



TOWN OF FAIRFAX

STAFF REPORT

December 4, 2013

TO: Mayor and Town Council

FROM: Mark Lockaby, Building Official *GL*

SUBJECT: Second Reading and Adoption By Title Only of Ordinance No. **773** to Adopt the 2013 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, And Adopting the 2012 Edition of the International Property Maintenance Code

RECOMMENDATION

- 1) Open/close the public hearing

- 2) Read by title only and waive further reading of Ordinance No. 773 to Adopt the 2013 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, And Adopting the 2012 Edition of the International Property Maintenance Code.

- 3) Adopt the ordinance

DISCUSSION

On July 1, 2013 the State of California published and made available the 2013 Edition of the California Code of Regulations, Title 24 consisting of the following:

- The California Administrative Code
- The California Building Code
- The California Residential Code
- The California Electrical Code
- The California Mechanical Code
- The California Plumbing Code
- The California Energy Code
- The California Historical Building Code
- The California Fire Code
- The California Existing Building Code
- The California Referenced Standards
- The California Green Building Standards Code *Ca/Green*

The State has mandated that local jurisdictions must adopt the codes with appendices and amendments to be effective by January 1, 2014. California Building Standards are applicable to all occupancies throughout California, whether or not the local government takes an affirmative action to adopt those California Building Standards. However, the standards enforced by statute will be without added appendices and amendments.

AGENDA ITEM # 18

Staff recommends that the California Green Building Standards Code (*Ca/Green*) be adopted to include Tier 1 mandatory measures for commercial and residential construction with verification provided by the installer or designer, excluding Tier 1 Energy Efficiency provisions contained in Appendix A4.2 and A5.2.

The 2012 edition of the International Property Maintenance Code is not included in the California Code of Regulations, but is included in the ordinance because it is referenced for use in the California Building Code.

The Fire Code will be adopted separately under Chapter 8 of the Fairfax Municipal Code.

FINDINGS

Staff recommends continuing the practice of not adopting Appendix B "Board of Appeals" of Title 24. Without the adoption of Appendix B, the Town will be following Section 2.44.010 of the Town Code, which provides for an appeal to the Town Council.

The new amendments are to make the Building Code consistent with the Fire Code.

- 15.04.015 Definitions
- 15.04.020 Automatic Sprinkler Systems, Fire Extinguishers, Smoke Alarms
- 15.04.055 Alternative Power Supplies

The amendments we will be carrying forward due to local climatic, geological and/or topographical conditions are:

- 15.04.030 Roof Coverings
- 15.04.035 Barriers for swimming pools, spas, and hot tubs
- 15.04.040 Septic Systems
- 15.04.060 Applicability of the 2006 Wildland Urban Interface Code

The following items will continue to be included in Chapter 15 but are not amendments to the codes:

- 15.04.025 Plan Check Fees
- 15.04.045 Correcting Past Violations
- 15.04.050 Fee Adjustments

The fees are based on a fee study by Willdan Financial Services May 15, 2009 and updated by resolution 12-40 on July 1, 2012.

Chapter 15.08 Reports of Residential Building Records will be modified to extend the validity to twelve months from the date of issuance. Previously the validity was only six months.

This ordinance was first introduced at the November 6, 2013 Council meeting. At the meeting, Council suggested it would be helpful to receive a redline of the revisions (see attached).

FISCAL IMPACT

None

Attachment: redline of Ordinance No. 773, final version of Ordinance No. 773.

ORDINANCE NO. 773

AN ORDINANCE OF THE TOWN OF FAIRFAX AMENDING CHAPTER 15.04 OF THE TOWN CODE AND ADOPTING THE 2013 CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 AND 12, WHICH CONSISTS OF THE CALIFORNIA ADMINISTRATIVE, BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, EXISTING BUILDING, GREEN BUILDING STANDARDS, AND REFERENCED STANDARDS CODES, AND ADOPTING THE 2012 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE

THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, the standards of building within the Town must conform with state law except where local conditions warrant more restrictive regulations, and, therefore, the Town Council should adopt the current California Building Standards Codes, contained in California Code of Regulations, Title 24, and other uniform codes governing the construction and regulation of buildings and structures.

Pursuant to California Health and Safety Code section 17958.7, the Town Council 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 California Building Code, California Code of Regulations, Title 24, Part 2, and California Residential Code, California Code of Regulations, Title 24, Part 2.5, and the California Plumbing Code, California Code of Regulations, Title 24, Part 5, are reasonably necessary because of the local climatic, geological or topographical conditions stated in Exhibit A.

The Town Council of the Town of Fairfax further finds that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, § 15061(b)(3).

SECTION 2. Chapter 15.04 of the Municipal Code Amended. Chapter 15.04 of the Town Code is hereby deleted in its entirety and replaced by the following:

Chapter 15.04

BUILDINGS AND CONSTRUCTION

Sections

15.04.010 Adoption of Construction Codes

15.04.015 Definitions

15.04.020~~45~~ Automatic Fire Sprinkler Systems, Fire Extinguishers, Smoke Alarms

15.04.025~~0~~ Plan Check Fees

- 15.04.030~~25~~ Roof Coverings
- 15.04.035~~0~~ Barriers for swimming pools, spas, and hot tubs
- 15.04.040~~35~~ Septic Systems
- 15.04.045~~0~~ Correcting Past Violations
- 15.04.050~~45~~ Fee Adjustments
- 15.04.055 Alternative Power Supplies
- 15.04.060: Applicability of 2006 Wildland Urban Interface Code

Section 15.04.010 – Adoption of Construction Codes

The following parts of Title 24, California Code of Regulations are adopted by reference as construction codes for the Town of Fairfax, subject to the modifications included later in this Chapter 15.04:

- a) 2013 edition of the California Administrative Code (Title 24 Part 1)
- b) 2013 edition of the California Building Code (Title 24 Part 2) based upon the 2012 International Building Code (IBC), including:
 - 1) Division II of Chapter 1, but not Section 113,
 - 2) Appendix Chapter A, Employee Qualifications,
 - 3) Appendix Chapter G, Flood-Resistant Construction,
 - 4) Appendix Chapter H, Signs,
 - 5) Appendix Chapter I, Patio Covers, and
 - 6) Appendix Chapter J, Grading.
- c) 2013 edition of the California Residential Code (Title 24 Part 2.5) based on the 2012 International Residential Code (IRC) including:
 - 1) Division II of Chapter 1, but not Section 112,
 - 2) Appendix Chapter G Swimming Pools, Spas and Hot Tubs,
 - 3) Appendix Chapter H Patio Covers, and
 - 4) Appendix Chapter J Existing Buildings and Structures.
- d) 2013 edition of the California Electrical Code (Title 24 Part 3) based upon the 2011 National Electrical Code (NEC), including:
 - 1) Article 89, but not Section 89.108.8.
- e) 2013 edition of the California Mechanical Code (Title 24 Part 4) based upon the 2012 Uniform Mechanical Code (UMC), including:
 - 1) Division II of Chapter 1, but not Section 108.0, 108.1, 108.2.
- f) 2013 edition of the California Plumbing Code (Title 24 Part 5) based upon the 2012 Uniform Plumbing Code (UPC), including:
 - 1) Division II of Chapter 1, but not Section 102.3 or 102.3.1.
- g) 2013 edition of the California Energy Code (Title 24 Part 6)

- h) 2013 edition of the California Historical Building Code (Title 24 Part 8)
- i) 2013 edition of the California Existing Building Code (Title 24 Part 10) based upon the 2012 International Existing Building Code (IEBC)

The 2010 edition of the California Green Building Standards Code only applied to new buildings. The 2013 edition applies to additions and alterations as well, and we have added the Tier 1 mandatory measures:

- j) 2013 edition of the California Green Building Standards Code (CALGreen) (Title 24 Part 11), including:
 - 1) Appendix A4 and Appendix A5 Tier 1 measures, but excluding Appendix A4.2 and A5.2 (Energy Efficiency). The Tier 1 measures shall be mandatory for commercial and residential construction, and verification of such compliance shall be provided by the installer or designer.
- k) 2013 edition of the California Referenced Standards Code (Title 24 Part 12).
- l) 2012 edition of the International Property Maintenance Code, to the extent the same is not inconsistent with the California Buildings Standards Code (California Code of Regulations, Title 12, Parts 1-Part 12), as adopted and amended herein.

A copy of each of these documents is maintained in the office of the Building Official, and reference is made to them with like effect as if all the provisions and printed matter therein were herein set forth in full.

The following sections in red have been added to be consistent with the Fire Code:

Section 15.04.015 Definitions.

Section 202 of the California Building Code and Section R202 of the California Residential Code are both hereby amended to add the definition of "Substantial Remodel" and "Second Unit" 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 twelve-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, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings, repair or replacement of foundations, the installation of energy efficient windows of like size, or the removal of interior wall coverings solely for the installation of insulation.

Second Unit shall mean a completely separate housekeeping unit with kitchen, sleeping and bathroom facilities which is a part of, an extension to, or a separate structure on a site 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.

Section 15.04.020 Automatic Fire Sprinkler Systems, Fire Extinguishers, Smoke Alarms.

Section 903.2 of the California Building Code is hereby amended to read as follows:

903.2 Where Required. All Occupancies and Facilities. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Additionally, 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 Building Code.
- b. Agricultural buildings as defined in Appendix C of the 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.

Exceptions:

- a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
- b. Parcels for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as illustrated in the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.

3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 12 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 12 month period. Exceptions may be granted by the 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.

Sections 313.1 and 313.2 of the California Residential Code are hereby amended to read as follows:

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 Building Code.
- b. Agricultural buildings as defined in Appendix C of the 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.

Exceptions:

- a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
- b. Parcels for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as shown on the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.

3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 12 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 12 month period. Exceptions may be granted by the 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.

Section 903.3 of the California Building Code and Sections R313.1.1 and R313.2.1 of the California Residential Code are both hereby amended by adding the following language:

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 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 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.

Section 906.11 is hereby added to the California Building Code 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.

Section 907.2 of the California Building Code is amended to add the following paragraphs:

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.

Section 907.2.11 is hereby amended by changing the first sentence of the exception to read as follows:

EXCEPTION: For group R occupancies other than single family dwellings.

Section 907.8.5.1 is hereby added as follows:

Section 907.8.5.1 **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.

Section 15.04.020 Plan check fees section number has been changed to:

Section 15.04.025. Plan check fees.

Section 109.2 of the California Building Code ("CBC") is hereby amended to add the following:

When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee.

When private contractors are retained to conduct project plan checks, the plan check fee charged by the Town shall be the total cost of the private plan check plus an additional twenty percent (20%) of that cost to defer administrative services provided by the Town.

Section 15.04.025 Roof coverings section number has been changed to:

Section 15.04.030. Roof coverings.

Section 1505.1 of the California Building Code and Section R902.1 of the California Residential Code are both amended to add the following language:

Notwithstanding anything to the contrary, the roof covering on any structure regulated by this code shall be a Class A Roof Covering Assembly as classified by Section 1505.2. When more than fifty percent (50%) of the total roof area of an existing structure is replaced within a twelve (12) month period, the entire roof must be replaced with a Class A Roof Covering Assembly.

Section 15.04.030 Barriers for Swimming Pools, Spas and Hot Tubs section number has been changed to:

Section 15.04.035. Barriers for Swimming Pools, Spas and Hot Tubs.

The Town Council finds and determines that the maintenance of swimming pools without protective measures constitutes a hazard to the safety of children and other inhabitants of the town and therefore the regulations contained in section 3109 of the 2012 International Building Code (to the extent the same are not inconsistent with the California Building Code) and appendix G of the California Residential Code are hereby adopted and shall apply to existing as well as remodeled and new swimming pools.

Section 15.04.035 Septic Systems section number has been changed to:

Section 15.04.040. Septic systems.

California Plumbing Code Section 713.1 is amended to read as follows:

Every building in which plumbing fixtures are installed and every premises having drainage piping thereon, shall have a connection to a public sewer, except as provided in Sections 713.2, 713.4. of the 2013 California Plumbing Code. Exception: A permit may be issued for the repair, replacement, or alteration of a previously constructed septic tank or sewage disposal system other than a septic system where no public sewer is available upon approval by the Town Council, the Planning Commission, the Marin County Health Department, Sanitary District Number 1 of Marin County, and the Bay Area Water Quality Control Board.

Section 15.04.040 Correcting Past Violations section number has been changed to:

Section 15.04.045. Correcting Past Violations

Before a new permit can be issued for any parcel, all expired permits for a parcel must be reinstated, all work done without a permit on a parcel must be permitted, and all mandatory correction items noted on the Resale Inspection Reports for that parcel must be permitted or corrected.

To California Building Code Section 109.7 and California Residential Code Section R108.7 is added:

Expired permits which are lacking only a final inspection may be reinstated for a fee of \$50 or the cost of the permit, which ever is less.

Section 15.04.050. Fee Adjustments.

The Town Council may, by resolution, revise the fees established by this Chapter 15.04.

The following sections in red have been added to be consistent with the Fire Code:

Section 15.04.055. Alternative Power Supplies.

Section 1509.7.5 of the California Building Code and Section R331.6 of the California Residential Code are added to read as follows:

Alternative Power Supplies. Roof-mounted photovoltaic panels/modules and other alternative electrical power supply sources shall comply with the requirements of the California Building Code as amended, the California Residential Code as amended, the California Electrical Code, and the California Fire Code as amended.

Section 15.04.060. Applicability of 2006 Wildland Urban Interface Code

Section 701 of the California Building Code is hereby amended by adding the following sentence:

Buildings constructed in designated Wildland Urban Interface areas shall also comply with the 2006 Wildland Urban Interface Code as adopted and amended by this Town of Fairfax in Chapter 8.06 of the Town Code.

SECTION 3. Section 15.08.030 of the Municipal Code Amended. Section 15.08.030 of the Town Code is hereby deleted in its entirety and replaced by the following:

Section 15.08.030. Required Prior to Sale or Exchange; Period of Validity.

Section 15.08.030 has been changed to extend the validity from six months to twelve.

Prior Ordinance:

Prior to entering into an agreement of sale or exchange of any residential building, the owner shall obtain from the town a report of the residential building record showing the regularly authorized use, occupancy and zoning classification of the property. The report shall be valid for a period not to exceed **six months** from date of issue.

New Ordinance:

Prior to entering into an agreement of sale or exchange of any residential building, the owner shall obtain from the town a report of the residential building record showing the regularly authorized use, occupancy and zoning classification of the property. The report shall be valid for a period not to exceed 12 months from date of issue.

SECTION 4. Section 15.08.060 of the Municipal Code Amended. Section 15.08.060 of the Town Code is hereby deleted in its entirety and replaced by the following:

Section 15.08.060. Report; Endorsement to Extend Validity; Fee.

Section 15.08.060 has been changed to reflect the change in 15.08.030:

Prior Ordinance:

- (A) Upon written request of the owner prior to the expiration of the **six-month** period referred to in § 15.08.030, the Building Inspector may issue an endorsement to the report, extending its validity for one additional three-month period, showing any changes to the information shown on the original report.

New Ordinance:

(A) Upon written request of the owner prior to the expiration of the **twelve-month** period referred to in § 15.36.030, the Building Inspector may issue an endorsement to the report, extending its validity for one additional three-month period, showing any changes to the information shown on the original report.

(B) The fee for the issuance of the endorsement shall be one-third of the original filing fee.

(C) In cases where the Inspector makes a site visit prior to issuing the endorsement a special inspection fee authorized by resolution of the Town Council shall be charged.

SECTION 5: Validity.

A. Except as specifically provided herein, nothing contained in this Ordinance shall be deemed to modify or supersede any prior enactment of the Town Council which addresses the same subject addressed herein.

B. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

SECTION 6: Ordinance publication and effective date.

A. Within fifteen (15) days after its adoption, this Ordinance shall be posted in at least three public places in the Town of Fairfax as provided in Government Code 36933 and a certified copy of the full text of this Ordinance shall be posted in Town Hall.

B. This Ordinance shall go into effect thirty (30) days after its adoption.

C. The Town Clerk shall cause Sections 2, 3, and 4 of this Ordinance to be codified in the Fairfax Municipal Code.

D. This Ordinance, together with the findings in Exhibit A, shall be filed with the California Building Standards Commission within thirty (30) days after its final passage.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Fairfax Town Council on November 6, 2013 and was passed and adopted at a regular meeting of the Town Council on _____ by the following vote:

AYES:

NOES:

ABSENT:

Mayor

Attests:

Town Clerk

EXHIBIT "A"

**FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS
TO THE CALIFORNIA BUILDING STANDARDS TITLE 24,
PART 2, 2010 CALIFORNIA BUILDING CODE, INCORPORATING
THE INTERNATIONAL BUILDING CODE, 2009 EDITION**

Pursuant to Sections 17958.5 and 17958.7 (a) of the State of California Health and Safety Code, the Town Council of the Town of Fairfax has determined and finds that all the changes or modifications in this ordinance to the California Building Standards Code (California Code of Regulations, Title 24) are necessary because of the following local climatic, geological and/or topographic conditions:

1. The Town is densely populated, with most structures being of combustible wood frame construction.
2. Many buildings were erected prior to the enforcement of zoning and building laws, with the result that many are located extremely close to each other with no provisions for fire protection.
3. Much of the Town contains heavy vegetation, including groves of highly combustible eucalyptus, pine, oak and bay trees with interconnecting canopies.
4. The Town contains steep terrain and narrow roadways, which reduces the fire department's ability to respond to certain emergency situations.
5. A large portion of the Town's topography consists of very steep hillsides, which severely hampers fire fighting efforts.
6. The Town is located in close proximity to the San Andreas and Hayward seismic faults.
7. The Town has a history of significant flooding from the Fairfax and San Anselmo Creeks and their tributaries.

The Town Council of the Town of Fairfax hereby finds and determines that as a result of these conditions and the resulting health and safety hazards, the changes and modifications to the California Building Code (CBC), California Residential Code (CRC), and the California Plumbing Code enacted by Chapter 15.04 of the Town Code are reasonably necessary as listed in the table below:

Section Number	Local climatic, geological and topographical conditions
CBC 202	1, 2, 3, 4, 5, 6
CBC 701	1, 2, 3, 4, 5, 6
CBC 903.2	1, 2, 3, 4, 5, 6
CBC 903.3	1, 2, 3, 4, 5, 6
CBC 906.11	1, 2, 3, 4, 5, 6
CBC 907.2	1, 2, 3, 4, 5, 6
CBC 907.2.11	1, 2, 3, 4, 5, 6

CBC 907.8.5.1	1, 2, 3, 4, 5, 6
CBC1505.1	1, 2, 3, 4, 5, 6
CBC 1509.7.5	1, 2, 3, 4, 5, 6
CRC R202	1, 2, 3, 4, 5, 6
CRC R313.1	1, 2, 3, 4, 5, 6
CRC R313.1.1	1, 2, 3, 4, 5, 6
CRC R313.2	1, 2, 3, 4, 5, 6
CRC R313.2.1	1, 2, 3, 4, 5, 6
CRC R331.6	1, 2, 3, 4, 5, 6
CRC R902.1	1, 2, 3, 4, 5, 6
CPC 713.1	2, 7

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THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

SECTION 1. Findings. The Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, the standards of building within the Town must conform with state law except where local conditions warrant more restrictive regulations, and, therefore, the Town Council should adopt the current California Building Standards Codes, contained in California Code of Regulations, Title 24, and other uniform codes governing the construction and regulation of buildings and structures.

Pursuant to California Health and Safety Code section 17958.7, the Town Council 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 California Building Code, California Code of Regulations, Title 24, Part 2, and California Residential Code, California Code of Regulations, Title 24, Part 2.5, and the California Plumbing Code, California Code of Regulations, Title 24, Part 5, are reasonably necessary because of the local climatic, geological or topographical conditions stated in Exhibit A.

The Town Council of the Town of Fairfax further finds that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, § 15061(b)(3).

SECTION 2. Chapter 15.04 of the Municipal Code Amended. Chapter 15.04 of the Town Code is hereby deleted in its entirety and replaced by the following:

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- d) 2013 edition of the California Electrical Code (Title 24 Part 3) based upon the 2011 National Electrical Code (NEC), including:
 - 1) Article 89, but not Section 89.108.8.
- e) 2013 edition of the California Mechanical Code (Title 24 Part 4) based upon the 2012 Uniform Mechanical Code (UMC), including:
 - 1) Division II of Chapter 1, but not Section 108.0, 108.1, 108.2.
- f) 2013 edition of the California Plumbing Code (Title 24 Part 5) based upon the 2012 Uniform Plumbing Code (UPC), including:
 - 1) Division II of Chapter 1, but not Section 102.3 or 102.3.1.
- g) 2013 edition of the California Energy Code (Title 24 Part 6)

- h) 2013 edition of the California Historical Building Code (Title 24 Part 8)
- i) 2013 edition of the California Existing Building Code (Title 24 Part 10) based upon the 2012 International Existing Building Code (IEBC)
- j) 2013 edition of the California Green Building Standards Code (CALGreen) (Title 24 Part 11), including:
 - 1) Appendix A4 and Appendix A5 Tier 1 measures, but excluding Appendix A4.2 and A5.2 (Energy Efficiency). The Tier 1 measures shall be mandatory for commercial and residential construction, and verification of such compliance shall be provided by the installer or designer.
- k) 2013 edition of the California Referenced Standards Code (Title 24 Part 12).
- l) 2012 edition of the International Property Maintenance Code, to the extent the same is not inconsistent with the California Buildings Standards Code (California Code of Regulations, Title 12, Parts 1-Part 12), as adopted and amended herein.

A copy of each of these documents is maintained in the office of the Building Official, and reference is made to them with like effect as if all the provisions and printed matter therein were herein set forth in full.

Section 15.04.015 Definitions.

Section 202 of the California Building Code and Section R202 of the California Residential Code are both hereby amended to add the definition of "Substantial Remodel" and "Second Unit" 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 twelve-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, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings, repair or replacement of foundations, the installation of energy efficient windows of like size, or the removal of interior wall coverings solely for the installation of insulation.

Second Unit shall mean a completely separate housekeeping unit with kitchen, sleeping and bathroom facilities which is a part of, an extension to, or a separate structure on a site 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.

Section 15.04.020 Automatic Fire Sprinkler Systems, Fire Extinguishers, Smoke Alarms.

Section 903.2 of the California Building Code is hereby amended to read as follows:

903.2 Where Required. All Occupancies and Facilities. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Additionally, 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 Building Code.
- b. Agricultural buildings as defined in Appendix C of the 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.

Exceptions:

- a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
- b. Parcels for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as illustrated in the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.

3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 12 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 12 month period. Exceptions may be granted by the 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.

Sections 313.1 and 313.2 of the California Residential Code are hereby amended to read as follows:

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 Building Code.
- b. Agricultural buildings as defined in Appendix C of the 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.

Exceptions:

- a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
- b. Parcels for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as shown on the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.

3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 12 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 12 month period. Exceptions may be granted by the 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.

Section 903.3 of the California Building Code and Sections R313.1.1 and R313.2.1 of the California Residential Code are both hereby amended by adding the following language:

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

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 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.

Section 906.11 is hereby added to the California Building Code 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.

Section 907.2 of the California Building Code is amended to add the following paragraphs:

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.

Section 907.2.11 is hereby amended by changing the first sentence of the exception to read as follows:

EXCEPTION: For group R occupancies other than single family dwellings.

Section 907.8.5.1 is hereby added as follows:

Section 907.8.5.1 **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.

Section 15.04.025. Plan check fees.

Section 109.2 of the California Building Code ("CBC") is hereby amended to add the following:

When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee.

When private contractors are retained to conduct project plan checks, the plan check fee charged by the Town shall be the total cost of the private plan check plus an additional twenty percent (20%) of that cost to defer administrative services provided by the Town.

Section 15.04.030. Roof coverings.

Section 1505.1 of the California Building Code and Section R902.1 of the California Residential Code are both amended to add the following language:

Notwithstanding anything to the contrary, the roof covering on any structure regulated by this code shall be a Class A Roof Covering Assembly as classified by Section 1505.2. When more than fifty percent (50%) of the total roof area of an existing structure is replaced within a twelve (12) month period, the entire roof must be replaced with a Class A Roof Covering Assembly.

Section 15.04.035. Barriers for Swimming Pools, Spas and Hot Tubs.

The Town Council finds and determines that the maintenance of swimming pools without protective measures constitutes a hazard to the safety of children and other inhabitants of the town and therefore the regulations contained in section 3109 of the 2012 International Building Code (to the extent the same are not inconsistent with the California Building Code) and appendix G of the California Residential Code are hereby adopted and shall apply to existing as well as remodeled and new swimming pools.

Section 15.04.040. Septic systems.

California Plumbing Code Section 713.1 is amended to read as follows:

Every building in which plumbing fixtures are installed and every premises having drainage piping thereon, shall have a connection to a public sewer, except as provided in Sections 713.2, 713.4. of the 2013 California Plumbing Code. Exception: A permit may be issued for the repair, replacement, or alteration of a previously constructed septic tank or sewage disposal system other than a septic system where no public sewer is available upon approval by the Town Council, the Planning Commission, the Marin County Health Department, Sanitary District Number 1 of Marin County, and the Bay Area Water Quality Control Board.

Section 15.04.045. Correcting Past Violations

Before a new permit can be issued for any parcel, all expired permits for a parcel must be reinstated, all work done without a permit on a parcel must be permitted, and all mandatory correction items noted on the Resale Inspection Reports for that parcel must be permitted or corrected.

To California Building Code Section 109.7 and California Residential Code Section R108.7 is added:

Expired permits which are lacking only a final inspection may be reinstated for a fee of \$50 or the cost of the permit, which ever is less.

Section 15.04.050. Fee Adjustments.

The Town Council may, by resolution, revise the fees established by this Chapter 15.04.

Section 15.04.055. Alternative Power Supplies.

Section 1509.7.5 of the California Building Code and Section R331.6 of the California Residential Code are added to read as follows:

Alternative Power Supplies. Roof-mounted photovoltaic panels/modules and other alternative electrical power supply sources shall comply with the requirements of the California Building Code as amended, the California Residential Code as amended, the California Electrical Code, and the California Fire Code as amended.

Section 15.04.060. Applicability of 2006 Wildland Urban Interface Code

Section 701 of the California Building Code is hereby amended by adding the following sentence:

Buildings constructed in designated Wildland Urban Interface areas shall also comply with the 2006 Wildland Urban Interface Code as adopted and amended by this Town of Fairfax in Chapter 8.06 of the Town Code.

SECTION 3. Section 15.08.030 of the Municipal Code Amended. Section 15.08.030 of the Town Code is hereby deleted in its entirety and replaced by the following:

Section 15.08.030. Required Prior to Sale or Exchange; Period of Validity.

Prior to entering into an agreement of sale or exchange of any residential building, the owner shall obtain from the town a report of the residential building record showing the regularly authorized use, occupancy and zoning classification of the property. The report shall be valid for a period not to exceed 12 months from date of issue.

SECTION 4. Section 15.08.060 of the Municipal Code Amended. Section 15.08.060 of the Town Code is hereby deleted in its entirety and replaced by the following:

Section 15.08.060. Report; Endorsement to Extend Validity; Fee.

(A) Upon written request of the owner prior to the expiration of the twelve-month period referred to in § 15.36.030, the Building Inspector may issue an endorsement to the report, extending its validity for one additional three-month period, showing any changes to the information shown on the original report.

(B) The fee for the issuance of the endorsement shall be one-third of the original filing fee.

(C) In cases where the Inspector makes a site visit prior to issuing the endorsement a special inspection fee authorized by resolution of the Town Council shall be charged.

SECTION 5: Validity.

A. Except as specifically provided herein, nothing contained in this Ordinance shall be deemed to modify or supersede any prior enactment of the Town Council which addresses the same subject addressed herein.

B. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portion of this Ordinance. The Town Council of the Town of Fairfax hereby declares that it would have adopted the ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases shall be declared invalid.

SECTION 6: Ordinance publication and effective date.

A. Within fifteen (15) days after its adoption, this Ordinance shall be posted in at least three public places in the Town of Fairfax as provided in Government Code 36933 and a certified copy of the full text of this Ordinance shall be posted in Town Hall.

- B. This Ordinance shall go into effect thirty (30) days after its adoption.
- C. The Town Clerk shall cause Sections 2, 3, and 4 of this Ordinance to be codified in the Fairfax Municipal Code.
- D. This Ordinance, together with the findings in Exhibit A, shall be filed with the California Building Standards Commission within thirty (30) days after its final passage.

THE FOREGOING ORDINANCE was duly and regularly introduced at a regular meeting of the Town Council of the Town of Fairfax held in said Town on the 6th day of November, 2013 and thereafter adopted at a regular meeting of the Town Council on the 4th day of December, 2013 by the following vote, to wit:

AYES:

NOES:

ABSENT:

Mayor

Attest:

Town Clerk

EXHIBIT "A"

**FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS
TO THE CALIFORNIA BUILDING STANDARDS TITLE 24,
PART 2, 2010 CALIFORNIA BUILDING CODE, INCORPORATING
THE INTERNATIONAL BUILDING CODE, 2009 EDITION**

Pursuant to Sections 17958.5 and 17958.7 (a) of the State of California Health and Safety Code, the Town Council of the Town of Fairfax has determined and finds that all the changes or modifications in this ordinance to the California Building Standards Code (California Code of Regulations, Title 24) are necessary because of the following local climatic, geological and/or topographic conditions:

1. The Town is densely populated, with most structures being of combustible wood frame construction.
2. Many buildings were erected prior to the enforcement of zoning and building laws, with the result that many are located extremely close to each other with no provisions for fire protection.
3. Much of the Town contains heavy vegetation, including groves of highly combustible eucalyptus, pine, oak and bay trees with interconnecting canopies.
4. The Town contains steep terrain and narrow roadways, which reduces the fire department's ability to respond to certain emergency situations.
5. A large portion of the Town's topography consists of very steep hillsides, which severely hampers fire fighting efforts.
6. The Town is located in close proximity to the San Andreas and Hayward seismic faults.
7. The Town has a history of significant flooding from the Fairfax and San Anselmo Creeks and their tributaries.

The Town Council of the Town of Fairfax hereby finds and determines that as a result of these conditions and the resulting health and safety hazards, the changes and modifications to the California Building Code (CBC), California Residential Code (CRC), and the California Plumbing Code enacted by Chapter 15.04 of the Town Code are reasonably necessary as listed in the table below:

Section Number	Local climatic, geological and topographical conditions
CBC 202	1, 2, 3, 4, 5, 6
CBC 701	1, 2, 3, 4, 5, 6
CBC 903.2	1, 2, 3, 4, 5, 6
CBC 903.3	1, 2, 3, 4, 5, 6
CBC 906.11	1, 2, 3, 4, 5, 6
CBC 907.2	1, 2, 3, 4, 5, 6
CBC 907.2.11	1, 2, 3, 4, 5, 6

CBC 907.8.5.1	1, 2, 3, 4, 5, 6
CBC1505.1	1, 2, 3, 4, 5, 6
CBC 1509.7.5	1, 2, 3, 4, 5, 6
CRC R202	1, 2, 3, 4, 5, 6
CRC R313.1	1, 2, 3, 4, 5, 6
CRC R313.1.1	1, 2, 3, 4, 5, 6
CRC R313.2	1, 2, 3, 4, 5, 6
CRC R313.2.1	1, 2, 3, 4, 5, 6
CRC R331.6	1, 2, 3, 4, 5, 6
CRC R902.1	1, 2, 3, 4, 5, 6
CPC 713.1	2, 7