



Agenda Item No. 14.

Staff Report

Date: November 10, 2016

To: Mayor Hoertkorn and Council Members

From: Sal Lucido, Building Official

Subject: Adoption of Ordinance No. 675 amending Title 15 of the Ross Municipal Code and adoption of the 2016 Building Code amendments as noted below

Recommendation

Town Council hold a public hearing for adoption of Ordinance No. 675 amending the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Fire Code, the 2016 California Existing Building Code, the 2016 California Green Building Standards Code, the 2016 California Referenced Standards Code, and the 2015 International Property Maintenance Code, as codes applicable to all construction within the Town of Ross, with local modifications and other conforming changes to Title 15 of the Municipal Code as highlighted in the Ordinance.

Background and discussion

The Town Council considered Ordinance No. 675 at the October 13, 2016 Town Council meeting and introduced the ordinance.

Fiscal, resource and timeline impacts

Action must be taken by December 31, 2016.

Alternative actions

None recommended

Environmental review (if applicable)

N/A

Attachments

- Ordinance No. 675 w/Exhibit A
- October 13, 2016 Staff Report

TOWN OF ROSS

ORDINANCE NO. 675

An Ordinance of the Town of Ross repealing Chapters 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13, 15.14, and 15.15 of Title 15 of the Ross Municipal Code; and enacting Chapters 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13, 15.14, 15.15, and 15.19 to adopt and amend as noted the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Fire Code, the 2016 California Existing Building Code, the 2016 California Green Building Standards Code, the 2016 California Referenced Standards Code, and the 2015 International Property Maintenance Code.

The Ross Town Council does hereby ordain as follows:

SECTION 1.

The following Chapters of the Ross Municipal Code are hereby repealed:

- Chapter 15.04 – California Administrative Code
- Chapter 15.05 – California Building Code
- Chapter 15.06 – California Residential Code
- Chapter 15.07 – California Electrical Code
- Chapter 15.08 – California Mechanical Code
- Chapter 15.09 – California Plumbing Code
- Chapter 15.10 – California Energy Code
- Chapter 15.11 – California Historical Building Code
- Chapter 15.12 – California Fire Code
- Chapter 15.13 – California Existing Building Code
- Chapter 15.14 – California Green Building Code
- Chapter 15.15 – Referenced Standards Code

SECTION 2.

Findings:

The Town Council of the Town of Ross finds that, in order to best protect the health, safety and welfare of the citizens of the Town of Ross, the building standards within the community must comply with State law, except where local climatic, geological and topographical conditions warrant more restrictive regulations.

Pursuant to Sections 18941.5, 17958, & 13689.7 of the California Health and Safety Code, the governing body of the Town of Ross, in its ordinance adopting the California Building Standards Code and uniform industry codes, may establish amendments which are more restrictive than those adopted by the State of California commonly referred to as Title 24 of the California Code of Regulations, based on local climatic, geological and topographical conditions.

Local climatic, geological, and topographical conditions:

1. The Council recognizes and finds that due to steep terrain, narrow roads, proximity to the San Andreas and Hayward faults, and the potential flooding of the Corte Madera Creek, unique conditions exist which require special considerations in the construction within the town.
2. The Council expressly finds that climatic, environmental, and geological conditions exist within the Town requiring special provisions for adequate fire suppression.

Conclusion:

3. In recognition of these unique and serious hazards, and the need to prevent the loss of life and property, the Council finds that code modifications set forth in this ordinance, as such changes modify the state regulations contained in the California Building Standards Code, are reasonably necessary for the protection of life and property.

Therefore, the Town Council hereby makes the factual findings set forth in "Exhibit A" attached hereto and incorporated herein by reference, and finds that the amendments made in this ordinance to the 2016 California Building Standards Code are reasonably necessary because of the local climatic, geological or topographical conditions stated in Exhibit A.

The following Chapters of the Ross Municipal Code are adopted as amended by this ordinance:

- Chapter 15.04 – California Administrative Code
- Chapter 15.05 – California Building Code
- Chapter 15.06 – California Residential Code
- Chapter 15.07 – California Electrical Code
- Chapter 15.08 – California Mechanical Code
- Chapter 15.09 – California Plumbing Code
- Chapter 15.10 – California Energy Code
- Chapter 15.11 – California Historical Building Code
- Chapter 15.12 – California Fire Code
- Chapter 15.13 – California Existing Building Code
- Chapter 15.14 – California Green Building Code
- Chapter 15.15 – Referenced Standards Code
- Chapter 15.19 – International Property Maintenance Code

SECTION 3.

The Town of Ross hereby adopts Chapter 15.04 to read as follows:

Chapter 15.04

CALIFORNIA ADMINISTRATIVE CODE

Sections:

15.04.010 Adoption of code.

15.04.010 Adoption of code.

The 2016 California Administrative Code (California Code of Regulations, Title 24, Part 1), published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

SECTION 4.

The Town of Ross hereby adopts Chapter 15.05 to read as follows:

Chapter 15.05

CALIFORNIA BUILDING CODE

Sections:

15.05.010 Adoption of code.

15.05.015 Section 1.8.4.2 Fees & Section 109.2 Schedule of permit fees – amended and new Section 109.2.1 added.

15.05.020 Section 109.4.1 Investigation fee for work commencing before permit issuance – added.

15.05.025 Section 701A.5 Vegetation management compliance – amended

15.05.030 Section 702A Definitions – Hillside Lot Regulations - added

15.05.035 Section 702A Definitions – Wildland Urban Interface Fire Area -amended

15.05.040 Section 902 Definitions – Second Unit – added

- 15.05.045 Section 902 Definitions – Substantial Remodel - added
- 15.05.050 Section 903.2 Where Required – amended
- 15.05.055 Section 903.3 Installation Requirements – amended
- 15.05.060 Section 903.4 Sprinkler System Supervision and Alarms – exceptions deleted
- 15.05.065 Section 906.11 Fire Extinguisher Documentation - added
- 15.05.070 Section 907.2 Where Required – New Buildings and Structures –amended
- 15.05.075 Section 907.2.11 Single and Multiple Station Smoke Alarms - exception amended
- 15.05.080 Section 907.8.1 Smoke Alarm Documentation – added
- 15.05.085 Section 1505.1.3 Roof Coverings within All Other Areas – amended
- 15.05.090 Section 1512.1 Requirements – amended

15.05.010 Adoption of code.

The 2016 California Building Code (California Code of Regulations, Title 24, Part 2), with Division II of Chapter 1, and Appendices C, I, and J, as based upon the 2015 International Building Code (IBC) and published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936 is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

15.05.015 Section 1.8.4.2 Fees & Section 109.2 Schedule of permit fees – amended and new Section 109.2.1 added.

Section 1.8.4.2 “Fees” and Section 109.2 “Schedule of permit fees” are amended to read as follows:

1.8.4.2 Fees. The fee for each permit shall be as set forth by the latest resolution of the Town Council.

109.2 Schedule of permit fees. The fee for each permit shall be as set forth by the latest resolution of the Town Council.

Section 109.2.1 “Plan review fees” is added to read as follows:

109.2.1 Plan review fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in the resolution of Town Council. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established by resolution of the Town Council.

15.05.020 Section 109.4.1 Investigation fee for work commencing before permit issuance – added.

Section 109.4.1 “Investigation fee for work commencing before permit issuance” is added to read as follows:

109.4.1 Investigation fee for work commencing before permit issuance. 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 as set forth in the resolution of Town Council. The payment of such investigation fee shall not exempt any person from compliance with other provisions of this code nor any penalty prescribed by law.

15.05.025 Section 701A.5 Vegetation management compliance - amended.

Section 701A.5 Vegetation management compliance is amended to add the following:

A vegetation management plan shall be prepared for all new construction and substantial remodels located within a defined Wildland Urban Interface Area. The vegetation management plan shall be in compliance with the provisions of the California Fire Code and Chapter 14.04, Section 4906.4 of the Town of Ross Municipal Code. The Ross Valley Fire District shall be the responsible party for compliance inspection.

15.05.030 Section 702A Definitions – Hillside Lot Regulations – added.

Section 702A is amended to add the definition of Hillside Lot Regulations to read as follows:

Hillside Lot Regulations – All areas within the limits of the Town of Ross that are within hillside areas, as defined in the Town of Ross Municipal Code Section 18.39.020. All such areas shall, in addition to all applicable requirements of Title 15 of the Municipal Code, be subject to all conditions and provisions of Title 18, Chapter 18.39. Hillside Lot Regulations.

15.05.035 Section 702A Definitions – Wildland Urban Interface Fire Area - amended.

Section 702A, definition “Wildland Urban Interface Fire Area,” is amended to read as follows:

Wildland Urban Interface Fire Area - is a geographical area located within any Moderate, High, or Very High Fire Severity Zone as recommended by the CFD Director pursuant to Public Resources Code Sections 4201-4204 and Government Code Sections 51175-51189 in a Very High Fire Severity Zone of a local responsibility area (LRA), or as identified in WUI maps adopted by the Town Council.

15.05.040 Section 902.1 Definitions – Second Unit - added.

Section 902.1 – Definitions is amended to add the definition of Second Unit to read as follows:

Second Unit – is a completely separate housekeeping unit with kitchen, sleeping, and bathroom facilities which is part of, an extension to, or a separate structure on a sited developed with a single family residence, in excess of the maximum density designated by the zoning district in which the property is situated or as prescribed thereby.

15.05.045 Section 902.1 Definitions – Substantial Remodel - added.

Section 902.1 – Definitions is amended to add the definition of Substantial Remodel to read as follows:

Substantial Remodel – shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, plies, or retaining walls or similar components, the floor area of all rooms affected by such change shall be included in computing floor areas for the purpose of applying this definition. This definition shall not apply to the replacement and upgrading of residential roof coverings.

15.05.050 Section 903.2 Where Required - amended.

Section 903.2 “Where Required” is hereby amended to read as follows:

903.2 - All Occupancies and Facilities. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the 2016 Building Code.
- b. Agricultural buildings as defined in Appendix C of the 2016 Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height.

2. In newly created second units.
3. In all buildings that have more than fifty percent (50%) floor area added or any “substantial remodel” as defined in this code, within any 36 month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.
4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten per cent (10%) floor area added within any 36 month period. Exceptions may be

granted by the Fire Chief when alternate means of protection are installed as approved by the Fire Code Official.

5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

15.05.055 Section 903.3 Installation Requirements – amended.

Section 903.3 “Installation Requirements” is amended to add the following:

903.3 - The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or Fire-Resistive substitution if otherwise allowed by sections 504 and 506 of the 2016 Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

a. In all residential buildings required to be sprinkled any attached garages shall be sprinkled, and except for one and two family dwellings, in all residential occupancies the attics shall be sprinkled.

b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.

c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R and standards developed by the Fire Chief.

d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within 18 inches from the bottom of the deflector measured at a horizontal plane.

15.05.060 Section 903.4 Sprinkler System Supervision and Alarms (exceptions) – deleted.

Section 903.4 “Sprinkler System Supervision and Alarms” is amended to delete exceptions #1, #2, and #3.

15.05.065 Section 906.11 Fire Extinguisher Documentation – added.

Section 906.11 “Fire Extinguisher Documentation” is added to read as follows:

906.11 – Fire Extinguisher Documentation. The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Chief written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

15.05.070 Section 907.2 Where Required – New Buildings and Structures – amended. Section 907.2 New Buildings and Structures is amended to add the two paragraphs as follows:

907.2 - New Construction: Every new building constructed for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

Existing Construction: Every existing building remodeled for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the National Fire Protection Association. The type of system installed shall be determined by the Fire Chief.

15.05.075 Section 907.2.11 Single and Multiple Station Smoke Alarms –exception Amended.

Section 907.2.11 “Single and Multiple Station Smoke Alarms” is amended to change the first sentence of the exception to read as follows:

Exception: For Group R occupancies other than single family dwellings.

15.05.080 Section 907.8.1 Smoke Alarm Documentation – added.

Section 907.8.1 “Smoke Alarm Documentation” is added to read as follows:

907.8.1 – Smoke Alarm Documentation. The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

15.05.085 Section 1505.1.3 Roof coverings within all other areas – amended.

Section 1505.1.3 “Roof coverings within all other areas” is amended to read as follows:

1505.1.3 Roof coverings within all areas. The roof covering on any structure regulated by this code shall be a Class A roof assembly as classified in Section 1505.2. An existing structure with an existing wood shake or shingle roof shall replace the entire roof with a Class A roof assembly when increasing the area of the existing roof by a third or more, or when repairing, altering or replacing one third or more of the existing roof area.

15.05.090 Section 1512.1 Requirements – amended.

Section 1512.1 Requirements is amended to read as follows:

1512.1 Roof mounted photovoltaic panels/modules shall comply with the requirements of the 2016 California Building Code as amended, the 2016 California Residential Code as amended, the 2016 California Electrical Code, and the 2016 California Fire Code as amended.

SECTION 5.

The Town of Ross hereby adopts Chapter 15.06 to read as follows:

Chapter 15.06

CALIFORNIA RESIDENTIAL CODE

Sections:

- 15.06.010 Adoption of code.
- 15.06.015 Section 1.8.4.2 Fees & Section R108.2 Schedule of Permit Fees – amended and new Section R108.2.1 added.
- 15.06.020 Section R108.6.1 Investigation fee for work Commencing Before Permit Issuance – added
- 15.06.025 Section R202 Definitions – Second Unit – added
- 15.06.030 Section R202 Definitions – Substantial Remodel - added^a
- 15.06.035 Section R337.2 Definitions – Hillside Lot Regulations - added^a
- 15.06.040 Section R337.2 Definitions – Wildland Urban Interface Fire Area – amended^a
- 15.06.045 Section R313.1 Townhouse automatic fire sprinkler system – amended
- 15.06.050 Section R313.1.1 Design and installation – amended
- 15.06.055 Section R313.2 One and two family dwellings automatic fire sprinkler systems – amended
- 15.06.060 Section R313.2.1 Design and installation – amended
- 15.06.065 Section R337.1.5 Vegetation management plan - amended
- 15.06.070 Section R313.4 Sprinkler system supervision an alarms - added^b
- 15.06.075 Section R324.8 Solar photovoltaic disconnect – added^d
- 15.06.080 Section R324.9 Warning sign – added^d
- 15.06.085 Section R324.10 Required conduit - added^d
- 15.06.090 Section R326.1 Swimming Pools, Spas and Hot Tubs - General - amended
- 15.06.095 Section R902.1.3 Roof Coverings in All Other Areas - amended

15.06.010 Adoption of code.

The 2016 California Residential Code (California Code of Regulations, Title 24, Part 2.5), with Division II of Chapter 1 and Appendix H, as based on the 2015 International Residential Code, and published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

15.06.015 Section 1.8.4.2 Fees & Section R108.2 Schedule of permit fees – amended and new Section R108.2.1 added.

Section 1.8.4.2 “Fees” and Section R108.2 “Schedule of permit fees” are amended to read as follows:

1.8.4.2 Fees. The fee for each permit shall be as set forth by the latest resolution of the Town Council.

R108.2 Schedule of permit fees. The fee for each permit shall be as set forth by the latest resolution of the Town Council.

R108.2.1 “Plan review fees” is added to read as follows:

R108.2.1 Plan review fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review shall be as set forth in the resolution of Town Council. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established by resolution of the Town Council.

15.06.020 Section R108.6.1 Investigation fee for work commencing before permit issuance – added.

Section R108.6.1 “Investigation fee for work commencing before permit issuance” is added to read as follows:

R108.6.1 Investigation fee for work commencing before a permit issuance. 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 as set forth in the resolution of Town Council. The payment of such investigation fee shall not exempt any person from compliance with other provisions of this code nor any penalty prescribed by law.

15.06.025 Section R202 Definitions – Second Unit.

Section R202 – Definitions is amended to add the definition of Second Unit to read as follows:

Second Unit – is a completely separate housekeeping unit with kitchen, sleeping, and bathroom facilities which is part of, an extension to, or a separate structure on a sited developed with a single family residence, in excess of the maximum density designated by the zoning district in which the property is situated or as prescribed thereby,

15.06.030 Section R202 Definitions – Substantial Remodel.

Section R202 – Definitions is amended to add the definition of Substantial Remodel to read as follows:

Substantial Remodel – shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent of the existing floor

area of the structure within any 36 month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, plies, or retaining walls or similar components, the floor areas of all rooms affected by such change shall be included in computing floor areas for the purpose of applying this definition. This definition shall not apply to the replacement and upgrading of residential roof coverings.

15.06.035 Section R337.2 Definitions – Hillside Lot Regulations^a

Section R337.2 is amended to add the definition of “Hillside Lot Regulation” as follows:

Hillside Lot Regulation. – All areas within the limits of the Town of Ross that are within hillside areas, as defined in the Town of Ross Municipal Code Section 18.39.020. All such areas shall, in addition to all applicable requirements of Title 15, of the Ross Municipal Code, be subject to all conditions and provisions of Title 18, Chapter 18.39. Hillside Lot Regulations of the Ross Municipal Code.

15.06.040 Section R337.2 Definitions – Wildland Urban Interface Fire Area^a

Section R337.2, definition “Wildland Urban Interface Area,” is amended to read as follows:

Wildland Urban Interface Fire Area - is a geographical area located within any Moderate, High, or Very High Fire Severity Zone as recommended by the CFD Director pursuant to Public Resources Code Sections 4201-4204 and Government Code Sections 51175-51189, in a Very High Fire Severity Zone of a local responsibility area (LRA) or as identified in WUI maps adopted by the Town Council.

15.06.045 Section R313.1 Townhouse automatic fire sprinkler system – amended.

Section R313.1 Townhouse automatic fire sprinkler system is amended to read as follows:

R313.1 – Townhouse automatic fire sprinkler system. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the 2016 Building Code.

- b. Agricultural buildings as defined in Appendix C of the 2016 Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of

combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height.

2. In newly created second units.
3. In all buildings that have more than fifty percent (50%) floor area added or any “substantial remodel” as defined in this code, within any 36 month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.
4. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

15.06.050 Section R313.1.1 Design and installation – amended.

Section R313.1.1 Design and installation is amended to read as follows:

R313.1.1 - All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

- a. In all townhomes required to be sprinkled any attached garages shall be sprinkled, and except for one and two family dwellings, in all residential occupancies the attics shall be sprinkled.^c
- b. In all existing townhomes, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.^c
- c. All townhomes in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R and standards developed by the Fire Chief.^c
- d. If an existing townhouse is equipped with an automatic fire sprinkler system, the automatic fire sprinkler system shall be extended to all areas of additions and alterations to the existing townhouse.

15.06.055 Section R313.2 One and two family dwellings automatic fire sprinkler systems – amended.

Section R313.2 One and two family dwelling automatic fire sprinkler systems is amended to read as follows:

R313.2 – One and two family dwelling automatic fire sprinkler system. An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the 2016 Building Code.
 - b. Agricultural buildings as defined in Appendix C of the 2016 Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height.
2. In newly created second units.
 3. In all buildings that have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 36 month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.
 4. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than 50% of the square footage of the building.

15.06.060 Section R313.2.1 Design and installation – amended.

Section R313.2.1 Design and installation is amended to read as follows:

R313.2.1 - All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

- a. In all residential buildings required to be sprinkled any attached garages shall be sprinkled, and except for one and two family dwellings, in all residential occupancies the attics shall be sprinkled.
- b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.
- c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with NFPA Standard 13 or 13R and standards developed by the Fire Chief.
- d. If an existing one or two family dwelling is equipped with an automatic fire sprinkler system, the automatic fire sprinkler system shall be extended to all areas of additions and alterations to the existing one or two family dwelling.

15.06.065 Section R337.1.5 Vegetation management compliance - amended.^a

Section R337.1.5 Vegetation management compliance is amended to read as follows:

R337.1.5 A vegetation management plan shall be prepared for all new construction and substantial remodels located within a defined Wildland Urban Interface Area. The vegetation management plan shall be in compliance with the provisions of the California Fire Code and Chapter 14.04, Section 4906.4 of the Town of Ross Municipal Code. The Ross Valley Fire District shall be the responsible party for compliance inspection.

15.06.070 Section R313.4 Sprinkler system supervision and alarms –added.^b

Section R313.4 Sprinkler system supervision and alarms is added to read as follows:

R313.4 Sprinkler system supervision and alarms. All valves controlling the water supply for automatic sprinkler systems, pumps, tanks, water levels and temperatures, critical air pressures and water-flow switches on all sprinkler systems shall be electrically supervised by a listed fire alarm control unit.

Exceptions:

1. Jockey pump control valves that are sealed or locked in the open position.
2. Control valves to commercial kitchen hoods, paint spray booths or dip tanks that are sealed or locked in the open position.
3. Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
4. Trim valves to pressure switches in dry, preaction and deluge sprinkler systems that are sealed or locked in the open position.

15.06.075 Section R324.8 Solar photovoltaic disconnect – added.^d

Section R324.8 Solar Photovoltaic Disconnect is added to read as follows:

R324.8 Solar photovoltaic disconnect. The electrical service disconnect for the alternative power supply shall be located within eight (8) feet from the main electrical service disconnect on the same or an adjacent exterior wall. The disconnect shall be accessible to emergency personnel from the exterior without the use of ladders or other special equipment.

Exception: micro-inverter or similar technology for solar equipment that de-energizes the system at the roof panels upon loss of A/C reference leaving no energized electrical potential inside the structure when the main breaker is tripped.

15.06.080 Section R324.9 Warning Sign – added.^d

Section R324.9 Warning Sign is added to read as follows:

R324.9. Warning Sign. The following wording shall be placed on a permanent sign attached at the main electrical disconnect. The sign shall be red background with white letters. Minimum size 2-1/2" X 6" with a minimum 22pt. font. Minimum size example below.

WARNING:

**This building supplied with an alternative power source. Alternate disconnect is:
(describe location - on the right, below etc.)
of this main disconnect. Both must be used.**

15.06.085 Section R324.10 Required conduit – added.^d

Section R324.10 Required conduit is added to read as follows:

Section R324.10 Required conduit. All wiring that may contain electrical potential when the alternate service disconnect has been activated (such as the wiring between the solar arrays and the DC electrical disconnect on a photovoltaic system) shall be completely contained in metal conduit.

15.06.090 Section R326.1 Swimming Pools, Spas and Hot Tubs - General – amended

Section R326.1 General is amended to read as follows:

R326.1 General. The design and construction of pools and spas shall comply with the 2016 California Building Code Section 3109.

15.06.095 Section R902.1.3 Roof coverings within all other areas – amended.

Section R902.1.3 "Roof coverings within all other areas" is amended to read as follows:

R902.1.3 Roof coverings within all areas. The roof covering on any structure regulated by this code shall be a Class A roof assembly as classified in Section 1505.2 of the 2016 California Building Code. An existing structure with an existing wood shake or shingle roof shall replace the entire roof with a Class A roof assembly when increasing the area of the existing roof by a third or more, or when repairing, altering or replacing one third or more of the existing roof area.

^a The 2016 Materials and Construction Methods for Exterior Wildfire Exposure was relocated to Section R337.1 in lieu of 2013 Section R327.

^b Re-numbered to keep in sequence.

^c Section R313.1.1 is under the townhome section. One and two family dwellings are under Section R313.2.1.

^d The 2013 Section R331, Solar Photovoltaic Panels/Modules was revised to 2016 Section R324, Solar Energy Systems.

SECTION 6.

The Town of Ross hereby adopts Chapter 15.07 to read as follows:

Chapter 15.07

CALIFORNIA ELECTRICAL CODE

Sections:

- 15.07.010 Adoption of code.
- 15.07.015 Paragraph 89.108.4.2 Fees – amended.
- 15.07.020 Subsection 230.79(C) One-Family Dwelling – amended.

15.07.010 Adoption of code.

The 2016 California Electrical Code (California Code of Regulation, Title 24, Part 3), with Article 89 and Annexes A, B, C, F, and G, as based upon the 2014 National Electrical Code and published by the National Fire Protection Association, 1 Batterymarch Park (P.O. Box 9146), Quincy, Massachusetts 02269-9959 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

15.07.015 Paragraph 89.108.4.2 Fees – amended.

Paragraph 89.108.4.2 Fees is hereby amended to read as follows:

89.108.4.2. Fees - Fees shall be set forth in the fee schedule adopted by the latest resolution of the Town Council.

89.108.4.2.1. Investigation Fees: Work Without a Permit. Any person who commences any electrical work for which a permit by the Town Code or resolution is required, without first having obtained a permit therefore, shall pay in addition to any other penalty or fine, a special investigation fee as set forth in the resolution of Town Council. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, the investigation fees provided shall be charged, notwithstanding the earlier emergency.

15.07.020 Subsection 230.79(C) One-Family Dwellings – amended.

Subsection (C) of Section 230.79 “One-Family Dwellings” is amended to read as follows:

(C) One-Family Dwellings. For a one-family dwelling, the service disconnecting means shall have a rating of not less than 100 amperes, 3-wire, under any condition.

SECTION 7.

The Town of Ross hereby adopts Chapter 15.08 to read as follows:

Chapter 15.08

CALIFORNIA MECHANICAL CODE

Sections:

- 15.08.010 Adoption of code.
- 15.08.015 Sections 1.8.4.2 Fees, 104.3.2 Plan Review Fees, & 104.5 Fees - amended.
- 15.08.020 Section 104.5.2 Investigation Fee – amended.

15.08.010 Adoption of code.

The 2016 California Mechanical Code (California code of Regulations, Title 24, Part 4), with Division II of Chapter 1, as based upon the 2015 Uniform Mechanical Code and published by the International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, California, 91761-2816 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

15.08.015 Sections 1.8.4.2 Fees, 104.3.2 Plan Review Fees, & 104.5 Fees – amended.

Section 1.8.4.2 “Fees” is hereby amended to read as follows:

1.8.4.2, Fees. Fees shall be set forth in the fee schedule adopted by the latest resolution of the Town Council.

Section 104.3.2 “Plan Review Fees” is amended to add the following sentence:

104.3.2 Plan Review Fees shall be set forth in the fee schedule adopted by the latest resolution of the Town Council.

Section 104.5 “Fees” is hereby amended to read as follows:

104.5 Fees. Fees shall be assessed in accordance with the provisions of this section and the amount of the fees shall be set forth in the fee schedule adopted by the latest resolution of the Town Council.

15.08.020 Section 104.5.2 Investigation Fee- amended.

Section 104.5.2 Investigation Fee is hereby amended to read as follows:

104.5.2 Special investigation Fee. Any person who commences any mechanical work for which a permit by the Town Code or resolution is required, without first having obtained a permit therefore, shall pay in addition to any other penalty or fine, a special investigation fee as set forth in the resolution of Town Council. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, the special investigation fees provided shall be charged, notwithstanding the earlier emergency.

SECTION 8.

The Town of Ross hereby adopts Chapter 15.09 to read as follows:

Chapter 15.09

CALIFORNIA PLUMBING CODE

Sections:

- 15.09.010 Adoption of code.
- 15.09.015 Sections 1.8.4.2 Fees, 104.3.2 Plan Review Fees, & 104.5 Fees – amended.
- 15.09.020 Section 104.5.2 Investigation Fees – amended.
- 15.09.025 Section 713.0 Sewer Required – amended.

15.09.010 Adoption of code.

The 2016 California Plumbing Code (California Code of Regulations, Title 24, Part 5), with Division II of Chapter I and Appendices A, B, D, and I, as based upon the 2015 Uniform Plumbing Code and published by the International Association of Plumbing and Mechanical Officials, 4755 East Philadelphia Street, Ontario, California, 91761-2816 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

15.09.015 Sections 1.8.4.2 Fees, 104.3.2 Plan Review Fees, & 104.5 Fees – amended.

Section 1.8.4.2 “Fees” is hereby amended to read as follows:

1.8.4.2 Fees. Fees shall be set forth in the fee schedule adopted by the latest resolution of the Town Council.

Section 104.3.2 “Plan Review Fees” is hereby amended to read as follows:

104.3.2 Plan Review Fees. Where a plan or other data is required to be submitted by Section 104.3.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees specified in this subsection are separate from and in addition to the other permit fees specified in this section. The plan review fees shall be set forth in the fee schedule adopted by the latest resolution of the Town Council. Where plans are incomplete or changed so as to require additional review, a fee may be charged as set forth in the Town’s resolution.

Section 104.5 “Fees” is hereby amended to read as follows:

104.5 Fees. Fees shall be assessed in accordance with the provisions of this section and as set forth in the fee schedule adopted by the latest resolution of the Town Council.

15.09.020 Section 104.5.2 Investigation Fees – amended.

Paragraph 104.5.2 Investigation Fees is hereby amended to read as follows:

104.5.2 Investigation Fees. Any person who commences any plumbing work for which a permit by the Town Code or resolution is required, without first having obtained a permit therefore, shall pay in addition to any other penalty or fine, a special investigation fee as set forth in the resolution of Town Council. This provision shall not apply to emergency work when it is proved to the satisfaction of the Building Official that the work was urgently necessary and that it was not practical to obtain the required permit before commencement of the work. In all such emergency cases, a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, the investigation fees provided shall be charged, notwithstanding the earlier emergency.

15.09.025 Section 713.0 Sewer Required – amended.

Section 713.1 “Where Required” is amended as follows:

Section 713.1 Where Required. Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall comply with all requirements of Chapter 13.04 Sewage Disposal of the Ross Municipal Code.

Section 713.2 is hereby repealed.

Section 713.3 is hereby repealed.

Section 713.4 is hereby repealed.

Section 713.7 is hereby repealed.

SECTION 9.

The Town of Ross hereby adopts Chapter 15.10 to read as follows:

Chapter 15.10

CALIFORNIA ENERGY CODE

Sections:

15.10.010 Adoption of code.

15.10.010 Adoption of code.

The 2016 California Energy Code (California Code of Regulations, Title 24, Part 6), with Appendix 1-A, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

SECTION 10.

The Town of Ross hereby adopts Chapter 15.11 to read as follows:

Chapter 15.11

CALIFORNIA HISTORICAL BUILDING CODE

Sections:

15.11.010 Adoption of code.

15.11.010 Adoption of code.

The 2016 California Historical Building Code (California Code of Regulations, Title 24, Part 8), with Appendix A, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

SECTION 11.

The Town of Ross hereby adopts Chapter 15.12 to read as follows:

Chapter 15.12

CALIFORNIA FIRE CODE

Sections:

15.12.010 Adoption of code.

15.12.010 Adoption of code.

The 2016 California Fire Code (Title 24, Part 9), published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is hereby adopted by reference hereto, subject to any amendments, deletions, or additions as set forth in this Chapter as follows: See Title 14, Section 14.04.010 of the Town of Ross Municipal Code for the adoption of the 2016 California Fire Code along with all amendments to the 2016 California Fire Code as noted in Chapter 14 of the Town of Ross Municipal Code. A copy of this document is maintained in the office of the Building Official.

SECTION 12.

The Town of Ross hereby adopts Chapter 15.13 to read as follows:

Chapter 15.13

CALIFORNIA EXISTING BUILDING CODE

Sections:

- 15.13.010 Adoption of code.
- 15.13.015 Section 1.8.4.2 Fees & Section 108.2 Schedule of permit fees – amended and new Section 108.2.1 added
- 15.13.020 Section 108.4.1 Investigation fee for work commencing prior to obtaining a permit – added
- 15.13.025 Section 202 Code Official Definition – amended
- 15.13.030 Section 302.6 Maintenance - added

15.13.010 Adoption of code.

The 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10), published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

15.13.015 Section 1.8.4.2 Fees & Section 108.2 Schedule of permit fees – amended and new Section 108.2.1 added

Section 1.8.4.2 Fees & Section 108.2 Schedule of permit fees are amended to read as follows:

1.8.4.2 Fees. The fee for each permit shall be as set forth by the latest resolution of the Town Council.

108.2 Schedule of permit fees. The fee for each permit shall be as set forth by the latest resolution of the Town Council.

Section 108.2.1 Plan review fees is added to read as follows:

108.2.1 Plan review fees. When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review shall be as set forth in the resolution of Town Council. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established by resolution of the Town Council.

15.13.020 Section 108.4.1, Investigation fee for work commencing prior to obtaining a permit – added.

Section 108.4.1 “Investigation fee for work commencing prior to obtaining a permit” is added to read as follows:

108.4.1 Investigation fee for work commencing prior to obtaining a permit. 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 as set forth in the resolution of Town Council. The payment of such investigation fee shall not exempt any person from compliance with other provisions of this code nor any penalty prescribed by law.

15.13.025 Section 202, Code Official Definition – amended

Section 202, Code Official Definition is amended to read as follows:

202 Code Official. The officer or other designated authority charged with the administration and enforcement of this code shall be the Building Official.

15.13.030 Section 302.6, Maintenance – added

Section 302.6 Maintenance is added to read as follows:

302.6 Maintenance. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or the owner’s designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the Building Official shall have the authority to require a building or structure to be re-inspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

SECTION 13.

The Town of Ross hereby adopts Chapter 15.14 to read as follows:

Chapter 15.14

CALIFORNIA GREEN BUILDING STANDARDS CODE

Sections:

- 15.14.010 Adoption of code.
- 15.14.015 Tier Voluntary Measures

15.14.010 Adoption of code.

The 2016 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), including appendices A4 and A5, as published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D. C. 20001 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

15.14.015 Tier Voluntary Measures.

All voluntary and Tier requirements and measures of Appendices A4 and A5 are not adopted as being mandatory but may be included in any level or degree by voluntary choice of the owner or applicant of any permit.

SECTION 14.

The Town of Ross hereby adopts Chapter 15.15 to read as follows:

Chapter 15.15

CALIFORNIA REFERENCED STANDARDS CODE

Sections:

- 15.15.010 Adoption of code.

15.15.010 Adoption of code.

The 2016 California Referenced Standards Code (California Code of Regulations, Title 24, Part 12), published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001 and the California Building Standards Commission, 2525 Natomas Park Drive, Suite 130, Sacramento, California 95833-2936, is adopted by reference hereto, subject to any

amendments, deletions or additions as set forth in this chapter. A copy of this document is maintained in the office of the Building Official.

SECTION 15.

The Town of Ross hereby adopts Chapter 15.19 to read as follows:

Chapter 15.19

2015 INTERNATIONAL PROPERTY MAINTENANCE CODE

Sections:

- | | |
|-----------|-------------------|
| 15.19.010 | Adoption of code. |
| 15.19.020 | Conflicts |

15.19.010 Adoption of code.

The 2015 International Property Maintenance Code, published by the International Code Council, 500 New Jersey Avenue, NW, 6th Floor, Washington, D.C. 20001, is hereby adopted by reference and incorporated in the Wheatland Building Code. A copy of this document is maintained in the office of the City's Building Official.

15.19.020 Conflicts.

In the event of any conflicts between this chapter and the provisions and requirements of Chapters 15.04 through 15.15, inclusive, of this Code, the provisions and requirements in Chapters 15.04 through 15.15 shall apply.

SECTION 16.

Nothing in this legislation hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 1 of the law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION 17.

Compliance with the California Environmental Quality Act: The City Council finds that this Ordinance is not subject to the California Environmental Quality Act ("CEQA") pursuant to under California Code of Regulations, Title 14, sections 15060(c)(2) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) (the activity is not a project as defined in Section 15378) of the CEQA Guidelines because it has no potential for resulting in physical change to the environment, directly or indirectly.

SECTION 18.

Severability: If any section or provision of this Ordinance or the application thereof to any person or circumstances is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction or preempted by state legislation, such decision or legislation shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause or phrase hereof not declared invalid or unconstitutional without regard to any such decision or preemptive legislation.

SECTION 19.

Effective Date and Posting: This Ordinance shall be effective 30 days following its adoption by the Town Council or January 1, 2017, whichever is later. Before the expiration of fifteen (15) days after its passage, this ordinance, or a summary thereof as provided in California Government code Section 36933, shall be posted in at least three public places in the Town of Ross, along with the names of the members of the Town Council voting for and against its passage.

The foregoing ordinance was introduced at a regular meeting of the Town Council of the Town of Ross held on the 13th day of October, 2016 and was therefore adopted at the regular meeting of the Ross Town Council held on the 10th day of November, 2016 by the following vote of the Council:

AYES:

NOES:

ABSENT:

ABSTAIN:

Kathleen Hoertkorn, Mayor

ATTEST:

Linda Lopez, Town Clerk

EXHIBIT A

FINDINGS OF FACT AND NEED FOR CHANGE OR MODIFICATIONS TO THE STATE BUILDING STANDARDS CODE BECAUSE OF LOCAL CONDITIONS

CHANGES OR MODIFICATIONS

Pursuant to Section 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of Ross in its ordinances adopting and amending the 2016 California Building Standards Code (Title 24, California Code of Regulations), changes or modifies certain provisions of the 2016 California Administrative Code, the 2016 California Building Code (CBC), the 2016 California Residential Code (CRC), the 2016 California Electrical Code (CEC), the 2016 California Mechanical Code (CMC), the 2016 California Plumbing Code (CPC), the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Existing Building Code, the 2016 California Green Building Standards Code, and the 2016 California Referenced Standards Code. A copy of the text of such changes or modifications is attached.

Pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of Ross has determined and finds that the attached changes or modifications to the 2016 California Building Standards Code are needed and are reasonably necessary because of local climatic, geographic and topographic conditions.

PROFILE OF THE TOWN OF ROSS

The Town of Ross encompasses an area of 1.6 square miles with a resident population of approximately 2450. The physical location of the Town is in the central part of Marin County, in the central portion of the Ross Valley.

The placement of commercial development has been limited to the valley floor area with the residential communities extending out and up into the steep canyons and hills which surround the valley on both the north and south sides.

Travel into and out of the area is accomplished through two lane roads, which are the main arteries of commuter traffic to the bay area commercial centers.

The Town Council recognizes the fact that Marin County has been plagued many times in the late 1800's and early 1900's by brush and forest fires which not only threaten destruction, but on a number of occasions devastated large portions of communities. The desire of the community to preserve natural vegetation has resulted in the encroachment of brush and grass on fire roads, trails, breaks and streets within the Town, thus rendering such separations ineffective against the spread of fires and safe egress. Natural growth, which is highly flammable during the drier months of the year, encroaches upon many properties, thus posing a potential fire threat to many structures and creating a substantial hindrance to the control of such fires.

With the given profile of the Town of Ross and the subsequent research being conducted by members of the Ross Valley Fire Department staff, the Town has established certain requirements, which were developed to increase the level of safety and reduce the level of exposure to the citizens of the Town as well as protect the buildings (investments) within its boundaries. The following points were established as factors which caused concern and are herein established and submitted as the “Findings of Fact”:

1. CLIMATIC

a. **Precipitation.** The normal year’s rainfall is approximately 30 to 50 inches on the average calendar year. The area has been subject to extended periods of drought and less than normal rainfall as well as intense rains, which have caused local flooding and damage from geotechnical failure (landslides). Approximately ninety percent (90%) of the annual rainfall is experienced during the months of November through April, and 10% from May through October.

b. **Relative Humidity.** Moisture in the air, also known as relative humidity, changes significantly during any given day. Humidity generally ranges from 50% during daytime hours to 85% at night. It drops to 30% during the summer months and occasionally drops lower. During periods when the area experiences easterly hot, dry winds, the relative humidity drops significantly, thus creating a greater danger.

c. **Temperatures.** Average summer highs are in the 75 degree to 85 degree range. There are weather periods where temperatures can rapidly reach 100 degrees and have been recorded even higher.

d. **Winds.** Prevailing winds are generally from the West. However, winds are experienced from virtually every direction at one time or another, due to topography. Velocities are generally in the 5 – 15 mph range, gusting to 10 – 30 mph, particularly during the summer months. Extreme winds, up to 50 mph, have been known to occur.

e. **Summary.** The climate (weather patterns) within the Town of Ross is predominantly affected by the marine influence of the Pacific Ocean. During the summer months, the southerly exposed slopes and open fields become dry with seasonal grasses, which present a fuel for the rapid spread of fire. The Northerly slopes are heavily wooded and present a moderate to heavy fuel load with respect to fire danger. These local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity and high temperatures create extremely hazardous conditions. Furthermore, winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another and wildland areas. All water storage and supply comes from reservoirs and lakes within the county, and are affected by the climate accordingly.

2. GEOGRAPHICAL and TOPOGRAPHICAL

a. **Geographical Features.** The geographical features in and around the Town of Ross are a source of enjoyment for our residents. The hills and valleys give a natural beauty to the area with forested hills and golden yellow meadows leading up to them. These geographic features form the backdrop for the residential and commercial communities and dictate the locations of roadways and building locations. These geographic features also create barriers, which negatively affect accessibility and influence fire behavior during major conflagrations. Many structures (new and old) are constructed of highly combustible material, which offer little resistance to fire and could contribute to the spread of fire. For practical and cost reasons, new structures are built of wood (type V) construction. The potential for conflagration exists with the density of the various specific areas of the Town. The concentrated commercial, as well as residential occupancies, causes concern when considering the “exposure” elements of building to building to grass and brush areas of the Town.

b. **Seismic Location.** The Town of Ross lies within the recognized seismic zone #4, which is the most dangerous zone. While the area has experienced several significant seismic events, there has been a minimum of damage. The Town sits between two active earthquake faults (San Andreas and Hayward) and numerous potentially active faults. The potential for great damage exists, and must be considered as a real threat to be planned for.

c. **Size and Population.** The Town of Ross encompasses an area of 1.6 miles with a resident population of approximately 2450. The Town is served by the Ross Valley Fire Department, Marin Municipal Water District, and the Ross Valley Sanitary District. Ross Valley Fire has four (4) stations (two of which are in San Anselmo, one in Fairfax, and one in Ross), 33 fire personnel (serving the Towns of Fairfax, San Anselmo, Ross and the Sleepy Hollow Fire Protection District), with diverse responsibilities including wildland, urban, and paramedical.

d. **Roads and Streets.** Several of the heavily populated areas have limited roadways and escape routes. The Town of Ross has numerous narrow, winding roads, some barely passable with modern fire apparatus, causes access problems and extended travel times especially in the older hillside sections of the jurisdiction. The accessibility for fire department apparatus is of concern due to the lack of turnouts and roadway widths which increases response time.

e. **Topography.** The Department’s service area is a conglomeration of oak plains, hills, valleys and ridges. The flatter lands are found in the center portion of the service area and approximately half of the residential development is in this area. The other half of the service area with residential development consists of hillsides with slopes ranging from approximately 15-30% and 30+%. These hazardous conditions present an exceptional and continuing fire danger to the residents of the community due to the difficulty of the terrain and topography of the area, much of it consisting of boxed canyons with steep, brush covered slopes; narrow winding streets used by residents of the area and the Fire Department for ingress and egress, steep hills which hinder Fire Department response

time; older and inadequate water systems in certain areas of the community; and the location of buildings and structures with relation to these dangerous areas. The water supply for domestic and fire flow systems within this Town are directly affected by the topographical layout of the Town. The supply of water comes from lakes, which are managed by a public utilities district responsible for maintaining an adequate supply. The water distribution system within the Town is very old in some areas served by mains, which are inadequate in size to provide water for fire protection. The valley floor is served by mains which contain an exceptionally large volume of water for fire protection. The Town of Ross has a base elevation of approximately 35 feet and extends to areas in excess of 900 feet above sea level.

f. Vegetation. The Town Council recognizes that the Town of Ross has within its borders and along its boundaries, significant areas of grass, brush and heavily forested lands. In addition, the natural vegetation of the area has been altered by the addition of ornamental trees and shrubs, which are not native and add fuel around the houses and buildings of our community. The south facing exposure is primarily annual grasses, highly flammable brush, with occasional clumps of bay and oak trees in the more sheltered pockets. The north facing slopes are heavily wooded from lower elevations to ridge with oak and bay trees and minor shrubs of the general chaparral class. Expansion of the residential community into areas of heavier vegetation has resulted in homes existing in close proximity to dense natural foliage. Often such dwellings are completely surrounded by highly combustible vegetation compounding the fire problem from a conflagration point of view. Of particular recent notice is the increase in dead down fuel and ladder accumulation directly associated with the sudden oak death syndrome.

Summary

The above local geographic and topographic conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Fire Department.

Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

The valley floor has zones recognized by the Federal Emergency Management Agency as flood zones. During times of intense rainfall, flooding and landslides have occurred which have destroyed structures and threatened lives. Within the past decade, these events have caused the local government to declare disasters and seek state and federal assistance.

Some of the existing structures in the commercial areas of the Town lack the required firewall separation. These structures cause concern to the Fire Department because of the potential for major conflagration. As these structures are replaced, the exposure potential will be significantly reduced.

Several other variables may tend to intensify an incident, such as, the extent of damage to the water system; the extent of roadway damage and/or amount of debris blocking the roadways; climatic conditions (hot, dry weather with high winds); time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours; and the availability of timely mutual aid or military assistance.

Conclusion

Local climatic, geographic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore it is found to be reasonably necessary that the California Fire Code, International Wildland-Urban Interface Code, and the State Building Standards Code be changed or modified to mitigate the effects of the above conditions.

Furthermore, California Health and Safety Code Section 17958.7 requires that the modification or change be expressly marked and identified as to which each finding refers. Therefore, the Town of Ross finds that the following table provides code sections that have been modified pursuant to Town of Ross Ordinance No. 675 which are building standards as defined in Health and Safety Code Section 18909, and the associated referenced conditions for modification due to local climatic, geological and topographical reasons.

Section Number	Local climatic, geological and topographical conditions
CBC 701A.5	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CBC 702A	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CBC 903.2	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CBC 903.3	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CBC 903.4	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CBC 906.11	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CBC 907.2.11	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CBC 907.8.1	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CBC 1505.1.3	1e, 2a, 2c, 2d, 2e, 2f
CRC R313.1	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CRC R313.1.1	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CRC R313.2	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CRC 313.2.1	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CRC R337.1.5	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CRC R313.4	1a, 1b, 1d, 1e, 2a, 2b, 2c, 2d, 2e, 2f
CRC R324.8	1e, 2a, 2d, 2e, 2f
CRC R324.10	1e, 2a, 2d, 2e, 2f
CRC R902.1.3	1e, 2a, 2c, 2d, 2e, 2f

CPC 713.1	2c, 2d
CPC 713.2	2c, 2d
CPC 713.3	2c, 2d
CPC 713.4	2c, 2d
CPC 713.7	2c, 2d
California Existing Building Code 302.6	2a, 2c



Agenda Item No. 13.

Staff Report

Date: October 13, 2016

To: Mayor Hoertkorn and Councilmembers

From: Sal Lucido, Building Official

Subject: Introduction of Ordinance No. 675 adopting and amending the 2016 California Building Standards Code, Title 24 (Town Municipal Code, Title 15 - Buildings and Construction)

Recommendation

Council introduction of Ordinance No. 675 repealing and adopting portions of Municipal Code Title 15 (Buildings and Construction) affecting Chapters 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13, 15.14, 15.15, and 15.19, to adopt and amend the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 California Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Code, the 2016 California Fire Code, the 2016 California Existing Building Code, the 2016 California Green Building Code, the 2016 California Referenced Standards Code, and the 2015 International Property Maintenance Code, and make other conforming changes.

Background and discussion

On of July 1, 2016, the State of California adopted a complete set of new building codes based on the latest international and national model building codes. The 2016 codes replace the 2013 codes currently in use. The new Building Standards Code (BSC) is mandatory for local government agencies and becomes effective January 1, 2017. Agencies must enforce the new codes by this date and all building permits submitted on or after this date must meet the new code requirements.

The State allows local agencies to amend the building standards provided the adopted language is more restrictive than the State standards, and are based on findings and justification based on local climatic, geological or topographic conditions. The adoption Ordinance and findings of fact must be filed with the State.

The attached Ordinance amends Town Municipal Code, Title 15, Chapters 15.04, 15.05, 15.06, 15.07, 15.08, 15.09, 15.10, 15.11, 15.12, 15.13, 15.14, 15.15, to adopt and amend the 2016 California Administrative Code, the 2016 California Building Code, the 2016 California Residential Code, the 2016 California Electrical Code, the 2016 California Mechanical Code, the 2016 Plumbing Code, the 2016 California Energy Code, the 2016 California Historical Building Code, the 2016 California Fire Code, the 2016 California Existing Building Code, the 2016 California Green Building Code, the 2016 California Referenced Standards Code, and adds Chapter 15.19 to adopt and amend 2015 International Property

Maintenance Code. In general, previous Town amendments from earlier code versions have been carried forward in the attached ordinance. There are also some new local amendments, as highlighted below.

Proposed Changes

Most of the changes are required to readopt California Title 24, Parts 1 through 12, and bring forward the previous Town amendments. Some of the changes are a result of changes and reorganization of Title 24 code sections, some of which have been removed or relocated.

Some of the other changes are to incorporate the proposed changes to the 2016 California Fire Code as noted in the adoption ordinance from the Ross Valley Fire District for the adoption of Chapter 14.04. The changes proposed for Chapter 14.04 adoption will require the same changes to similar or identical code sections in the California Building Code, Chapter 15.05 and the California Residential Code, Chapter 15.06.

A summary of the significant changes to RMC Title 15 are as follows:

Chapter 15.04 – California Administrative Code (none)

Chapter 15.05 – California Building Code

- Amended language in Sections 15.05.015 and 15.05.020 to specify that Plan Review fees and Investigation Fees for work commenced without a permit are to be as set forth in the Resolution of Town Council.

Chapter 15.06 – California Residential Building Code

- Amended language in Sections 15.06.015 and 15.06.020 to specify that Plan Review fees and Investigation Fees for work commenced without a permit are to be as set forth in the Resolution of Town Council.
- Amended language in Section 15.06.090 to specify that the construction of pools and spas is to be in compliance with the provisions of the California Building Code Section 3109.

Chapter 15.07 – California Electrical Code

- Amended language in Sections 15.07.015 to specify that Investigation Fees for work commenced without a permit are to be as set forth in the Resolution of Town Council.

Chapter 15.08 – California Mechanical Code

- Amended language in Sections 15.08.020 to specify that Investigation Fees for work commenced without a permit are to be as set forth in the Resolution of Town Council.

Chapter 15.09 – California Plumbing Code

- Amended language in Sections 15.09.020 to specify that Investigation Fees for work commenced without a permit are to be as set forth in the Resolution of Town Council.

Chapter 15.10 – California Energy Code (none)

Chapter 15.11 – California Historical Building Code (none)

Chapter 15.12 – California Fire Code (none)

Chapter 15.13 – California Existing Building Code

- The 2016 California Existing Building Code was reorganized in this Code cycle to bring together “Existing Building Code” language from the California Building Code, Chapter 34, into the body of the Existing Building Code, Title 24, Part 10.
- Amended language in Sections 15.13.015 to specify that Plan Review Fees are to be as set forth in the Resolution of Town Council.
- Added language in Sections 15.13.020 to specify that Investigation Fees for work commenced without a permit are to be as set forth in the Resolution of Town Council.
- Added language in Section 15.13.030 to add language that was in the 2013 CBC Section 3401.2 for building maintenance

Chapter 15.14 – California Green Code (none)

Chapter 15.15 – California Reference Standards Code (none)

Chapter 15.19 – 2015 International Property Maintenance Code (a new chapter in RMC)

- Added a Chapter adoption for the 2015 International Property Maintenance Code as it brings language into the Municipal Code that is useful in Code Enforcement for Substandard Housing and Unsafe Building Conditions. In the possible event of conflict with language of all of the adopted Codes, priority is given to the California Codes.

The recommended language change takes into account new requirements in the California Fire Code, International Fire Code, and International Wildland-Urban Interface Codes. In the coming months, we will be having a Work Session Council meeting related specifically to Wildland Urban Interface (WUI) as it relates specifically to Ross and the potential for adopting a WUI map in Ross. Under our current codes, and the proposed amended codes, the WUI code requirements for hardening exterior construction against wildfires are only required for buildings constructed under the hillside lot ordinance (RMC §18.39). Following discussion and direction at the upcoming Work Session Council meeting on WUI, staff will be presenting additional code amendment language and WUI maps for consideration and adoption at a later date. No changes to the WUI requirements are proposed with the current amendment to the 2016 Code Adoption.

Fiscal, resource and timeline impacts

Action must be taken by December 31, 2016

Alternative actions

None recommended

Environmental review (if applicable)

N/A

Attachments

- Ordinance No. 675 with Exhibit A (Findings of Fact)
- Redline Ordinance No. 675