

**ORDINANCE NO. \_\_\_\_\_ (N.C.S.)**

**AN ORDINANCE ADOPTING THE 2019 BUILDING STANDARDS CODES AND LOCAL AMENDMENTS**

**WHEREAS**, the City of Salinas has adopted and codified Chapters 9 and 13 of the Municipal Code for the regulation and the governance of the conditions and maintenance of all property, buildings, and structures; for the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; for the condemnation of buildings and structures unfit for human occupancy and use and the demolition of structures; and for the issuance of permits and the collection of fees therefore; and

**WHEREAS**, the 2019 California Building Standards Code was published on July 1, 2019; and

**WHEREAS**, amendments, additions, and deletions to the California Building Code, adopted by a city pursuant to Health and Safety Code Section 18941.5 for Building Standards Law, Health and Safety Code Section 17958 for State Housing Law or Health and Safety Code Section 13869.7 for Fire Protection Districts, together with all applicable portions of the California Building Code, become effective 180 days after publication of the California Building Code; and

**WHEREAS**, California Health and Safety Code Section 18941.5 for Building Standards Law, Health and Safety Code Section 17958 for State Housing Law or Health and Safety Code Section 13869.7 for Fire Protection Districts authorize the City to adopt local changes and modifications to the California Building Codes when the City makes findings that the local changes and modifications are reasonably necessary because of local climactic, topographical, or geological conditions; and

**WHEREAS**, the Salinas City Council has made findings in support of the local changes and modifications set forth herein makes the following:

**WHEREAS**, the City Council of the City of Salinas hereby finds and determines that the City is committed to protecting the public health, safety, welfare and environment by compliance with AB 939, achieving a minimum of 50% reduction of tonnage going to landfills; and

**WHEREAS**, in order to meet the aforesaid mandate, the Legislature of the State of California, by enactment of the California Integrated Waste Management Act of 1989 and subsequent additions and amendments (codified at California Public Resources Code section 40000 et seq.) requires the City to promote the reduction of solid waste and reduce the stream of solid waste going to landfills through the preparation, adoption and implementation of source reduction and recycling elements; and

**WHEREAS**, failure to achieve reduction goals and implement diversion programs may subject the City to penalties of up to \$10,000 per day; and

**WHEREAS**, the California Green Building Standards Code (Cal Green Code) requires 65% waste diversion from all new construction and demolition projects requiring building permits, as well as specific additions and remodels; and

**WHEREAS**, debris from demolition and construction of buildings represents a large portion of the volume of waste presently generated within the City, and much of said debris is particularly suitable for reuse; and

**WHEREAS**, the City's commitment to the reduction of waste and to compliance with State law requires the establishment of programs for recycling and salvaging construction and demolition materials; and

**WHEREAS**, the City Council recognizes that requiring demolition and construction debris to be diverted from landfills and reused may in some respects add modestly to the cost of construction and demolition projects, but in other respects may make possible some cost recovery and cost reduction; and

**WHEREAS**, the City Council recognizes that requiring demolition and construction debris to be diverted from landfills and reused may in some respects add modestly to the cost of construction and demolition projects, but in other respects may make possible some cost recovery and cost reduction; and

**WHEREAS**, the City Council of the City of Salinas does herewith find that the City of Salinas has certain climatic, geologic, and topographical features that can have a deleterious effect on emergency services such as fire protection and emergency medical services; and

**WHEREAS**, the City Council of the City of Salinas finds that the modifications and changes to the 2019 California Fire Code are reasonably necessary because of the following local climatic, geological, and topographical conditions as identified in Attachment A; and

**WHEREAS**, certain amendments to the 2019 California Fire Code serve to mitigate to the extent possible said deleterious effects; and

**WHEREAS**, Section 50022.1 through 50022.10, inclusive, of the Government code and Sections 17958.7 and 18941.5 of the Health and Safety Code, provide authority for the adoption by reference of codes, or portion of such codes:

**WHEREAS**, the City Council held a duly noticed public hearing on November 5, 2019, where members of the public had an opportunity to comment on the code adoption and the proposed local amendments thereto; and

**WHEREAS**, the City Council finds this ordinance to be exempt from the California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines Section 15061(b)(3) because adoption of this ordinance has no potential to cause a significant adverse effect on the environment.

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF SALINAS AS FOLLOWS:**

**SECTION 1. Salinas City Code Chapter 9, Article I is hereby repealed in its entirety and replaced with the following:**

**Article I. California Building Standards Code**

The City of Salinas adopts the 2019 edition of the California Code of Regulations, Title 24, also referred to as the California Building Standards Code. The standards incorporate 13 parts of the official triennial compilation and publication. The provisions of the Standards Code apply to the regulation, construction, alteration, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures; the same is made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions, modifications and changes as more particularly set forth in this article; providing for the issuance of permits and collection of fees therefore; repealing **ORDINANCE No. 2584** of the City of Salinas and all other parts of laws in conflict therewith.

**Article I -A - California Administrative Code**

Section 9-1. Adopted by reference.

The California Administrative Code, Part 1, 2019 edition is hereby adopted as the Administrative Code for the City of Salinas, in the State of California.

**Article I -B - California Building Code - Volume 1 and 2**

Section 9-2. Adopted by reference.

The California Building Code Volumes 1 and 2, 2019 edition, are hereby adopted as the Building Codes for the City of Salinas, in the State of California for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, used and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Article I - C - California Residential Code**

Section 9-3. Adopted by reference.

The California Residential Code, Part 2.5, 2019 edition is hereby adopted as the Residential Code for the City of Salinas, in the State of California for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one-and two-family dwelling, townhouse not more than three stories above grade plane in height with a separate means of egress and structures accessory thereto throughout the State of California.

**Article I -D - California Electric Code**

Section 9-4. Adopted by reference.

The California Electric Code, Part 3, 2019 edition is hereby adopted as the Electric Code for the City of Salinas, in the State of California, for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems as herein provided; providing for the issuance of permits and collection of fees therefor; and the same is adopted and made a part hereof, as if fully set out in this

ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

**Article I -E - California Mechanical Code**

Section 9-5. Adopted by reference.

The California Mechanical Code, Part 4, 2019 edition is hereby adopted as the Mechanical Code for the City of Salinas, in the State of California regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems as herein provided; providing for the issuance of permits and collection of fees therefore; and the same is made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

**Article I -F - California Plumbing Code**

Section 9-6. Adopted by reference.

The California Plumbing Code, Part 5, 2019 edition is hereby adopted as the Plumbing Code for the City of Salinas, in the State of California regulating and governing the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, issuance of permit and collection of fees therefore; and the same is adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

**Article I -G - California Energy Code**

Section 9-7. Adopted by reference.

The California Energy Code, Part 6, 2019 edition is hereby adopted as the Energy Code for the City of Salinas, in the state of California regulating and governing the design, construction, quality of materials, installation, alteration, repair, replacement, use or maintenance of energy conserving systems and components as herein provided; providing for the issuance of permits and collection of fees therefor; and the same is made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

**Article I -H - California Historical Building Code**

Section 9-8. Adopted by reference.

The California Historical Building Code, Part 8, 2019 edition is hereby adopted as the Historical Building Code for the City of Salinas, in the State of California regulating the preservation, restoration, rehabilitation, relocation or reconstruction of buildings or properties designated as qualified historical buildings or properties

**Article I -I – California Fire Code**

Section 9-9

See Chapter 13, Article II

**Article I -J - California Existing Building Code**

Section 9-10. Adopted by reference.

The California Existing Building Code, Part 10, 2019 edition is hereby adopted as the Existing Building Code for the City of Salinas, in the State of California regulating the repair, alteration, change of occupancy, addition and relocation of existing buildings.

**Article I -K - California Green Building Standards Code**

Section 9-11. Adopted by reference.

The California Green Building Standards Code, Part 11, 2019 edition is hereby adopted as the Green Building Standards Code for the City of Salinas, in the state of California regulating and governing the design, construction, quality of materials, installation, alteration, repair, replacement, use or maintenance of energy conserving and green building systems and components as herein provided; providing for the issuance of permits and collection of fees therefore; and the same is made a part hereof, as if fully set forth in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

Section 9-11.1 Amendments to the California Green Building Standards Code.

The following changes and modifications are hereby made to Sections 4.408 and 5.408 of the California Green Building Code referenced in Section 9-11:

- (a) Replace Sections 4.408 and 5.408 of the California Green Building Code with requirements of the "Ordinance of the City Council of the City of Salinas Establishing a Program to Require Deconstruction, Demolition and Construction Material Recovery and Diversion from Landfills" which is set forth in Section 9-11.2, et seq.:

Section 9-11.2- Definitions.

For purposes of this article the following definitions apply:

- (a) "Bonafide processor/facility" means: A facility which recycles, composts or otherwise recovers materials or a re-use facility for which a permit has been issued by the Monterey County Integrated Waste Management Task Force.

A facility may be certified if the owner or operator of the facility submits documentation satisfactory illustrating:

1. That the facility has obtained all applicable federal, state, and local permits, and is in full compliance with all applicable regulations; and
  2. The percentage of incoming waste from construction, demolition and alteration activities that is diverted from landfill disposal meets the required minimum percentages set forth in this article; and
  3. All loads are weighed by scale(s) certified as accurate by the county of Monterey, division of weights and measures.
- (b) "Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the state of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures in the city of Salinas.

- (c) "Construction" means all building, landscaping, remodeling, addition, removal or destruction involving the use or disposal of designated recyclable and reusable materials as defined below.
- (d) "Construction and demolition debris" or "C&D debris" means) means recyclable and non-recyclable waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, foundations, houses, commercial buildings and other structures, and includes mixed waste, with more specific definitions for the purposes of this chapter, as follows:
1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the deconstruction, demolition and construction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project.
  2. Clean cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.
  3. Non-construction and demolition debris wood scraps.
  4. Non-hazardous wastes that are generated at construction or demolition projects provided such amounts are consistent with best management practices of the industry; hazardous wastes such as materials contaminated with asbestos and lead-based paint are specifically excluded from C&D debris.
  5. Mixing of construction and demolition debris with other types of solid waste will not be classified as material recovery for C&D debris and will be charged as solid waste.
- (e) "Covered project" means any construction, demolition or renovation project that requires a permit and is subject to the diversion and reporting requirements set forth in this article, except as defined in Section 9-11.8.
- (f) "Demolition/deconstruction" means the removal or destruction involving the use or disposal of designated recovered and reusable materials as defined below.
- (g) "Designated recyclable and reusable materials" mean:
1. Masonry building materials and all products generally used in construction, including but not limited to, asphalt, concrete, rock, stone and brick.
  2. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.
  3. Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use.
  4. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, doorframes, slate and fences.
  5. Roofing materials, including wood shingles as well as asphalt, stone and slate based roofing material.
  6. Salvageable materials, including but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bathtubs, architectural remnants, and appliances.

7. Any other materials which the city or designee determines can be recycled or reused due to the identification of a recycling facility, reuse facility, or market accessible to the city, including facilities which can further sort mixed C&D debris through mechanical and/or manual processes in order to remove additional materials for reuse or recycling.
- (h) "Exclusive franchisee" means any person or association, or the agents or employees thereof, with whom the city shall have duly contracted under the terms hereinafter set forth in this article to collect, transport through the streets, alleys, or public ways of the city, and dispose of, all solid waste produced and/or collected within the limits of the city.
  - (i) "Hardscape Improvements" means swimming pools, driveways, parking lots, walkways, patios and decks.
  - (j) "Hazardous Materials" means any construction or demolition debris, such as asbestos or lead-based paint that exceeds state of California thresholds for such classification, and is required to have special disposal procedures. Hazardous materials are specifically excluded from C&D debris.
  - (k) "Inert solids" means concrete, fully cured asphalt, asphalt roofing shingles, brick, ceramics, clay and clay products.

Sec. 9-11.3. - Transportation of demolition and construction debris.

In accordance with Chapter 14, Sections 14-10-070 and 14-10-110 of the Municipal Code, it is unlawful for any person or business, other than the city's exclusive franchisee, to collect or transport any C&D debris within the city. Accordingly, any generator of C&D debris within the city must enter into a contract with the exclusive franchisee for the removal of C&D debris, unless one or more of the following conditions are met:

- (a) In cases where recyclable materials are source separated from C&D debris for sale or donation including, but not limited to those collected through private arrangements between the generator and the collector and where the generator is not paying for the material to be removed, as defined in Chapter 14, Section 14-12. a.2 of the Municipal Code; or
- (b) C&D debris (a) removed from a premises by a licensed contractor as an incidental part of a total construction, remodeling or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using storage vehicles (debris boxes removed from vehicle do not comply) or similar apparatus, or (b) directly loaded into a fixed body vehicle owned by either the generator or generator's employee and hauled directly to a bonafide processing facility, as defined in Chapter 14, Section 14-12.a.1 of the Municipal Code.

Sec. 9-11.4. - Diversion requirements.

For each covered project, one hundred percent of inert solids and at least sixty-five percent of the remaining C&D debris shall be diverted from landfill disposal in accordance with the provisions of this article, except as provided in Section 9-11.8.

Every applicant, general contractor, subcontractor and/or owner of property on which a covered project occurs shall be responsible for compliance with the provisions of this article. Diversion requirements shall be met by submitting and following a waste reduction and recycling plan that achieves the following:

- (a) Deconstructing and salvaging all or part of the structure as practicable; and
- (b) Directing one hundred percent of inert solids to bonafide facilities for reuse or recycling; and
- (c) Either:
  - 1. Directing all mixed C&D debris to a bonafide processor approved by the city, or
  - 2. Source separating non-inert materials, such as cardboard and paper, wood, metals, green waste, new gypsum wallboard, tile, porcelain fixtures, and other easily recycled materials, and directing them to a bonafide facility for recycling and taking the remainder (but no more than fifty percent by weight) to a designated transfer or disposal facility. In this option, calculations must be provided to show that fifty percent of demolition and construction debris (in addition to one hundred percent of inert solids) has been diverted.

Separate calculations will be required for the demolition portion and for the construction portion of projects involving both demolition and construction.

Determination of acceptability and designation as C&D debris is solely the responsibility of the bonafide processor, landfill or transfer station representative.

Sec. 9-11.5. - Information required before issuance of permit.

As a condition precedent to issuance of any permit (in cases of federal property, before building or demolition is to commence) for a construction, demolition or renovation project that involves the production of C&D debris, the applicant must include a proposed waste reduction and recycling plan, on a form provided by the city, as part of the permit application. The plan shall include the following information:

- (a) Project type, description, location and contact information;
- (b) Types of C&D debris to be generated by the project;
- (c) How the C&D debris will be handled (source separated on-site and/or mixed);
- (d) Specify how the C&D debris will be transported to a bonafide facility;
- (e) Signed owner/agent attest.



The city shall provide to each permit applicant a current list of bonafide facilities that accept and recycle various types of materials generated from construction and/or demolition projects.

Sec. 9-11.6. - On-site practices.

During the term of the demolition and/or construction project, the permittee shall demonstrate compliance with the diversion requirements of this article and maintain records of all diverted and disposed materials, measured by weight in tons. The city will evaluate and monitor each project to confirm the percentage of materials recycled, salvaged or otherwise diverted from the project based on information provided by the permittee.

Structures and/or hardscape improvements planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition.

It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of salvageable materials prior to demolition.

Recovered and reusable materials from the deconstruction phase may be given or sold on the premises, or may be removed to a reuse warehouse or other reuse facility for storage or sale and shall be counted towards the diversion requirements of this article.

The use of debris boxes and/or the collection and removal of C&D debris by a hauler or business other than the exclusive franchise must be consistent with the provisions of this article and the city's franchise agreement.

Sec. 9-11.7. - Reporting.

The permittee shall submit documentation to the city, which proves compliance with the requirements of this chapter, prior to the issuance of a certificate of occupancy or the final inspection. The documentation shall consist of a complete and final waste reduction and recycling report, describing diversion activities and showing actual tonnage data for all diverted and disposed materials, supported by legible receipts, weight tags, invoices or other records of measurement from bonafide facilities, the exclusive franchisee or a licensed contractor as prescribed in Section 09.04.030.2 of this article. The report shall include the following information:

- (a) Identify the type and quantity (in tons) of materials recycled, reused, salvaged and/or disposed;
- (b) Identify how the materials were handled (source separated or mixed);
- (c) Identify how the C&D debris was transported to a bonafide facility;
- (d) Identify where the materials were taken for recycling or disposal.

Sec. 9-11.8. - Diversion exemptions.

Neither a waste reduction and recycling plan nor an administrative fee shall be required for the following:

- (a) Projects that meet the exceptions set forth in Sections 4.408 and 5.408 of the California Green Building Standards Code, as amended;
- (b) Projects that are not subject to the California Building Code;
- (c) Projects for which a building permit is not required;
- (d) Roofing projects only (See Section 09.04.090 below);
- (e) Work for which only a plumbing, electrical or mechanical permit is required;
- (f) Seismic tie-down projects;
- (g) The installation or replacement of shelves;
- (h) Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required;
- (i) Installation of swimming pools and spas excavation that does not exceed sixteen square feet, and any related construction or alterations necessary for pool or spa equipment or accessories, not to any other portion of the project;
- (j) Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required;
- (k) The building official shall have the authority to render interpretations of this article and to adopt policies and procedures in order to clarify the application of its provisions, including diversion exemptions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this article. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this article.

Sec. 9-11.9. - Voluntary compliance.

Applicants for permits exempted from the requirements of this article may voluntarily complete a waste reduction waste reduction and recycling plan.

Sec. 9-11.10. - Administrative fee.

As a condition precedent to issuance of any permit (in cases of federal property, before building or demolition is to commence) for a building, roofing, or demolition project that involves the production of C&D debris, the applicant shall pay to the city a fee sufficient to compensate the city for expenses incurred in ensuring compliance with these provisions. The amount of this fee shall be determined in accordance with the then current resolution of the city council determining the same.

Sec. 9-11.11. - Compliance.

- (a) At any time during demolition or construction, a city building inspector may inspect the site and contractor's on-site practices to ensure compliance with this section. Should on-site practices not comply with this chapter, a 'stop-work' order may be issued until such time that compliance is demonstrated.
- (b) At the end of construction, the city may not approve a final inspection or certificate of occupancy unless the project has been determined to be in full compliance with the diversion requirements of this Chapter; or
- (c) The project may be determined to be in "substantial compliance" if the applicant has made a "good faith effort" to comply, but for an unforeseen reason could not fully comply. In the case of substantial compliance, the applicant shall present documentation of good faith efforts upon consultation with and verification by the Salinas Valley Solid Waste Authority, which shall serve as meeting the compliance requirements of this Chapter; or

- (d) The project may be determined to be "non-compliant", in which case the applicant is not in substantial compliance or has failed to submit the required documentation. If it is determined that the applicant is not in compliance, a civil penalty calculated as two percent of the total project valuation will be assessed, and the certificate of occupancy or final inspection may not be issued until the penalty is paid.

**Article I -L - California Reference Standards Code**

Section 9-12. Adopted by reference.

The California Reference Standards Code, Part 12, 2019 edition is hereby adopted as the Reference Standards Code for the City of Salinas, California

**Article I – M – Housing and Enforcement Code**

Section 9-13. Adopted by reference.

The International Property Maintenance Code 2018 edition is hereby adopted as the Property Maintenance Code for the City of Salinas, in the State of California, for regulating and governing the conditions and maintenance of all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards, and for a reasonable level of sanitary maintenance; the responsibility of owners, an owner's authorized agent, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties; and the same is adopted and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions, modifications and changes, if any, as more particularly set forth in this article.

Sec. 9-13.1. - Administration.

In the event of any conflict between any provision of the Property Maintenance Code and Article II of Chapter 9 or any other provision or section of the City Code, the City Code shall take priority and precedence and the provisions and sections of the City Code shall control.

Division II. - Employee Housing Act.

Sec. 9-13.2. - City responsibility.

Pursuant to the authority granted by the state law and regulations hereinafter specified, the city assumes the responsibility for the enforcement of Division 2, Part 9, Chapter 4 (commencing at Section 2610), of the Labor Code, known as the Employee Housing Act, and Title 25, Chapter 2 (commencing at Section 2000), of the California Code of Regulations, effective as of January 1, 1972.

Sec. 9-13.3. - County director of public health and city building official to enforce.

The Monterey County director of public health and his or her representatives pursuant to the provisions of Article II of Chapter 16 of this Code shall administer and enforce this article and the state law and regulations specified in Section 9-13.2 of this article, except that the building official of the city shall administer and enforce all laws, regulations and ordinances applicable to the construction of labor camps.

Sec. 9-13.4. - Fees.

(a) Every person applying for a permit to operate a labor camp shall pay a fee to the Monterey County director of health services in an amount set by the county of Monterey board of supervisors.

(b) The fees for a permit to construct a labor camp shall be those specified in Article I of Chapter 9 of this Code relating to the construction of buildings, or any ordinance of the city superseding it, and shall be paid to the building official of the city.

**Article I-N** Delegation of Authority; Enforcement and Penalties.

**Sec. 9-14.** - Authority of building official.

The building official of the City of Salinas is hereby designated to administer, implement and enforce this Article I and all codes and standards adopted and set forth herein.

**Sec. 9-14.1.** - Enforcement and penalties.

(a) Any person who violates a provision of this article or who fails to comply with any of the requirements set forth herein or in any of the codes adopted in this article or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under this article, shall be guilty of a misdemeanor, punishable by a fine or not more than one thousand dollars or by imprisonment not exceeding thirty days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Alternatively, and in the discretion of the city attorney, any such violation may be prosecuted administratively pursuant to the city's administrative remedies ordinance or pursuant to any other remedy available under the law or in equity.

(b) The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**Sec. 9-14.2.** - Costs of enforcement.

Costs of enforcement, including administrative costs, penalties and attorney's fees shall be borne by and shall become a personal obligation of the property owner, property owner's agent, operator, occupant, and/or the responsible person or entity and may be recoverable by the city by all available legal remedies. In addition to this personal obligation and all other remedies provided by law, the city may collect any judgment, fee, cost or charge, including any permit fees, fines, late charges or interest incurred by it in enforcing the provisions of this chapter. In the event any such costs remain unpaid after ninety days, the same shall constitute a lien or, in the alternative, an assessment against the real property on which the violation occurred. The cost of enforcement shall constitute an assessment against the respective lots or parcels of land on which such violation exists, and as thus made and confirmed shall constitute a lien on the property for the amount of such assessments, respectively, until paid. Such lien shall, for all purposes, be on parity with the lien of state, county and city taxes.

**Article I-O.** - Rooftop Solar Energy Permitting Process

**Sec. 9-15.** - Definitions.

Except where the context otherwise requires, definitions given in this section govern the construction of this article.

- (a) "Building official" means the chief building official or his or her assistants acting on his or her behalf.
- (b) "Electronic submittal" means the utilization of one or more of the following:
  - 1. Email;
  - 2. The Internet;
  - 3. Facsimile.
- (c) "Small residential rooftop solar energy system" means all of the following:
  - 1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.
  - 2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and all state and city health and safety standards.
  - 3. A solar energy system that is installed on a single or duplex family dwelling.
  - 4. A solar panel or module array that does not exceed the maximum legal building height as defined by the city planning commission.
- (d) "Solar energy system" means either of the following:
  - 1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
  - 2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.
- (e) "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

Sec. 9-15.210. - Purpose.

This article adopts an expedited, streamlined solar permitting process pursuant to the Solar Rights Act, as amended by AB 2188 (Chapter 521, Statutes 2014) to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This article encourages use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city, and expanding the ability of property owners to install solar energy systems.

Sec. 9-15.215. - Applicability.

- (a) This chapter applies to the permitting of all small residential rooftop solar energy systems in the city of Salinas.
- (b) Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this article are not subject to the requirements of this article unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting.
- (c) Routine operation and maintenance or like-kind replacements shall not require a permit.

Sec. 9-15. 220. - Solar energy system requirements.

- (a) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the city.

- (b) Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- (c) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the public utilities commission regarding safety and reliability.

Sec. 9-15. 225. - Duties of community development department and building official.

- (a) All documents required for the submission of an expedited solar energy system application shall be made available to the public and accessible via the city website.
- (b) Electronic submittal of required permit applications and documents by email, the Internet, or facsimile shall be made available to all small residential rooftop solar energy system permit applicants.
- (c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (d) The community development department shall create a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- (e) The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.
- (f) Fees prescribed for permitting of small residential rooftop solar energy system must comply with Government Code § 65850.55, Government Code § 66015, Government Code § 66016, and State Health and Safety Code § 17951, as the same may be amended from time-to-time.

Sec. 9-15. 230. - Plan review and inspection requirements.

- (a) The community development department shall create an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within thirty-days of the effective date of this article. The building official shall issue the permit within three business days of receipt of a complete standard or electronic application that meets the requirements of the approved checklist and standard plan.
- (b) Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.
- (c) If the building official determines the application would be in violation of local, state and/or federal health and safety requirements, the building official will make written findings, within three days, based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact.
- (d) Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

- (e) "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.
- (f) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
- (g) Only one inspection may be required and performed by the community development department for small residential rooftop solar energy systems eligible for expedited review.
- (h) The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request.
- (i) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this article.

**SECTION 2. Salinas City Code Chapter 13, Article II is hereby repealed in its entirety and is replaced with the following:**

**Article II. California Fire Code**

**Sec. 13-8. Adoption of California Fire Code.**

The City of Salinas adopts the 2019 edition of the California Fire Code, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the City of Salinas; providing for the issuance of permits and collection of fees therefore; repealing **ORDINANCE No. 2584** of the City of Salinas and all other ordinances or parts of laws in conflict therewith.

That a certain document, three (3) copies of which are on file in the Community Development Department at 65 West Alisal Street, Salinas, California being marked and designated as the California Fire Code, 2019 edition, including Appendix Chapters B, C, D , E, F, G, & I as published by the International Code Council, be and is hereby adopted as the Fire Code of the City of Salinas, in the State of California regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the Community Development Department are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in this ordinance.

**Sec. 13-9. Amendments to the California Fire Code.**

- (a) Section 101.1 is amended to read as follows:

**101.1 Title** These regulations shall be known as the Fire Code of the City of Salinas, hereinafter referred to as “this code.”

- (b) Section 103 is amended to read as follows:

**103 The fire prevention bureau.**

**103.1 General** The fire prevention bureau is established within the jurisdiction under the direction of the fire code official. The function of the bureau shall be the implementation, administration and enforcement of the provisions of this code.

- (1) This code shall be enforced by the fire prevention bureau within the Salinas, California, fire department, which is established, and which shall be operated under the supervision of the chief of the fire department.
- (2) A report of the fire prevention bureau containing statistics and information of all proceedings under this code shall be made a part of the annual Fire Department report and will be transmitted to the city manager and the city council. The chief of the fire department shall in his discretion recommend any amendments to this code.

- (c) Section 103.2 is deleted.

- (d) Section 104.12 is added to read as follows:

**104.12 – Cost Recovery**

**104.12.1 Purpose.** The purpose of this Section is to establish authority to obtain reimbursement from responsible individuals for the expenses of any emergency response and/or enforcement action by the City of Salinas to protect the public from fire or hazardous substances and situations.

**104.12.2 Reimbursement**

- (1) In accordance with the Health and Safety Code Section 13000 et seq., an individual who acts negligently or in violation of the law and thereby requires the jurisdiction to provide an emergency response to a danger posed by a fire or hazardous substance shall be liable for reimbursement to the agency for the costs incurred.
- (2) In accordance with Government Code Sections 53150 through 53158, any individual who is under the influence of an alcoholic beverage or any drug or the combined influence of an alcoholic beverage or any drug, and whose negligent operation of a motor vehicle, boat or vessel or civil aircraft caused by that influence proximately causes any incident and thereby requires the agency to provide an emergency response shall reimburse the agency for the cost incurred.

- (e) Section 105.1.1.1 is added to read as follows:



**105.1.1.1 Permits required.** All permits and inspections conducted by the Salinas Fire Department shall be charged a fee, as mandated in the Salinas City Code Chapter 11B-4 Schedule of Fees and Service Charges.

(f) Section 105.3.9 is added to read as follows:

**105.3.9 Expense Recovery.** The purpose of this section is to establish authority to obtain reimbursement from responsible individuals for permits, inspections, and associated enforcement action by the Salinas Fire Department, to protect the public from fire or substances and situations.

(g) Section 105.6.50 is added to read as follows:

**105.6.50 Christmas Tree Lots.** An operational permit issued by the Salinas Fire Department and required in addition to any other permit or approval which may be required under the City Code, is required to operate a Christmas tree lot with or without flame proofing services.

(h) Section 109.4 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 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 dollars or by imprisonment not exceeding thirty days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense. Alternatively, and in the discretion of the City Attorney, violations may be prosecuted administratively pursuant to the provisions of the City of Salinas Municipal Code or pursuant to any other remedy available to the City under the law or in equity. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

(i) Section 109.4.1 is amended to read as follows:

**109.4.1 Abatement of violation.** In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Any violation of this code shall be deemed a public nuisance pursuant to City of Salinas Municipal Code. In the event that a public nuisance is not abated in accordance with the fire code official's order or the order of the Board of Appeals, if any, the fire code official may proceed to abate the nuisance by force account, contract, or any other method deemed most expedient by the fire code official or the Board, as the case may be. The cost of such abatement may be charged to the owner of record, or assessed to the property in a manner provided in the City of Salinas Municipal Code.

(j) Section 109.4.2 is added to read as follows:

**109.4.2 Enforcement.** The fire code official and her/his designees, pursuant to the provisions of Section 836.5 of the Penal Code of the State of California, are hereby authorized to arrest a person without a warrant whenever they have reasonable cause to believe that the person has committed a violation of any of the provisions of this Code in their presence. Upon making such an arrest, the fire code official or her/his delegated subordinate shall prepare a citation and release the person arrested pursuant to Section 853.6 of the Penal Code of the State of California, the provisions of which are hereby adopted by reference as part of this Section.

(k) **Section 109.5 is added to read as follows:**

**109.5 Recordation of notice of fire code violation.**

1) Whenever the fire chief or his or her duly authorized representative finds a fire code violation in any building or on any premises, the fire chief may cause to be recorded in the office of the county recorder a notice of the pendency of fire code violation abatement proceedings.

Such notice shall describe the property and shall certify:

- a. That there exists as to any building on the property or upon the premises, as appropriate, a fire code violation; and
- b. That the owner has been notified.

2) Whenever the fire code violation has been corrected to the satisfaction of the fire chief so that the fire code violation no longer exists, and a notice has been recorded pursuant to the subsection 1 of this section, the fire chief shall cause to be recorded a new notice in the office of the county recorder certifying that there no longer exists a fire code violation as to any building on the property, or upon the premises, whichever is appropriate.

(l) **Section 111.4 is amended to read as follows:**

**111.4 Failure to comply.** It is unlawful for any person, firm or corporation to violate or fail to comply with any lawful order of the fire code official; fail to comply with an order by the Board of Appeals; within the time fixed therein. Every such violation shall be deemed a misdemeanor and shall be punishable by a fine of not more than \$1000.00 plus court assigned fees or by imprisonment not exceeding 1 year in the county jail, or both such fine and imprisonment. Alternatively, and in the discretion of the City Attorney, violations may be prosecuted administratively pursuant to the provisions of the Salinas Municipal Code or pursuant to any other remedy available to the City under the law.

(m) **Section 202 is amended to add definitions as follows:**

**All weather driving surface.** An all weather driving surface shall be asphalt, concrete or other approved driving surface capable of supporting the imposed load of Salinas Fire Department fire apparatus weighing at least 75,000 pounds, and as approved by the Fire Code Official

**Combustible Vegetation** is material that in its natural state will readily ignite, burn and transmit fire from the vegetative growth to any structure; this includes ground fuels which are any native or landscape vegetation not considered a tree and generally in contact with the ground.

**Fire Hazard** is anything that increases or could create an increase of the hazard or menace of fire to a greater degree than customarily recognized as normal by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire or anything or act which could obstruct, delay, hinder or interfere with the operations of the fire department or egress of occupants in the event of fire.

**Hookah.** A smoking device that consists of a bowl mounted on a vessel of water which is provided with a long tube and arranged so that smoke is drawn through the water where it is cooled and up the tube to the mouth.

**Legal representative of the jurisdiction.** It shall mean the city attorney of the city of Salinas, or his or her designee.

**Municipality.** As applied to the area within the contiguous boundaries of the City of Salinas, it shall mean the City of Salinas.

**Public Nuisance.** The unreasonable, unwarranted and/or unlawful use of property, which causes inconvenience, danger or damage to others, either to individuals and/or to the general public. Nuisances may include, but not be limited to noxious smells, noise, burning, unauthorized collections or storage of hazardous materials.

**Structure** means a residence and attached garage, building or related facility that is designed primarily for human use or habitation. Decking, fences, detached garages, sheds, gazebos, shade covers, and similar facilities are not considered structures for the purposes of determining fire protection requirements.

**Travel time** is the estimated time it would take for a responding agency to travel from the fire station to the furthest structure in a proposed development project, determined by measuring the safest, most direct, appropriate, and reliable route with consideration given to safe operating speeds for heavy fire apparatus.

**Response Time** is the elapsed time from the fire department's receipt of the first alarm to when the first fire unit arrives at the scene.

(n) Section 307.2.1 is amended to read as follows:

**307.2.1 Authorization.** Where required by state or local law or regulations, open burning shall only be permitted with prior approval from the Monterey Bay Air Resource District, provided that all conditions specified in the authorization are followed. During the "Declared open burn season" (As declared by the Monterey Bay Air Resource District) pile burning is allowed, at the discretion of the Fire Chief, when the "Guidelines for Pile Burning" (published by the

California Department of Forestry and Fire Protection or Monterey Bay Air Resource District) are strictly adhered to.

(o) Section 307.6 is added to read as follows:

**307.6 General burning prohibitions.** Trash, yard waste, rubbish and paper are prohibited as fuel for bonfires, recreational fires, and fires in outdoor fireplaces. Smoke or odor emissions from bonfires, recreational fires and use of outdoor fireplaces that make such fires hazardous shall be prohibited. The fire code official is authorized to order the extinguishment of a fire which creates a nuisance to neighboring properties or adds to a hazardous situation. A complaint to the fire code official shall be prima facie evidence of a nuisance.

(p) Section 310.2 is amended to add the following:

**Section 310.2 Prohibited Areas.** Exception: Smoking lounges, sometimes referred to as “hookah cafes” shall be subject to review and approval by the City of Salinas and Monterey County Health Department. The following is a list of Salinas Fire Department requirements:

- (1) Adequate ventilation is required when heating coals. A mechanical exhaust hood system that is listed shall be installed to provide ventilation. A building permit is required to install a mechanical exhaust hood system.
- (2) The mechanical exhaust hood fan shall be on at all times while coals are being prepared.
- (3) Whenever hot coals are removed from the preparation area, they shall be placed in a ceramic, metal, or other noncombustible container. Open mesh containers shall not be used.
- (4) Coal containers shall not be placed on combustible materials, such as tablecloths or furniture. All devices used to transfer coals from the container to the hookah pipe shall be of a non-combustible material.
- (5) Hookah pipes shall be securely fastened in place to prevent overturning. An approved clasp or hook may be used to secure the pipe to a table or other stationary object. A shield or other approved device shall be applied to the top of the pipe to prevent accidental contact of patrons to exposed coals. A protective device may be a cap constructed of aluminum foil so that the height is not less than two inches above the top of the coals.
- (6) Used coals shall not be discarded in such a manner that could cause ignition of combustible materials. Used coals shall be removed and placed into a sealed metal or ceramic container with a lid (no openings other than the lid). The container shall be labeled “Hot Coals Only”. The container shall not be placed within ten feet of other combustible materials, including combustible floors, walls, partitions, or within two feet of openings of the building. Hot ashes shall be thoroughly cooled (at least 24 hours) before being discarded.

(7) The occupant load of a business shall be determined by the Salinas Fire Department. If an occupant load is 50 or more all requirements of the California Fire and Building Code shall apply for assembly occupancy. Requirements for assembly occupancies shall apply.

(8) 2-A:10-B:C type fire-extinguishers shall be installed in approved locations.

(q) Section 503.1 is amended to read as follows:

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3., and Appendix D

(r) Section 503.2.1 is amended to read as follows:

**503.2.1 Dimensions.**

(1) Fire apparatus access roads shall have an unobstructed improved width of not less than twenty feet (20'), and twenty-six feet (26') where there is a fire hydrant or fire department connection present, exclusive of shoulders.

**Exceptions:**

- a. Approved security gates in accordance with Section 503.6. Gated entrances with card readers, guard stations or center medians, are allowed, provided that each lane is not less than fifteen feet (15') wide.
- b. Driveway and parking aisle reductions, in accordance with Salinas City Code, Chapter 37 Zoning, Article V, Division 2, as approved by the fire code official.
- c. All fire apparatus access roads shall have an unobstructed vertical clearance of not less than thirteen feet six inches (13'6"). Vertical clearances or road widths shall be increased when, in the opinion of the fire code official, vertical clearances or road widths are not adequate to provide fire apparatus access.

**Exception:** Upon approval of the fire code official, vertical clearances or road width may be reduced as long as the reduction does not impair access by fire apparatus. In cases where the vertical clearance has been reduced, approved signs shall be installed and maintained indicating the amount of vertical clearance.

(s) Section 503.2.3 is amended to read as follows:

**Section 503.2.3 Surface.** Fire apparatus access roads shall be designed and maintained to support the imposed loads of fire apparatus not less than 75,000 lbs., unless authorized by the fire code official, and shall be provided with an approved all weather driving surface.

**Alternate Fire Apparatus Access Surface.** Alternative fire apparatus surfaces such as "Grass Crete", "Turf Block ", or similar-type materials may be used under certain conditions. An Alternate Materials and Methods request in accordance with California Fire Code Appendix Chapter 1, Section 104.9 shall be submitted to the Fire Code Official prior to installation. The submittal shall include the design criteria based upon the imposed load of fire apparatus. The alternate surface shall be:

- a. Marked, with the lane at the curb delineated with lights, bollards, paint, and/or contrasting material.
- b. Structurally sound to preclude movement or disbanding with soil movement.
- c. Field tested by the contractor in the presence of the fire code official. Contact the local fire agency for specifications on testing. Testing may include driving the alternate surface by a weight-verified vehicle. Prior to testing, the soil shall be soaked.
- d. Prior to final approval, the engineer of record (civil or soils engineer) shall certify the installation.

(t) Section 503.2.4 is amended to read as follows:

**Section 503.2.4 Turning Radius.** The turning radius of a fire apparatus access road shall be a minimum of 40 feet outside turning radius and 20' inside turning radius, or as approved by the fire code official.

(u) Section 503.2.6 is amended to read as follows:

**Section 503.2.6 - Bridges and elevated surfaces.** When a bridge or an elevated surface is part of a fire apparatus access road, the bridge shall be constructed and maintained in accordance with AASHTO HS-20 (25 ton). Bridges and elevated surfaces shall be designed for a live load sufficient to carry the imposed loads of fire apparatus. Vehicle load limits shall be posted at both entrances to bridges when required by the fire code official. Where elevated surfaces designed for emergency vehicle use are adjacent to surfaces which are not designed for such use, approved barriers, approved signs or both shall be installed and maintained when required by the fire code official.

(v) Section 503.2.7 is amended to read as follows:

**Section 503.2.7 – Grade.** The gradient for a fire apparatus access roadway shall not exceed 10%. Grades exceeding 10% (incline or decline) shall not be permitted without mitigation. The fire code official may require additional mitigation measures as deemed appropriate.

(w) Section 503.2.8 is amended to read as follows:

**Section 503.2.8 Angles of approach and departure.** The angles of approach and departure shall not exceed 8 degrees, or as approved by the fire code official.

(x) Section 503.3 is amended to read as follows:

**Section 503.3 Marking.** Where required by the fire code official, fire apparatus access roads shall be marked or other approved notices or markings as a fire lane, as set forth in California Vehicle Code section 22500.1 (public) or 22658(a) (private), and Salinas Fire Department standards. Signs or notices shall be maintained in a clean and legible condition at all times and is replaced or repaired when necessary to provide adequate visibility. The designation shall be indicated by:

- (1) A sign immediately adjacent from the designated place that include “NO PARKING - FIRE LANE” signs, on both sides of interior access roadways in locations where vehicle parking would encroach on the required 20 - 26-foot clear width of roadway at 30 foot intervals, and/or
- (2) All raised curbs shall be painted red with the words “NO PARKING - FIRE LANE” stenciled 4 inches high at 30 foot intervals, or
- (3) In absence of raised curb, outline or paint the place in red, and in contrasting color, marking the outline of the roadway with the words “NO PARKING - FIRE LANE” stenciled 4 inches at 30 foot intervals, and which are clearly visible from a vehicle.
- (4) Fire apparatus access roads utilizing an approved "Alternate Surface" in section 503.3.3 fire lane shall be marked immediately adjacent to the fire access edge, delineated with lights, bollards, paint, and/or contrasting material.

(y) Section 503.4.2 shall be added to read as follows:

**503.4.2 Roadway Design Features.** Roadway design features, to included but not limited to, speed bumps, speed humps, speed control dips, modern roundabouts, raised medians, low-volume local streets, etc., which may interfere with emergency apparatus responses shall not be installed on fire access roadways, unless they meet design criteria approved by the fire code official.

(z) Section 503.6 is amended to read as follows:

**503.6 Security gates.** No person shall install a security gate or security device across a fire access roadway without the fire code official's approval. All gates providing access from a road to a driveway shall be located a minimum of thirty feet (30') from the nearest edge of the roadway and shall be at least two feet wider than the width of the traffic lane(s) serving the gate. An automatic gate across a fire access roadway or driveway shall be equipped with an approved emergency key-operated switch overriding all command functions and opening the gate. A gate accessing more than four (4) residences or residential lots or a gate accessing hazardous institutional, educational or assembly occupancy group structure, shall also be equipped with an approved emergency traffic control-activating strobe light sensor or other device approved by the fire code official, which will activate the gate on the approach of emergency apparatus with a battery back-up or manual mechanical disconnect in case of power failure. An automatic gate shall meet fire department policies deemed necessary by the fire code official for rapid, reliable access. An automatic gate serving more than one (1) dwelling or residential lot in existence at the time of adoption of this chapter is required to install an approved emergency key-operated switch or other mechanism approved by the fire code official, at an approved location, which overrides all command functions and opens the gate. A property owner shall comply with this requirement within ninety (90) days of receiving written notice to comply. Electric gate openers, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed and installed to comply with the requirements of ASTM F2200.

- (aa) Section 505.3 is added to read as follows:

**505.3 Response map updates.** Any new development, which necessitates updating of emergency response maps by virtue of new structures, hydrants, roadways or similar features, shall be required to provide map updates in a PDF and/or CAD format, as approved by the fire code official, or compatible with current department mapping services.

- (bb) Section 506.1 is amended to add the following after the first paragraph:

**Section 506.1 Where required.** All buildings equipped with a monitored fire alarm system fire sprinkler system, and or other automatic fire protection system shall have an approved key box on site in an approved location. Where hazardous materials are stored an approved keyed cabinet shall be onsite in an approved location. The cabinet shall contain, but shall not limited to containing, hazardous materials data, MSDS (Material Safety Data Sheets), pre-fire plans, building floor plans and evacuation procedures.

- (cc) Section 507.3 is amended to read as follows:

**Section 507.3 Fire flow requirements,** Fire flows for buildings or portions of buildings and facilities shall be based on Appendix B or the standard published by the Insurance Services Office, "Guide for Determination of Required Fire Flow".

- (dd) Section 507.5 amended to read as follows:

**Section 507.5 Fire hydrant systems.** Fire hydrant systems shall comply with Sections 507.5.1 through 507.5.6, Appendix C, and NFPA 291.

- (ee) Section 510.1 is amended to add the following after the third exception:

**Section 510.1 Emergency Responder Radio Coverage:**

4. Where public safety radio system signal levels are anticipated to fall below the acceptable limits as set forth in section 510.4, the Fire Code Official may allow for a mitigation fee to be assessed to augment the coverage of the regional public safety radio system to achieve the minimum signal strength standards as an alternate to a building specific communication system

- (ff) Section 903.2 is amended to add the following after the first paragraph:

**Section 903.2 Where Required** Existing non-sprinklered commercial buildings, other than as noted in 903.2.11 – 903.2.11.4, will be allowed to use 2-hour separation walls with rated openings with full smoke detection systems on both sides to automatically close rated openings in lieu of sprinklers when additional square footage is added, provided that the addition does not exceed occupancy fire sprinkler requirements in sections 903.2.1 through 903.2.10.

Area separation walls or types of construction shall not be used to eliminate the requirement for automatic sprinkler systems when the total square footage of a building exceeds occupancy fire sprinkler requirements in sections 903.2.1 through 903.2.12.



(gg) Section 903.3.1.3 is amended to add the following after the first paragraph:

**Section 903.3.1.3 NFPA 13D Sprinkler Systems**

- 1) Leak testing. All new fire sprinkler systems installed in Group R-3 occupancies shall be tested by installer at time of installation, and witnessed by fire code official, for leakage by undergoing a hydrostatic test made at 200 psi for a two-hour duration.
- 2) Local water flow alarms. Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

(hh) Section 903.3.5.1 is amended to read as follows:

**903.3.5.1 Domestic services.** Where the domestic service provides the water supply for the automatic sprinkler system, the supply shall be in accordance with this section.

Automatic sprinkler systems may be connected to the domestic water-supply main when approved by the fire code official, provided the domestic water supply is of adequate pressure, capacity and sizing for the combined domestic and sprinkler requirements.

Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve after the meter, arranged to shut off both the domestic and the sprinkler systems and may have a separate shut-off valve for the domestic system only. The location of any control valve shall be approved by the fire code official. A separate shut-off valve is not required for the domestic water supply in multi-purpose piping systems.

(ii) Section 907.8.6 is added as follows:

**Section 907.8.6 False Alarms.**

To reduce the number of false and nuisance alarms, and to encourage inspection, testing and maintenance of fire alarm systems, the Salinas Fire Department shall assess a fee to the responsible party, as established by the City Council pursuant to Salinas Municipal Code, Chapter 11B. Additional penalties and fees may be assessed for each and every subsequent response. A false alarm is defined as; “any alarm system activation that triggers a fire department response that is not the result of a fire or fire-related smoke conditions”.

(jj) Section 5001.5.1.1 is added to read as follows:

**5001.5.1.1 HMMP approved location.** The hazardous materials management plan shall be placed in an approved location, in a keyed box or other method of storage as approved by the fire code official or designated representative.

(kk) Section 5601.1 shall be amended to read as follows:

**Section 5601.1 Scope.** For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6. For the regulation of the possession, use, storage, sale, and display of fireworks within the City of Salinas see Salinas Municipal Code, Chapter 13A.

(ll) Section 5704.2.9.6.1 is amended as follows:

**Section 5704.2.9.6.1 Locations where above-ground tanks are prohibited.**

**Establishment of geographic limits of districts in which storage of Class I and II flammable or combustible liquids in aboveground tanks is prohibited.**

(a) The limits in which the storage of flammable or combustible liquids in above-ground tanks outside of buildings, and in **CFC Section 5706.2.4.4** in which these tanks are restricted or are prohibited, are hereby established and designated as, all land within the present or future corporate limits of the city except in certain zoning districts within the city as established by Chapter 37 of the Salinas Municipal Code, and is allowed as follows:

A	Agriculture
IGC	General Commercial
CT	Thoroughfare-Commercial
IBP	Business Park
IG	General Industrial

(b) In IG, IBP, CT, ICG and A zones, the aboveground storage of Class I flammable or Class II or IIIA combustible liquids shall be permitted providing that the tank is listed as an insulated, vehicle impact, and projectile-resistant aboveground tank for flammable or combustible liquids, and that no more than three tanks per parcel and business occupancy are installed that exceed two thousand gallons (12 618L) individual or six thousand gallons (50 472L) aggregate capacity.

(c) This section shall not be applicable to be construed so as to prohibit the construction new bulk plants exclusively utilizing underground storage tanks and tank vehicle bottom loading procedures.

(mm) Section 5806.2 is amended as follows:

**Section 5806.2 Limitations.**

**Establishment of geographic limits of districts in which storage of flammable cryogenic fluids in stationary containers is restricted for the protection of heavily populated or congested areas.**

- (a) The limits in which storage of flammable cryogenic fluids in stationary containers is prohibited and permitted by exception are established as follows:

A	Agriculture
IGC	General Commercial
CT	Thoroughfare- Commercial
IBP	Business Park
IG	General Industrial

- (nn) Section 6104.2 is amended as follows:

**Section 6104.2 Maximum capacity within established limits.**

**Establishment of geographic limits of districts in which bulk storage of liquefied petroleum gases is restricted for the protection of heavily populated or congested areas.**

The limits restricting the storage of liquefied petroleum gas are established and designated as, all land within the present or future corporate limits of the city except in certain zoning districts within the city as established by Chapter 37 of the Salinas Municipal Code, and is allowed as follows:

A	Agriculture
IGC	General Commercial
CT	Thoroughfare-Commercial
IBP	Business Park
IG	General Industrial

- (a) In IG zones, individual tank capacity shall not exceed one thousand two hundred gallons water capacity, with an aggregate not to exceed two thousand four hundred gallons water capacity.
- (b) In IBP, CG, CT and A zones, the aggregate capacity shall not exceed five hundred gallons water capacity.
- (c) No stationary storage tank shall be located within one hundred fifty feet of any A, E, I or R occupancy as specified in the California Building Code.
- (d) No stationary storage shall be located less than ten feet from the nearest street or sidewalk.

**SECTION 3.** If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of any competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Salinas City

Council hereby declares that it would have passed this ordinance, and each and every section, clause and phrase thereof not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 4.** This ordinance and local amendments shall take effect 30 days from and after adoption by Council. The Building Standard Codes will be in effect January 1, 2020.

**SECTION 5.** The City Clerk of the City of Salinas is hereby directed to cause the following summary of this ordinance to be published by one (1) insertion in The Salinas Californian, a newspaper of general circulation printed, published, and circulated in the city of Salinas and hereby designated for that purpose by the Council of Salinas:

“Chapters 9 and 13 of the Salinas City Code is hereby amended to adopt the most recent editions of the California Building Standards Codes with local amendments.”

This ordinance was passed and adopted on the 5<sup>th</sup> day of November, 2019, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

\_\_\_\_\_  
Joe Gunter, Mayor

APPROVED AS TO FORM:

\_\_\_\_\_  
Christopher A. Callihan, City Attorney

ATTEST:

\_\_\_\_\_

Patricia M. Barajas, City Clerk