

ORDINANCE NO. _____, NEW SERIES

AN ORDINANCE OF THE CITY OF MORGAN HILL AMENDING CHAPTERS 15.08 (BUILDING CODE), 15.12 (ELECTRICAL CODE), 15.16 (MECHANICAL CODE), 15.20 (PLUMBING CODE), AND 15.44 (FIRE CODE) TO ADOPT BY REFERENCE THE 2016 CALIFORNIA STATE BUILDING STANDARDS CODES KNOWN AND DESIGNATED AS CALIFORNIA CODE OF REGULATIONS, TITLE 24 AND TO AMEND, DELETE, AND ADD CERTAIN OTHER BUILDING AND CONSTRUCTION STANDARDS AND TO MAKE MINOR CHANGES TO SECTIONS IN CHAPTERS 15.40 (BUILDING SECURITY), 15.65 (SUSTAINABLE BUILDING REGULATIONS), AND 15.66 (SWIMMING POOLS) OF TITLE 15 (BUILDING AND CONSTRUCTION) OF THE MORGAN HILL MUNICIPAL CODE

WHEREAS, Health and Safety Code Section 17922 requires that the State adopt building standards and rules and regulations (“State Building Standards Code”) and that such State Building Standards Code impose substantially the same requirements as are contained in the most recent editions of specified uniform industry codes; and

WHEREAS, Health and Safety Code Section 17958 allows the City Council to adopt ordinances or regulations which impose the same requirements as the State Building Standards Code or make changes or modifications to the State Building Standards Code upon express findings that that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions; and

WHEREAS, the Building Standards, along with any changes or modifications made by the City Council, become effective 180 days after publication by the California Building Standards Commissions; and

WHEREAS, the City Council desires to adopt the 2016 State Building Standards Code, including the California Building Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, and the California Fire Code, as published by the California Building Standards Commission, along with changes and modifications reasonably necessary because of local climatic, geological, or topographical conditions, based on findings set forth in this ordinance; and

WHEREAS, the City Building Official and the Fire Department have determined that local amendments to the State Building Standards Codes are necessary due to unique conditions exist in the City of Morgan Hill; and

WHEREAS, amendments related to fire and life-safety contained in the 2016 State Building Standards Code as recommended by the City Building Official and the Fire Department are hereby found to be reasonably necessary due to the following local conditions, along with additional express findings are already on file with the California Building Standards Commission:

A. Climatic Conditions

Santa Clara County and the City of Morgan Hill are located in a semi-arid Mediterranean type climate which predisposes all fuels to rapid ignition and spread of fire. Hot, dry winds and low humidities are common to all areas within the City of Morgan Hill and Santa Clara County in general. Winter rains promote the growth of grass and brush. This vegetation presents heavy dry fuel loads in the summer months. These conditions are conducive to the ready ignition, propagation, and spread of grass, brush, and structure fires. These conditions, which can cause small brush fires which spread quickly, are a contributing factor to the high fire danger in the area and create the need for an increased level of fire protection. This added protection will supplement normal fire department response and provide immediate protection for life and safety of multiple occupancy occupants during fire occurrences.

B. Topographic Conditions

The topography of Morgan Hill has hillside homes on each side of the City with long response times for safety equipment. The City foothills cause many problems for firefighters, including long response times, inadequate water supply, and unlimited fuel. Fog, heavy rains, mud slides, and earthquakes are other common occurrences which negatively affect the ability of the City's public safety resources to respond to emergency situations. The City is in a Category D seismic activity classification. Many traffic corridors such as Highway 101, Monterey Road, Union Pacific Railroad, related bridges, underpasses, and crossings are subject to obstruction in the event of an earthquake, traffic accident, hazardous material spill, or other disaster.

C. Geographic Conditions

1. Santa Clara County and the City of Morgan Hill are located within the seismically active San Francisco Bay region. The significant earthquakes in the region are generally associated with the crustal movements along well-defined, active fault zones. The nearest known active faults are the San Andreas Fault, approximately 12 miles southwest of Morgan Hill and the Calaveras Fault, approximately one mile northeast. Both faults have produced major earthquakes in the past and have estimated maximum credible Richter magnitudes of 8.3 and 7.3, respectively. The Sargent-Berrocal Fault, a potentially active fault, lies approximately ten miles away and has an estimated maximum credible Richter magnitude of 7.3. The Coyote Creek Fault is located in Morgan Hill and is classified as potentially active as well. In addition, several unnamed faults traverse the western slopes of the upland areas.
2. Regional planning for reoccurrence is recommended by the State Department of Conservation. The October 17, 1989 Santa Cruz earthquake resulted in only one major San Francisco fire in the Marina district but, when combined with the 34 other fires and over 500 responses, the fire department was taxed to its full capabilities. The Marina fire was difficult to contain because mains supplying water to the district burst during the earthquake. If more fires had been ignited by the earthquake, it would have been difficult for the fire department to contain them. Experts predict a major earthquake in our area within the next 50 years. This situation creates the need for both additional fire protection measures and automatic on-site fire protection for

- building occupants since a multitude of fires may result from breakage of gas lines and electric lines as a result of an earthquake.
3. Traffic and circulation congestion presently existing in the City of Morgan Hill often places fire department response time to fire occurrences at risk. This condition will be exacerbated by any major disaster, including any earthquake where damage to the highway system will occur. This condition makes the need for additional on-site protection for property occupants necessary.
 4. The City of Morgan Hill is located in an area subject to a climatic condition of high winds and low humidity. This combination of events creates an environment which is conducive to rapidly spreading fires. Control of such fires requires rapid response. Obstacles generated by a strong wind, such as fallen trees, street lights, and utility poles, greatly impact the response time to reach an incident scene.
 5. The City of Morgan Hill is located in the middle of a seismically active area. The viability of the public water system would be questionable at best after a major seismic event. A severe seismic event has the potential to negatively impact any rescue or fire suppression activities because it is likely to create obstacles similar to those indicated under the high wind section above. With the probability of strong aftershocks, there exists a need to provide increased protection for anyone on upper floors.
 6. The City of Morgan Hill is located approximately fifteen miles from the ocean. The City's typical ground water level is between ten and twenty feet. This condition makes the City more prone to subsidence issues than most inland communities; and

WHEREAS, the 2016 Building Standards makes corrects unnecessary and duplicative provisions of the Municipal Code; and

WHEREAS, minor changes are also proposed by the Building Official to two sections in the Building Security Chapter (Chapter 15.40), one section in the Sustainable Building Regulations Chapter (Chapter 15.56), and the Swimming Pools Chapter (Chapter 15.66) of the Morgan Hill Municipal Code.

NOW THEREFORE, IN CONSIDERATION OF THE FOREGOING, THE CITY COUNCIL OF THE CITY OF MORGAN HILL DOES HEREBY ORDAIN AND ENACT AS FOLLOWS:

SECTION 1. Chapter 15.08 (Building Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read (additions in underline, deletions in ~~strikeout~~).

"Chapter 15.08 - BUILDING CODE

Sections:

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|-----------|--|
| 15.08.010 | Adoption of the 201 63 ³⁶ California Building Code and the 201 36 ³⁶ California Residential Code, and other parts of the State Buildings Standards Code. |
| 15.08.020 | Short title. |

- 15.08.030 ~~Scope, o~~Organization, enforcement, fees, and inspections.
15.08.040 Additions, amendments, and deletions.
15.08.050 Sections 1505.1.4.1 and R902.1.4.1.11 added amended – Construction of roof coverings in wildland-urban interface areas.
~~15.08.060 Section R313.1 and R313.2 amended – Sprinkler system requirements.~~
15.08.0670 Building over utility easements.
15.08.0780 Section 310.1 amended - Single-room occupancies (SRO).
15.08.0890 Section 2308.9.36.5 Item 5, amended - Alternate bracing (gypsum bBoard and Item 7, Portland Cement).
15.08.1090 Section 1907A.1 10.1 amended - Minimum slab thickness provisions.
15.08.1100 Section 1808A.17 amended Footing and - Foundations.
15.08.1210 Violation—Penalty.

15.08.010 - Adoption of the 20163 California Building Code, the 20136 California Residential Code and other parts of the State Building Standards Code.

There is hereby adopted by reference that certain code known and designated as the California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 7, 8, and 10, 11, and 12 as published by the California Building Standards Commission, as further described and including the following:

- 20136 California Administrative Code (California Code of Regulations Title 24, Part 1).
- 20136 California Building Code (California Code of Regulations Title 24, Part 2) based on the 200915 International Building Code® as prepared by the International Code Council, and as amended by the State of California.
- 20136 California Residential Code (California Code of Regulations Title 24, Part 2.5) based on the 200915 International Residential Code® as prepared by the International Code Council, and as amended by the State of California.
- 20163 California Energy Code (California Code of Regulations Title 24, Part 6).
- ~~2013 California Elevator Safety Construction Code (California Code of Regulations Title 24, Part 7).~~
- 20160 California Historical Building Code (California Code of Regulations Title 24, Part 8).
- 20163 California Existing Building Code (California Code of Regulations Title 24, Part 10) based on the 201509 International Existing Building Code® as prepared by the International Code Council, and as amended by the State of California.
- 20163 California Green Building Standards Code (California Code of Regulations Title 24, Part 11).
- 20163 California Referenced Standards Code (California Code of Regulations Title 24, Part 12).

Such Code shall include those sections requiring enforcement by the ~~local-Morgan Hill Building Department~~, and, as further amended by the City of Morgan Hill, ~~with~~ provisions intended to address local climatic, geologic, and topographic conditions, as permitted by State law. Adoption of said Code shall include the adoption of Appendices B, I, and J, including Division II Scope and Administration, contained in the 2013~~6~~ California Building Code.

Such Code shall be and become the City of Morgan Hill Building Code, regulating the erection, construction, alteration, repair, relocation, demolition, occupancy, use, height, area, and maintenance of all buildings and structures, and certain equipment therein specifically regulated. The provisions of said ~~C~~ode shall provide for the issuance of permits and certificates of occupancy, ~~and the~~ collection of fees thereof, and ~~providing~~ penalties for violation of such Code.

At least one (1) copy of the City of Morgan Hill Building Code has been deposited in the ~~e~~Office of the City ~~B~~uilding ~~e~~Official and is available for public inspection.

15.08.020 - Short title.

This ~~e~~Chapter shall be known as the "Building Code" and may be cited as such.

15.08.030 - ~~Scope, e~~Organization, enforcement, fees, and inspections.

The ~~scope~~, organization, enforcement, fees, and inspections shall comply with the 2013~~6~~ California Building Code. The Building Official shall use the Building Valuation Data from the Building Standards publication for "cost per square foot." For residential construction, two (2) general classes, one (1) for "average" and one (1) for "good" construction, will be used by the Building Official with adjustments for special architectural or structural features and location of the project.

15.08.040 - Additions, amendments, and deletions.

The following provisions of the California Building Code and California Residential Code shall be added, amended, or deleted as follows:

A. The following ~~S~~ections in the California Building Code are amended added by this Chapter: 1505.1.4-1, 310.1, 2308.6.5, 1907A.1, and 1808A.1.

B. The following ~~S~~ections in the California Residential Code ~~are-is~~ added-amended by this Chapter: R902.1.4.1.

~~C. The following sections in the California Residential Code are amended by this Chapter: R313.1, R313.2.~~

15.08.050 - Sections 1505.1.4-1 and R902.1.41-11 ~~added~~ amended – Construction of roof coverings in wildland-urban interface areas.

- A. Section 1505.1.4.1 of the 2016 California Building Code is hereby amended to read in its entirety:

~~1505.1.4.1~~ Roofing requirements in a ~~Coverings within the~~ Wildland-Urban Interface Fire Area.

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

- B. Section R902.1.4.1 of the 2016 California Residential Code is hereby amended to read in its entirety:

~~R902.1.4.1~~ Roofing requirements ~~Coverings within the~~ in a ~~W~~ildland-~~U~~rban ~~i~~nterface ~~F~~ire ~~A~~rea.

The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

- C. Findings.

1. The Council finds and declares that the areas as defined in the open space and conservation element of the General Plan are considered a hazardous fire area and that it is, therefore, necessary to establish special minimum fire-resistive requirements in these areas for the protection of life and property. The fire hazard of untreated wood roofs has long been recognized by the National Fire Protection Association. The City's foothills cause many problems for firefighters including long response times, inadequate water supply, and unlimited fuel. The City is in a region which experiences high winds and low humidity during summer months. Winter rains promote the growth of grass and brush. This vegetation presents heavy dry fuel loads in the summer months. These conditions are conducive to the ready ignition, propagation, and spread of grass, brush, and structure fires. Fog, heavy rains, mud slides, and earthquakes are other common occurrences which negatively affect the ability of the City's public safety resources to respond to emergency situations. The topography of Morgan Hill has hillside homes on each side of the City, causing long response time for safety equipment. The City is in a Category D seismic activity classification. Many traffic corridors, such as Highway 101 and Monterey Road, ~~Southern Union~~ Pacific Railroad, and related bridges, underpasses, and crossings, are subject to obstruction in the event of an earthquake, traffic accident, hazardous material spill, or other disaster.

2. Any of the above factors could quickly exhaust the fire ~~district's~~department's resources and prevent the assistance of mutual aid resources. Therefore, Class A roofing would provide the fire protection needed through this amendment.

~~15.08.060 Section R313.1 and R313.2 Sprinkler System Requirements.~~

~~A Section R313.1 of the California Residential Code to read:~~

~~R313.1: Townhouse Automatic Fire Sprinkler Systems:~~

~~An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.~~

~~Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area.~~

~~B. Section R313.2 of the California Building Code to read:~~

~~R313.2 One and Two Family Dwellings Automatic Fire Sprinkler Systems:~~

~~An automatic residential fire sprinkler system shall be installed in one and two family dwellings as follows:~~

- ~~1. In all new one and two family dwellings and in existing one and two family dwellings when additions are made that increase the building area to more than 3,600 square feet.~~

~~Exception: A one-time addition to an existing building that does not total more than 1,000 square feet of building area.~~

- ~~2. In all new basements and in existing basements that are expanded.~~

~~Exception: Existing basements that are expanded by not more than 50%.~~

- ~~C. Findings. The City of Morgan Hill experiences low humidity, high winds and warm temperatures during the summer months, creating conditions which are particularly conducive to the ignition and spread of grass, brush and structure fires. The remoteness and steepness of hillside areas in the City significantly impact the ability of emergency responders to extinguish or control wild land or structure fires. These factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction.~~

~~15.08.0760 - Building over utility easements.~~

It is unlawful for any person, firm, or corporation to erect, construct, or maintain any building, garage, carport, storage shed, or other similar building over or within the boundary of any public easement. "Public utility easement" as used in this Section includes any easement for a gas line, water line, storm drainage line, or buried or overhead electrical or telephone lines.

15.08.0780 - Section 310.1 amended - Single-room occupancies (SRO).

- A. Section 310.1 of the 201~~63~~ California Building Code is hereby amended to read in its entirety:

310.1 Residential Group R.

The SRO unit shall have a living room of not less than 150 square feet (13.9m²) of superficial floor area. An additional 100 square feet (9.3m²) of superficial floor area shall be provided for each occupant of such SRO unit in excess of two.

The SRO unit shall be provided with a separate closet.

The SRO unit may be provided with a kitchen sink, cooking appliance and refrigeration facilities, each having a clear working space of not less than 30 inches (762 mm) in front. Light, ventilation and emergency egress conforming to this Code shall be provided.

Every building shall be provided with at least one water closet. Every hotel or subdivision thereof where both sexes are accommodated shall contain at least two separate toilet facilities which are conspicuously identified for male and female use, each of which contains at least one water closet.

Exception: Hotel guest rooms may have one unidentified toilet facility.

Additional water closets shall be provided on each floor for each sex at the rate of one for every additional ten guests, or fractional part thereof, in excess of ten.

Every SRO unit shall be provided with a kitchen equipped with a kitchen sink; however, that single room occupancy living unit facilities and single room occupancy residential hotels may contain partial kitchen facilities so long as a sink is provided and laundry facilities and kitchen facilities are provided on each floor accessible from a public hallway.

Every SRO unit and every lodging house shall be provided with a bathroom equipped with facilities consisting of a water closet, lavatory and either a bathtub or shower; however, that single room occupancy residential hotels may contain partial bathroom facilities. If individual bath facilities are not provided, common bath facilities must be provided as follows:

Where private water closets, lavatories and baths are not provided there shall be provided on each floor, for each sex, at least one water closet and lavatory and one bath, accessible from a public hallway. Additional water closets, lavatories and baths shall be provided on

each floor for each sex at the rate of one for every additional ten guests or fractional number thereof in excess of ten. Such facilities shall be clearly marked for "men" or "women." As an alternative, adequate unisex facilities may be provided. Each sink, lavatory and either a bathtub or shower shall be equipped with hot and cold running water necessary for its normal operation.

When SRO units are required by state law to be accessible or adaptable, ~~see~~ appropriate sections of state law for access requirements must be followed.

- B. This amendment is made pursuant to the authority set forth in California Health and Safety Code Section 17958.1.

15.08.0980 - Section 2308.6.5 9.3 Item 5, amended - Alternate bracing (gypsum bBoard and Item 7, Portland Ccement).

- A. Section 2308.6.5 9.3, Item 5 and Item 7 of the 20163 California Building Code, which allows the use of gypsum board and Portland cement for wall bracing, is hereby amended to read in its entirety:

2308.6.5 Alternative Bracing.

The use of gypsum board and Portland cement is not allowed in the City of Morgan Hill.

- B. Findings. The City is in a Category D seismic activity classification. Gypsum wallboard and exterior Portland cement plaster have performed poorly during California seismic events. Shear values for gypsum wallboard and Portland cement stucco contained in the Code are based on monodirectional testing. It is appropriate to eliminate the use of these materials until cyclic loading tests are performed and evaluated.

15.08.1090 - Section 1907A.110.1 amended - Minimum slab thickness provisions.

- A. Section 1907A.110.1 of the 20136 California Building Code is hereby amended to read in its entirety:

1907A.1 (a) General.

The minimum thickness of concrete floor slabs supported on base rock shall not be less than 3- 1/2" thick. The slab shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate installed at mid height of the slab over 4" of approved base or as designed by a licensed professional engineer.

- B. Findings. To avoid damage due to soil expansion, shrinkage and seismic activity which causes damage to concrete slab flooring throughout the City, imposing the above requirements eliminates the need for a soils report for some small projects.

15.08.1400 - Section 1808A.17- amended - Footing and fFoundations.

- A. Section 18078A.1 of the 20136 California Building Code is hereby amended to read in its entirety:

1808A.1 General

A minimum of one top and one bottom continuous bar of 1/2" diameter reinforcing steel shall be required in all continuous concrete or masonry bearing foundations of Group R residential occupancies. Other occupancies shall be based on design.

- B. Findings. The City is within a very active seismic area and local soil conditions can be highly expansive (clay soils). Damage to plain concrete footings is extremely expensive to repair, in contrast to the nominal expense of providing footing reinforcement. Footing reinforcement is also necessary to help prevent damage due to shrinking and swelling during seasonal drying and wetting conditions.

15.08.1120 Violation--Penalty.

- A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this Chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine of not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten days that prohibited conditions are maintained constitutes a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this Chapter is punishable as a misdemeanor, the City Attorney may specify that the offense is an infraction pursuant to Section 1.24.010(D), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge."

SECTION 2. Chapter 15.12 (Electrical Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read (additions in underline, deletions in ~~strikeout~~).

"Chapter 15.12 - ELECTRICAL CODE"

Sections:

15.12.010 Short title.

15.12.020 Adoption of the 2016 California Electrical Code.

15.12.030 Scope, organization, enforcement, fees, and inspections.

15.12.040 Additions, amendments, and deletions.

15.12.050 Article 334.12 amended - Uses not permitted.

15.12.0560 Violation-Penalty.

15.12.010 - Short title.

This Chapter shall be known as the "Electrical Code".

15.12.020 - Adoption of the 2016 California Electrical Code.

There is adopted by reference that certain Code known and designated as the California Code of Regulations, Title 24, Part 3, further described and referred to as the 20136 California Electrical Code published by the California Building Standards Commission and based on the National Electric Code®, 20114 Edition, prepared by the National Fire Protection Association. Adoption of said Code shall include those sections and annexes requiring enforcement by the ~~local~~ Morgan Hill ~~Building~~ Department and, as further amended by the City of Morgan Hill, ~~with~~ provisions intended to address local climatic, geologic, and/or topographic conditions, as permitted by State law. Adoption of said Code shall include adoption of the following annexes of the California Electrical Code: Annex A, Annex B, Annex C, Annex D, Annex E, Annex F, and Annex H with local amendments. Such Code shall be and become the Morgan Hill Electrical Code, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of electrical systems, equipment, and appliances. The provisions of said Code shall provide for the issuance of permits and collection of fees thereof, and ~~providing~~ penalties for violation of such Code.

At least one (1) copy of the City Electrical Code has been deposited in the ~~Office~~ Office of the City ~~Building~~ Official and is available for public inspection.

15.12.030 - Scope, organization, enforcement, fees, and inspections.

The scope, organization, enforcement, fees, and inspections of the 20163 California Electrical Code must comply with those set forth in the 20163 California Building Code and 20114 National Electrical Code.

15.12.040 - Additions, amendments, and deletions.

The following provisions of the 2016 Electrical Code shall be amended or deleted:

A. The following Sections of the 2016 California Electrical Code are amended by this Chapter: Article 334.12.

15.12.050 - Article 334.12 amended - Uses not permitted.

- A. Article 334.12 of the 2016 California Electrical Code is hereby amended to read in its entirety:

Article 334.12 ~~Non-Metallic Sheathed Cables~~Uses Not Permitted.

- ~~(a)~~ Type NM or NMC. Type NM and NMC cables shall not be used: (1) in any dwelling or structure exceeding three floors above grade; (2) as service-entrance cable; (3) embedded in poured concrete; or (4) in any non-residential occupancy. For the purpose of this article, the first floor of the building shall be that floor that has 50 percent or more of the exterior wall surface area level with or above finish grade. One additional level that is the first level and not designated for human habitation and used only for vehicle parking, storage, or similar use shall be permitted.
- B. Findings. Morgan Hill is in an active seismic zone and has experienced two large seismic events in the past twenty five years. Structural damage to commercial buildings in the business community was severe; electrical wiring within these commercial buildings was severely damaged, causing fire and creating electrical shock hazards to the occupants. Requiring that all electrical building wiring be protected in an approved electrical raceway as described in the California Electrical Code will minimize fire and life safety hazards to the occupants and rescue personnel caused by damaged exposed electrical wiring.

15.12.0560 - Violation-Penalty.

- A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plan submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this Chapter, is severally and for each and every violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained constitutes a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this Cchapter is punishable as a misdemeanor, the City Attorney may specify

that the offense is an infraction pursuant to Section 1.24.010(D), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge."

SECTION 3. Chapter 15.14 (Mechanical Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read (additions in underline, deletions in ~~strikeout~~).

"Chapter 15.16 - MECHANICAL CODE^{*}

Sections:

15.16.010 Short title.

15.16.020 Adoption of the 201~~63~~ California Mechanical Code.

15.16.030 Scope, organization, enforcement, fees, and inspections.

15.16.040 Violation—Penalty.

15.16.010 - Short title.

This ~~C~~chapter shall be known as the "Mechanical Code" and may be cited as such.

15.16.020 - Adoption of the 201~~63~~ California Mechanical Code.

There is hereby adopted by reference that certain Code known and designated as the California Code of Regulations, Title 24, Part 4, further described and referred to as the 201~~63~~ California Mechanical Code published by the California Building Standards Commission and based on the Uniform Mechanical Code®, 201~~25~~ Edition, prepared by the International Association of Plumbing and Mechanical Officials. The adoption of said Code shall include those sections requiring enforcement by the ~~local~~ Morgan Hill ~~b~~Building ~~d~~Department. Such Code shall be and become the Morgan Hill Mechanical Code, regulating heating, ventilating, comfort cooling, refrigeration systems, and other miscellaneous heating appliances, prescribing conditions under which such work may be performed within the City, and providing for the issuance of permits and the collection of fees therefore and penalties for violation of such Code.

At least one (1) copy of the City Mechanical Code has been deposited in ~~e~~Office of the City ~~b~~Building ~~e~~Official and is available for public inspection.

15.16.030 - Scope, organization, enforcement, fees, and inspections.

The scope, organization, enforcement, fees, and inspections of the California Mechanical Code must comply with those set forth in the 201~~63~~ California Building Code.

15.16.040 - Violation—Penalty.

- A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this ~~e~~Chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained constitutes a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this Chapter is punishable as a misdemeanor, the City Attorney may specify that the offense is an infraction, and proceed with prosecution as an infraction, unless the pursuant to Section 1.24.010(D) defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge."

SECTION 4. Chapter 15.20 (Plumbing Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read (additions in underline, deletions in ~~strikeout~~).

"Chapter 15.20 - PLUMBING CODE^{*}

Sections:

- 15.20.010** Short title.
- 15.20.020** Adoption of the 201~~36~~ California Plumbing Code.
- 15.20.030** Scope, organization, fees, and inspections.
- 15.20.040** Amendments and deletions.
- 15.20.050** Section 604.~~32~~ amended--~~Water lines and fittings~~Copper tube.
- 15.20.060** Section 608.2 amended--Pressure regulators.
- 15.20.070** Sections 609.3.~~1~~ amended--~~Piping under slabs~~Under concrete slab.
- 15.20.080** Section 710.1 amended--Backwater valves.
- 15.20.090** Sections ~~1002.11-0, 1002.2, and 1002.3~~ amended--Vents and Traps.
- 15.20.100** Violation-Penalty.

15.20.010- Short title.

This Chapter shall be known as the "Plumbing Code" and may be cited as such.

15.20.020 - Adoption of the 201~~63~~ California Plumbing Code.

There is hereby adopted by reference that certain Code known and designated as the California Code of Regulations, Title 24, Part 5, further described and referred to as the 201~~63~~ California Plumbing Code published by the California Building Standards Commission and based on the Uniform Plumbing Code®, 201~~52~~ Edition, prepared by the International Association of Plumbing and Mechanical Officials. The adoption of said Code shall include those sections requiring enforcement by the local building department as mandated by the State and as further amended by the City of Morgan Hill with provisions intended to address local climatic, geologic, and topographic conditions, as permitted by State law. Such Code shall be and become the Morgan Hill Plumbing Code, regulating plumbing and drainage systems, house sewers, private sewage disposal, drainage systems, and prescribing conditions under which such work may be carried on within the City and providing for the issuance of permits and the collection of fees therefore.

At least one (1) copy of the City Plumbing Code has been deposited in the ~~e~~Office of the City ~~b~~Building ~~e~~Official and is available for public inspection.

15.20.030 - Scope, organization, fees, and inspections.

The scope, organization, enforcement, fees, and inspections of the 201~~63~~ California Plumbing Code must comply with those set forth in the 201~~63~~ California Building Code.

15.20.040 - Amendments and deletions.

The following provisions of the 201~~63~~ California Plumbing Code shall be amended or deleted:

A. The following Sections of the California Plumbing Code are amended by this Chapter: 604.~~23~~, 608.2, 609.3.~~4~~, 710.1 and 100~~2.1 - 1002.34.0 - 1001.3~~.

~~B. The following Sections of the California Plumbing Code are deleted: Administrative Sections 101.4 through 103.8 inclusive.~~

15.20.050- Section 604.~~23~~ amended - ~~Water Lines and Fittings~~Copper tube.

A. Section 604.~~32~~ of the 201~~36~~ California Plumbing Code is hereby amended to read in its entirety:

604.~~32~~ Copper tube.
Copper tube for potable water piping shall have a weight of not less than type "L."

B. Finding. Due to water hardness in the ~~e~~City, type "L" copper shall be required.

15.20.060 - Section 608.2 amended - Pressure regulators.

- A. Section 608.2 of the 201~~36~~ California Plumbing Code is hereby amended to read in its entirety:

608.2 Excessive Water Pressure.

~~Where local water pressure is in excess of fifty-five (55) pounds per square inch or less, An approved type pressure regulator preceded by an adequate bypass strainer shall be installed and the pressure reduced to fifty-five (55) pounds per square inch or less for all occupancies.~~

~~For portable water services up to and including one and one-half (1 1/2) regulators, Provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Each such regulator shall be accessibly located and shall have the strainer readily accessible for cleaning without removing the regulator or strainer body or disconnecting the supply piping. All pipe size determinations shall be based on eighty (80%) percent of the reduced pressure.~~

- B. Findings. Due to the topography of Morgan Hill, water supply tanks are located on top of local hills, causing high water pressure in the system. This velocity of water causes water pipes to deteriorate faster than normal. With this problem, requiring pressure regulators to areas in excess of fifty-five psi provides protection to each structure of pipe breakage and therefore necessitates this amendment.

15.20.070 - Sections 609.3.1 amended - Piping Under SlabsUnder concrete slab.

- A. Section 609.3.1 of the 201~~63~~ California Plumbing Code is hereby amended to read in its entirety:

609.3 Under Concrete Slab.

Water piping shall not be installed in or under a concrete floor slab within a building without prior approval of the Building Official.

- B. Findings.
1. Most of the surface soils in Morgan Hill are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are peculiarly corrosive in nature.
 2. Much of the surface soil in Morgan Hill is characterized by peculiarly high expansivity (i.e., shrink-swell behavior) and low bearing strength. There are two types of expansive soils in the area:
 - a. The organic silty clays which are the recent bay muds; and

- b. The plastic silty clays which weather from the shale found in the hills surrounding Santa Clara Valley.
3. The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the volume changes occurring within the soil.
4. Areas of the City have hard water, which may be corrosive to ferrous pipe.
5. The groundwater table is unusually high in many places.
6. Morgan Hill is a seismically active region.

15.20.080 - Section 710.1 amended - ~~Backwater Valves~~Backflow protection.

- A. Section 710.1 of the 201~~36~~ California Plumbing Code is hereby amended to read in its entirety:

Section 710.1 Backflow Protection.

Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Building Official.

- B. Findings. The local topography includes mountainous and foothill areas with intermittent steep slopes. The City of Morgan Hill is located in a seismically active area, which increases the likelihood of breakage of building sewers and laterals, leading to an above average potential of sewage back-up into buildings without adequate protection.

15.20.090 - Sections ~~1002.1, 1002.2, and 1002.31.0~~ amended - Vents and traps.

- A. Section 100~~42.10~~ of the 201~~63~~ California Plumbing Code is hereby amended to read in its entirety:

100~~24~~.1 Vents ~~and Traps~~ Pipes.

In all new installations to buildings and in all existing installations to buildings where the outlet of a trap for a plumbing fixture is installed or located at an elevation which is less than two feet from the rim of the nearest manhole uphill from the point of connection of the building sewer to the lateral sewer, approved types of trap, vent, and cleanout shall be installed in the building sewer at a point as close as possible to the building being served.

- B. Section 1002.2 of the 2016 California Plumbing Code is hereby amended to read in its entirety:

100~~42~~.2 Fixture Traps.

The installation shall include a back-water overflow device with 4" plastic two-way cleanout. In lieu of a two-way cleanout, a combination Wye and 1/8 bend with cleanout plug brought to grade may be installed, provided the main building drain is in a straight line with an exterior cleanout plug at grade on the opposite end of the main building drain line.

C. Section 1002.3 of the 2016 California Plumbing Code is hereby amended to read in its entirety:

10042.3 Change of Direction.

Every existing installation which includes a plumbing fixture trap outlet which is less than two feet from the rim of the nearest manhole uphill from the point of connection of the building sewer to the lateral sewer is hereby declared to be dangerous, unsanitary, and a menace to life, health and property. Whenever it shall come to the attention of the inspector that such an installation exists, the inspector is hereby authorized and empowered to order and require that such plumbing outlet be immediately plugged or capped or that the equipment described in the preceding paragraphs in this section be installed immediately.

~~BD.~~ Findings. The changes or modifications in the requirements of the 2013~~36~~ California Plumbing Code, as set out in ~~subsection A of this s~~Section, are necessary because many parts of the City are susceptible to flooding. The possibility of this undue strain upon existing City waste collection facilities and the attendant hazard of contamination of the City's water system requires that additional safeguards be imposed upon the installation of plumbing fixtures.

15.20.100 - Violation—Penalty.

- A. Any person who violates any of the provisions of the Code adopted by this Chapter or fails to comply with that Code, or who violates or fails to comply with any order made under that Code, or who builds in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken, or who fails to comply with such an order as affirmed or modified by the City Council or by a court of competent jurisdiction, within the time fixed in this Chapter, is severally and for each and every such violation and noncompliance respectively, guilty of a misdemeanor, punishable by a fine not exceeding one thousand dollars (\$1,000) or imprisonment not exceeding six (6) months, or by both such fine and imprisonment. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue and all such persons shall be required to correct or remedy such violations or defects within a reasonable time. When not otherwise specified, each ten (10) days that prohibited conditions are maintained constitutes a separate offense.
- B. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

- C. Notwithstanding any other provision of this Code, whenever a violation of any section contained in this ~~e~~Chapter is punishable as a misdemeanor, the City Attorney may specify that the offense is an infraction pursuant to Section 1.24.010(D), and proceed with prosecution as an infraction, unless the defendant objects to the offense being made an infraction, in which event the court may elect to have the complaint amended to charge as a misdemeanor, and the case shall proceed on a misdemeanor charge."

SECTION 5. Sections 15.40.170 and 15.40.180 of Chapter 15.40 (Building Security) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read (additions in underline, deletions in ~~strikeout~~).

"15.40.170 - Sliding patio-type doors.

Sliding patio doors opening onto patios or balconies which are otherwise accessible from the outside:

- A. It will be permissible for single sliding patio doors to have the movable section of the door slide on the outside as well as the inside of the door, although both shall be provided with pins or sliding door locks that will render the door incapable of being ~~lifted or slid upward~~removed. ~~(Doors shall comply with tests as set forth in Section 15.40.020.)~~
- B. Sliding doors shall be equipped with a vertical-bolt-type lock which uses a hook-type bolt to grip the door and frame together. Mounting screws for the lock shall be inaccessible from the outside. Lock bolts shall be hardened steel or have hardened steel inserts and shall be capable of withstanding force of eight hundred pounds applied in any direction. ~~(Sliding doors shall comply with tests as set forth in Section 15.40.020.)~~
- C. Double sliding patio doors must be locked at the meeting rail and meet the locking requirements of subsection B of this ~~S~~section.

15.40.180 - Windows - Security required when.

A window, skylight₂, or other light forming a part of the enclosure of a dwelling unit shall be constructed, installed₂, and secured as set forth in Section 15.40.190, when such window, skylight₂, or light is not more than twelve feet vertically and six feet horizontally of a street, highway, yard, court, passageway, corridor, balcony, patio, breezeway₂, or any portion of the building which is available for use by the public or other tenants, or similar area. A window enclosing a private garage with an interior opening door leading directly to a dwelling unit shall also comply with Section 15.40.190."

SECTION 6 Chapter 15.44 (Fire Code) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read (additions in underline, deletions in ~~strikeout~~).

"Chapter 15.44 FIRE CODE

Sections:

- 15.44.010** Adoption of the 201~~63~~ California Fire and 201~~52~~ International Fire Codes.
- 15.44.015** Adoption of appendix chapters
- 15.44.020** Short title; International Fire Code and California Fire Code Defined.
- 15.44.030** Establishment and duties of bureau of fire prevention.
- 15.44.040** Modification of provisions by chief.
- 15.44.050** Establishment of limits of districts.
- 15.44.060** Additions, amendments, and deletions.
- 15.44.070** Modifications relating to permits.
- 15.44.080** Inspections.
- 15.44.090** Modification relating to violations.
- 15.44.100** Chapter 2 - Definitions.
- 15.44.110** Chapter 3 - General Precautions Against Fire.
- 15.44.120** Chapter 4 - Emergency Planning and Preparedness.
- 15.44.130** Chapter 5 - Fire Service Features.
- 15.44.140** Chapter 6 - ~~Building Services and Systems~~ Electrical Equipment, Wiring, and Hazards.
- 15.44.150** Chapter 8 - Interior Finish, Decorative Materials, and Furnishings.
- 15.44.160** Chapter 9 - Fire Protection Systems.
- 15.44.170** Chapter 28 - Lumber Yards and Woodworking Facilities.
- 15.44.180** Chapter 33 – Fire Safety During Construction and Demolition.
- 15.44.190** Chapter 49 – Requirements for Wildland-Urban Interface Fire Areas.
- 15.44.200** Chapter 50 - Hazardous Materials - General Provisions.
- 15.44.22~~10~~** Chapter 57 – Flammable and Combustible Liquids.
- 15.44.23~~20~~** Chapter 60 – Highly Toxic and Toxic Materials.
- 15.44.24~~30~~** Chapter 64 – Pyrophoric Materials.

15.44.010 - Adoption of the 201~~36~~ California and 201~~25~~ International Fire Codes.

There is hereby adopted by reference that certain Code known and designated as the California Code of Regulations, Title 24, Part 9, further described and referred to as the 201~~63~~ California Fire Code published by the California Building Standards Commission and based on the International Fire Code®, 201~~25~~ Edition, prepared by the International Code Council, including Appendix Chapters B, C, and K, save and except such portions as are hereinafter deleted, modified, or amended by this Chapter. Such Code shall be and become the Morgan Hill 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 Morgan Hill.

One (1) copy of the Code shall be kept on file at all times in the Office of the City Building Official and the administrative offices of the Morgan Hill Fire Department for use and examination by the public.

15.44.015 - Adoption of appendix chapters.

The following Appendix Chapters from the 201~~3~~6 California Fire Code are hereby adopted:

Appendix B: Fire Flow Requirements for Buildings.

Appendix C: Fire Hydrant Locations and Distribution.

Appendix K: Temporary Haunted Houses, Ghost Walks and Similar Amusement Uses.

15.44.020 - Short Title; International Fire Code and California Fire Code Defined.

This Chapter shall be known as the "Fire Code" and may be cited as such. Whenever the phrase "International Fire Code" appears in this Code or any ordinance of the City, such phrase shall be deemed and construed to refer to and apply to the International Fire Code, 201~~2~~5 Edition, as adopted and amended by this Chapter. Whenever the phrase "California Fire Code" appears in this Code or any ordinance of the City, such phrase shall be deemed and construed to refer to and apply to the 201~~6~~3 California Fire Code, as adopted and amended by this Chapter. Sections amended or modified in this Chapter shall refer to the sections of the California Fire Code unless otherwise specified.

15.44.030 - Establishment and duties of bureau of fire prevention.

The California Fire Code and International Fire Code shall be enforced by the bureau of fire prevention in the Morgan Hill Fire Department, which shall be operated under the supervision of the ~~e~~Chief of the ~~Fire~~ ~~d~~Department.

15.44.040 - Modification of provisions by chief.

- A. The Chief of the Morgan Hill Fire Department shall have power to modify any of the provisions of the Fire Code upon application in writing by the owner or lessee, or their duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the Codes, provided that the spirit of the Codes shall be observed, public safety secured, and substantial justice done.
- B. The particulars of such modification, when granted or allowed, and the decision of the ~~e~~Chief shall be entered in the records of the ~~Fire~~ ~~d~~Department and a signed copy shall be furnished to the applicant for modification.

15.44.050 - Establishment of limits of districts.

- A. Storage of stationary tanks of flammable cryogenic fluids are to be prohibited.

The limits referred to in Section 5806.2 of the 2016 California Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as to all locations of the City of Morgan Hill which are residential and congested commercial areas as determined by the ~~f~~Fire ~~e~~Code ~~e~~Official.

- B. Storage of Class I and II liquids in outside aboveground tanks is prohibited.

The limits referred to in Section 5704.2.9.6.1 of the 2016 California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited, are hereby established as to all locations of the City of Morgan Hill that are residential or congested commercial areas as determined by the Fire Code Official.

- C. Storage of Class I and II liquids in aboveground tanks is prohibited.

The limits referred to in Section 5706.2.4.4 of the 2016 California Fire Code, in which the storage of flammable or combustible liquids in aboveground tanks is prohibited, are hereby established as to all locations of the City of Morgan Hill that are residential or other locations as determined by the Fire Code Official.

- D. Storage of liquefied petroleum gases (“LPG”) is prohibited.

The limits referred to in Section 6104.2 of the 2016 California Fire Code, in which storage of liquefied petroleum gas is restricted, are hereby established as to all locations of the City of Morgan Hill that are residential or congested commercial areas as determined by the Fire Code Official.

Exceptions: LPG may be used for industrial operations or when natural gas is not available or would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this Code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the fire code official on a case by case basis.

15.44.060 - Additions, amendments, and deletions.

- A. In accordance with California Health and Safety Code Section 17958.7, certain modifications to the California Fire Code as set forth in this Chapter are reasonably necessary because of local climatic, geologic, or topographical conditions.
- B. Findings: The City of Morgan Hill experiences low humidity, high winds, and warm temperatures during the summer months, creating conditions which are particularly conducive to the ignition and spread of grass, brush, and structure fires. The remoteness and steepness of hillside areas in the City significantly impact the ability of emergency responders to extinguish or control wildland or structure fires. These factors cumulatively mandate special provisions for the creation of defensible space around homes and ignition resistant construction. Additional express findings either already on file with the California Building Standards Commission or will be filed prior to the effective date of the ordinance codified in this ArticleChapter.

15.44.070 - Modifications relating to permits.

- A. Section 105.6.98 of the 2016 California Fire Code is hereby amended to read in its entirety:

105.6.~~98~~ Compressed Gases.

An operational permit is required for the storage, use or handling at normal temperature and pressure (“NPT”) of compressed gases in excess of the amounts listed in Table 105.6.~~89~~ to install any piped distribution system for compressed gases or to install a non-flammable medical gas manifold system. A permit is required to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a compressed gas system.

Exceptions:

1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.
2. Routine maintenance.
3. For emergency repair work performed on an emergency basis, application for permit shall be made within two working days of commencement of work.
4. Inert and simple asphyxiants at or below the amounts listed in Table 105.~~6.9-A~~.

The permit applicant shall apply for approval to close storage, use, or handling facilities at least 30 days prior to the termination of the storage, use, or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan. This 30-day period may be waived by the Chief if there are special circumstances requiring such waiver.

B. Table 105.6.~~98~~ of the 2016 California Fire Code is hereby amended to read in its entirety:

TABLE 105.6.~~98~~

PERMIT AMOUNTS FOR COMPRESSED GASES ¹

| TYPE OF GAS | AMOUNT(cubic feet) ² |
|--|---------------------------------|
| | X 0.0283 for m ³ |
| Corrosive | 200 |
| Flammable (except cryogenic and liquefied petroleum gases) | 200 |
| Highly toxic | Any amount |
| Inert and simple asphyxiant | 6,000 |
| Irritant | 200 |
| Moderately toxic | 20 |
| Other health hazards | 650 |
| Oxidizing (including oxygen) | 504 |
| Pyrophoric | Any amount |
| Radioactive | Any amount |
| Sensitizer | 200 |
| Toxic | Any Amount |
| Unstable (reactive) | Any amount |

¹ Refer to Chapters 27, 30, 32, 35, 37, 40 and 41 for additional requirements and exceptions.

² Cubic feet measured at normal ~~T~~temperature and pressure.

~~DC~~. Table 105.6.2~~01~~ of the 2016 California Fire Code is hereby amended to read in its entirety:

TABLE 105.6.2~~10~~ - PERMIT AMOUNTS FOR HAZARDOUS MATERIALS

| <i>TYPE OF MATERIAL</i> | <i>AMOUNT</i> |
|--------------------------------|-----------------------------------|
| Carcinogens | 10 pounds |
| Combustible liquids | See Section 105.6.1 76 |
| Corrosive materials: | See Section 105.6. 98 |
| Gases | 55 gallons |
| Liquids | 500 pounds |
| Solids | |
| Cryogens | See Section 105.6.1 10 |
| Explosive materials | See Section 105.6.1 54 |
| <i>TYPE OF MATERIAL</i> | <i>AMOUNT</i> |
| Flammable materials: | See Section 105.6. 98 |
| Gases | See Section 105.6.1 67 |
| Liquids | 10 pounds |
| Solids | |
| Highly toxic materials: Gases | Any amount |
| Liquids | Any amount |
| Solids | Any amount |
| Moderately toxic gas | 20 cubic feet |
| Organic peroxides: | Any Amount |
| Liquids: Class I-IV | No Permit Required |
| Liquids: Class V | Any Amount |
| Solids: Class I-IV | No Permit Required |
| Solids: Class V | |
| Oxidizing materials: | 504 Cubic Feet |
| Gases | Any amount |
| Liquids | Any amount |
| Solids | |
| Pyrophoric materials: | Any amount |
| Gases | Any amount |
| Liquids | Any amount |
| Solids | |
| Toxic materials: | Any amount |
| Gases | Any amount |
| Liquids | Any amount |
| Solids | |
| Unstable (reactive) materials: | Any amount |

| | |
|---------------------------|------------|
| Gases | Any amount |
| Liquids | Any amount |
| Solids | |
| Water reactive materials: | Any amount |
| Liquids | Any amount |
| Solids | |

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons when table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds when table 5003.1.1(91)-(4) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 gallons or less.

E. Section 105.6.489(4) of the 2016 California Fire Code is hereby added to read:

~~4. 105.6.48~~ Day Care Facility.

An operational permit is required to operate a business as a day care facility for more than 6 people.

F. Section 105.6.49(5) of the 2016 California Fire Code is hereby added to read:

~~105.6.495~~. Institutional.

A permit is required to operate, maintain, or use any institutional type occupancy. For the purpose of this Section, an institution shall be, but is not limited to, ~~a~~ hospitals, children's home, home or institution for ~~insane or mentally retarded~~ persons with intellectual disabilities, home or institution for the care of aged or senile persons, sanitarium, nursing or convalescent home, certified family care homes, residential care homes for the elderly, out of home placement facilities, halfway house, and day care nurseries, or similar facility of any capacity.

G. Section 105.6.4950(6) of the 2016 California Fire Code is hereby added to read:

~~105.6.50-6~~. Radioactives.

To store or handle at any installation more than one microcuri (37,000 becquerel) of radioactive material not contained in a sealed source or sources, or any amount of radioactive material for which a specific license from the nuclear regulatory commission.

H. Section 105.7.3 of the 2016 California Fire Code is hereby amended to read in its entirety as follows:

105.7.3 Compressed ~~g~~Gases.

A construction permit is required to install any piped distribution system for compressed gasses, or to install a non-flammable medical gas manifold system. A construction permit is required to install, repair damage to, abandon, remove, place temporarily out of

service, close, or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, an application for a permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan. This 30-day period may be waived by the Cehief if there are special circumstances requiring such waiver.

I. Section 105.7.4 of the 2016 California Fire Code is hereby amended to read in its entirety:

105.7.4 Cryogenic Fluids.

A construction permit is required for installation of or alteration to cryogenic fluid storage systems where the system capacity exceeds the amounts listed in Table 105.6.10. Maintenance performed in accordance with this code is not considered an alteration and does not require a construction permit.

~~Section 106.5 is added to read:~~

15.44.080 - Inspections.

A. Section 106.5 of the 2016 California Fire Code is hereby added to read:

106.5 Final Inspection.

No final inspection as to all or any portion of a development shall be deemed completed until the installation of the required fire protection facilities and access ways have been completed and approved. No final certificate of occupancy may be granted until the fire department issues notice of final clearance of such fire protection facilities and access ways to the building department.

15.44.090 - Modification relating to violations.

A. Section 109.3 of the 2016 California Fire Code is hereby deleted.

15.44.100 - Chapter 2 - Definitions.

A. The following definitions in Section 202 of the 2016 California Fire Code is hereby added to read:

C. ~~ARCINOGEN~~arcinogen.

A substance that causes the development of cancerous growths in living tissue. A chemical is considered a carcinogen if:

1. It has been evaluated by the International Agency for Research on Cancer and found to be a carcinogen or potential carcinogen, or
2. It is listed as a carcinogen or potential carcinogen in the latest edition of the Annual Report on Carcinogens published by the National Toxicology program, or
3. It is regulated by OSHA as a carcinogen.

B. ~~T~~Amend the following definition in Section 202 of the 2016 California Fire Code is hereby amended to read in its entirety:

C. ~~CONTINUOUS GAS DETECTION SYSTEM~~continuous gas detection system.

An approved gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed 30 minutes. In occupied areas where air is re-circulated and not exhausted to a treatment system (e.g. breathing zone), the ~~Chief~~ **Fire Code Official** may require a cyclical basis at intervals not to exceed 5 minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below ½ IDLH (or 0.05 LC 50 if no established IDLH) in ~~non-occupiable~~ occupiable areas.

C. ~~Add~~The following definition in Section 202 of the 2016 California Fire Code is hereby added to read:

C. ~~CORROSIVE LIQUID~~corrosive liquid.

1. Any liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action;
2. Any liquid having a pH of 2 or less or 12.5 or more;
3. Any liquid classified as corrosive by the U.S. Department of Transportation; ~~and or~~
4. Any material exhibiting the characteristics of corrosivity in accordance with Title 22, California Code of Regulations §66261.22.

D. ~~The following definition in Section 202 of the 2016 California Fire Code is hereby added to read:~~

D. ~~DEVICE~~evice.

An appliance or piece of equipment that plays an active part in the proper functioning of the regulated systems. Examples include, but are not limited to, the following: smoke detectors, heat detectors, flame detectors, manual pull stations, horns, alarms, bells, warning lights, hydrants, risers, FDCs, standpipes, strobes, control panels, transponders, and other such equipment used to detect, transmit, initiate, annunciate, alarm, or respond according to the system design criteria.

E. ~~Add~~The following definition in Section 202 of the 2016 California Fire Code is hereby

added to read:

~~MAXIMUM THRESHOLD QUANTITY~~~~aximum threshold quantity~~ (“~~max~~MAX TQ”).
The maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category or regulation is applied. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = \text{LC50 (ppm)} \times 2 \text{ lb.}$$

For gas mixtures containing one or more toxic, highly toxic or moderately toxic components, LC50 shall be calculated using CGA Standards P-20 and P-23 as referenced in Appendix E, Section 103.1.3.1 in the California Fire Code.

F. ~~Add~~The following definition in Section 202 of the 2016 California Fire Code is hereby added to read:

~~MODERATELY TOXIC GAS~~~~oderately toxic gas~~.

A chemical or substance that has a median lethal concentration (LC50) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

G. ~~Add~~The following definition in Section 202 of the 2016 California Fire Code is hereby added to read:

~~OTHER HEALTH HAZARD MATERIAL~~~~ther health hazard material~~.

A hazardous material which affects target organs of the body, including, but not limited to, those materials which produce liver damage, kidney damage, damage to the nervous system, act on the blood to decrease hemoglobin function, deprive the body tissue of oxygen or affect reproductive capabilities, including mutations (chromosomal damage) or teratogens (effect on fetuses).

H. The following definition in Section 202 of the 2016 California Fire Code is hereby amended to read in its entirety:

SECONDARY CONTAINMENT.

That level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

I. ~~Add~~The following definition in Section 202 of the 2016 California Fire Code is hereby added to read:

~~SENSITIZER~~~~ensitizer~~.

A chemical that causes a substantial proportion of exposed people or animals to develop an

allergic reaction in normal tissue after repeated exposure to the chemical.

J. The following definition in Section 202 of the 2016 California Fire Code is hereby added to read:

WILDLAND-URBAN INTERFACE FIRE AREA.

A geographical area identified by the State as “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the City to be at a significant risk from wildfire.

The Wildland-Urban Interface Fire Area shall be defined as all areas within the City of Morgan Hill as set forth and delineated on the map entitled “Wildland-Urban Interface Fire Area” which map and all notations, references, data, and other information shown thereon are hereby adopted and made a part of this Chapter. The map, properly attested, shall be on file in the Office of the City Clerk.

K. Amend tThe following definition in Section 202 of the 2016 California Fire Code is hereby amended to read in its entirety:

WORKSTATION~~orkstation.~~

A defined space or independent principal piece of equipment using hazardous materials with a hazard rating of 3 or higher as ranked by NFPA 704 where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

15.44.110 - Chapter 3 – General Precautions Against Fire.

A. The following Section 311.1s of the 2016 California Fire Code is hereby amended to read in its entirety:

Section 311 Vacant Premises

~~A. Section 311.1 amended to read:~~

311.1 General.

Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintained in accordance with Sections 311.1 through 311.4.

B. Section 316.7 of the 2016 California Fire Code is hereby added to read:

316.7 Roof Guardrails at Interior Courts.

Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in

height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

Exception: Where the roof opening is greater than 600 square feet in area.

15.44.120 - Chapter 4 - Emergency Planning and Preparedness.

A. Chapter 4 of the 2012~~5~~ International Fire Code is not adopted.

15.44.130 - Chapter 5 - Fire Service Features.

A. Section 503.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

503.1 Where ~~R~~required.

Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.~~32~~ and as per Fire Department access road Standards.

B. Section 503.2.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

503.2.1 Dimensions.

Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), ~~exclusive of shoulders~~, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

Exception: When there are not more than two Group R, Division 3, or Group U occupancies, the access road width may be modified by the fire code official.

C. Section 504.~~5~~ of the 2016 California Fire Code is hereby added to read:

504.5 Access ~~c~~Control ~~D~~devices.

When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to within and throughout the building, are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire department. Access control devices shall also comply with Chapter 10 entitled Egress in the California Fire Code.

D. Section 510.1.1 of the 2016 California Fire Code is hereby added to read:

510.1.1 Obstruction by ~~N~~new ~~b~~Buildings.

When it is determined that a new structure obstructs the line of sight emergency radio communications to existing buildings or to any other locations, the developer of the structure shall provide and install the radio retransmission equipment necessary to restore

communications capabilities. The equipment shall be located in an approved space or area within the new structure.

15.44.140 - Chapter 6 - ~~Building Services and Systems~~ Electrical Equipment, Wiring, and Hazards.

A. Section 605.1~~43~~ of the 2016 California Fire Code is hereby added to read:

605.1~~43~~ Immersion ~~h~~HHeaters.

All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

~~B. Section 608.6.4 to read:~~

~~608.6.4 Failure of Ventilation System. Failure of the ventilation system shall automatically disengage the charging system.~~

15.44.150 - Chapter 8 - Interior Finish, Decorative Materials, ~~and~~ and Furnishings.

A. Section 806.1~~1~~ of the 2016 California Fire Code is hereby amended to read in its entirety:

806.1.1 Display ~~i~~IInside ~~B~~Buildings.

The display of Christmas trees and other decorative vegetation ~~in new and existing buildings~~ shall be in accordance with Sections 806.1 through 806.5 and the California Code of Regulations, Title 19, Division 1, §Section 3.08 ~~and §§806.1 through 806.5~~.

Exceptions:

1. ~~Exceptions:~~ Trees located in areas protected by an approved automatic sprinkler system in accordance with Section 903.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M, R-1, ~~and~~ and R-2.

2. Trees shall be allowed within dwelling units in Group R-2 occupancies.

15.44.160 - Chapter 9 - Fire Protection Systems.

A. Section 903.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

903.2 Where ~~R~~Rrequired.

Approved automatic sprinkler systems in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.1~~89~~ of the California Fire Code, whichever is the more restrictive.

For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

1. In other than residential buildings which require the installation of fire sprinklers for all new buildings according to the California Residential Code, an automatic sprinkler system shall be provided throughout all new buildings and structures greater than 1,000 square feet of building area.

Exceptions:

- a. Buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.
- b. Buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.
- c. Group S-2 or U occupancies that are not located in the Wildland-Urban Interface and used exclusively for vehicle parking and meeting all of the following conditions:
 - ~~ai.~~ Noncombustible construction;
 - ~~bi.~~ Maximum building area not to exceed 5,000 square feet;
 - ~~ciii.~~ Structure is open on three (3) or more sides; ~~and-~~
 - ~~dii.~~ Minimum of 10 feet separation from existing buildings unless area is separated by fire walls ~~complying with California Building Code Section 706.~~
- d. Group S-2 or U occupancies used exclusively for vehicle parking and meeting all of the following conditions:
 - i. Non combustible construction;
 - ii. Maximum building areas not to exceed 5,000 square feet;
 - iii. Structure is open on three (3) or more sides; and
 - iv. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls.

2. An automatic sprinkler system shall be provided throughout existing Group A, B, E, F, I L, M, S and U buildings and structures when ~~alterations or~~ additions are made that increase the building area to more than 3,600 square feet or that create conditions described in Sections 903.2.1 through 903.2.1~~89~~ of the California Fire Code.

3. An automatic sprinkler system shall be provided throughout existing Group R occupancies buildings and structures, when additions are made and ~~that increase~~ the building area is greater to more than 3,600 square feet.

~~Exception: One or more additions made to the building after January 1, 2011 that do not total more than 1000 square feet of building area.~~

4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50%.

5. Any change in the character of occupancy or in use of any building with a building area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety¹ or increased fire risk², shall require the installation of an approved fire automatic fire sprinkler system.

¹Life Safety - Increased occupant load, public assembly areas, public meeting areas, churches, indoor amusement attractions, buildings with complex exiting systems due to increased occupant loads, large schools/daycare facilities, large residential care facilities with non ambulatory.

²Fire Risks - High-piled combustible storage, woodworking operations, hazardous operations using hazardous materials, increased fuel loads (storage of moderate to highly combustible materials), increased sources of ignition (welding, automotive repair with use of flammable liquids and open flames).

~~B. Section 903.1.1 of the California Fire Code to read:~~

~~903.3.1.1 NFPA 13 Sprinkler Systems. Where the provisions of this Code require that a building or portion thereof be equipped throughout with an automatic sprinkler system in accordance with this section, sprinklers shall be installed throughout in accordance with NFPA 13 except as provided in Section 903.3.1.1.1 and local standards.~~

~~1. For new buildings having no designated use or tenant, the minimum sprinkler design density shall be Ordinary Hazard Group 2. Where future use or tenant is determined to require a higher density, the sprinkler system shall be augmented to meet the higher density.~~

15.44.170 - Chapter 28—Lumber Yards and Woodworking Facilities.

- A. Section 2803.8 of the 2016 California Fire Code is hereby added to read:

2803.8 Fire ~~p~~Protection ~~w~~Water ~~S~~supply ~~S~~system.

An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

15.44.180 - Chapter 33- Fire Safety During Construction and Demolition.

- A. Section 3304.8 of the 2016 California Fire Code is hereby added to read:

3304.8 Fire ~~W~~walls.

When firewalls are required in combustible construction, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather-protected at the location of the wall(s).

B. Section 3311.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

3311.1 Stairways ~~r~~Required.

Each level above the first story in new multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

Exception: For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

C. Section 3311.1.1 of the 2016 California Fire Code is hereby added to read:

Section 3311.1.1 Required Means Of Egress.

All new buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the prefire plan see Section 3308.2.

15.144.190 - Chapter 49 - Requirements for Wildland-Urban Interface Fire Areas.

A. The following definition in Section 4902 ~~DEFINITIONS~~ of the 2016 California Fire Code is hereby amended - to read in its entirety:

~~WILDLAND-Urban-Interface FIRE AREA~~ Wildland-Urban Interface Fire Area is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency City to be at a significant risk from wildfires. ~~See Article 86B for the applicable referenced sections of the Government Code and the Public Resources Code.~~

The Wildland-Urban Interface Fire Area shall be defined as all areas within the City of Morgan Hill as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data and other information shown thereon are hereby adopted and made a part of this eChapter. The map properly attested, shall be on file in the Office of the City Clerk ~~of the City of Morgan Hill.~~

~~Modifications to SECTION 4906 - HAZARDOUS VEGETATION AND FUEL~~

MANAGEMENT

AB. Section 4906.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

4906.2 Application.

Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
 - 1.1. Moderate Fire Hazard Severity Zones
 - 1.2. High Fire Hazard Severity Zones
 - 1.3. Very-High Fire Hazard Severity Zones
2. Land designated as a Very-High Fire Hazard Severity Zone or as a Wildland Urban Interface Fire Area by the City of Morgan Hill.

B. Section 4907.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

4907.1 General.

Defensible space will be maintained around all buildings and structures in State Responsibility Area (SRA) as required in Public Resources Code 4290 and “SRA Fire Safe Regulations” California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

Buildings and structures within the Very-High Fire Hazard Severity Zones of a Local Responsibility Area (LRA) shall maintain defensible space as outlined in Government Code 51175 – 51189 and any local ordinance of the ~~authority having jurisdiction~~ City of Morgan Hill.

Defensible space shall also be provided around water tank structures, water supply pumps and pump houses.

Persons owning, leasing, controlling, operating or maintaining buildings or structures in the locally adopted Wildland-Urban Interface Fire Area but that are not within the Very-High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet (9144 mm) of such buildings or structures.

Exception: Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) when required by the fire code official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.
4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.
6. Remove flammable vegetation a minimum of ~~30~~ 10 feet around liquefied petroleum gas tanks/containers.
7. Firewood and combustible materials shall not be stores in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).

Exception: Firewood and combustible materials not for consumption on the premises shall be stores as approved by the Fire Code Official.

8. Clear areas within 10 feet (3048 mm) of fire apparatus access roads and driveways of non-fire-resistive vegetation growth.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.~~Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.~~

~~C. Section 4907.2 to read:~~

~~4907.2 Corrective Actions. The executive body is authorized to instruct the fire code official to give notice to the owner of the property upon which conditions regulated by Section 4907.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same to be done and make the expense of such correction a lien upon the property where such condition exists.~~

DC. Section 4908 of the 2016 California Fire Code is hereby added to read:

SECTION 4908 - FIRE PROTECTION PLAN

4908.1 General.

When required by the code official, a fire protection plan shall be prepared.

4908.2 Content.

The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

4908.3 Cost.

The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4908.4 Plan Retention.

The fire protection plan shall be retained by the fire code official.

ED. Section 4909 of the 2016 California Fire Code is hereby added to read:

SECTION 4909 - ~~WATER SUPPLY~~

~~4909.1 General. Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland Urban Interface Fire Area shall be provided with fire protection water supplies in accordance with Chapter 5 and Sections 4910.2 and 4910.3.~~

~~Exception:~~

~~Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet (56 m2).~~

~~4909.2 Standby Power. Stationary water supply facilities within the wildland urban interface area dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the Electrical Code to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.~~

~~Exceptions:~~

~~1. When approved by the code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.~~

~~2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.~~

~~F. Section 4910 to read:~~

~~SECTION 4910 -~~ IGNITION SOURCE CONTROL

4909.1~~4910.1~~ Fireworks.

Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

15.44.200 - Chapter 50 - Hazardous Materials – General Provisions.

- A. Section 5001.2.2.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

5001.2.2.2 Health hazards.

The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

1. Highly toxic and toxic materials.
2. Corrosive materials.
3. Moderately toxic gas.
4. Other health hazards.

- B. Section 5003.1.3.1 of the 2016 California Fire Code is hereby added to read:

5003.1.3.1 Toxic, ~~H~~highly Toxic, ~~M~~oderately ~~t~~Toxic ~~G~~ases and ~~S~~imilarly ~~U~~sed or ~~H~~andled ~~M~~aterials.

The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 6004.2 or 6004.3 shall be in accordance with this Chapter and Chapter 60 of the California Fire Code. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

- C. Section 5003.1.5 of the 2016 California Fire Code is hereby added to read:

5003.1.5 Other ~~h~~Health ~~H~~azards.

The storage, use and handling of materials classified as other health hazards including carcinogens, irritants and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids and 5,000 pounds for solids shall be in accordance with this Section 5003.

- D. Section 5003.1.6 of the 2016 California Fire Code is hereby added to read:

5003.1.6 Spill ~~c~~ontrol and ~~s~~Secondary ~~c~~ontainment ~~R~~requirements.

A containment system shall be required for all hazardous materials, which are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property or the environment. Construction shall be substantial, capable of safely and securely containing a sudden release without discharge. Design criteria shall be performance oriented and constructed of physically and chemically compatible materials to resist degradation and provide structural and functional integrity for a period of time reasonably necessary to ensure detection, mitigation, and repair of the primary system. Regardless of quantities, secondary containment shall also comply with Section 5004.2.

- E. Section 5003.2.2.1 of the California Fire Code is hereby amended to read in its entirety:

5003.2.2.1 Design and ~~c~~Construction.

Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings, and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 and Santa Clara County Fire Chiefs Marking Requirements and Guidelines for Hazardous Materials and Hazardous Waste to indicate the material conveyed.
3. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:
 - 3.1 The point of use.
 - 3.2 The tank, cylinder or bulk use.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible accessible and indicated by means of a sign.
5. Backflow prevention or check valves shall be provided when the backflow of hazardous materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.
6. Where gases or liquids having a hazard ranking of:
 - ~~Health hazard Class 3 or 4,~~
 - ~~Flammability Class 4, or~~
 - ~~Reactivity Class 4~~

in accordance with NFPA 704 are carried in pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff and excess flow control shall be provided. Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area. Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical.

Exceptions:

1. Piping for inlet connections designed to prevent backflow.
2. Piping for pressure relief devices.

7. Secondary containment or equivalent protection from spills shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables ~~3704.2 and 3704.3~~ 6004.2 and 6004.3. Secondary containment includes, but is not limited to double walled piping.

Exceptions:

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
 2. Piping under sub-atmospheric conditions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.
8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

~~GE.~~ Section 5003.2.2.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

5003.2.2.2 Additional ~~R~~regulation for ~~S~~supply ~~p~~Piping for ~~H~~health ~~H~~azard ~~M~~aterials. Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 shall be in accordance with ASME B31.3 and the following:

~~8.1.~~ Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded, ~~threaded~~ or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.

~~8.2.~~ Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.

Exception: Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with ~~Section 415.8.6.3 of~~ the California Building Code as required for Group H, Division 5 Occupancies.

~~8.3.~~ All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of 1x10⁻⁹ cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

HG. Section 5003.3.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

5003.3.1 Unauthorized ~~d~~Discharges.

When hazardous materials are released in quantities reportable under state, federal or local regulations or when there is release or a threatened release that presents a threat to health, property or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

IH. Section 5003.5.2 of the 2016 California Fire Code is hereby added to read:

5003.5.2 Ventilation ~~D~~ducting.

Product conveying ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

IJ. Section 5003.5.3 of the 2016 California Fire Code is hereby added to read:

5003.5.3 "H" ~~o~~Occupancies.

In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

KJ. Section 5003.9.11 of the 2016 California Fire Code is hereby added to read:

5003.9.11 Fire ~~e~~Extinguishing ~~s~~Systems for ~~w~~Workstations ~~D~~dispensing, ~~H~~handling, or ~~U~~using ~~h~~Hazardous ~~m~~Materials.

Combustible and non-combustible workstations, which dispense, handle or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

Exception: Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification where quantities of flammable liquids in use or storage within the cabinet do not exceed 500 ml.

MK. Section 5004.2.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

5004.2.1 Spill ~~C~~ontrol for ~~H~~azardous ~~M~~aterial ~~L~~iquids. Rooms, buildings or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.

2. Liquid-tight floors in indoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

~~N.L.~~ Section 5004.2.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

5004.2.2 Secondary ~~C~~ontainment for ~~h~~Hazardous ~~M~~aterial ~~L~~iquids and ~~s~~Solids. Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this ~~S~~ection.

~~OM.~~ Table: ~~2704.2.2~~5004.2.2 of the 2016 California Building Code —~~REQUIRED SECONDARY CONTAINMENT FOR HAZARDOUS MATERIAL SOLIDS AND LIQUIDS STORAGE~~— is hereby deleted.

~~N.~~ Section 5004.2.2.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

5004.2.2.2 Incompatible materials.
Incompatible materials shall be separated from each other in secondary containment systems.

~~O.~~ 240Chapter 56 of the 2016 California Fire Code is hereby deleted. ~~Explosives and Fireworks.~~

~~A.~~ Section 5601.1 of the California Fire Code to read:

5601.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10 and section 3301.2 of this Chapter. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6 and section 5601.3 of this Chapter. For small arms ammunition, see Section 3301.5 of this Chapter.

Exceptions:

- ~~1. The Armed Forces of the United States, Coast Guard or National Guard.~~
- ~~2. Explosives in forms prescribed by the official United States Pharmacopoeia.~~
- ~~3. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.~~
- ~~4. Items preempted by federal regulations.~~

~~B. Section 5601.2 of the California Fire Code to read:~~

~~5601.2 Explosives. The possession, manufacture, storage, sale, handling, and use of explosives are prohibited.~~

~~C. Section 5601.3 of the California Fire Code to read:~~

~~5601.3 Fireworks. The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.~~

~~Exceptions:~~

~~a. Storage, handling and use of fireworks and pyrotechnic special effects outside of buildings when used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions and when in accordance with Title 19 of the California Code of Regulations.~~

~~b. Storage, handling and use of pyrotechnic special effects fireworks inside of buildings when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions when in accordance with Title 19 of the California Code of Regulations and when in buildings equipped throughout with an approved fire sprinkler system.~~

~~D. Section 5601.4 of the California Fire Code to read:~~

~~5601.4 Rocketry. The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the Fire Code Official.~~

~~E. Sections 5601.5 through 5601.3.2.3 of the California Fire Code to read:~~

~~5601.5 Small Arms Ammunition-General. Indoor storage and display of black powder, smokeless propellants and small arms ammunition shall comply with Sections 5601.5.1 through 5601.5.4.2.3.~~

~~5601.5.1 Packages. Smokeless propellants shall be stored in approved shipping containers conforming to DOTn 49 CFR, Part 173.~~

~~5601.5.1.1 Repackaging. The bulk repackaging of smokeless propellants, black powder and small arms primers shall not be performed in retail establishments.~~

~~5601.5.1.2 Damaged Packages. Damaged containers shall not be repackaged.~~

~~Exception: Approved repackaging of damaged containers of smokeless propellant into containers of the same type and size as the original container.~~

~~5601.5.2 Storage in Group R Occupancies. The storage of small arms ammunition in Group R occupancies shall comply with Sections 5601.5.2.1 through 5601.5.2.3.~~

~~5601.5.2.1 Smokeless Propellants. Smokeless propellants intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers. Smokeless powder in quantities exceeding 20 pounds (9 kg) but not exceeding 50 pounds (23 kg) are permitted to be stored in Group R-3 occupancies where kept in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.~~

~~5601.5.2.2 Black Powder. Black powder intended for personal use in quantities not exceeding 20 pounds (9 kg) are permitted to be stored in Group R-3 occupancies where kept in original containers and stored in a wooden box or cabinet having walls of at least 1 inch (25 mm) nominal thickness.~~

~~5601.5.2.3 Small Arms Primers. No more than 10,000 small arms primers shall be stored in Group R-3 occupancies.~~

~~5601.5.3 Display and Storage in Group M Occupancies. The display and storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1 through 5601.5.3.2.3.~~

~~5601.5.3.1 Display. The display of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.1.1 through 5601.5.3.1.3.~~

~~5601.5.3.1.1 Smokeless Propellant. No more than 20 pounds (9 kg) of smokeless propellants, each in containers of 1 pound (0.454 kg) or less capacity, shall be displayed in Group M occupancies.~~

~~5601.5.3.1.2 Black Powder. No more than 1 pound (0.454 kg) of black powder shall be displayed in Group M occupancies.~~

~~5601.5.3.1.3 Small Arms Primers. No more than 10,000 small arms primers shall be displayed in Group M occupancies.~~

~~5601.5.3.2 Storage. The storage of small arms ammunition in Group M occupancies shall comply with Sections 5601.5.3.2.1 through 5601.5.3.2.3.~~

~~5601.5.3.2.1 Storage of Smokeless Propellant. Commercial stocks of smokeless propellants not on display shall not exceed 100 pounds (45 kg). Quantities exceeding 20 pounds (9 kg), but not exceeding 100 pounds (45 kg) shall be stored in portable wooden boxes having walls of at least 1 inch (25 mm) nominal thickness.~~

~~5601.5.3.2.2 Black Powder. Commercial stocks of black powder not on display shall not exceed 50 pounds (23 kg) and shall be stored in a type 4 indoor magazine. When black~~

~~powder and smokeless propellants are stored together in the same magazine, the total quantity shall not exceed that permitted for black powder.~~

~~5601.5.3.2.3 Small Arms Primers. Commercial stocks of small arms primers not on display shall not exceed 750,000. Storage shall be arranged such that not more than 100,000 small arms primers are stored in any one pile and piles are at least 15 feet (4572 mm) apart.~~

15.44.2210 - Chapter 57 – Flammable and Combustible Liquids.

- A. Section 5704.2.7.5.8 of the 2016 California Fire Code is hereby amended to read in its entirety:

5704.2.7.5.8 Overfill ~~p~~Prevention.

An approved means or method in accordance with Section 5704.2.9.76.6 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

An approved means or method in accordance with Section 5704.2.9.7.6 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

- B. Section 5704.2.7.5.9 of the 2016 California Fire Code is hereby added to read:

5704.2.7.5.9 Automatic ~~F~~illing of ~~t~~Tanks.

Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

15.44.2320 - Chapter 60 - Highly Toxic and Toxic Materials.

- A. Section 6001.3 of the 2016 California Fire Code is hereby added to read:

6001.3 Moderately ~~t~~Toxic ~~g~~Gases with a LC50 ~~E~~qual to or ~~L~~ess ~~T~~han 3000 ~~P~~parts ~~P~~per ~~m~~Million. Notwithstanding the hazard class definition in Section 3702, moderately toxic gases with an LC50 less than 3000 parts per million shall additionally comply with the requirements for toxic gases in Section 6004 of this Code.

~~B. Section 6004 Definitions of the California Fire Code read:~~

- CB. The title of Section 6004 of the 2016 California Fire Code to is hereby amended read in its entirety:

SECTION 6004 - ~~HIGHLY~~ighly ~~TOXIC~~oxic, ~~Toxic~~OXIC, ~~and~~AND
~~Moderately~~ODERATELY ~~Toxic~~OXIC ~~Compressed~~OMPRESSED ~~Gases~~ASES,
~~INCLUDING~~necluding ~~THOSE~~hose ~~USED~~sed as ~~AS~~ REFRIGERANTS~~Se~~frigerants.

~~DC.~~ Section 6004.1.4 of the 2016 California Fire Code is hereby added to read:

6004.1.4 Automatic ~~S~~shut-~~o~~ff ~~V~~yvalve.

An automatic shut-off valve, which is of a fail-safe to close design, shall be provided to shut off the supply of highly toxic gases for any of the following:

1. Activation of a manual fire alarm system.
2. Activation of the gas detection system.
3. Failure of emergency power.
4. Failure of primary containment.
5. Seismic activity.
6. Failure of required ventilation.
7. Manual activation at an approved remote location.

~~FD.~~ Section 6004.1.5 of the 2016 California Fire Code is hereby added to read:

6004.1.5 Emergency Control Station.

Signals from emergency equipment used for highly toxic gases shall be transmitted to an emergency control station or other approved monitoring station, which is continually staffed by trained personnel.

~~GE.~~ ~~The following subsections of~~ Section 6004.1.6 of the 2016 California Fire Code is hereby added to read:

6004.1.6 Maximum ~~T~~threshold ~~Q~~quantity.

Toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for highly toxic gases of Section 3704 of this Code.

Moderately toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for toxic gases of Section 6004 of this Code.

F. Section 6004.1.7 of the 2016 California Fire Code is hereby added to read:

6004.1.7 Reduced ~~F~~flow ~~y~~vvalve.

All containers of materials other than lecture bottles containing Highly Toxic material and having a vapor pressure exceeding 29 psia shall be equipped with a reduced flow valve when available. If a reduced flow valve is not available, the container shall be used with a flow-limiting device. All flow limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

G. ~~-~~Section 6004.1.8 of the 2016 California Fire Code is hereby added to read:

6004.1.8 Fire ~~e~~Extinguishing ~~s~~Systems.

Buildings and covered exterior areas for storage and use areas of materials regulated by this Chapter shall be protected by an automatic fire sprinkler system in accordance with NFPA 13. The design of the sprinkler system for any room or area where highly toxic, toxic and moderately toxic gases are stored, handled or used shall be in accordance with Section 5004.5.

H. Section 6004.1.9 of the 2016 California Fire Code is hereby added to read:

6004.1.9 Local ~~g~~Gas ~~S~~shut ~~O~~ff.

Manual activation controls shall be provided at locations near the point of use and near the source, as approved by the fire code official. The fire code official may require additional controls at other places, including, but not limited to, the entry to the building, storage or use areas, and emergency control stations.

Manual activated shut-off valves shall be of a fail-safe-to-close design.

I. Section 6004.1.10 of the 2016 California Fire Code is hereby added to read:

6004.1.10 Exhaust ~~y~~Ventilation ~~M~~monitoring.

For highly toxic gases and toxic gases exceeding threshold quantities, a continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use, or handling area.

J. Section 6004.1.11 of the 2016 California Fire Code is hereby added to read:

6004.1.11 Emergency ~~r~~Response ~~P~~plan.

If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the fire code official, a written emergency response plan. If the preparation of an emergency response plan is required by other law, a responsible person shall file a copy of the plan with the fire code official.

K. Section 6004.1.12 of the 2016 California Fire Code is hereby added to read:

6004.1.12 Cylinder ~~L~~leak ~~t~~Testing.

Cylinders shall be tested for leaks immediately upon delivery and again immediately prior to departure. Testing shall be approved by the fire code official in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected.

L. Section 6004.1.13 of the 2016 California Fire Code is hereby added to read:

6004.1.13 Inert ~~g~~Gas ~~p~~Purge ~~S~~system.

Gas systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems inside buildings shall be located in an approved gas cabinet unless the system operates by vacuum demand.

M. Section 6004.1.14 of the 2016 California Fire Code is hereby added to read:

6004.1.14 Seismic ~~s~~Shutoff ~~V~~valve.

An automatic seismic shut-off valve, which is of a fail-safe to close design, shall be provided to shutoff the supply of highly toxic, toxic and moderately toxic gases with an LC₅₀ less than 3000 parts per million upon a seismic event within 5 seconds of a horizontal sinusoidal oscillation having a peak acceleration of 0.3G (1.47m/sec²) and a period of 0.4 seconds.

HN. Section 6004.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.2 Indoor ~~S~~storage and ~~U~~use.

The indoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.2.10.3.3. The threshold quantity for highly toxic, toxic and moderately toxic gases for indoor storage and use are set forth in Table 6004.2.

LO. Table 6004.2 of the 2016 California Fire Code is hereby added to read:

| Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use | |
|--|---------------|
| Highly Toxic | 0 |
| Toxic | 10 cubic feet |
| Moderately Toxic | 20 cubic feet |

JP. Section 6004.2.1 ~~and its subsections~~ of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.2.1 Applicability.

The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.2.1.1 through 6004.2.1.3.

Q. Section 6004.2.1.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.2.1.1 Quantities ~~N~~not ~~e~~Exceeding the ~~M~~maximum ~~a~~Allowable ~~Q~~quantity ~~P~~per ~~c~~Control ~~a~~Area.

The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts exceeding the maximum allowable quantity per control area set forth in Table ~~3704.2~~6004.2 shall be in accordance with Sections 5001, 5003, 6001, 6004.1 and 6004.2.

~~R.~~ Section 6004.2.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.2.2 General ~~i~~Indoor ~~r~~Requirements.

The general requirements applicable to the indoor storage and use of highly toxic and toxic compressed gases shall be in accordance with Sections 6004.2.2.1 through 6004.2.2.10.~~34~~.

Moderately toxic gases with an LC₅₀ less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.10.~~34~~.

All other moderately toxic gases exceeding the threshold quantity shall comply with the requirements for toxic gases in Sections 6004.2.2.1 through 6004.2.2.7.

~~K.S.~~ Section 6004.2.2.7 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.2.2.7 Treatment ~~S~~systems.

The exhaust ventilation from gas cabinets, exhausted enclosures, gas rooms and local exhaust systems required in Section 6004.2.2.4 and 6004.2.2.5 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Section 510 of the California Mechanical Code.

Exceptions:

1. Highly toxic, toxic and moderately toxic gases storage. A treatment system is not required for cylinders, containers and tanks in storage when all of the following are provided:
 - 1.1. Valve outlets are equipped with gas-tight outlet plug or caps.
 - 1.2. Hand wheel-operated valves have handles secured to prevent movement.
 - 1.3. Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.

~~L.T.~~ Section 6004.2.2.10.2 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.2.2.10.2 Alarms.

The gas detection system shall initiate a local alarm and transmit a signal to a constantly attended control station when a short-term hazard condition is detected. The alarm shall be both visual and audible and shall provide warning both inside and outside the area where the gas is detected. The audible alarm shall be distinct from all other alarms.

MU. Section 6004.3 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.3 Outdoor ~~s~~Storage and ~~U~~se.

The outdoor storage or use of highly toxic, toxic and moderately toxic compressed gases shall be in accordance with Sections 6004.3.1 through 6004.3.4. The threshold quantity for highly toxic, toxic and moderately toxic gases for outdoor storage and use are set forth in Table 6004.3.

N.V. Table 6004.3 of the 2016 California Fire Code is hereby added to read:

| Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Outdoor Storage and Use | |
|---|---------------|
| Highly Toxic | 0 |
| Toxic | 10 cubic feet |
| Moderately Toxic | 20 cubic feet |

OW. Section 6004.3.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.3.1 Applicability.

The applicability of regulations governing the outdoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.3.1.1 through 6004.3.1.3.

PX. Section 6004.3.1.1 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.3.1.1 Quantities ~~N~~ot ~~e~~Exceeding the ~~m~~Maximum ~~a~~Allowable ~~Q~~quantity ~~P~~per ~~c~~Control ~~a~~Area.

The outdoor storage or use of highly toxic and toxic gases in amounts exceeding the threshold quantity per control area set forth in Table ~~3704.3~~6004.3 shall be in accordance with Sections 5001, 5003, 6001, 6004.1 and 6004.3.

Moderately toxic gases with an LC50 less than 3000 parts per million in amounts exceeding the threshold quantity in Table 6004.3 shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.2.1 through 6004.3.2.~~54~~.

Moderately toxic gases in amounts exceeding the threshold quantity in Table 6004.3 shall comply with the requirements for toxic gases in Sections 5001, 5003, 6001, 6004.1 and 6004.3.2.1 through 6004.3.2.~~54~~.

QY. Section 6004.3.3 of the 2016 California Fire Code is hereby amended to read in its entirety:

6004.3.3 Outdoor ~~S~~storage ~~w~~Weather ~~P~~rotection for ~~P~~portable ~~T~~tanks and ~~C~~cylinders.

Weather protection in accordance with Section 5004.13 shall be provided for portable tanks and cylinders located outdoors and not within gas cabinets or exhausted enclosures.

The storage area shall be equipped with an approved automatic sprinkler system in accordance with Section 5004.5.

15.44.2230 - Chapter 64 - Pyrophoric Materials.

A. Section 6405.3.1 of the 2016 California Fire Code is hereby added to read:

6405.3.1 Silane ~~D~~istribution ~~s~~ystems ~~a~~Automatic ~~s~~Shutdown.

Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the silane distribution system."

SECTION 7 Section 15.65.070 of Chapter 15.56 (Sustainable Building Regulations) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read (additions in underline, deletions in ~~strikeout~~).

15.65.070 Appeal.

A. Any aggrieved applicant or person may appeal the determination of the sustainable building compliance official regarding: (1) the granting or denial of an exemption pursuant to the hardship and infeasibility section of this ~~e~~Chapter; ~~or~~ (2) the granting or denial of a good faith effort to comply pursuant to this ~~C~~chapter; or (3) the granting or denial of exceptions pursuant to this ~~C~~chapter to the ~~e~~Community ~~D~~evelopment ~~d~~Director.

Any appeal must be filed in writing with the ~~C~~eommunity ~~d~~Development ~~d~~Department not later than fourteen (14) days after the date of the determination by the sustainable building compliance official. The appeal shall state the alleged error or reason for the appeal.

The appeal shall be processed and considered by the ~~C~~eommunity ~~d~~Development ~~D~~irector in accordance with Appendix B of the ~~2007~~16 California Building Code.

The applicant may not appeal any provision required by the ~~2008~~16 California Building Energy Efficiency Standards (Title 24, part 6) of the California Building Code.

SECTION 8 Sections 15.66.040 and 15.66.070 of Chapter 15.66 (Swimming Pools) of Title 15 (Buildings and Construction) of the Morgan Hill Municipal Code is hereby amended to read (additions in underline, deletions in ~~strikeout~~).

15.66.040 - Enclosure protection required—Specifications

A. Each outdoor swimming or wading pool constructed, installed, or placed within any premises on or after the effective date of the ordinance codified in this ~~e~~Chapter shall be completely enclosed by a fence, wall, or other structure. Such fence, wall, or structure shall be not less than five (5) feet in height at all points and shall be located a minimum of four (4) feet from the nearest edge of the pool. The surrounding fence, wall, or other structure may consist of a house, building, or other permanent construction. Openings in all required enclosure fencing shall have intermediate rails or an ornamental pattern such that a sphere four (4) inches in diameter cannot pass through.

B. Each gate or door in the surrounding fence, wall, or other structure, including those which open from a garage into the enclosure, but excepting doors in any surrounding building or structure other than a fence, shall be equipped with a self-closing and self-latching device which shall, ~~from the outside~~, be inaccessible ~~to children of below grammar school age~~ from the outside area of the fence.

15.66.070 - Existing installations—Determination and conformance to ~~e~~Chapter provisions.

A. From and after the effective date of the ordinance codified in this ~~C~~eChapter, the ~~C~~eity ~~B~~uilding ~~I~~nspector or his or her authorized representative shall ~~have the power to~~ determine whether any existing swimming or wading pool which was constructed, installed, or placed within any premises in the ~~C~~eity prior to the effective date of the ordinance codified in this ~~C~~eChapter constitutes a health or safety hazard by virtue of such pool not being completely enclosed by a fence, wall, or other structure as provided in Section 15.66.040 of this ~~C~~eChapter or by an adequate cover as provided in Section 15.66.050 of this ~~e~~Chapter. ~~In making such determination, the building inspector shall consider such factors as the character of the neighborhood, the physical nature of the premises and the location of the pool thereon, the accessibility of the pool to small children, and similar circumstances.~~

B. Should the ~~b~~uilding ~~i~~nspector determine that a hazard exists as defined in this ~~e~~Chapter, he or she may order the person legally responsible for the premises to comply with the provisions of this ~~C~~eChapter in order to alleviate the unsafe or unhealthful condition. The ~~b~~uilding ~~i~~nspector shall in his or her order specify a reasonable time not to exceed ~~six months~~ thirty (30) days for compliance with ~~his-the~~ order. Failure to so comply shall constitute a misdemeanor punishable as provided in this ~~e~~Chapter.

SECTION 9: Exemption from CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a “project” which has the potential for causing a significant effect on the environment.

SECTION 10: Severability. If any part of this Ordinance is held to be invalid or inapplicable to any situation by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance or the applicability of this Ordinance to other situations.

SECTION 11: Effective Date; Publication. This Ordinance shall take effect _____. The City Clerk is hereby directed to publish in full or summary this Ordinance pursuant to

§36933 of the Government Code in a newspaper of general circulation in the City of Morgan Hill.

THE FOREGOING ORDINANCE WAS INTRODUCED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____ 2016 AND WAS FINALLY ADOPTED AT A MEETING OF THE CITY COUNCIL HELD ON THE ____ DAY OF _____ 2016, AND SAID ORDINANCE WAS DULY PASSED AND ADOPTED IN ACCORDANCE WITH LAW BY THE FOLLOWING VOTE:

**AYES: COUNCIL MEMBERS:
NOES: COUNCIL MEMBERS:
ABSTAIN: COUNCIL MEMBERS:
ABSENT: COUNCIL MEMBERS:**

ATTEST:

APPROVED:

IRMA TORREZ, City Clerk

STEVE TATE, Mayor

Effective:

∞ CERTIFICATE OF THE CITY CLERK ∞

I, Irma Torrez, City Clerk of the City of Morgan Hill, California, do hereby certify that the foregoing is a true and correct copy of Ordinance No.____, New Series, adopted by the City Council of the City of Morgan Hill, California at the meeting held on this ____ day of November ____, and has been published pursuant to Government Code.

WITNESS MY HAND AND THE SEAL OF THE CITY OF MORGAN HILL.

DATE:_____

Irma Torrez, City Clerk