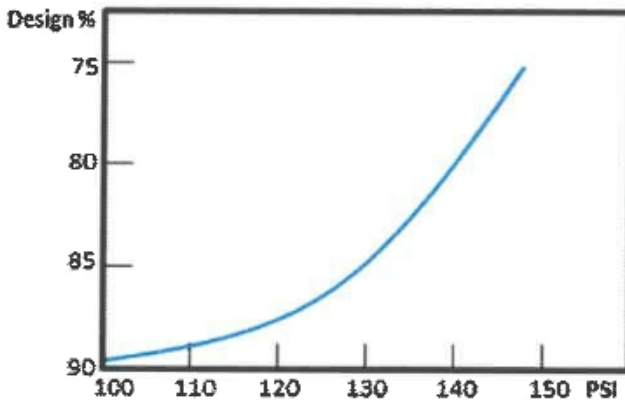
2. When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.

Section 903.3.5.3 Hydraulically calculated systems is hereby added 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 required by the Fire Code Official, the fire sprinkler system shall not exceed water supply capacity specified by Table 903.3.5.3*

**TABLE 903.3.5.3
Hydraulically Calculated Systems**



Sec. 8.04.320. Chapter 11 Construction Requirements for Existing Buildings
Adopt only those sections and subsections adopted by SFM.

Chapter 11 Construction Requirements for Existing Buildings
Adopt only those sections and subsections adopted by SFM.

Sec. 8.04.325. Chapter 12 Energy Systems is adopted in its entirety is adopted in its entirety as amended by SFM.

Sec. 8.04.330. Chapter 28 Lumber Yards and Woodworking Facilities amended.

Chapter 28 Lumber Yards and Woodworking Facilities
is adopted in its entirety with the following amendments:

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

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

2808.3 Size of piles. Piles shall not exceed *15 feet (4572 mm) in height, 50 feet (15 240 mm) in width and 100 feet (30 480 mm) in length.*

Exception: The fire code official is authorized to allow 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.

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

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.*

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.

Sec. 8.04.340. Section 2808.11 Temperature control added.

Section 2808.11 Temperature control is hereby added as follows:

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

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

***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 be monitored to verify that the temperature remains stable.*

***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).*

***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.*

***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.*

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.*

Sec. 8.04.350. Chapter 49 Requirements for Wildland-Urban Interface Fire Areas is adopted in its entirety with the following amendment:

Chapter 49 Requirements for Wildland-Urban Interface Fire Areas is hereby revised as follows:

Section 4903.3 Vegetation is hereby revised as follows:

4903.3 Fuel Modification Plans. *Fuel modification plans shall be reviewed and approved by OCFA for all new buildings to be built or installed in a wildfire risk area. Plans shall meet the criteria set forth in OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."*

Sec. 8.04.360. 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. *Orange County Fire Authority's-Chemical Classification Guideline, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises.*

Section 5003.1.1.1 Extremely Hazardous Substances is hereby added 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.*

Sec. 8.04.370. Chapter 56 Explosives and Fireworks amended.

Chapter 56 Explosives and Fireworks

is adopted in its entirety as amended by SFM with the following amendments:

Section 5608.2 Firing is hereby added as follows:

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

Section 5608.3 Application for Permit is hereby added 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.

Sec. 8.04.375. Chapter 57 Flammable and Combustible Liquids

Chapter 57 Flammable and Combustible Liquids.

Adopt Chapter 57, as adopted and amended by SFM.

Sec. 8.04.376. Chapter 58 Flammable Gases and Flammable Cryogenic Fluids Adopt Chapter 58 in its entirety as amended by SFM.

Sec. 8.04.380. Chapter 80 Referenced Standards amended.

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 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 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 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 by 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 revised 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, 2019 Edition, Installation of Standpipe and Hose Systems is hereby adopted in its entirety.

NFPA 24, 2019 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby revised 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
- (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 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:

10.4.3.2 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 10.4.3.2.1 through 10.4.3.2.4.

Appendixes A, B, BB, C, and CC are adopted in its entirety.

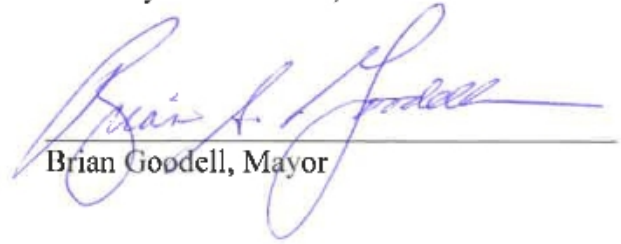
Section 3. **Applicability.** Notwithstanding any provision of the Mission Viejo Municipal Code, or any other ordinance of the City, this ordinance shall apply to all new applications submitted to the City after the effective date of this Ordinance for permits. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein any provision of the Mission Viejo Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all other requests for permits, approvals or authorization that are not within the City covered by this ordinance.

Section 4. The provisions of this ordinance shall not apply to previously permitted actions or activities.

Section 2. **Effective Date.** This ordinance shall take effect 30 days from the adoption of this ordinance for all codes referenced herein. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published and posted as required by state law. Projects for which a building permit application and building plans have been submitted prior to the effective date of this ordinance, which building permits have been obtained within 180 days from the effective date of this ordinance, shall be exempt from the provisions of this ordinance. Projects for which a building permit application and building plans have been submitted prior to the effective date of this ordinance, and building permits therefor have not been obtained within 180 days from the effective date of this ordinance, shall be subject to all provisions of this ordinance and the codes adopted in this ordinance.

Section 3. **Severability.** 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 of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every 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 thereof be declared invalid or unconstitutional.

PASSED, APPROVED and ADOPTED this 13th day of December, 2022.



Brian Goodell, Mayor

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF MISSION VIEJO)

I, Kimberly Schmitt, City Clerk of the City of Mission Viejo, do hereby certify that the foregoing Ordinance 22-347 was duly adopted at a regular meeting of the City Council on the 13th day of December, 2022 by the following vote, to wit:

AYES: Bucknum, Goodell, Kelley, Ruesch, and Vasquez
NOES: None
ABSENT: None



KIMBERLY SCHMITT
CITY CLERK

APPROVED AS TO FORM:



William P. Curley, III
City Attorney

ORDINANCE NO. 22-346

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO ADOPTING BY REFERENCE THE 2022 EDITIONS OF THE CALIFORNIA ADMINISTRATIVE, BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL, ENERGY, GREEN BUILDING STANDARDS, HISTORICAL BUILDING, REFERENCED STANDARDS CODE AND EXISTING BUILDING CODES, AND THE 2021 EDITIONS OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE AND INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER, WITH CERTAIN APPENDICES AND AMENDMENTS THERETO, AND AMENDING TITLE 8 OF THE MISSION VIEJO MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF MISSION VIEJO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 8.02 "Building and Housing Codes" of Title 8 "Buildings and Construction" of the Mission Viejo Municipal Code, is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of any of said Chapter or codes occurring prior to the effective date of this ordinance.

Section 2. A new Chapter 8.02 is hereby added to Title 8 of the Mission Viejo Municipal Code to read as follows:

"CHAPTER 8.02. BUILDING AND HOUSING CODES

Sec. 8.02.010. Adoption of California Building Codes and related model codes.

For the purpose of prescribing regulations for erection, construction, alteration, relocation, enlargement, replacement, repair, improving, conversion, equipment, use and occupancy, location, maintenance, removal and demolition of every building and structure, or any appurtenances connected or attached to such buildings or structures, the following construction codes, subject to the modifications set forth in this Chapter, are hereby adopted by reference: the California Building Code, 2022 Edition, based on the 2021 International Building Code as published by the International Code Council; the California Residential Code, 2022 Edition, based on the 2021 International Residential Code as published by the International Code Council; the California Green Building Standards Code, 2022 Edition; the California Plumbing Code, 2022 Edition, based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; the California Mechanical Code, 2022 Edition, based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Historical Building Code, 2022 Edition; the California Existing Building Code, 2022 Edition; the International Swimming Pool and Spa Code, 2021 Edition, as published by the International Code Council, the California Electrical Code, 2022 Edition, based on the 2020 National Electrical Code as published by the National Fire Protection Association; the International Property Maintenance Code, 2021 Edition, as published by the International Code Council. For the purpose of prescribing regulations for grading

and excavations, the Orange County Grading and Excavation Code, as is in effect on the date this Chapter becomes effective, is hereby adopted by reference. The provisions of these Construction Codes as amended by this chapter shall constitute the Building Regulations of the City of Mission Viejo. Where the California Code of Regulations and/or State Building Standards Code conflict with any sections of the Construction Codes, applicable State laws and regulations shall govern.

One (1) copy of all the above codes and standards therefor are on file in the office of the building official pursuant to Health and Safety Code Section 18942 (e) (1) and are made available for public inspection.

Sec. 8.02.020. Penalties and civil remedies.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain any building or structure in the city, or cause same to be done, contrary to or in violation of any of the provisions of the code, or to otherwise violate any provision of any of the codes adopted in this chapter.

Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter or any of the codes adopted herein, shall be guilty of a misdemeanor, unless such violation is designated as an infraction, and penalties for any such violation shall be as set forth in section 1.01.200 of the Municipal Code. Any person, firm, or corporation shall be guilty of a separate offense for each and every day during which any violation of any provision of this chapter or any of the codes adopted herein is committed, continued, or permitted. Any violation of this chapter or any of the codes adopted herein is a nuisance that may be abated pursuant to Chapter 9.59 of this Code.

Sec. 8.02.030. Fees.

All fees authorized by this chapter shall be as set forth by resolution of the City Council.

Sec. 8.02.040. Adoption of the California Building Code.

Except as provided in this chapter, the California Building Code, 2022 Edition, including Appendix B, and I based on the 2021 International Building Code as published by the International Code Council, shall be and become the Building Code of the City of Mission Viejo. The California Building Code is on file for public examination in the office of the Building Official.

Sec. 8.02.050. Section 104.8 Liability amended.

Section 104.8 Liability of Chapter 1 of the California Building Code is hereby amended by adding a sentence to the end of the paragraph as follows:

The provisions of this section shall apply if the Building Official or his/her authorized representative are employees of this jurisdiction and shall also apply if the Building Official or his/her authorized representative are acting under contract as agents of this jurisdiction.

Sec. 8.02.060. Section 105.2 amended.

Section 105.2 Work exempt from a permit of Chapter 1 of the California Building Code is hereby amended by amending exemption 2 to read as follows:

2. Fences not over 6 feet (2134 mm) high.

Sec. 8.02.070. Section 105.3.2 amended.

Section 105.3.2 Time limitation of application of Chapter 1 of the California Building Code is hereby amended read as follows:

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 a permit has been issued; except that the building official is authorized to grant one extension of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

Sec. 8.02.080. Section 105.8 added.

Section 105.8 Reconstruction is added to Chapter 1 of the California Building Code to read as follows:

105.8. Reconstruction. If the value of the reconstruction (or renovation) of a building is equal to or exceeds 75 percent of the value of the building, the entire building shall comply with the code provisions for new construction. The value of the reconstruction (or renovation) for a property shall include the value of all construction stemming from construction-related permits issued within the last two years.

Sec. 8.02.090. Section 109.4 amended.

Section 109.4 Work commencing before permit issuance of Chapter 1 of the California Building Code is hereby amended read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee that shall be in addition to the required permit fees. The investigation fee shall be equal to the amount of the permit fee required in the City Council fee resolution. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

Sec. 8.02.100. Section 112.4 added.

Section 112.4 Underground utilities required is added to Chapter 1 of the California Building Code to read as follows:

112.4. 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 a 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 50 percent of the value 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 the requirements of this section and shall provide all necessary facilities on the property to receive such service from the supplying utilities.

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. If the building official determines to delay the installation of required underground utilities, a recorded agreement guaranteeing the future performance of the work may be required, 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.

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.

Sec. 8.02.110. Section 113 Board of appeals amended.

Section 113 Board of appeals of the California Building Code is hereby deleted and replaced with the following:

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of these codes, there shall be and there in hereby created a Board of Examiners and Appeals, consisting of five members, composed of the Mayor and the other members of the City Council. Said members shall hold their respective membership on said Board of Examiners and Appeals by reason of, and concurrently with their terms of service as Council members and shall cease to be such members upon their ceasing to be such Council members. The Building Official shall be the Secretary of the Board. The Board may adopt reasonable rules and regulations of conducting its investigations and shall render all its decisions and findings on contested matters, in writing to the Building Official, with duplicate copy thereof to any

appellant or contestant affected by any such decision or findings, and may recommend to the City Council such new legislations, if any, as is consistent therewith.

Three members of the Board shall constitute a quorum. The Mayor shall be the presiding officer of the Board and in his/her absence the Board shall select a temporary chairperson. Notices of meetings of the Board shall be given by a least three days' notice delivered to each member personally or by registered mail; provided, however, that any meeting of the board shall be legal for any purpose if the written consent of all of the members of the Board to such meeting is executed and filed in the records of the Board. The Board shall hold meetings at its pleasure.

The Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such qualified individuals as the board, in its discretion, may deem reasonably necessary in order to assist it in its investigations and in making its findings and decisions. Disabled access actions which require appeals action ratifications as required by Section 1.9.1.5 may be made ministerial by the Building Official with the concurrence of at least one knowledgeable advocate for people with disabilities.

Sec. 8.02.120. Section 202 Definitions amended.

Section 202 Definitions of the California Building Code is amended by adding and /or amending the following definitions:

ENCLOSED STRUCTURE. Is a structure with a roof and two or more sides.

UNENCLOSED STRUCTURES. Includes structures with a roof and no more than one side and structures having no roof or other covering. Unenclosed structures include patio covers, decks, and balconies.

Sec. 8.02.140. Table 1505.1 amended.

Table 1505.1 of the California Building Code is hereby amended to read as follows:

TABLE 1505.1

MINIMUM ROOF COVERING CLASSIFICATIONS

TYPES OF CONSTRUCTION

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

Sec. 8.02.150. Section 1505.1.3 amended.

Section 1505.1.3 Roof coverings within all other areas of the California Building Code is hereby amended to read as follows:

1505.1.3. Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

Sec. 8.02.160. Sections 3109.2 amended.

Section 3109.2 California swimming pool safety act (statewide). of the California Building Code is hereby amended to read as follows:

115922 (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 the respective swimming pool or spa shall be equipped with item #1. And at least one additional of the following seven drowning prevention safety features:

1. An enclosure that meets the requirements of Section 115923 and isolates the swimming pool or spa from the private single-family home. Any walls of the single-family structure or accessory structures used to complete the isolation enclosure must have door openings equipped with protection as required in item #4 or #5. Any such door protection device provided for this purpose may not be used to comply with the second drowning prevention feature.

2. Removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device. The mesh fencing setback shall be not less than 20 inches from the water's edge.

3. An approved safety pool cover, as defined in subdivision (d) of Section 115921.

4. *Exit alarms on the private single-family home's doors that provide direct access to the swimming pool or spa. The exit alarm may cause either an alarm noise or a verbal warning, such as repeating notification that "the door to the pool is open".*

5. *A self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372mm) above the floor on the private single-family home's doors providing direct access to the pool or spa.*

6. *An alarm that, when placed in a swimming pool or spa, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F2208 "Standard Safety Specification for Residential Pool Alarms" which includes surface motion, pressure, sonar, laser and infrared type alarms. A swimming protection alarm feature designed for individual use, including an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water, is not a qualifying drowning safety prevention feature.*

7. *Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the features set forth above and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Testing Mechanical Engineers (ASME).*

Prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention devices required by this act and if no violations are found, shall give final approval.

Sec. 8.02.180. Adoption of the California Residential Code.

Except as provided in this chapter, the California Residential Code, 2022 Edition, including Appendices AH, AJ, and AX based on the 2021 International Residential Code as published by the International Code Council, shall become the Residential Code for the City of Mission Viejo. The California Residential Code is on file for public examination in the office of the Building Official.

Sec. 8.02.100 Section R105.2 Work exempt from a permit amended.

Section 105.2 Work exempt from a permit of Chapter 1 of the California Building Code is hereby amended by amending exemption 2 to read as follows:

2. Fences not over 6 feet (2134 mm) high.

Sec. 8.02.210. Table R301.2(1) amended.

Table R301.2(1) of the California Residential Code is revised by filling the table values as follows:

TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

| GROUND SNOW LOAD | WIND DESIGN | | SEISMIC DESIGN CATEGORY ¹ | SUBJECT TO DAMAGE FROM | | | WINTER DESIGN TEMP ² | ICE BARRIER UNDERLAYMENT REQUIRED ³ | FLOOD HAZARDS ⁴ | AIR FREEZING INDEX ⁵ | MEAN ANNUAL TEMP ⁶ |
|------------------------|-----------------------------|-------------------------------------|--|-------------------------|-----------------------------------|-----------------------|---------------------------------------|--|-------------------------------|---------------------------------------|-------------------------------------|
| | Speed ⁷ (mph) | Topographic effects ⁸ | | Weathering ⁹ | Frost line Depth ¹⁰ | Termite ¹¹ | | | | | |
| Zero | 110 | No | D ₂ or E | Negligible | 12-24" | Very Heavy | 43 | No | See Exhibit B | 0 | 60 |

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

Sec. 8.02.260. Section R405.1 amended.

Section R405.1 Concrete or masonry foundations of the California Residential Code is amended by deleting the exception.

Sec. 8.02.270. Section R902.1 amended.

Section R902.1 Roofing covering materials of the California Residential Code is amended as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. *A minimum Class A roofing shall be installed in areas designated by this section or where the edge of the roof is less than 3 feet (914 mm) from a lot line. Class A roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E108.*

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include minimum 16 oz/ft² copper sheets installed over combustible decks.

Sec. 8.02.280. Section R902.1.3 amended.

Section R902.1.3 Roof coverings in all other areas of the California Residential Code is amended as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

Sec. 8.02.290. Section R902.2 Fire-retardant-treated shingles and shakes amended.

Section R902.2 Fire-retardant-treated shingles and shakes of the California Residential Code is amended as follows:

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

Sec. 8.02.320. Section R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added 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.

Sec. 8.02.330. Section R1001.13.3 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added 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.

Sec. 8.02.360. Appendix V Swimming Pool Safety Act deleted.

Appendix V is deleted in its entirety and replaced with section 3109 of the Mission Viejo Building Code as amended by section 802.160.

Sec. 8.02.370. Adoption of the California Electrical Code.

Sec. 8.09.010. Amendment to Section 690.

- (a) Subsection (A) of Section 690.13 is amended to read as follows:

690.13 Photovoltaic System Disconnecting Means.

(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. *A single, visible-open, lockable AC disconnect shall be within 3 feet of the meter on the exterior of the building.*

Except as provided in this chapter, the California Electrical Code, 2022 Edition, including Annexes A, B, C, and I, based on the 2020 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Mission Viejo. The California Electrical Code is on file for public examination in the office of the Building Official.

Sec. 8.02.380. Adoption of the California Mechanical Code.

The California Mechanical Code, 2022 Edition, including Appendices B, and F, based on the 2022 Uniform Mechanical Code as published by the IAMPO, shall be and become the Mechanical Code of the City. The California Mechanical Code is on file for public examination in the office of the Building Official.

Sec. 8.02.390. Adoption of the California Plumbing Code.

The California Plumbing Code, 2022 Edition, including Appendices A, B, C D, and G, based on the 2021 Uniform Plumbing Code as published by the IAMPO, shall be and become the Plumbing Code of the City. The California Mechanical Code is on file for public examination in the office of the Building Official

Sec. 8.02.400. Adoption of International Swimming Pool and Spa Code.

The International Swimming Pool and Spa Code, 2021 Edition, published by the International Code Council, shall be and become the Swimming Pool and Spa Code of the City of Mission Viejo. The International Swimming Pool and Spa Code is on file for public examination in the office of the Building Official.

Sec. 8.02.410. Adoption of the California Green Building Standards Code.

The California Green Building Standards Code, 2022 Edition, published by the international Code Council, shall be and become the Green Building Standards Code of the City of Mission Viejo. The California Green Building Standards Code is on file for public examination in the office of the Building Official.

Sec. 8.02.420. Adoption of the International Property Maintenance Code.

The International Property Maintenance Code, 2021 Edition, as published by the International Code Council, shall be and become the Property Maintenance Code of the City. The International Property Maintenance Code is on file for public examination in the office of the Building Official.

Sec. 8.02.430. Section 303.2 Enclosures amended.

Section 302.2 Enclosures of the International Property Maintenance Code is amended as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and shall comply with section 3109.4 as amended in Section 802.160 of the Mission Viejo Building Code. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Sec. 8.02.440. Adoption of the California Historical Building Code.

The California Historical Building Code, 2022 Edition, as published by the International Code Council; shall be and become the Historical Building Code of the City. The California Historical Building Code is on file for public examination in the office of the Building Official.

Sec. 8.02.450. Adoption of the California Existing Building Code.

Except as amended in this Chapter, the 2022 California Existing Building Code, based on the 2019 International Existing Building Code as published by the International Code Council, shall become the Existing Building Code of the City for regulating existing buildings in the City. The California Existing Building Code is on file for public examination in the office of the office of the Building Official.

Section 3. Applicability. Notwithstanding any provision of the Mission Viejo Municipal Code, or any other ordinance of the City, this ordinance shall apply to all new applications submitted to the City after the effective date of this Ordinance for permits. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein any provision of the Mission Viejo Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all other requests for permits, approvals or authorization that are not within the City covered by this ordinance.

Section 4. The provisions of this ordinance shall not apply to previously permitted actions or activities.

Section 5. Effective Date. This ordinance shall take effect 30 days from the adoption of this ordinance for all codes referenced herein. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published and posted as required by state law. Projects for which a building permit application and building plans have been submitted prior to the effective date of this ordinance, which building permits have been obtained within 180 days from the effective date of this ordinance, shall be exempt from the provisions of this ordinance. Projects for which a building permit application and building plans have been submitted prior to the effective date of this ordinance, and building permits therefor have not been obtained within 180 days from the effective date of this ordinance, shall be subject to all provisions of this ordinance and the codes adopted in this ordinance.

Section 6. Severability. 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 of competent jurisdiction, such decision shall not affect the validity of the remainder of this ordinance. The City Council

hereby declares that it would have adopted this ordinance, and each and every 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 thereof be declared invalid or unconstitutional.

PASSED, APPROVED and ADOPTED this 13th day of December, 2022.


Brian Goodell, Mayor

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF MISSION VIEJO)

I, Kimberly Schmitt, City Clerk of the City of Mission Viejo, do hereby certify that the foregoing Ordinance 22-346 was duly adopted at a regular meeting of the City Council on the 13th day of December, 2022 by the following vote, to wit:

AYES: Bucknum, Goodell, Kelley, Ruesch, and Vasquez
NOES: None
ABSENT: None


KIMBERLY SCHMITT
CITY CLERK

APPROVED AS TO FORM:


William P. Curley, III
City Attorney