

**ORDINANCE NO. 655**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA, REPEALING, AMENDING AND REENACTING CHAPTERS 14.01-14.12 OF TITLE 14 (BUILDINGS AND CONSTRUCTION) OF THE MORRO BAY MUNICIPAL CODE, THEREBY ADOPTING BY REFERENCE AND AMENDING THE 2022 CALIFORNIA BUILDING (VOLUMES 1 AND 2), RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, FIRE, EXISTING BUILDING, GREEN BUILDING, ADMINISTRATIVE, AND REFERENCE STANDARDS CODES, THE 2021 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS**

**THE CITY COUNCIL  
CITY OF MORRO BAY, CALIFORNIA**

**WHEREAS**, there are certain state and model codes relating to buildings, construction fire and life safety as follows:

- A. 2022 California Building Code (volumes 1 and 2)
- B. 2022 California Residential Code
- C. 2022 California Electrical Code
- D. 2022 California Mechanical Code
- E. 2022 California Plumbing Code
- F. 2022 California Energy Code
- G. 2022 California Historical Building Code
- H. 2022 California Fire Code
- I. 2022 California Existing Building Code
- J. 2022 California Green Building Standards Code
- K. 2022 California Administrative Code
- L. 2022 California Referenced Standards Code
- M. 2021 International Property Maintenance Code
- N. 1997 Uniform Code for the Abatement of Dangerous Buildings

**WHEREAS**, Government Code § 50022.1, et seq. and Health and Safety Code § 17922 authorize the City to adopt by reference the California Building Standards Code as provided in Titles 24 and 25 of the California Code of Regulations and other codes, including, without limitation, the 2021 International Property Maintenance Code and, the 1997 Uniform Code for the Abatement of Dangerous Buildings; and

**WHEREAS**, pursuant to Health and Safety Code § 17950 and 18938(b), the California Building Standards Code is applicable to all occupancies throughout the State of California, whether or not the City takes affirmative action to adopt the California Building Standards Code; and

**WHEREAS**, Health and Safety Code § 17960, requires a local building department to enforce State Housing Law, the California Building Standards Code, and the implementing regulations of the Department of Housing and Community Development for residential structures; and

**WHEREAS**, Health and Safety Code § 17958.5 allows the City to make those changes or modifications to the requirements contained in the provisions published in the California Building Standards Code as it determines, pursuant to the provisions of Health and Safety Code § 17958.7, are reasonably necessary because of local climatic, geological, or topographical conditions; and

**WHEREAS**, pursuant to the immediately foregoing Health and Safety Code sections and Health and Safety Code § 18941.5, certain express findings have been made and are as follows:

**FINDINGS**

1. The topographic, underlying geologic and surface soil conditions of the hillsides of the City of Morro Bay are of a gradient and composition such that movement has historically been known to occur. Soils testing has revealed the presence of potentially hazardous geologic conditions, including expansive soils, questionable soils, soils prone to liquefaction and seasonally high ground-water. Therefore, it is reasonably necessary to adopt regulations for grading operations that are more detailed and restrictive than those adopted by the State of California and codified in the California Building Standards Code.
2. Due to topographic and geologic conditions, development in Morro Bay has historically been constrained such that building occurred predominantly in the flatter areas, a scarcity of which resulted in the creation of small lots and the construction of structures in relative close proximity to one-another. Those conditions are known to be conducive to the spread of fire and, therefore, it is reasonably necessary to adopt standards more restrictive than those adopted by the State of California and codified in the California Building Standards Code and California Fire Code for the installation of automatic fire sprinklers on new and existing buildings, limiting the use of wood shakes or shingles, and to otherwise establish construction and fire prevention regulations more restrictive than those adopted by the State of California and codified in the California Building Standards Code to reduce and minimize the potential for loss of and damage to life and property resulting from fire, hazardous materials, explosions and to protect firefighters and emergency personnel during emergency operations. More particularly, this finding supports the modification of California Building Code, California Fire Code, California Residential Code and California Electrical Code.
3. Due to topographic conditions and in order to protect the estuarine environment of and adjacent to the City of Morro Bay, it is reasonably necessary to adopt regulations more

restrictive than those adopted by the State of California and codified in the California Building Standards Code, creating more stringent thresholds for when a building permit is required for construction of sidewalks, driveways, decks, paving, or flatwork, prohibiting the construction of private sewage disposal systems and requiring the installation of sewer backwater valves. More particularly, this finding supports the modification of California Building Code Section 105.2, California Plumbing Code section 713.0, and the addition of Plumbing Code section 709.5.

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MORRO BAY, CALIFORNIA FINDS AND ORDAINS AS FOLLOWS:**

**SECTION 1.** The City Council hereby declares and adopts the foregoing recitals and findings as true and correct and they are incorporated herein.

**SECTION 2.** Effective January 1, 2023, Chapters 14.01-14.12 of the Morro Bay Municipal Code are hereby repealed and reenacted to read as follows (with redline changes below to show amendments made):

**Chapter 14.01**

**GENERAL**

**Sections:**

<b>14.01.010</b>	<b>Title and Purpose.</b>
<b>14.01.020</b>	<b>Adoption of Codes.</b>
<b>14.01.030</b>	<b>Building Official and Fire Chief Designated.</b>

**14.01.010 Title and Purpose.**

This title shall be known and may be cited as "The Buildings and Construction Ordinance of the City of Morro Bay," Title 14 of the Morro Bay Municipal Code (MBMC). These regulations are hereby established and adopted to protect and promote public health, safety and welfare. This title establishes minimum regulations for construction, fire prevention, and the use and occupancy of buildings and other structures. This title prescribes regulations and standards that are consistent with the State Housing Law of California.

**14.01.020 Adoption of Codes.**

Fourteen documents, one each of which are on file in office of the Building Official, identified by the seal of the City of Morro Bay, marked and designated as the:

- A. 2022 California Building Code (volumes 1 and 2),

B. 2022 California Residential Code,  
C. 2022 California Electrical Code,  
D. 2022 California Mechanical Code,  
E. 2022 California Plumbing Code,  
F. 2022 California Energy Code,  
G. 2022 California Historical Building Code,  
H. 2022 California Fire Code,  
I. 2022 California Existing Building Code,  
J. 2022 California Green Building Standards Code,  
K. 2022 California Administrative Code  
L. 2022 California Referenced Standards Code  
M. 2021 International Property Maintenance Code,  
N. 1997 Uniform Code for the Abatement of Dangerous Buildings, published by the International Conference of Building Officials;

are hereby adopted, including chapters and sections not otherwise adopted by agencies of the State of California, and the appendices thereto as the buildings, construction, and fire prevention regulations of the City of Morro Bay. The provisions of the above-mentioned are hereby referred to, adopted, and made a part hereof as if fully set out in this title except as modified hereinafter.

**14.01.030 Building Official and Fire Chief Designated.**

The City's community development director is hereby designated as the Building Official and Building Code Official for the City of Morro Bay. The Fire Chief is hereby designated as the Fire Code Official for the City of Morro Bay. Where the "authority having jurisdiction" is used in the adopted codes, it shall mean the Building Official or the Fire Chief, as applicable.

**Chapter 14.02**

**ADMINISTRATION AND ENFORCEMENT**

**Sections:**

**14.02.010 Administration and Enforcement.**

**14.02.020 Modification of Division II of Chapter 1 of the California Building Code.**

**14.02.010 Administration and Enforcement.**

The Administration and Enforcement of this title shall be in accordance with Division II of Chapter 1 of the California Building Code as adopted, modified, amended, and supplemented herein.

**14.02.020 Modifications of Division II of Chapter 1 of the California Building Code.**

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows:

A. Amend Section 103.1 to read as follows:

**103.1 Creation of Enforcement Agency.** The Building Division of the Community Development Department of the City of Morro Bay is hereby created and the official in charge thereof shall be known as the Building Official. Where reference is made to the Authority Having Jurisdiction or Code Official in the adopted Codes, it shall mean the Building Official.

B. Add Section 104.8.2 to read as follows:

**104.8.1 Liability or Responsibility due to Error or Omission.** This title shall not be construed so as to impose upon the City, or upon any of its officials or employees, any liability or responsibility for injury or damage resulting from any work approved or performed with respect to this title, or by reason of any inspection performed hereunder. No person shall be relieved of the responsibility of compliance with this title because of an error or omission made by a city official or employee.

C. Add Section 104.9.2 to read as follows:

**104.9.2 Cargo Containers, Rail Cars, and Vehicle Bodies.** Any person who intends to bring into the City or otherwise use, alter or relocate within the City any cargo container, streetcar, boxcar, refrigerator car, motorbus body or similar vehicle body for the purpose of use or occupancy, shall first make application to the Building Official and obtain the required permit. The application shall demonstrate the proposed use, occupancy, structure, construction, and alteration will conform to the provisions of this title.

D. Amend Section 109.2 to read as follows:

**109.2 Schedule of permit fees.** Permit fees shall be as prescribed in the City's Master Fee Schedule.

E. Amend Section 113 to read as follows:

## **SECTION 113 BOARD OF APPEALS**

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the Building Official relative to the application and interpretation of the technical provisions this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the City Council and hold office at its pleasure. The Building Official shall be an ex officio member and shall act as secretary to the board but shall have no vote upon any matter before the board. The board shall adopt rules of procedure for conducting its business.

The board of appeals shall also serve as the Local Appeals Board, Housing Appeals Board, and Accessibility Appeals Board, as defined in Health and Safety Code § 17920.5, 17920.6 and 19957.5.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code, nor shall the board have any authority relative to the administration of this code.

**113.3 Qualifications.** The board of appeals shall consist of five members who are qualified by experience and training to pass on matters pertaining to the appeal and are not employees of the City. Two members of the board of appeals shall be physically handicapped, two members shall be persons experienced in construction, and one member shall be a public member.

**113.4 Appointment.** Upon receipt by the Building Official, of a qualified application for appeal, the Building Official shall within 60 days, recommend to the City Council five persons who, based on their qualifications and experience, appear to be suited to hear and decide the appeal. Upon finding those individuals indeed appear to be qualified to hear and deciding the appeal, the City Council shall appoint those persons and they shall be known as the Board of Appeals and shall have the authority and be tasked with the duties thereof for the purposes of hearing and deciding that specific appeal.

F. Amend Section 114.4 to read as follows:

**114.4 Violation Penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, extends, repairs, moves, removes, demolishes or occupies any building, structure, or equipment in violation of the approved construction documents, a directive of the Building Official, or of a permit or certificate issued under the provisions of this

Code, shall be subject to fines and penalties as established in Title 1 of the MBMC, in addition to other penalties as prescribed by law.

## **Chapter 14.03**

### **BUILDING CODE**

#### **14.03.010 Modifications of the California Building Code.**

The California Building Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows:

- A. Adopt appendices H, I and J. Delete appendices A, B, C, D, E, F, G, K, L, M, N, O and P.
- B. Amend section 1808.1 (Foundations) and adopt section 1808.1.1 which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and supplemented as follows:

**1808.1.1 Foundation setback verification.** Prior to the placement of concrete and upon completed form installation, a licensed surveyor is required to measure and record the distance from the proposed foundation walls to the established lot lines. The contractor shall submit these findings in letter format to the building inspector upon the request for a foundation inspection. Letter shall specify the findings of front, sides and rear yard setbacks as defined in Title 17 of the MBMC.

- C. Amend section 2304.8.2 (Structural Roof Sheathing) and adopt section 2304.8.2.1 which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and supplemented as follows:

**2304.8.2.1 Building height verification.** Prior to roof sheathing or shear wall inspection, a licensed surveyor is required to measure and record the height of the structure. The contractor shall submit this finding in letter format to the building inspector upon the request for roof sheathing/shear wall inspection. Letter shall specify the recorded height of structure as defined in Title 17 of the MBMC.

- D. Amend Appendix J section J103.1 (Permits Required) and adopt section J103.1.1 which shall have the same force and effect as if printed here in its entirety and is hereby modified, amended, and supplemented as follows:

8. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not

exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.

9. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1 ½ units horizontal (66.7% slope).

10. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m3) on any one lot and does not obstruct a drainage course.

## **Chapter 14.04**

### **RESIDENTIAL CODE**

#### **14.04.010 Modifications of the California Residential Code.**

The California Residential Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows:

- A. Delete Division II of Chapter 1. Administration and Enforcement of the Residential Code shall be as set forth in the California Building Code, as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.
- B. Adopt Appendices AH, AS, AT and AX. Delete Appendices AA, AB, AC, AD, AE, AF, AG, AI, AJ, AK, AL, AM, AN, AO, AP and AQ, AR, AV, AW, AX, AY, AZ. W.
- C. Amend Section R313.1 and R313.2 to read as follows:

#### **R313.1 Townhouse and One- and Two-family dwellings automatic fire sprinkler systems.**

An automatic residential fire sprinkler system shall be installed in all new townhouses and one and two family dwellings, and in all existing townhouses and one and two family dwellings where alteration results in an increase in floor area in excess of 50 percent, or 300 square feet. This section shall be applicable to mobile homes and factory-built housing not located in a mobile home or special occupancy park.

**R313.2 Determination of Floor Area.** For the purposes of this section, floor area shall be defined as the area within the exterior walls of the building under consideration. The floor area



of a building, or portion thereof, not provided with surrounding walls, shall include the usable area under the horizontal projection of the roof or floor above.

For the purposes of this section, buildings shall be considered separate when:

1. The fire separation distance as defined in CBC Sec. 705.5 is not less than that permitted in CBC Table 705.5 and 705.8 where unprotected openings are allowed in an exterior wall of a non-sprinklered building, or
2. The buildings are structurally independent, the adjoining walls are constructed of fire-resistant construction as prescribed in CBC Table 705.5 without openings or penetrations, projections comply with CBC Section 705.2, and parapets are constructed where required by CBC Section 705.11.

D. Add Section R313.3.3.5 to read as follows:

**R313.3.3.5 Waterflow Alarm.** A local waterflow alarm and remote inspector's test valve, installed in accordance with NFPA 13, shall be installed on all sprinkler systems.

E. Amend Section R105.2 (Work exempt from permit), No. 3, to read as follows:

3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or a sloping backfill. Retaining walls supporting a surcharge or a sloping backfill exceeding 20%, require calculations and plans signed by a registered civil or structural engineer.

## **Chapter 14.05**

### **ELECTRICAL CODE**

14.05.010 Modifications of the California Electrical Code.

The California Electrical Code, adopted in Section 14.01.020, is hereby modified, amended, and/or supplemented as follows:

- A. Delete annexes A, B, C, D, E, F, G, H, I, and J. Administration and Enforcement of the Electrical Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.

B. Amend Article 230-70(A)(1) to read as follows:

**230-70(A)(1) Readily Accessible Location.** A service disconnecting means shall be installed at a readily accessible location either outside the building or structure, or inside nearest the point of entrance of the service conductors.

The disconnecting means shall be accessible to emergency personnel, either directly or by a remote actuating device, without requiring travel through the building interior.

## **Chapter 14.06**

### **MECHANICAL CODE**

14.06.010 Modifications of the California Mechanical Code.

The California Mechanical Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Delete Division II of Chapter 1. Administration and Enforcement of the Mechanical Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.

B. Adopt appendices A, B, C, D, E, F, G, and H.

## **Chapter 14.07**

### **PLUMBING CODE**

#### **Sections:**

**14.07.010 Modifications of the California Plumbing Code**  
**14.07.020 Retrofitting with water-saving devices required.**  
**14.07.030 Required sewer backwater valve.**

14.07.010 Modifications of the California Plumbing Code.

The California Plumbing Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows:

A. Delete Division II of Chapter 1. Administration and Enforcement of the Plumbing Code shall be as set forth in the California Building Code as modified, amended and supplemented by Chapter 14.02 of this code. Fees shall be as prescribed in the City's Master Fee Schedule.

B. Adopt Appendix K . Delete appendices A, B, C, D, E, F, G, H, I, J, and L.

C. Amend Section 710.1 to read as follows:

**710.1** A Backwater Valve, extended to and accessible from grade for maintenance, shall be installed on every Building Sewer.

**Exception:** In new construction, plumbing fixtures installed on a floor level that is above the next upstream manhole cover elevation shall not discharge through the required backwater valve.

D. Amend Section 713.0 to read as follows:

**713.0 Sewer Required.**

**713.1** Every building in which plumbing fixtures are installed and every premises having drainage piping thereon shall have a connection directly to a public or private sewer.

**713.2** Private Sewage Disposal Systems shall not be permitted.

**14.07.020 Retrofitting with water-saving devices required.**

A. Every property owner, prior to the sale or transfer of any real property upon which is located any structure connected to the city's water supply shall retrofit the structure with the water-saving devices required for new construction as set forth in this title. In cases where the Building Official determines the use of such fixtures in existing structures would fail to meet the requirements of the Plumbing Code, fixtures using the least amount of water which do meet the requirements of the Plumbing Code shall be utilized.

B. In cases where a buyer intends to demolish all structures on such property within ninety days from the date of transfer, the structure need not be retrofitted prior to transfer; provided a covenant and a bond are filed with the city as follows:

1. The property owner shall file with the city clerk a notarized covenant agreeing to either demolish all structures located on the property connected to the city water system, within ninety days from the date of transfer or to perform the retrofit required in subsection A of this section, together with a faithful performance bond, in a form satisfactory to the city in an amount equal to

one hundred and fifty percent of the full cost of retrofitting all such structures securing faithful performance of the agreement.

2. The agreement shall also authorize and grant the city permission to enter onto the property and to perform such retrofit in the event the property owner fails to do so. Further, the property owner shall agree to reimburse the city for all cost incurred by the City in the event the bond is insufficient.

C. Determination of compliance with the requirements of subsection A shall be made by the Building Official after an inspection performed by the Building Official or a qualified plumbing contractor under the supervision of the Building Official, who shall issue a certificate indicating same to the seller or title company involved. Seller shall pay the fee set forth in the Master Fee Schedule for such retrofit inspection at the time seller submits the request for the retrofit inspection. No property transfer shall be recorded until such certificate has been received by the seller and transferred with the title to the buyer. If noncompliance is found, the property owner (both seller and buyer) and any title company involved in the transfer shall be in violation of this code and subject to those penalties as prescribed in Title 1 of this code.

#### **14.07.030 Required sewer backwater valve.**

A. Any existing lateral sewer piping upon any premises which services fixtures whose elevation is lower than the elevation of the first upstream sewer manhole rim, lamp hole, or pump station receiving manhole, and for which the city has record of a previous sewage backflow incident involving a clogged sewer main shall be protected from backflow of sewage by installing backwater valves of a type approved by the Building Official. The property owner shall be required to provide and install such device.

B. If the property owner fails to install and maintain a backwater valve in good working condition when required under this section, then the Building Official may declare said sewer connection to be a nuisance and abate such nuisance pursuant to Section 8.12.010 et seq. of this code by installing an approved-type backwater valve at the owner's expense. Said property owner may, in addition, be subject to fines as outlined in subsection E of this section.

C. All house connection sewers, industrial sewers, private sewage disposal systems and appurtenances thereto, now existing, or hereafter constructed, shall be maintained by the owner of the property in a safe and sanitary condition and all devices or safeguards which are required by this section for the operation thereof shall also be maintained in a good working order by the owner. It shall be the property owner's responsibility to maintain that portion of the sewer to the public main, including the connection to the public main.

D. The Public Works Director, the health officer, and other duly authorized employees of the city and the health department bearing proper credentials and identification shall be permitted to enter all properties for the purposes of inspection, observation, measurement, sampling, and

testing in accordance with the provisions of this section. The Public Works Director, the health officer, or their representatives shall have no authority to inquire into any processes including metallurgical, chemical, oil, refining, ceramic, paper, or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways of facilities for waste treatment.

E. Violations and Penalties. Any person who is convicted of violation of any provisions of this section is guilty of an infraction punishable as provided in Chapter 1.16 of this code.

## **Chapter 14.08**

### **FIRE CODE**

#### **Sections:**

<b>14.08.010.</b>	<b>Purpose.</b>
<b>14.08.020.</b>	<b>Bureau of fire prevention.</b>
<b>14.08.030.</b>	<b>Fire district established.</b>
<b>14.08.040.</b>	<b>Penalties for turning in false alarms.</b>
<b>14.08.050.</b>	<b>Fire injury report.</b>
<b>14.08.060.</b>	<b>Storage of gasoline driven vehicles.</b>
<b>14.08.070.</b>	<b>Citation powers.</b>
<b>14.08.080.</b>	<b>Fire Hazard Severity Zones</b>
<b>14.08.090.</b>	<b>Modifications of the California Fire Code</b>

#### **14.08.010. Purpose.**

This chapter shall be known and may be cited as "The Fire Prevention Regulations of the City of Morro Bay," Chapter 14.08 of Title 14 of the Morro Bay Municipal Code. This chapter prescribes minimum regulations to reduce and minimize the potential for loss of and damage to life and property resulting from fire, panic, hazardous materials, and explosions.

#### **14.08.020. Bureau of fire prevention.**

The California Fire Code shall be enforced by the fire department or building division of the Community Development Department under the supervision of the Fire Chief.

#### **14.08.030. Fire district established.**

The entire incorporated area of the city is declared to be and is established a fire district.

**14.08.040. Penalties for turning in false alarms or for conviction of intentionally setting a fire.**

Individuals responsible for turning in false alarms shall be responsible for the cost the fire department incurs while responding to the alarm. The cost of the false alarm shall be determined in accordance with the master fee schedule. The intent of this section is not to penalize those persons who make honest mistakes. Persons convicted of intentionally setting a fire in violation of any law or ordinance within the city limits shall pay the cost of fighting that respective fire.

**14.08.050. Fire injury report.**

Any physician, first aid station, ambulance company or persons who treat or aid any person injured by a fire, explosion or chemical burn within the City shall, within twenty-four hours, report such treatment and pertinent information to the fire department.

**14.08.060. Storage of gasoline driven vehicles.**

No one shall store, repair or use any motorcycle, moped or any other gasoline driven vehicle inside of any dwelling. Storage and repair of gasoline driven vehicles are permitted in garage areas adjacent to dwellings.

**14.08.070. Citation powers.**

The Morro Bay Fire Chief (Fire Chief), Fire Marshal and full-time safety members of the Fire Department authority to issue citations as provided in Title 1 of this code. Arson investigators who are full-time members of the Fire Department shall have the powers of a peace officer in performing their duties under this Code, and shall have the powers of a peace officer as provided in California Penal Code, Sections 830.37

**14.08.080. Fire Hazard Severity Zones.**

A. Purpose and Intent. The purpose of this chapter is to provide authority for the identification of local fire hazard severity zones and provide authority for enforcement of state and local codes in these zones. The intent of this chapter is to reduce the potential for fire losses by providing minimum requirements for the protection of properties constructed in very high hazard severity zones and other wildland/urban interface areas designated by the fire chief and supported by substantial evidence.

B. Designation-Recommendation. The Fire Chief is hereby authorized to designate very high fire hazard severity zones within one hundred twenty days of receiving recommendations from the California Department of Forestry and Fire Protection.

C. Designation-Not identified. The Fire Chief may designate areas not identified as very high fire hazard Severity Zones by the California Department of Forestry and Fire Protection following a finding supported by substantial evidence in the record that the requirements for very high fire hazard severity zones are necessary for effective fire protection within the area(s).

D. Designation-Declined. The Fire Chief may decline to designate areas identified by the California Department of Forestry and Fire Protection as Very high fire hazard severity zones following a finding, supported by substantial evidence in the record, the requirements for very high fire hazard severity zones are not necessary for effective fire protection with the area(s).

E. Supported by substantial evidence in the record. "Supported by substantial evidence in the record" shall require the City Council to hold a public hearing and make findings there is competent substantial evidence in the record to support the Fire Chief's designation as fire hazard areas.

F. Enforcement. The Building Official shall enforce the provisions of Chapter 7A of the California Building Code and Chapter 49 of the California Fire Code in all very high fire hazard severity zones and other areas designated by the Fire Chief and supported by substantial evidence in the record.

G. Permits. All submittals for subdivision, entitlement, or building permits shall demonstrate that the proposed project allows for compliance with the provisions of Government Code Section 51182 and Public Resource Code Section 4291, except where otherwise allowed by law, to the satisfaction of the Fire Chief and the Building Official.

#### **14.08.090. Modifications of the California Fire Code.**

The California Fire Code, adopted in Section 14.01.020, is hereby modified, amended, and/ or supplemented as follows:

A. Adopt Appendix Chapter 4 and appendices B, BB, C, CC, D, H, I, K, and N. Delete appendices A, E, F, G and J.

B. Section 101.1 is amended to read as follows:

**Section 101.1 Title.** These regulations shall be known as the Fire Code of the City of Morro Bay.

C. Section 103.1 is amended to read as follows:

**Section 103.1 General.** The Fire Department of the City of Morro Bay is hereby established and the person in charge thereof shall be known as the Fire Chief. Where the Code uses the term Fire Official, it shall mean the Fire Chief.

D. Section 113.2 is amended to read as follows:

**113.2 Schedule of permit fees.** Fees shall be paid in accordance with the City's Master Fee Schedule.

E. Section 302.1, "Definitions," is amended to add the following definition in correct alphabetical order:

SKY LANTERN. An airborne lantern typically made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material or other open flame which serves as a heat source to heat the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons and airborne paper lanterns mean the same as sky lanterns.

F. Section 507.5.4 is amended to read as follows:

**507.5.4 Obstruction.** Unobstructed access to fire hydrants shall be maintained at all times. The fire department shall not be deterred or hindered from gaining immediate access to fire protection equipment or fire hydrants.

The Fire Chief shall have the authority to remove or cause to be removed, without notice, any vehicle, vessel, or object that is in violation of this section. The owner of said item, so removed, shall be responsible for all towing, storage, or other costs incurred therein.

G. Section 308.1.1.1 is added to read as follows:

**308.1.1.1 Burning Prohibited.** Open burning, bon fires, recreational fires, and all other outdoor fires are prohibited.

Exception:

Barbeques and portable outdoor fireplaces that conform with the following provision are allowed.

1. Fires shall be conducted at a safe distance from and in accordance with the applicable manufacturer's instructions to prevent the spread of fire to a minimum of 15-feet from adjacent structures or other combustible materials.
2. Fire shall be contained in a non-combustible container, not to exceed 3 feet in diameter and 2 feet in height.
3. Fuel loading shall not exceed 3 feet in diameter or 2 feet in height.
4. Fire shall be fueled by propane, natural gas, charcoal, dried wood, commercial fire logs, or pellets. Fuels shall not include green waste, yard trimmings, pressure treated wood, trash, plastic, or other noxious or hazardous materials.
5. Ground fires, sub-surface or pit fires, and earth floored fire rings are prohibited.
6. If in the opinion of the Fire Chief or his or her designee, a fire is potentially hazardous or smoke is causing a nuisance, the fire shall be extinguished immediately.

H. Section 308.1.6.3 is amended to read as follows:



308.1.6.3 Sky Lanterns. The ignition and launching of sky lanterns is prohibited.

Exception: The ignition and launching of sky lanterns may be allowed, subject to the approval of a permit by the Chief, where it has been determined that adequate safeguards will be in place.

I. Section 511 is added to read as follows:

SECTION 511  
FIRE SERVICE ELEVATOR

**511.1 Elevator car to accommodate ambulance stretcher.** Where elevators are provided, at least one elevator shall be provided for fire department emergency access to all floors. The elevator car shall be of such a size and arrangement to accommodate an ambulance stretcher 24 inches by 84 inches with not less than 5-inch radius corners, in the horizontal, open position and shall be identified by the international symbol for emergency medical services (star of life). The symbol shall not be less than 3 inches high and shall be placed inside on both sides of the hoistway door frame.

Exception: Elevators located within one- and two-family dwellings and townhouses.

J. Section 901.4.7 is added to read as follows:

**901.4.7 Partial Sprinkling of Buildings.** Partial sprinkling of buildings shall not be permitted, except where otherwise allowed by NFPA 13R, 13D, and Section 903.3.1.1.1.

K. Delete Sections 903.2 through 903.2.1.4 and 903.2.2 through 903.2.10.1.

L. Add Section 903.2 to read as follows:

**903.2 Where Required.** An approved automatic fire sprinkler system shall be installed throughout:

1. In all new buildings and structures with more than Zero (0) square feet regardless of type or use.
2. In all new buildings and structures with more than Zero (0) square feet regardless of type or use, on the west side of the Embarcadero road
3. In additions or alterations of floor area for all buildings or structures as follows:
  - a. Throughout structures where additions to existing buildings and substantial remodels more than 50% of the existing floor area is in excess of 500 square feet;

ALTERATION OF FLOOR AREA: "For the purpose of this definition, the following criteria shall be considered in determining the percentage of "alteration of floor area." The 50% referred to under "Substantial Remodel" applies to the entire building's gross floor area in plain view. The entire room or space where

the remodel is taking place will be considered in the calculation, either alone or in combination with any of the following:

- a. Removing wall finishes and exposing framing of; Interior wall (where finishes are removed from one side only the room or space to which the framing is exposed will be included in the calculation). Perimeter exterior wall (one or both sides).
- b. new wall construction, removing, or repositioning, either interior or perimeter exterior walls, the rooms, or spaces on both sides of the wall will be included in the calculation.
- c. Removal of the ceiling in any room or space to expose rafters, trusses, beams, purlins, or floor joists.
- d. Removal of the roof structure (only rooms or spaces that are directly below the removed roof structure will be included in the calculation).
- e. Removal of floor finishes which exposes floor framing and/or removal of concrete
- f. Relocating plumbing fixtures in a bathroom or kitchen will cause that entire room or space to be included in the calculation.
- g. other alterations considered substantial by the Fire Code Official.

Exceptions:

- a. group R-3 and U occupancies

**903.2.1 Where Required.** An approved automatic fire sprinkler system shall be installed throughout:

1. In all new R-3 and U occupancies private garages and carports accessory to:
  - a. Including all attached structures;
  - b. Including all structures within 10 feet.
2. In additions or alterations of floor area for all buildings or structures as follows:
  - a. Throughout structures where additions is in excess of 300 square feet and substantial remodels more than 50% of the existing floor area;

ALTERATION OF FLOOR AREA: "For the purpose of this definition, the following criteria shall be considered in determining the percentage of "alteration of floor area." The 50% referred to under "Substantial Remodel" applies to the entire building's gross floor area in plain view. The entire room or space where

the remodel is taking place will be considered in the calculation, either alone or in combination with any of the following:

- a. Removing wall finishes and exposing framing of; Interior wall (where finishes are removed from one side only the room or space to which the framing is exposed will be included in the calculation). Perimeter exterior wall (one or both sides).
- b. new wall construction, removing, or repositioning, either interior or perimeter exterior walls, the rooms, or spaces on both sides of the wall will be included in the calculation.
- c. Removal of the ceiling in any room or space to expose rafters, trusses, beams, purlins, or floor joists.
- d. Removal of the roof structure (only rooms or spaces that are directly below the removed roof structure will be included in the calculation).
- e. Removal of floor finishes which exposes floor framing and/or removal of concrete
- f. Relocating plumbing fixtures in a bathroom or kitchen will cause that entire room or space to be included in the calculation.
- g. other alterations considered substantial by the Fire Code Official.

Exception:

Installation of an automatic fire sprinkler system shall not be required when, to the satisfaction of the Fire Chief and the Building Official, it is demonstrated the proposed construction, use, and occupancy are minor in scope and nature, the installation of an automatic fire sprinkler system would be impractical, and the intent and purpose of this section is otherwise met.

**M. Amend Section 903.3.1.1 to read as follows:**

**903.3.1.1 NFPA 13 sprinkler systems.** Where other provisions of this code require a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, or where a building contains two or more occupancies or uses, sprinklers shall be installed throughout in accordance with NFPA 13 as amended in Chapter 47 except as provided in Section 903.3.1.1.1.

M. Section 3604.1 is amended to read as follows:

**3604.1 General.** Piers, marinas, docks, fuel docks, wharves and similar boat mooring facilities shall be equipped with fire protection equipment in accordance with Section 3604.1 through 3604.6 and as otherwise required by the Chief.

N. Section 5609 is added to read as follows:

#### SECTION 5609.1

#### SALE AND USE OF FIREWORKS

**5609.1 Sale and Use of Fireworks Unlawful.** The sale or use of fireworks, pyrotechnics, and others explosives shall be unlawful.

#### Exceptions:

1. The sale of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted, subject to the approval of a permit by the Fire Chief.
2. The use of fireworks, approved by the State Fire Marshal as “safe and sane,” shall be permitted on private property only.
3. Public fireworks displays may be allowed, subject to the approval of a permit by the Fire Chief.
4. Pyrotechnics for use in movie industry operations may be allowed, subject to the approval of a permit by the Fire Chief.
5. This section shall not apply to the sale and use of State Fire Marshal approved and listed party poppers and snap caps.
6. Any person violating this provision will be guilty of a misdemeanor and subject to a \$1,000 fine for each offense.
7. Notwithstanding any other provision of this code, any Morro Bay Police Officer may issue an administrative citation for a first offense without first issuing a warning; and the administrative fine shall be \$1,000 for each offense.

### Chapter 14.09

### EXISTING BUILDING CODE

14.09.010 Modifications of the California Existing Building Code

The California Existing Building Code, adopted in Section 14.01.020, is hereby modified, amended, and supplemented as follows and shall be the technical strengthening provisions for buildings subject to Chapter 14.18 of this title:

Amend Section 505.3 Replacement window emergency escape and rescue openings. to read as follows:

Where windows are required to provide emergency escape and rescue openings, replacement windows shall comply with the maximum sill height requirements of section R310.2.3 and the minimum opening area requirements of sections R310.2.1, and R310.2.2

## **Chapter 14.10**

### **RESERVED**

## **Chapter 14.11**

### **HOUSING CODE**

14.11.010 Modifications of the International Property Maintenance Code.

The 2021 International Property Maintenance Code, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

A. Amend Section 101 to read as follows:

#### **SECTION 101.2.1-SCOPE**

101.2.1 Where any building or portion thereof is used or intended to be used as a combination apartment house- hotel, the provisions of this code shall apply to the separate portions as if they were separate buildings.

101.2.2 Rooming houses, congregate residences or lodging houses shall comply with all requirements of this code for structures.

## **Chapter 14.12**

### **DANGEROUS BUILDINGS CODE**

14.12.010 Modifications of the Uniform Code for the Abatement of Dangerous Buildings.

The 1997 Uniform Code for the Abatement of Dangerous Buildings, adopted in Section 14.01.020, shall have the full force and effect as if printed here in its entirety and is hereby modified, amended, and/ or supplemented as follows:

A. Amend Section 103 to read as follows:

## SECTION 103- ALTERATIONS, ADDITIONS AND REPAIRS

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of Chapter 34 of the Building Code.

B. Amend the following definitions, located in Section 301, to read as follows:

BUILDING CODE is the California Building Code, as adopted and amended by this title.

HOUSING CODE is the 1997 Uniform Housing Code, as adopted and amended by this title.

**SECTION 3.** This Ordinance shall take effect January 1, 2023. The City Clerk, or her duly appointed deputy, shall attest to the adoption of this Ordinance and shall cause this Ordinance to be published and posted in the manner required by law.

**SECTION 4.** If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

**INTRODUCED** at a regular meeting of the City Council of Morro Bay, held on the 25th day of October 2022 by motion of Councilmember Addis and seconded by Councilmember Ford.

**PASSED AND ADOPTED** on the 22nd day of November 2022, by the following vote:

AYES:           Headding, Addis, Barton, Ford  
NOES:           None  
ABSENT:       Heller  
ABSTAIN:       None  
RECUSE:       None

  
\_\_\_\_\_  
JOHN HEADDING, Mayor

ATTEST:

  
\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
CHRIS F. NEUMEYER, City Attorney

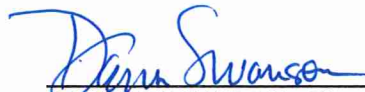


STATE OF CALIFORNIA            )  
COUNTY OF SAN LUIS OBISPO   )  
CITY OF MORRO BAY            )

I, Dana Swanson, City Clerk of the City of Morro Bay, California, do hereby certify that the foregoing Ordinance No. 655 was duly passed and adopted by the City Council of the City of Morro Bay at the regular meeting thereof, held on the 22nd day of November 2022, by the following vote:

AYES:            Headding, Addis, Barton, Ford  
NOES:            None  
ABSENT:          Heller  
ABSTAIN:        None  
RECUSE:         None

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this 28<sup>th</sup> day of November, 2022



\_\_\_\_\_  
DANA SWANSON, City Clerk

