

ORDINANCE NO. 17-964

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SPECIFIC CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2, INCLUDING APPENDIX CHAPTERS C AND F; THE 2016 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; THE 2016 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2016 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2016 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2016 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2016 EDITION OF THE CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTERS A, B, BB, C, CC, H, F, AND K; AND THE 2015 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS INCLUDING FEES AND PENALTIES

**WHEREAS**, the California Health and Safety Code establishes a Building Standards Commission whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code, commonly called Title 24; and

**WHEREAS**, the Building Standards Commission also establishes a date that these codes become effective throughout the state; and

**WHEREAS**, adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of Montclair; and provision for issuance of permits and collection of fees therefore; and

**WHEREAS**, Building Standards Code does *not* include adoption of procedural ordinances by a city or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

**NOW, THEREFORE, THE CITY THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I.** Section 10.02.010, "Definitions," of Chapter 1.02 of the Montclair Municipal Code is hereby amended to include the following revised existing definitions:

**10.02.010. Definitions.**

**Fire control center** means a central location within a high-rise building for Fire Department operations and monitoring of such systems and equipment as required in this title. For the purpose of this section, fire control center also means fire command center.

**High-rise building**, in other than Group 1-2 occupancies, means every building of any type of construction or occupancy having floors used for human occupancy located more than 45 feet above the lowest floor level having building access (see California Building Code Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250.

**10.08.010. Adoption.**

Except as provided in this Chapter, those certain building codes known and designated as the California Building Code, 2016 Edition, Volumes 1 and 2, including Appendix Chapters "I," and "J," based on the 2015 International Building Code as published by the International Code Council, shall be and become the Building Codes of the City of Montclair for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building and/or structure or any appurtenances connected or attached to such buildings or structures throughout the City. The California Building Code and its appendix chapters will be on file for public examination in the office of the Building Official.

**SECTION II.** Section 10.08.020 of the Montclair Municipal Code is hereby deleted in its entirety and replaced as follows:

**10.08.020. Building Code amendments.**

The following Section of Chapter 1, "Scope and Administration, Division I, California Administration," is hereby amended as follows:

1.8.8 Appeals Board. Subsection 1.8.8 is hereby deleted in its entirety.

The following portions and sections of Chapter 1, "Scope and Administration, Division II, Scope and Administration," are hereby amended as follows:

The following language shall be added to Subsection 101.2, "Scope":

In order to properly maintain and safeguard healthful living conditions and comply with all provisions of the Building Codes, it is hereby declared unlawful to use any streetcars, boxcars, house cars, motor bus bodies, or similar means of conveyance or structures of similar nature of construction, for places of habitation, residence, or place of business in this City. However, nothing contained herein shall prohibit the use of any house trailer or mobile home for places of abode or habitation in an approved mobile home park, provided such structures comply with all other conditions and requirements of this Code.

The following language shall be added to Subsection 102.1, "General":

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Code or any part thereof is in conflict with the Fire Code, the most restrictive shall be applicable.

Subsection 104.12, "Cooperation of Other Officials and Officers," shall be added as follows:

104.12 Cooperation of Other Officials and Officers. The Building Official may request and shall receive the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this Code or other pertinent laws or ordinances.

Subsection 105.2, "Work exempt from permit," is hereby amended as follows:

Item 1 under "Building" is hereby amended as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet or measures over 8 feet in height to the highest point of the roof.

Item 2 under "Building" is hereby deleted in its entirety.

Item 4 under "Building" is hereby deleted in its entirety and replaced as follows:

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

Item 9 under "Building" is hereby deleted in its entirety.

Subsection 105.5, "Expiration," is hereby adopted and amended to read as follows:

Every permit issued by the Building Official under the provisions of the technical codes shall expire by limitation and become null and void, if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further, that such suspension or abandonment has not exceeded one year. In

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

A permittee holding an unexpired permit may apply for an extension of the time within which work may commence under the permit when the permittee is unable to commence work within the time required by this Section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken. Permits shall not be extended more than once.

Section 107, "Submittal Documents," is hereby adopted and amended as follows:

Subsection 107.5, "Retention of construction documents," is hereby amended by adding the following language:

The City shall have electronic images created of all plans, engineering calculations, and records that are submitted for the purpose of obtaining a building permit.

Section 109, "Fees," is hereby adopted and amended as follows:

Subsection 109.2, "Schedule of permit fees," is hereby amended by adding the following language:

When submittal documents are required by Section 109, a plan review fee shall be paid at the time of submittal of documents for plan review. Fees shall be assessed in accordance with the Development Review Fee Schedule established by resolution of the City Council. When the City retains a private entity or person to perform plan review, the plan review fee shall be in an amount sufficient to defray the cost of such services, plus a 15 percent fee to cover the cost of administration, but in no case shall the plan review fee be less than the amount specified in this Section.

Subsection 109.4, "Work commencing before permit issuance," is hereby deleted in its entirety and replaced as follows:

109.4 Work Commencing before permit issuance. Whenever work for which a permit is required by this Code has been commenced without first obtaining a permit, a special investigation shall be made before a permit may be issued for such work. 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 required in accordance with the schedule as established by the applicable governing authority. The minimum investigation fee shall be the same as the minimum fee set forth in accordance with the schedule as established by the applicable governing authority. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this Code or the technical codes, nor from the penalty prescribed by law. Whenever the same person or entity is found to have performed work for which a permit is required without first obtaining said permit four or more times, said investigation fee shall be ten times the fee amount set forth in accordance with the schedule as established by the applicable governing authority.

Subsection 109.6, "Refunds," is hereby deleted in its entirety and replaced as follows:

109.6 Refunds. The Building Official may authorize refunding of a fee paid hereunder that was erroneously paid or collected. The Building Official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this Code. The Building Official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or cancelled before any examination time has been expended. The Building Official shall not authorize the refunding of any fee paid except upon written request filed by the original permittee not later than 180 days after the date of payment.

Section 110, "Inspections," is adopted and amended by adding the following subsection:

110.1.1 Workmanship. It is the intention of the City that all construction carried on under the review of the Building Division is of good quality. The Building Official shall be empowered to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3½ inches for flat concrete work and 2 inches for asphalt paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

Subsection 110.3.4, "Frame inspection," is hereby amended by adding the following language:

The structure shall have lath paper completely installed at the time of framing inspection.

Subsection 110.3.5, "Lath and gypsum," is hereby amended by deleting the "exception" in its entirety.

Subsection 110.3.8, "Other inspections," is hereby amended by adding the following language:

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This Section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or deviation from plans requiring the approval of the Building Official. To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

Subsection 110.5, "Inspection requests," is hereby deleted in its entirety and replaced as follows:

110.5 Inspection requests. It shall be the duty of the person doing the work authorized by the permit to notify the Building Official that such work is ready for inspection. The Building Official may require that every request for inspection be filed at least one working day before such inspection is desired. Such request may be requested in writing or by telephone at the option of the Building Official. It shall be the duty of the person requesting any inspections required by either this Code or the technical codes to provide access to and means for inspection of the work.

Section 111, "Certificate of Occupancy," is hereby adopted and amended by adding the following subsection:

111.5 Utility release. The following minimum requirements shall be completed prior to any occupancy or utility connection:

- (1) Written clearance from the Fire and Public Works Departments and Planning and Business License Divisions.
- (2) Written clearance from Monte Vista Water District, NPDES Coordinator and Environmental Manager, when applicable.
- (3) The following, when applicable:
  - (a) Verification of school fees paid.
  - (b) Grading certificate received.
  - (c) All subsequent plan review and permit fees paid.

- (d) Sewer assessment fees paid.
- (e) Hazardous materials statements received.
- (f) Subcontractor's list received.
- (g) Parkland development fees received.
- (h) Transportation development impact fees received.

Section 114, "Violations," is hereby adopted and amended as follows:

Subsection 114.4, "Violation penalties," is hereby amended by adding the following language:

Whenever the same person or entity is found to have performed work for which a permit is required without first obtaining said permit four or more times, said investigation fee shall be ten times the fee amount set forth in Section 108.

**SECTION III.** Sections 10.20.010 and 10.20.020 of the Montclair Municipal Code are hereby amended as follows:

**10.20.010. Adoption.**

Except as provided in this Chapter, the California Electrical Code, 2016 Edition, based on the 2014 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Montclair, regulating all installation, arrangement, alteration, repair, use, and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the City. The California Electrical Code is on file for public examination in the office of the Building Official.

The 2016 Edition of the California Electrical Code is hereby adopted with no amendments.

**SECTION IV.** Section 10.24.010 of the Montclair Municipal Code is hereby amended as follows:

**10.24.010. Permit required - Fee.**

No person shall erect or install any fence or block or masonry wall without first obtaining a permit to do so from the Building Official. The fee for a fence permit shall be pursuant to the City's Development Review Fee Schedule as established by resolution of the City Council which shall include the cost of inspection of such fence. The fee for a block or masonry wall permit shall be in accordance with the Development Review Fee Schedule as established by resolution of the City Council

**SECTION V.** Article I of Chapter 10.28 of the Montclair Municipal Code is hereby repealed in its entirety and replaced with the following:

**10.28.010. Adoption.**

- A. There is adopted by the City Council for the purpose of prescribing regulations governing conditions hazardous to life and property from fire, hazardous materials or explosion, that certain Code known as the California Fire Code, 2016 Edition, based on the 2015 International Fire Code as published by the "International Code Council," and referenced as the California Code of Regulations, Title 24, Part 9, including: Chapter 5, Sections 503 and 510.3, and Appendices A, B, BB, C, CC, F, H, and K, and the whole thereof, save and except such portions as are hereinafter deleted, modified, or amended by this chapter. The California Fire Code and its appendix chapters will be on file for public examination in the Office of the Fire Marshal, and the same are hereby adopted and incorporated as fully as if set out at length in this chapter, and from the date on which the Ordinance codified in this chapter shall take effect, the provision thereof shall be controlling within the corporate limits of the City of Montclair and the jurisdiction of the Fire Department.
- B. The modifications and changes adopted in this Chapter are reasonably necessary because of local climatic, geological, and topographical conditions as set forth in Resolution No. 13-3014 on file in the City Clerk's Office and incorporated in this Chapter as though fully set forth. These facts and findings are made pursuant to Sections 17958, 17958.5, and

17958.7 of the California Health and Safety Code and the California Building Standards Commission.

**10.28.020. Bureau of Fire Prevention—Established—Supervision.**

- A. The California Fire Code shall be enforced by the Office of the Fire Marshal in the Fire Department of the City, which is established and which shall be operated under the supervision of the Fire Chief or his/her designee.
- B. The Fire Chief or his/her designee shall also act as the Fire Marshal.

**10.28.030. Storage of flammable or combustible liquids—Districts in which prohibited.**

- A. The limits referred to in Chapter 55, Section 5504.3.1.1 of the California Fire Code in which the storage of flammable cryogenic fluids in stationary containers outside of buildings is restricted are established as follows: The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited.
- B. The limits referred to in Chapter 57, Section 5704.2.9.6.1 of the California Fire Code in which the storage of Class I and Class II flammable and combustible liquids in aboveground tanks outside of buildings is restricted are established as follows: The storage of Class I and Class II flammable and combustible liquids in above-ground tanks outside of buildings is prohibited.
- C. Section 5704.2.9.6.1 is amended to include the limits of storage of Class IIIA and Class IIIB combustible liquids in aboveground tanks outside of buildings is restricted and amended as follows: The storage of Class IIIA and Class IIIB liquids in aboveground tanks outside of buildings shall be limited to tanks not exceeding 500 gallons.
- D. Section 5704.2.9.6.1.1, "Location of tanks with pressures 2.5 psig or less," is amended to read as follows:

Aboveground tanks operating at pressures not exceeding 2.5 psig (17.2 kPa) for the storage of Class I, II, or IIIA liquids shall be restricted to listed concrete vaults in industrial and manufacturing areas where, in the opinion of the Fire Marshal, aboveground tanks would not create undue hazard to nearby occupants or property. Quantities shall be limited to 1000 gallons of Class I liquid and 2000 gallons of Class II and IIIA liquids. In no case shall the aggregate of Class I and Class II liquids exceed 2500 gallons at one site.

- E. Section 5504.2.9.6.1.2, "Location of tanks with pressures exceeding 2.5 psig," is amended to read as follows:

Aboveground tanks operating pressures exceeding 2.5 psig (17.2 kPa) or equipped with emergency venting allowing pressures to exceed 2.5 psig (17.2 kPa) for the storage of Class I, II, or IIIA liquids shall be restricted to listed concrete vaults in industrial and manufacturing areas where, in the opinion of the Fire Marshal, aboveground tanks would not create undue hazard to occupants or property. Quantities shall be limited to tanks not exceeding 1000 gallons of Class I liquid and 2000 gallons of Class II and IIIA liquids. In no case shall the aggregate of Class I and Class II liquids exceed 2500 gallons at one site.

- F. Section 5504.2.9.6.1.5, "Location of tanks for Class IIIB liquids," is amended to read as follows:

Aboveground tanks for the storage of Class IIIB liquids, excluding unstable liquids, shall be restricted to industrial and manufacturing areas where, in the opinion of the Fire Marshal, aboveground tanks would not create undue hazard to occupants or property. Quantities shall be limited to tanks not exceeding 2500 gallons. In no case shall the aggregate of Class IIIB liquids exceed 5000 gallons at one site.

**10.28.040. Storage of liquefied petroleum gas restricted.**

The limits referred to in Chapter 61, Section 6104.2 of the California Fire Code, in which the storage of liquefied petroleum gas is restricted, are established as follows: Aboveground liquefied petroleum gas containers shall be limited to containers of not more than 2,000 gallons water capacity. The maximum aggregate capacity per site shall not exceed that as specified in Section 6104.2.

**10.28.050. Storage of explosives and fireworks restricted.**

Chapter 56, Section 5603.1.1, "Scope," is amended to read as follows:

5603.1.1 Scope. The storage of explosives is prohibited within the jurisdiction. Exceptions: Exceptions are as outlined in Section 5603.1.1:

- (1) The Armed Forces of the United States, Coast Guard, or National Guard.
- (2) Explosives in forms prescribed by the official United States Pharmacopeia.
- (3) The possession, storage, and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
- (4) The use of explosive materials by federal, state, and local regulatory, law enforcement, and fire agencies acting in their official capacities.
- (5) Items preempted by federal regulations.

**10.28.060. Amendments**

- A. Subsection 103.2 Appointment established.

Subsection 103.2 of Section 103 of Chapter 1 of the California Fire Code is hereby deleted in its entirety.

- B. Subsection 103.4.2 is added to Section 103 of Chapter 1 of the California Fire Code to read as follows:

103.4.2 Liability for Costs. The expenses for the response or any action by the Montclair Fire Department that is the result of a violation of the provisions of this Code or any damage caused by malicious mischief or any action determined to be negligent requiring any assistance, corrective, or preventive action conducted by Fire Department personnel shall be a charge against the responsible person, company, or agent whose violation or action caused the Fire Department response. Expenses caused by such response or actions shall constitute a debt of such person, company, or agent. The Fire Marshal shall keep an itemized account of expenses incurred by the City in carrying out the duties hereunder and shall prepare and file a report of such expenses, as outlined in the Montclair Fire Department Policy Manual, with the City Treasurer, together with the names and addresses of those responsible. The City Treasurer shall give notice to such person, company, or agent, who shall be afforded an opportunity to be heard regarding such charges by requesting to be heard within 15 days after the mailing of such notice. The City Treasurer shall take such reasonable and necessary action to recover such expenses from any and all responsible persons, companies, or agents.

- C. Subsection 104.10.2 is added to Section 104 of Chapter 1 of the California Fire Code to read as follows:

104.10.2 Police Powers. The Fire Marshal and members of the arson investigation unit shall have the powers of a police officer in

performing their duties under this Code and as defined in Section 830.37 of the California Penal Code.

- D. Subsection 105.3.9 is added to Section 105 Chapter 1 of the California Fire Code to read as follows:

105.3.9 Conditions of Permits. Fees. The City Council of the City of Montclair shall establish, as permitted by law, standard governing fees for the issuance of permits. Said fees shall be established by Resolution.

- E. Subsection 108.1 Board of Appeals established.

Subsection 108.1 of Section 108 of Chapter 1 of the California Fire Code is hereby deleted in its entirety.

- F. Subsection 109.4 of Section 109 of Chapter 1 of the California Fire Code is amended to read as follows:

109.4 Violation penalties. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair, or do work in violation of the approved construction documents or directive of the Fire Marshal or his/her designee, or of a permit or certificate used under provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than One Thousand (1,000) dollars or by imprisonment in the City or County jail for a period not to exceed 180 days, or by both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- G. Subsection 315.3.5 is added to Section 315 of the California Fire Code to read as follows:

315.3.5 Mobile Home Sales Lots. The spacing between individual mobile homes located on mobile home sales lots shall not be less than ten (10) feet and not less than five (5) feet from any property line.

- H. Subsection 503.2.4 of Section 503 of the California Fire Code is amended to read as follows:

503.2.4 Turning radius. The required turning radius of a fire apparatus access road or any required interior roadway of any facility or commercial or residential development shall be determined by the Fire Department.

- I. Subsection 503.4.1 is added to Section 503.4 of the California Fire Code to read as follows:

503.4.2 Penalties. The parking of vehicles within a properly posted or designated fire apparatus access road may be cited or removed at the owner's expense as provided by law.

- J. Subsection 903.2 of the California Fire Code is replaced to read as follows:

903.2 Where required. Approved automatic fire sprinkler systems in buildings and structures shall be required in the locations described in Sections 903.2.1 through 903.2.12 and as follows:

- (1) Every structure hereafter constructed, erected, or moved onto a property, regard-less of separation walls as outlined in the California Building Code, shall have an approved automatic fire sprinkler system installed throughout therein.
- (2) Every structure, except Group R, Division 3, and Group R, Division 4 occupancies, here-after remodeled, rebuilt, or renovated where such costs exceed fifty (50) percent of

the assessed valuation as determined by the San Bernardino County Tax Assessor shall have an approved automatic fire sprinkler system installed throughout therein.

- (3) Group R, Division 3, and Group R, Division 4 occupancies, including attached Group U occupancies, where fifty (50) percent or more of the existing floor area is hereafter added to, remodeled, rebuilt, or renovated shall have an approved automatic fire sprinkler system installed throughout therein.
- (4) Every approved automatic fire sprinkler system shall have one (1) exterior Audible Device, connected to water flow alarm device installed on each riser.
- (5) Each approved automatic fire sprinkler system shall maintain a stock of at least one spare sprinkler that corresponds to the types and temperatures of those installed in the system. The stock of spare sprinklers and wrench shall be stored in a cabinet which shall be mounted as close to the system riser as practical.

Exceptions:

- (1) Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries, and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than one-hour fire-resistance-rated walls and two-hour fire-resistance-rated floor/ceiling assemblies.
- (2) Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17.
- (3) Outdoor, detached storage facilities of 200 square feet or less.
- (4) Any work for which a building permit is not required.
- (5) Block walls.
- (6) Swimming pools and spas.
- (7) Lattice patio covers.
- (8) Reroofing.
- (9) Decks.
  - (i) Except a covered deck constructed as part of a new building or structure.
- (10) Gazebos.
- (11) Solar photovoltaic panels supported by a structure over parking stalls where the panels constitute the roof.

K. Subsection 903.3.1 of the California Fire Code is amended to read as follows:

903.3.1 Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by Sections 903.3.1.2 and 903.3.1.3, and the following:

- (1) Every sprinkler system shall have at least one (1) fire department connection located within fifty (50) feet of a fire hydrant.

Exceptions:

- (i) Sprinkler systems complying with NFPA 13 D (latest edition).
  - (ii) Sprinkler systems supplying fewer than twenty (20) heads.
- (2) Sprinkler system risers shall be located within buildings or structures.
  - (3) Post indicator valves, riser control valves, or secondary control valves shall be located and installed as determined by the Montclair Fire Department.
  - (4) Each fire department connection and any controlling valves shall bear a nameplate indicating occupancy name, address, or both as determined by the Fire Department.
  - (5) Minimum underground pipe size shall be six (6) inches in diameter.

Exceptions:

- (i) Sprinkler systems hydraulically calculated may have an underground pipe size of a smaller diameter upon approval of the Fire Department.
  - (ii) Sprinkler systems designed per NFPA 13 D (latest edition).
- (6) Minimum sprinkler system design requirements for new multi-occupancy retail centers shall be as required for NFPA 13 (latest edition), ordinary hazard (group 2).
  - (7) Minimum sprinkler system design requirements for new industrial "spec" buildings shall be as required for NFPA 13 (latest edition), extra hazard (group 1).
  - (8) NFPA 13 R (latest edition) sprinkler systems shall utilize separate underground water mains to supply the fire sprinkler system and the domestic water supply.

- L. Subsection 907.1.6 is added to Section 907 of the California Fire Code to read as follows:

907.1.6 False Alarms. More than two (2) false alarms transmitted from any required or nonrequired fire alarm system in a one (1) month period of time or three (3) false alarms transmitted from any required or nonrequired fire alarm system in any two (2) month period of time shall result in an assessment of fees for services provided by the Fire Department for all subsequent false alarms in the remainder of the calendar year.

- M. Subsection 1021.1.4 is added to Section 1021 of the California Fire Code to read as follows:

1021.1.4 Second Exit Required. Where the third floor and above within an individual dwelling unit, a Group R, Division 3 congregate residence, or a Group R, Division 4 occupancy exceeds 750 square feet of gross floor area, a second exit shall be provided. For the purposes of this section, the gross floor area shall include all interior and exterior walls, stairways, shafts, and courts.

**SECTION VI.** Article II of Chapter 10.28 of the Montclair Municipal Code is hereby amended as follows:

**10.28.100. Permits required.**

Section 10.28.100 is amended to read as follows:

10.28.100 Permits required.

Reference California Fire Code, Chapter 1, Subsection 105.1.1 of Section 105.

**SECTION VII.** Chapter 10.28 of the Montclair Municipal Code is hereby amended as follows:

**10.28.150. High-Rise Building Regulations – Intent.**

Section 10.28.150(A) is repealed in its entirety.

Section 10.28.150(B) [now "Section 10.28.150(A)"] is amended to read as follows:

10.28.150 Intent.

A. If no specific standards or requirements are specified in this chapter, or contained within other applicable laws, adopted codes or ordinances, compliance with the standards of the American Insurance Association, Factory Mutual Engineering, the National Fire Protection Association, or other nationally recognized fire safety standards as are approved by the Fire Marshal and Building Official, shall be deemed prima facie evidence of compliance with this intent.

**10.28.160. Scope.**

Section 10.28.160(A) is amended to read as follows:

10.28.160 Scope.

A. Every high-rise building 45 feet in height above the lowest floor level having building access as defined in Section 10.02.010 hereafter constructed shall conform to Section 10.28.180.

**10.28.220. Exits.**

Section 10.28.220(B) is amended to read as follows:

10.28.220 Exits.

B. Smoke-proof enclosures may be eliminated if all enclosed stairways are pressurized pursuant to the requirements of the California Building Code.

**10.28.250. Seismic considerations.**

Section 10.28.250 is amended to read as follows:

10.28.250 Seismic considerations.

A. Every high-rise building shall have the anchorage of the following mechanical and electrical equipment designed and installed in accordance with the California Building Code for lateral force based on ASCE 7 unless data substantiating a lesser value is furnished.

- (1) Elevator drive and suspension systems.
- (2) Standby power and lighting facilities.
- (3) Fire pumps, automatic fire extinguishing systems, and other fire protection equipment.
- (4) Air handling equipment regulated by this chapter.

B. Verification of such conformance shall be substantiated by a licensed structural engineer.

**10.28.280. Automatic sprinkler systems.**

Section 10.28.280(B) is amended to read as follows:

10.28.280 Automatic sprinkler systems.

B. In addition to the main water supply, a secondary onsite supply of water equal to the hydraulically calculated sprinkler design demand, plus 100 gallons per minute additional for the total standpipe system, shall be provided. This supply shall be automatically available if the principal supply falls, and shall have a duration of 30 minutes. The onsite supply of water as indicated above shall be maintained in a separate system from the public domestic water system, and shall conform to all applicable cross-connection requirements of the City Engineer's Office.

**10.28.290. Fire control center.**

Section 10.28.290 is amended to read as follows:

10.28.290 Fire command center.

A. Every high-rise building in excess of 75 feet, as specified in Section 10.28.160(B), shall be provided with a fire command center located near or adjacent to the main entrance to the building or at any location approved by the Fire Marshal and Building Official. The fire command center shall be directly accessible from the outside of the building, consistent with standards developed by the Fire Marshal.

B. The fire command center shall be designed to accommodate the functional control and command personnel required to conduct an emergency activity. There shall be a minimum net floor area of 200 square feet with minimum dimension of 1 foot. This floor area shall not be encumbered upon by any walls, equipment, or other appurtenances not necessary to the function of the room.

C. The fire command center shall be separated from the remainder of the building by not less than a one-hour fire barrier, or minimum construction as required by the California Building Code, with all openings protected by assemblies having a fire-resistive rating of not less than 90 minutes or minimum construction as required by the California Building Code.

D. The fire command center shall be used to house the following equipment:

- (1) Voice communication control equipment including equipment necessary to the function of the control unit and its display and status panels.
- (2) Fire alarm and fire detection control equipment including equipment necessary to the function of the control unit and its display and status panels.
- (3) Status indicators and controls for elevators.
- (4) Air handling system status indicators and control switches.
- (5) Controls for unlocking stairway doors and status board indicating whether such doors are locked or unlocked.
- (6) Sprinkler valve supervision and water flow detector display panels.
- (7) Alarm, water flow, and trouble signals shall be annunciated by means of an audible signal and a visual

display, which indicates the building, floor, zone, or other designated area from which the alarm, water flow, or trouble signal originated.

- (8) Standby power status display and controls.
- (9) A telephone connected to the public telephone system adjacent to the Fire Department communication systems. This telephone to be for express use of the Fire Department. Telephones for building occupant use shall be separate.
- (10) Intercom to exterior of fire command center to allow for verbal communication without opening the door.
- (11) Supervision indicator of the Fire Department's cabinets.
- (12) Three certified copies of the building floor plans, mechanical plans, and electrical plans.
- (13) Three copies of the Fire Department pre-plans.
- (14) Other fire protection equipment and system controls, such as the following:
  - (a) Water tank level indicators.
  - (b) Fire pump controls and status indicators.
  - (c) Fire level indicator on auxiliary generators and fire pumps.
- (15) Any other similar equipment, controls, or status indicators as deemed necessary by the Fire Marshal and Building Official.

E. Any equipment that is a status indicator shall be in the form of a graphic annunciator. The graphic annunciator shall be a line diagram of the building with the lights and activation switches in proper perspective on the diagram. The graphic annunciator shall be further keyed to the required building floor plans per floor and location on the floor.

F. As well as the graphic annunciator, an alpha-numeric printout of all status indications or switch activations, along with the date and time of alarm or activation, shall be provided. This printout shall also be coded to provide the location of the activation on the building floor plans per floor and location of the floor.

G. The fire command center shall not be used for the housing of any boiler, heating unit, generator, or storage.

#### **10.28.030. Emergency helicopter landing facility.**

Section 10.28.030 of the Montclair Municipal Code is hereby repealed in its entirety and replaced with the following:

#### **10.28.030 Emergency helicopter landing facility.**

Each high-rise building, in excess of 75 feet, as specified in Section 10.28.160(B) shall incorporate an emergency helicopter landing facility located on the roof of the building in an area approved by the Fire Department in accordance to Section 412.7 of the California Building Code and the following:

- A. A landing glide slope angle determined by a ratio of eight feet horizontal distance for every one foot of vertical clearance required. Two such approaches shall be available at least 90 degrees removed from each other.

- B. A clear, unobstructed landing and takeoff area with a minimum dimension of 100 feet by 100 feet and a reinforced touchdown area having a minimum dimension of 50 feet by 50 feet.
- C. If the roof has no parapet wall, a substantial fence or safety net shall be provided around the perimeter of the roof in such a manner that it will not restrict or reduce the required landing and takeoff area.
- D. A wind-indicating device shall be provided.
- E. The roof top shall be marked by an emergency marker as required by the Fire Marshal.
- F. The roof top shall be marked with the numerical street address of the building with the numbers facing the street frontage corresponding to the address. The size of the numbers is to be three feet high and one foot wide.

**SECTION VIII.** Sections 10.30.010 and 10.30.020 of the Montclair Municipal Code are hereby amended as follows:

**10.30.010. Adoption.**

Except as provided in this Chapter, the California Green Standards Code, 2016 Edition, as published by the California Building Standards Commission, shall be and become the Green Building Standards Code of the City of Montclair, regulating and controlling the planning, design, operation, use and occupancy of every newly constructed building or structure in the City. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

**10.30.020. Green Building Standards Code amendments.**

The 2016 Edition of the California Green Building Standards Code is hereby adopted with no amendments.

**SECTION IX.** Section 10.32.10 of the Montclair Municipal Code are hereby repealed in its entirety and replaced with the following:

**10.32.10. Adoption.**

Except as provided in this chapter of the International Property Maintenance Code, 2015 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, is referenced to and, by such reference, incorporated in this chapter and adopted as the Property Maintenance Code of the City of Montclair, except as certain portions are hereinafter specifically amended. One copy of the Property Maintenance Code certified by the City Clerk of the City of Montclair shall be filed and kept in the Building Division for use and examination by the public.

The 2015 Edition of the International Property Maintenance Code is hereby adopted with no amendments.

**SECTION X.** Sections 10.36.010 and 10.36.020 of the Montclair Municipal Code are hereby amended as follows:

**10.36.010. Adoption.**

Except as provided in this Chapter, the California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City of Montclair, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

**10.36.020. Mechanical Code amendments.**

The 2016 Edition of the California Mechanical Code is hereby adopted with no amendments.

**SECTION XI.** Sections 10.40.010 and 10.40.020 of the Montclair Municipal Code are hereby amended as follows:

**10.40.010. Adoption.**

Except as provided in this Chapter, the California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO) shall be and become the Plumbing Code of the City of Montclair, regulating erection, installation, alteration, repair, relocation, replacement, maintenance, or use of plumbing systems within the City. The California Plumbing Code is on file for public examination in the office of the Building Official.

**10.40.020. Plumbing Code amendments.**

The 2016 Edition of the California Plumbing Code is hereby adopted with no amendments.

**SECTION XII.** Section 10.42.010 of the Montclair Municipal Code is hereby amended as follows:

**10.42.010. Adoption.**

Except as provided in this Chapter, the California Residential Code, 2016 Edition, based on the 2015 International Residential Code, as published by the California Building Standards Commission, shall be and become the Residential Building Code of the City of Montclair, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling and townhouse not more than three stories above grade in height with a separate means of egress and structures accessory thereto in the City. The California Residential Code is on file for public examination in the office of the Building Official.

**SECTION XIII.** Section 10.42.020 of the Montclair Municipal Code is hereby deleted in its entirety and replaced as follows:

**10.42.020. Residential Code amendments.**

The following portions and sections of Chapter 1, "Scope and Application, Division I, California Administration," and Division II, "Administration," are hereby amended as follows:

1.8.4 Permits, Fees, Applications and Inspections. Section 1.8.4 is hereby deleted in its entirety.

1.8.8 Appeals Board. Section 1.8.8 is hereby deleted in its entirety.

1.8.9 Unsafe Buildings or Structures. Section 1.8.9 is hereby deleted in its entirety.

Section R105, "Permits," is hereby amended as follows:

Item 1 under "Building" is hereby amended as follows:

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet or measures over eight (8) feet in height to the highest point of the roof.

Item 2 under "Building" is hereby deleted in its entirety.

Item 3 under "Building" is hereby deleted in its entirety and replaced as follows:

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

Item 7 under "Building" is hereby deleted in its entirety and replaced as follows:

7. Prefabricated swimming pools that are capable of containing water to a depth of not more than 12 inches.

Section R109, "Inspection," is hereby adopted and amended by adding the following subsections:

R109.0.1 Workmanship. It is the intention of the City that all construction carried on under the review of the Building Division is of good quality. The Building Official shall be empowered to enforce the installation of work that is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3 1/2 inches for flat concrete work and 2 inches for asphalt paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

Subsection R109.1.4, "Frame and masonry inspection," is hereby amended by adding the following language:

The structure shall have lath paper completely installed at the time of framing inspection.

Subsection R109.1.5, "Other inspections," is hereby amended by adding the following language:

A reinspection fee may be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when corrections called for are not made. This Section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of the technical codes but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection. Reinspection fees may be assessed when the inspection record card is not posted or otherwise available on the work site, the approved plans are not readily available to the inspector, for failure to provide access on the date for which inspection is requested, or deviation from plans requiring the approval of the Building Official. To obtain a reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with a fee schedule adopted by this jurisdiction. In instances where reinspection fees have been assessed, additional inspection of the work will not be performed until the required fees have been paid.

**SECTION XIV.** Section 10.56.020 of the Montclair Municipal Code is hereby deleted in its entirety and replaced as follows:

**10.56.020. Administrative Code amendments.**

The following portions and sections of the Administrative Code are amended as follows:

Subsection 101.3, "Scope," is hereby amended by adding the following language:

In order to properly maintain and safeguard healthful living conditions and comply with all provisions of the latest adopted codes, It is declared unlawful to use any streetcars, boxcars, house cars, motor bus bodies, or similar means of conveyance, or structures of similar nature of construction, for places of habitation, residence, or place of business in this City provided, however, that nothing contained herein shall prohibit the use of any house trailer or mobile home for places of abode or habitation in an approved mobile home park, provided such structures comply with all other conditions and requirements of this Code.

Subsection 301.2.1, "Building permits," is hereby amended as follows:

Item 2 is hereby deleted in its entirety.

Item 5 is amended to read as follows:

Retaining walls that are not over three feet in height, measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II, or III-A liquids.

Item 11 is hereby deleted in its entirety.

Subsection 304.1, "General," is hereby deleted in its entirety and replaced as follows:

Fees shall be assessed in accordance with the Development Review Fee Schedule as established by resolution of the City Council of the City of Montclair. For buildings, structures, electrical, plumbing, mechanical gas or alterations requiring a permit, a fee for each permit shall be paid in accordance with said fee schedule.

Subsection 304.2, "Permit Fees," is hereby deleted in its entirety.

Subsection 304.3, "Plan Review Fees," paragraph one, is hereby deleted in its entirety and replaced as follows:

When submittal documents are required by Subsection 302.2, a plan review fee shall be paid at the time of submittal of documents for plan review. The plan review fee shall be established in the Development Review Fee Schedule as established by resolution of the City Council of the City of Montclair.

Subsection 304.3, "Plan Review Fees," paragraph two, is hereby deleted in its entirety and replaced as follows:

The plan review fees for electrical, mechanical and plumbing work shall be established in the Development Review Fee Schedule as established by resolution of the City Council of the City of Montclair.

Subsection 304.3, "Plan Review Fees," paragraph three, is hereby deleted in its entirety and replaced as follows:

When a plan for grading work is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said grading plan review fees are established by resolution of the City Council of the City of Montclair. Separate plan review fees shall apply to retaining walls of major drainage structures as required elsewhere in this Code.

Subsection 304.3, "Plan Review Fees," is hereby amended by adding the following language:

When the City retains a private entity or person to perform plan review, the plan review fee shall be in an amount sufficient to defray the cost of such services, plus a 15 percent fee to cover the cost of administration, but in no case shall the plan review fee be less than the amount specified in this Section.

Subsection 304.5.2, "Fee," is hereby deleted in its entirety and replaced as follows:

Whenever the same person or entity is found to have performed work for which a permit is required without first obtaining said permit four or more times, said investigation fee shall be ten times the fee amount set forth in the adopted Development Review Fee Schedule.

Section 305, "Inspections," is hereby amended by adding the following subsection:

305.9 Workmanship. It is the intention of the City that all construction carried on under the review of the Building Division be of good quality. The Building Official shall be empowered to enforce the installation of work which is straight, level, plumb, square, etc., as the situation requires. All work shall be well fit and of a durable nature. Paint in all cases shall not be below normal standard for the use applied. The proper grading of walks, drives and yards shall be required when being installed with the work requiring a building permit. A minimum thickness of 3½ inches for flat concrete work and 2 inches for asphalt paving shall be required. All exterior flat concrete work shall include such breaks for expansion as deemed necessary by the Building Official.

Section 309, "Certificate of Occupancy," is hereby deleted in its entirety.

Table 3-A, "Building Permit Fees," is hereby deleted in its entirety.

Table 3-B, "Electrical Permit Fees," is hereby deleted in its entirety.

Table 3-C, "Mechanical Permit Fees," is hereby deleted in its entirety.

Table 3-D, "Plumbing Permit Fees," is hereby deleted in its entirety.

Table 3-E, "Elevator Permit Fees," is hereby deleted in its entirety.

Table 3-F, "Elevator Annual Certificates of Inspection Fees," is hereby deleted in its entirety.

**SECTION XV. Severability.**

If any section, subsection, subdivision, paragraph, sentence, clause, or phrase of this Ordinance or any part thereof is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional.

**SECTION XVI. Effective Date.**

This Ordinance shall be in full force and effect thirty (30) days after passage.

**SECTION XVII. Posting.**

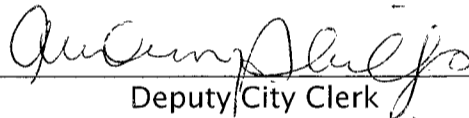
The Deputy City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

**APPROVED AND ADOPTED** this 21st day of February, 2017.



\_\_\_\_\_  
Mayor

**ATTEST:**



\_\_\_\_\_  
Deputy City Clerk

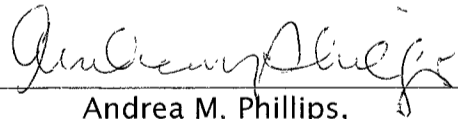
I, Andrea Phillips, Deputy City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 17-964 of said City, which was introduced at a regular meeting of the City Council held on the 6th day of February, 2017, and finally passed not less than five (5) days thereafter on the 21st day of February, 2017, by the following vote, to-wit:

AYES: Martinez, Ruh, Dutrey, Raft, Eaton

NOES: None

ABSTAIN: None

ABSENT: None



\_\_\_\_\_  
Andrea M. Phillips,  
Deputy City Clerk