

RESOLUTION NO. 2023-24

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
RATIFYING EXHIBIT A, AS CORRECTED, TO ORDINANCE NO. 2022-06, TITLE
15 OF THE MARINA MUNICIPAL CODE

WHEREAS, pursuant to Sections 17922, 17958, 17958.5 and 17958.7 of the California Health and Safety Code, the City of Marina ("City") may adopt the provisions of the California Building, Residential, Electrical, Mechanical, Plumbing, Energy, Green Building Standards, Existing Building, Historical, and Fire Codes with certain exceptions, modifications and additions to provisions of the California codes ("Codes"), which are reasonably necessary to protect the health, welfare and safety of the citizens of Marina because of local climatic, geological and topographical conditions;

WHEREAS, at a regular meeting on November 15, 2022, the City Council adopted Ordinance 2022-06, setting forth amendments to Title 15 of the Marina Municipal Code in Exhibit A attached thereto;

WHEREAS, City staff subsequently discovered an incorrect version of Exhibit A had inadvertently been attached to Ordinance 2022-06, which contained clerical errors requiring corrections; and

WHEREAS, staff proposes the Council ratify the correct version of Exhibit A to Ordinance 2022-06, attached hereto, and the Council desires to ratify the same; and

WHEREAS, this Resolution was found to be categorically exempt from environmental review, per the provisions of Section 15061(b) (3) of the Guidelines to the California Environmental Quality Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF MARINA DOES HEREBY RESOLVE AS FOLLOWS:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by reference.
2. The Council hereby ratifies Exhibit A, as corrected, to Ordinance 2022-06 and directs its codification.
3. The Council directs the City Clerk to file a copy of this Ordinance with Exhibit A, as corrected, with the California Building Standards Commission of the State of California.
4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Council of the City of Marina at a regular meeting duly held on the 21st day of March 2023 by the following vote:

AYES: COUNCIL MEMBERS: McCarthy, Visscher, Biala, Medina Dirksen

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

Bruce C. Delgado, Mayor

ATTEST:

Anita Sharp, Deputy City Clerk

Corrected Exhibit A to the Staff Report

EXHIBIT A TO ORDINANCE NO. 2022-06

AMENDMENTS TO TITLE 15 OF THE MARINA MUNICIPAL CODE BUILDINGS AND CONSTRUCTION

Editor's Note: **Bold**, [bracketed] numbers and text are for identification purposes only and are not a part of the Title as amended.

- 1- Section 15.04.010 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:**

15.04.010 Definitions.

"Building code" means the California Building Code, or CBC, 2022 Edition, based on the 2021 International Building Code promulgated by the International Code Council, including the appendix thereto, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations and as amended by the Marina Municipal Code known as the California Existing Building Code. (CBC)

"Residential code" means the California Residential Code, or CRC 2022 Edition, based on the 2021 International Residential Code promulgated by the International Code Council including Appendices AF, AI, AL, AO, AR, AS, AV and AY together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 or the California Code of Regulations and as amended by the Marina Municipal Code known as the California Residential Code. (CRC)

"Electrical code" means the California Electric Code or CEC, 2022 Edition, based on the 2020 National Electrical Code edition promulgated by the National Fire Protection Association, as amended, and set forth in the California Building Standards Code, Title 24 of the California Code of Regulations, together with those omissions, amendments, exceptions, and additions thereto as amended by the Marina Municipal Code known as the California Electrical Code. (CEC)

"Mechanical code" means the California Mechanical Code or UMC, 2022 Edition, promulgated by the International Association of Plumbing and Mechanical Officials, including Appendices A, B, C, D, E F, and G thereto, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations and in the Marina Municipal Code, known as California Mechanical Code (CMC).

"Plumbing code" means the California Plumbing Code or UPC, 2022 Edition, promulgated by the International Association of Plumbing and Mechanical Officials, including the Appendices G and I thereto, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations and in the Marina Municipal Code, known as the California Plumbing Code (CPC).

"Fire code" means the California Fire Code or CFC, 2022 Edition, promulgated by the International Fire Code Institute, including the appendix sections, together with those omissions, amendments, exceptions, and additions there to as amended in Title 24 in the California Code of Regulations and in the Marina Municipal Code, known as the California Fire Code (CFC).

"Energy code" means the California Energy Code or CEC, 2022 Edition, promulgated by the California Building Standards Commission including the appendix sections, together with those omissions, amendments, exceptions, and additions there to as amended in Title 24 in the California Code of Regulations and in the Marina Municipal Code, known as the California Energy Code (CEC).

“Existing building code” means the California Existing Building Code, 2022 Edition, based on the 2021 International Existing Building Code and California Historical Building Code, promulgated by the International Code Council, including the appendix thereto, with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 or the California Code of Regulations and as amended by the Marina Municipal Code known as the

“Green building standards code” means the California Green Building Standards Code, 2022 Edition promulgated by the California Building Standards Commission including the Appendices A-4 & A-5 thereto, together with those omissions, amendments, exceptions, and additions as amended in Title 24 in the California Code of Regulations and in the Marina Municipal Code.

“Housing code” means the Uniform Housing Code 1997, promulgated by the International Code Council, together with those omissions, amendments, exceptions, and additions thereto as amended in the Marina Municipal Code.

“Dangerous building code” means the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, promulgated by the International Code Council, together with those omissions, amendments, exceptions, and additions as amended by the Marina Municipal Code.

“Security code” means the Uniform Building Security Code, 1997 Edition, promulgated by the International Code Council, together with those omissions, amendments, exceptions, and additions thereto as amended in the Marina Municipal Code (UBSC).

“Emergency Work” means work that if not done immediately will affect the life safety of the occupant or cause damage the structure.

(Ord. 2022-___ § 1 (Exh. A (1)), 2022)”

2. Section 15.08.010 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

15.08.010 Adoption of technical provisions of California Building Code (CBC).

A. Except as otherwise provided for in this chapter, the California Building Code (CBC), 2022 Edition, Volumes I and II, including the appendices thereto, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CBC has been filed for use and examination of the public in the office of the building official of the city of Marina.

(Ord. 2022-___ § 1 (Exh. A (2)), 2022)

3. Section 15.08.020 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

15.08.020 Section 105.3.2 e amended.

Section 105.3.2 shall be amended to read as follows:

105.3.2 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing AND pays a fee of \$500.00 for each requested 180 - day extension and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

(Ord. 2022-___ § 1 (Exh. A (3)), 2022)

4. Section 15.08.025 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

15.08.025 Section 105.5 amended.

Section 105.5 shall be amended to read as follows:

105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the 2016 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of one hundred and eighty (180) days may be granted by the building official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee of \$1,000 or the amount of the original building permit fee for each one hundred and eighty (180) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted, and permit obtained along with all applicable fees applied for this new project. All existing projects are subject to this section and will be subject to the conditions listed above.

(Ord. 2022-___ § 1 (Exh. A (4)), 2022)

5. Section 15.08.040 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

15.08.040 Section 1505.1.1 amended.

A. Findings. The amendments set forth in this section are reasonably necessary because of the following local geological, topographical, and climactic conditions:

1. Marina is within a very active seismic area (Seismic Zone 4). Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the fire department, resulting in failure to meet the fire and life safety needs of the community.

2. The local geographic, topographic, and climactic conditions pose an increased hazard in the acceleration, spread, magnitude, and severity of potential fires in the city of Marina and may cause a delayed fire response time, allowing further growth of a fire.

3. The types of roof coverings as set forth in the amendment are a more restrictive standard, which will better prevent fire damage, which can result from local conditions.

B. Section 1505.1.1 shall be amended to read as follows:

“Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire-retardant roof or class A roof.

(Ord. 2022-____ § 1 (Exh. A (5)), 2022)

6. Section 15.08.100 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:

“15.08.100 Portions of the California Building Code which are not approved, adopted, or incorporated by reference.

The following portions of the California Building Code 2022 Edition or the appendices thereto, are not approved or adopted or incorporated in this chapter by reference and shall not be deemed to be a part of this chapter nor a part of the building code of the city of Marina.

Chapter 9 (All. See Chapter 9 of the California Fire Code, 2022 Edition with amendments.)

Appendices.

2022 CBC Appendix A (Qualifications)

2022 CBC Appendix B (Board of Appeals)

2022 CBC Appendix C (Ag Buildings)

2022 CBC Appendix D (Fire Districts)

2022 CBC Appendix G (Flood Proofing)

2022 CBC Appendix K (Flooding)

(Ord. 2022-____ § 1 (Exh. A (6)), 2022)

7. Section 15.12.010 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:

15.12.010 Adoption of technical provisions of California Mechanical Code (CMC).

A. Except as otherwise provided for in this chapter, the California Mechanical Code, 2022 Edition, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted and are hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CMC has been filed for use and examination of the public in the office of the building official of the city of Marina.

(Ord. 2022-____ § 1 (Exh. A (7)), 2022)”

8- Section 15.12.011 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:

15.12.011 Portions of California Mechanical Code which are not approved, adopted, or incorporated by reference.

The following portions of the California Mechanical Code or CMC, 2022 Edition, or of the appendix thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter nor a part of the mechanical code of the city of Marina:

Chapter 1, Division II, and all of the appendix chapters with the exception of the following appendix chapters or portion thereof:

A. CMC Appendices A, B, C, D, E and F.

(Ord. 2022-____ § 1 (Exh. A (8)), 2022)

9. Chapter 15.14 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:

Chapter 15.14 RESIDENTIAL CODE

Sections:

- 15.14.010 Adoption of technical provisions of California Residential Code (CRC).
- 15.14.020 Section R105.2 amended.
- 15.14.030 Section R106.5 amended.
- 15.14.040 Section R106.6 amended
- 15.14.050 Section Table R302.6 amended
- 15.14.060 Section R313 deleted
- 15.14.070 Section R403.1.3 amended
- 15.14.08 Section R902.1.1. amended15.14.100

Portions of California Residential Code which are and are not approved, adopted or incorporated by reference.

15.14.010 Adoption of technical provisions of California Residential Code (CRC)

A. Except as otherwise provided for in this chapter, the California Residential Code, 2022 Edition, including the appendices thereto, together with those omissions, amendments, exceptions, and additions thereto are approved and adopted, and hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein

B. One copy of the CRC has been filed for use and examination of the public in the office of the building official of the city of Marina

C. Findings. The amendments set forth in Sections 15.14.020, 15.14.030, 15.14.040, 15.14.050, 15.14.060, 15.14.070, 15.14.080 and 15.14.090 are reasonably necessary because of the following local geological, topographical, and climatic conditions:

1. Marina is within a very active seismic area (Seismic Zone 4). Severe seismic action could disrupt communications, damage gas mains, cause extensive electrical hazards, and place extreme demands on the limited and widely dispersed resources of the fire department, resulting in failure to meet the fire and life safety needs of the community.
2. The local geographic, topographic, and climatic conditions pose an increased hazard in the acceleration, spread, magnitude, and severity of potential fires in the city of Marina, and may cause a delayed fire response time, allowing further growth of the fire
3. The type of residential construction provisions set forth in the amendments are more restrictive standards, which will better prevent fire and seismic damage, which can result from local conditions.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.020 Section R105.2 “Work exempt from permit” amended.

Section R105.2 is amended to read as follows:

(10) Decks that are not more than 30 inches above grade, at any point.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.030 Section R105.5 amended.

Section R105.5 is hereby amended to read as follows:

R105.5 Expiration of Permits. Every permit issued by the building official under the provisions of the technical codes shall expire and become null and void, if the project authorized by such permit has not achieved an approval for one of the required inspections identified in section 110.3 of the 2022 California Building Code within one year of such permit.

The building official may grant a one-time permit extension of 180 (one-hundred eighty) days provided the applicant submits a request in writing prior to the permit expiration and the project has not changed in scope. Additional extension requests of one hundred and eighty (180) days may be granted by the building official if the request is made in writing, the project has not changed in scope, the project has obtained at least one inspection approval AND the applicant pays a fee of \$1,000 or the amount of the original building permit fee for each one hundred and eighty (180) day extension.

Before work can commence or recommence under an expired permit, a new permit application must be submitted, and permit obtained along with all applicable fees applied for this new project.

All existing projects are subject to this section and will be subject to the conditions listed above.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.040 Section R106.6 amended.

Section R106.6 is hereby amended to read as follows:

R106.6 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of the application shall expire and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond control of the applicant have prevented action from being taken and the extension has been submitted in writing prior to the expiration date.

If a permit has not been obtained after the first extension, additional extensions of 90 days may be granted provided the applicant submits this request in writing and pays a fee of \$500.00 for each requested 180 - day extension and the project has not changed in scope.

Exception: If a project has been approved by the City pending an outside agency approval prior to expiration, written extensions will not be required.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.050 Table 302.6 amended.

Table R302.6 is amended to read as follows:

“Not less than 5/8” type X” in all columns in the table.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.060 Section R403.1.3 amended.

Section R403.1.3 is hereby amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2 (1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook. In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family *dwellings* which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.070 Section R902.1.1 amended.

Section R902.1.1 is hereby amended to read as follows:

Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire-retardant roof or Class A roof.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.080 Section R902.1.2 amended.

Section R902.1.2 is hereby amended to read as follows:

Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire-retardant roof or Class A roof.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.090 Section R902.1.3 amended.

Section R902.1.3 is hereby amended to read as follows:

Roof coverings within ALL fire hazard severity zones. Any new roof on a new or existing structure and any re-roofing of an existing structure of 50% or more of the total roof area within a one-year period shall be of a fire-retardant roof or Class A roof.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)

15.14.100

Portions of California Residential Code which are and are not approved, adopted, or incorporated by reference.

The following portions of the California Residential Code or CRC, 2022 Edition, or the appendix thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter nor a part of the residential code of the city of Marina:

- A. Section R313 (All. See Chapter 9 of the California Fire Code, 2022 Edition with amendments.)
- B. CRC Appendices AF, AI, AL, AO, AR, AS, AV, and AY.

(Ord. 2022-____ § 1 (Exh. A (9)), 2022)"

10. Chapter 15.18 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows:]

"Chapter 15.18 GREEN BUILDING STANDARDS CODE

Sections:

- 15.18.101 Adoption of California Green Building Standards Code (CGBSC).
- 15.18.020 Portions of California Green Building Standards Code which are not approved, adopted, or incorporated by reference.

15.18.010 Adoption of California Green Building Standards Code (CGBSC).

A. Except as otherwise provided for in this chapter, the California Green Building Standards Code, 2022 Edition, including the appendices thereto, together with those omissions, amendments, exceptions, and additions thereto are approved and adopted, and are hereby incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CGBSC has been filed for use and examination of the public in the office of the building official of the city of Marina.

(Ord. 2022-06 § 1 (Exh. A (10)), 2022)

15.18.020 Portions of California Green Building Standards Code which are not approved, adopted, or incorporated by reference.

The following portions of the California Green Building Standards Code or CGBSC, 2022 Edition, or of the appendix thereto, are not approved or adopted or incorporated in this chapter by reference, and shall not be deemed to be a part of this chapter nor a part of the green building standards code of the city of Marina:

All of the appendix chapters with the exception of the following appendix chapters or portion thereof:

- A. CGBSC Appendices A-4 and A-5.

(Ord. 2022-____ § 1 (Exh. A (10)), 2022)"

- 11. Chapter 15.22 of the Marina Municipal Code is hereby repealed and replaced in its entirety to read as follows]**

“Chapter 15.22 EXISTING BUILDING CODE

Sections

15.22.010 Adoption of California Existing Building Code (CEBC).

15.22.010 Adoption of California Existing Building Code (CEBC).

A. The California Existing Building Code, 2022 edition is approved and adopted, and is hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CEBC has been filed for use and examination of the public in the Office of the Building Official of the City of Marina.”

(Ord. 2022-____ § 1 (Exh. A (11)), 2022)”

- 12. Section 15.24.010 of the Marina Municipal Code is repealed in its entirety and replaced to read as follows:]**

“15.24.010 Adoption of Technical Provisions of California Plumbing Code (CPC).

A. Except as otherwise provided for in this Chapter, the California Plumbing Code, 2022 edition, including the appendices thereto, together with those omissions, amendments, exceptions and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted, and are hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B One copy of the CPC has been filed for use and examination of the public in the Office of the Building Official of the City of Marina.

(Ord. 2022-____ § 1 (Exh. A (12)), 2022)”

- 13. Section 15.24.030 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:]**

“15.24.030 Portions of California Plumbing Code which are not approved, adopted, or incorporated by reference.

The following portions of the California Plumbing Code or CPC, 2022 edition, or of the appendix thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter nor a part of the plumbing code of the City of Marina:

Chapter 1 – Division II and all the Appendices with the exception of the following Appendix Chapters or portion thereof (which are approved, adopted and incorporated in this Chapter by reference):

A. CPC Appendix I.

(Ord. 2022-____ § 1 (Exh. A (13)), 2022)”

- 14. Chapter 15.28 of the Marina Municipal Code is hereby repealed in its entirety and replaced to read as follows:**

“Chapter 15.28 ELECTRICAL CODE

Sections

15.28.010 Adoption of the technical provisions of the California Electrical Code

15.28.010 Adoption of Technical Provisions of California Electrical Code (CEC).

A. Except as otherwise provided for in this Chapter, the California Electrical Code, 2022 edition, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations are approved and adopted and are hereby incorporated in this Chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CEC has been filed for use and examination of the public in the Office of the Building Official of the City of Marina.”

(Ord. 2022-____ § 1 (Exh. A (14)), 2022)”

15. Chapter 15.32 of the Municipal Code is hereby repealed in its entirety and replaced to read as follows:]

“Chapter 15.32 ADOPTION OF THE CALIFORNIA FIRE CODE (CFC)

Sections:

15.32.005 Adoption of technical provisions of California Fire Code.
15.32.010 Definitions.
15.32.020 Bureau of fire prevention established.
15.32.030 Findings.
15.32.040 Section 101.1 Amended - Title
15.32.050 Section 101.2.1 Amended - Appendices
15.32.060 Section 102.1 Amended – Construction & Design Provisions
15.32.080 Section 103.0 Added
15.32.090 Section 104.1.1 Added
15.32.100 Section 105.5.0 Added
15.32.110 Section 112.2 Amended.
15.32.120 Section 112.4 Amended
15.32.130 Section 113.4 Amended
15.32.140 Section 202 Amended
15.32.180 Section 503.2.7 Amended
15.32.190 Section 503.2.7.1 Added
15.32.200 Section 503.7 Added
15.32.210 Section 507.5.2 Amended
15.32.220 Section 605.3.1 Added
15.32.230 Section 605.3.1.1 Added
15.32.240 Section 901.1.1 Added
15.32.250 Section 901.2.2 Added
15.32.260 Section 901.4 Amended
15.32.270 Section 901.4.8 Added
15.32.280 Section 901.6.4 Added
15.32.290 Section 901.6.5 Added
15.32.300 Section 901.11 Added
15.32.310 Section 901.11.1 Added
15.32.320 Section 901.11.2 Added
15.32.330 Section 901.11.2.1 Added
15.32.340 Section 901.11.2.2 Added
15.32.350 Section 901.11.3 Added
15.32.360 Section 901.11.3.1 Added

15.32.370 Section 901.11.3.1.1 Added
15.32.380 Section 901.11.3.1.2 Added
15.32.390 Section 901.11.3.1.3 Added
15.32.400 Section 901.11.3.2 Added
15.32.410 Section 901.11.3.3 Added
15.32.420 Section 901.11.3.4 Added
15.32.430 Section 903.2 Amended
15.32.440 Section 903.2.8 Amended
15.32.450 Section 903.3.11.1 #7 Added
15.32.460 Section 903.3.1.1.2 Deleted
15.32.470 Section 903.3.1.2 Amended
15.32.480 Section 903.3.1.2.1 Amended
15.32.490 Section 903.3.1.2.3 Amended
15.32.500 Section 903.3.1.2.4 Amended
15.32.510 Section 903.3.1.2.5 Amended
15.32.520 Section 903.3.1.2.6 Amended
15.32.530 Section 903.3.1.2.7 Amended
15.32.540 Section 903.3.1.3 Amended
15.32.550 Section 903.3.1.3.1 Added
15.32.560 Section 903.3.1.3.2 Added
15.32.570 Section 903.3.1.3.3 Added
15.32.580 Section 903.3.1.3.4 Added
15.32.590 Section 903.3.1.3.5 Added
15.32.600 Section 903.3.1.3.5.1 Added
15.32.610 Section 903.3.1.3.6 Added
15.32.620 Section 903.3.1.3.7 Added
15.32.630 Section 903.4.1 Amended
15.32.640 Section 903.4.2 Amended
15.32.650 Section 903.4.2.1 Added
15.32.660 Section 903.4.3 Added
15.32.670 Section 904.13.2 Amended
15.32.680 Section 904.13.5.2 Amended
15.32.690 Section 907.1.6 Added
15.32.700 Section 907.2 Amended
15.32.710 Section 907.6.5 Amended
15.32.720 Section 907.6.6 Amended
15.32.730 Section 907.6.6.5 Added
15.32.740 Section 907.6.6.6 Added
15.32.750 Section 907.7.2 Amended
15.32.760 Section 1205.1.1 Added
15.32.770 Section 1205.1.1.1 Added
15.32.780 Section 1205.1.1.2 Added
15.32.790 Section 1205.1.1.3 Added
15.32.800 Section 1205.1.1.4 Added
15.32.810 Section 1205.2.1 Amended
15.32.820 Section 1205.2.1.4 Added
15.32.830 Section 1206.15 Added
15.32.840 Section 3905.3 Added
15.32.850 Section 5609.0 Added
15.32.860 Section 5609.1 Added
15.32.870 Section 5609.1.2 Added
15.32.880 Section 5609.1.3 Added
15.32.890 Section 5609.1.4 Added
15.32.900 Section 5609.1.5 Added
15.32.910 Appendix D D103.2 Amended
15.32.920 Appendix Q Added
15.32.930 Appendix R Added

15.32.005 Adoption of technical provisions of California Fire Code

A. Except as otherwise provided for in this chapter, the California Fire Code or CFC, 2022 Edition, promulgated by the International Fire Code Institute, including the appendix sections, together with those omissions, amendments, exceptions, and additions thereto as amended in Title 24 of the California Code of Regulations, are approved and adopted, and are incorporated in this chapter by reference and made a part hereof the same as if fully set forth herein.

B. One copy of the CFC has been filed for use and examination of the public in the office of the fire chief of the City of Marina.

(Ord. 2022-___ § 1 (Exh. A (15) (part)), 2022)

15.32.010 Definitions.

As used in this chapter or in any other uniform codes or other nationally recognized fire safety standard made a part of this chapter, unless otherwise apparent from the context:

A. "City" means the city of Marina when it refers to a political entity and means the incorporated area of the city of Marina when it refers to an area.

B. "City council" means the city council of Marina.

C. "Fire Chief" means the chief of the fire department serving the city of Marina.

D. "Fire code official" means the Fire Chief or his or her designee.

E. "Mayor" means the mayor of the City of Marina.

F. "Municipality" means the City of Marina.

(Ord. 2022-___ § 1 (Exh. A (15) (part)), 2022)

15.32.020 Bureau of fire prevention established.

The California Fire Code shall be enforced by the fire chief or his/her designee. The fire chief is appointed as the fire code official. The bureau of fire prevention is established within the city under the direction of the fire code official. The function of the fire prevention bureau shall be the implementation, administration, and enforcement of the provisions of the Fire Code. References within the California Fire Code to the "department of fire prevention" shall mean the bureau of fire prevention

(Ord. 2022-___ § 1 (Exh. A (15) (part)), 2022)

15.32.030 Findings.

The amendments set forth in Sections 15.32.040 through 15.32.930 are reasonably necessary because of the following local climatic, geological, and topographical conditions:

A. Climate. The city, on average, experiences an approximate annual rainfall of fifteen inches. The heaviest months for rainfall can be expected between January and April. During winter months, the city may experience periods of heavy rain, which can cause local flooding. Due to the proximity of the Pacific Ocean, winter storms are often accompanied by high winds, which have uprooted trees and damaged power lines. The city has also experienced periods of heavy fog, which has delayed the responding fire apparatus and prevented early discovery of structure fires. Light to gusty winds occur during dry periods which, when coupled with highly flammable vegetation, can cause uncontrollable fires. With increased development spreading into brush covered coastal hill areas, wind driven fires could have severe consequences, as have been demonstrated on several occasions throughout the state.

B. Geologic. The city is susceptible to seismic hazards resulting from movement along any one of several known faults. The most serious direct earthquake hazard threat is from the damage or collapse of buildings and other structures due to ground movement. In addition to damage caused by earthquakes, there is the possibility of earthquake-induced fires starting because of damage to gas lines, power lines or heat-producing appliances and the unavailability to water for fire control due to broken water mains. In the

event of a major earthquake many areas of the city may not be accessible to emergency equipment and, if bridges or roads are damaged, the city may be isolated from outside assistance.

C. Topographical. The city is divided by California State Highway 1. The freeway creates barriers which obstruct traffic patterns and delay response time for fire equipment. The water supply within the city is directly affected by the topographical layout. In the event of a major catastrophe, the city does not have an elevated water storage system to supply pressurized water to the city fire hydrants.

D. Conclusion. Local climatic, geologic and topographical conditions impact fire suppression efforts and the frequency, spread, intensity and size of fire involving structures in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be necessary that the California Fire Code be amended by this chapter to mitigate the effects of these conditions.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.040 Section 101.1 - Amended.

Section 101.1 is amended to read as follows:

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

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.050 Section 101.2.1 – Amended

Section 101.2.1 is amended to read as follows:

101.2.1 Appendices. Provisions in all appendices to the 2022 California Fire Code are hereby adopted in their entirety and shall apply.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.060 Section 102.1 – Amended

Section 102.1 is amended to read as follows:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

1. Structures, facilities and conditions arising after the adoption of this code.
2. Existing structures, facilities, and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions when identified in specific sections of this code.
4. Existing structures, facilities, and conditions, which, in the opinion of the fire code official, constitute a distinct hazard to life and property.
5. Existing structures alterations and repairs.
 - 5.a. All new work performed in alterations and/or repairs to existing structures shall comply with the current provisions of this Chapter.
 - 5.b. When alterations and/or repairs result in the removal, alteration, modification, replacement and/or repair of fifty percent (50%) or more of the external walls of a building, or result in the removal, modification, replacement and/or repair of fifty percent (50%) or more of the existing internal structural and/or non-structural framework, independently or in combination thereof, within a five year period, the entire building shall be made to conform to the current provisions of this Chapter

5.c. Calculations of linear wall measurements shall be shown on all plans submitted for building permits, on the cover page in the project description of said plans.

5.d. The determination under this section of the requirement for upgrading any existing structure to full conformance with the current provisions of this Chapter shall be at the sole discretion of the fire code official.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

MARINA CITY CODE INTERPRETATION

With regards to construction provisions of this Code being required on building remodels:

If wall coverings (drywall, paneling, etc.) are removed down to bare studs, do these walls get included in the calculations?

ANSWER: No

- 1. If new wall coverings are installed over existing wall coverings, do these walls get included in the calculations?**

ANSWER: No

- 2. What is the measurement parameter for determining the 50% figure?**

ANSWER: ALL WALLS, INTERIOR AND EXTERIOR, ARE MEASURED USING THE LINEAR FOOTAGE OF THE WALLS.

MARINA CITY CODE COMMENTARY

The following formula is used to determine the 50% linear wall length in the City of Marina and is a standard adopted by the Monterey County Fire Prevention Officers Association:

Step 1: Determine the total linear length of all walls of the existing building.

Step 2: Determine the total linear length of all walls of the proposed remodeled building, including additions to the building.

Step 3. Determine the total linear length of all walls that are proposed to be removed during the remodel.

Step 4. Add the results of Steps 1, 2, and 3.

Step 5. Determine whether Step 4 result is over 150% of the Step 1 result. If so, Section 102.1 applies. If not, it does not apply.

15.32.080 Section 103.0 – Added

Section 103.0 is added to Chapter 1 of the Fire Code to read as follows:

103.0 Responsibility for enforcement.

103.0.1 Within established fire protection districts, incorporated cities and community services districts, responsibility for enforcement of this code shall be under the direction of the Fire Chief within each district.

Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.090 Section 104.1.1 – Added

Section 104.1.1 is added to Chapter 1 of the Fire Code to read as follows:

104.1.1 Police powers. The fire code official and his authorized deputies shall have the powers of police officers in performing their duties under this code. When requested to do so by the fire code official, the chief of police of the jurisdiction is authorized to assign such available police officers as necessary to assist the fire code official in enforcing the provisions of this code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.100 Section 105.5.0 – Added

Section 105.5.0 is added to Chapter 1 of the Fire Code to read as follows:

105.5.0 Agricultural Explosive Devices. An operational permit is required for storage or use of any agricultural explosive device including “bird bombs”.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.110 Section 112.2 – Amended

Section 112.2 is amended to read as follows:

112.2 Owner/occupant responsibility. Correction and abatement of violations of this code shall be the responsibility of the owner. If the occupant creates, or allows to be created, hazardous conditions in violation of this code, the occupant shall be held responsible for the correction or abatement of such hazardous conditions.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.120 Section 112.4 – Amended

Section 112.4 is amended to read as follows:

112.4 Violation penalties. Persons who shall violate any provision of this code or shall fail to comply with any of the requirements thereof or shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of an infraction, punishable by a fine not more than five hundred dollars (\$500.00). Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.130 Section 113.4 – Amended

Section 113.4 is amended to read as follows:

113.4 Failure to comply. Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be guilty of an infraction as specified in Section 112.4 of this code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.140 Section 202 – Amended

Section 202 is amended to add the following definitions and to read as follows:

ALL WEATHER SURFACE. A road surface constructed to the minimum standards adopted by the jurisdiction.

BRIDGE. A structure to carry a roadway over a depression or obstacle.

IDLE PALLET. A pallet or similar product storage and/or lifting device not currently in use and empty of product.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.180 Section 503.2.7 – Amended

Section 503.2.7 is amended to read as follows:

503.2.7 Grade. The grade of fire apparatus access roads shall be no greater than 15% unless specifically approved by the fire code official.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.190 Section 503.2.7.1 – Added

Section 503.2.7.1 is added to Chapter 5 of the Fire Code to read as follows:

503.2.7.1 Paving. All fire apparatus access roads over eight percent (8%) shall be paved with a minimum 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base. All fire apparatus access roads over fifteen percent (15%) where approved shall be paved with perpendicularly grooved concrete.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.200 Section 503.7 – Added

Section 503.7 is added to Chapter 5 of the Fire Code to read as follows:

503.7 Fire apparatus access road names. All fire apparatus access road names shall be issued or approved by the appropriate governmental agency.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.210 Section 507.5.2 – Amended

Section 507.5.2 is amended to read as follows:

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire code official. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, alterations, and servicing shall comply with approved standards. When required by the fire code official, hydrants shall be painted in accordance with the most current edition of NFPA 291.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.220 Section 605.3.1.1 – Added

Section 605.3.1 Spark Arrestors

Section 605.3.1.1 is added to Chapter 6 of the Fire Code to read as follows:

605.3.1.1 An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks or similar devices using solid fuel for conveying smoke or hot gases to the outer air

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.230 Section 605.3.1.2 – Added

Section 605.3.1.2 is added to Chapter 6 of the Fire Code to read as follows:

605.3.1.2 Spark arresters shall have openings in accordance with Section 2113.9.2(3) of the California Building Code and Section 1003.9.2 of the California Residential Code with minimum openings of 3/8” and maximum openings of 1/2”.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.240 Section 901.1.1 – Added

Section 901.1.1 is added to Chapter 9 of the Fire Code to read as follows:

901.1.1 Responsibility. The owner of the protected premises shall be responsible for all fire protection systems within the protected premises, whether existing or installed under this code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.250 Section 901.2.2 – Added

Section 901.2.2 is added to Chapter 9 of the Fire Code to read as follows:

901.2.2 Additional documentation. Additional documentation as required by the fire code official shall be provided to the fire code official in an acceptable format.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.260 Section 901.4 – Amended

Section 901.4 is amended to read as follows:

901.4 Installation. Fire protection systems shall be maintained in accordance with the original installation standards for that system. All systems shall be extended, altered, or augmented as necessary to maintain and continue protection whenever the building is altered, remodeled, or added to. Alterations to fire protection systems shall be done in accordance with applicable standards.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.270 Section 901.4.8 – Added

Section 901.4.8 is added to Chapter 9 of the Fire Code to read as follows:

901.4.8 Nonoperational equipment. Any fire protection equipment that is no longer in service shall be removed.

MARINA CITY CODE INTERPRETATION

With regards to construction provision of the Marina City Fire Code being require on ancillary building based on proximity to the main structure, when are detached buildings to be considered “attached” for the purposes of imposing fire protection system requirements of the Marina City Fire Code?

Answer: Ancillary buildings withing 20 feet of the main structure are considered “attached” for the purpose of imposing fire protection system requirements.

15.32.280 Section 901.6.4 – Added

Section 901.6.4 is added to Chapter 9 of the Fire Code to read as follows:

901.6.4 Qualifications of Inspection, Testing and Maintenance Personnel. All personnel performing any inspection, testing or maintenance of any fire protection system shall be qualified. Where such inspection, testing and maintenance is performed by an outside service company, the company shall be appropriately licensed in accordance with the California Business and Professions Code or by the California State Fire Marshal.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.290 Section 901.6.5 – Added

Section 901.6.5 is added to Chapter 9 of the Fire Code to read as follows:

901.6.5 Additional records. All documentation generated during any scheduled inspection or test of any fire protection system, whether required or voluntarily installed, shall be forwarded to the fire code official within 21 calendar days after the date of the inspection or test.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.300 Section 901.11 – Added

Section 901.11 is added to Chapter 9 of the Fire Code to read as follows:

901.11 Fire Protection Features for Plant Processing and Extraction Facilities

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.310 Section 901.11.1 – Added

Section 901.11.1 is added to Chapter 9 of the Fire Code to read as follows:

901.11.1 Scope. This section applies to occupancies regulated by Chapter 39 of this Code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.320 Section 901.11.2 – Added

Section 901.11.2 is added to Chapter 9 of the Fire Code to read as follows:

901.11.2 Definitions.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.330 Section 901.11.2.1 – Added

Section 901.11.2.1 is added to Chapter 9 of the Fire Code to read as follows:

901.11.2.1 Plant processing. Plant processing shall include all plant post-harvest operations, excluding retail sales of plant and related products.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.340 Section 901.11.2.2 – Added

Section 901.11.2.2 is added to Chapter 9 of the Fire Code to read as follows:

901.11.2.2 Indoor cultivation. Indoor cultivation shall be defined as all nursery or cultivation conducted in other than Group U occupancies (greenhouses).

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.350 Section 901.11.3 – Added

Section 901.11.3 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3 Fire Protection Systems. All buildings or portions thereof housing plant post-harvest or indoor cultivation operations shall be protected as defined in this section.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.360 Section 901.11.3.1 – Added

Section 901.11.3.1 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.1 Fire Sprinklers. Fire sprinklers shall be installed in accordance with 901.11.3.1.1, 901.11.3.1.2, or 901.11.3.1.3

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.370 Section 901.11.3.1.1 – Added

Section 901.11.3.1.1 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.1.1 Fire sprinklers shall be installed in all buildings or portions thereof; such fire sprinkler systems shall be designed to Ordinary Group II design standards in the latest adopted edition of NFPA 13 and Section 903 of this code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.380 Section 901.11.3.1.2 – Added

Section 901.11.3.1.2 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.1.2 If the occupancy is classified as a Group H Occupancy the fire sprinkler system may be required to be designed and installed as an Extra Hazard fire sprinkler system

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.390 Section 901.11.3.1.3 – Added

Section 901.11.3.1.3 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.1.3 Where permitted by the fire code official and not otherwise required by this code or the CBC, fire sprinklers may be eliminated in approved buildings less than 500 square feet.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.400 Section 901.11.3.2 – Added

Section 901.11.3.2 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.2 Fire Alarm Systems. Fire alarm systems shall be installed in all buildings or portions thereof; such fire alarm systems shall include both fire sprinkler system monitoring and complete occupant notification as specified in the latest adopted edition of NFPA 72 and Section 907 of this code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.410 Section 901.11.3.3 – Added

Section 901.11.3.3 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.3 Special Hazard Systems. Where specified by appropriate UL listings for extraction booths utilizing volatile solvents, dry chemical fire protection systems shall be installed according to the latest adopted edition of NFPA 17. If there is no UL listing for the extraction booth, a dry chemical fire protection system shall be installed.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.420 Section 901.11.3.4 – Added

Section 901.11.3.4 is added to Chapter 9 of the Fire Code to read as follows:

901.11.3.4 Portable Fire Extinguishers. Portable fire extinguishers shall be installed in accordance with NFPA 10 and Section 906 of this code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.430 Section 903.2 – Amended

Section 903.2 is amended to read as follows:

903.2 Where required. Approved automatic sprinkler systems shall be provided in all new buildings and structures constructed, moved into, or relocated within the jurisdiction.

Exceptions:

- (1) Structures not classified as Group R occupancies and not more than five hundred (500) square feet in total floor area.
- (2) Detached agricultural buildings, as defined by this code and the CBC, located at least one hundred feet (100) from any other structure or the property line, whichever is closer.
- (3) Accessory structures not classified as R occupancies associated with existing non-sprinklered R-3 occupancies (one- or two-family dwellings) and less than one thousand five hundred (1500) square feet in total fire area.
- (4) Where an insufficient water supply exists to provide for an automatic fire sprinkler system and where the Fire Code Official permits alternate protection.

The following Sections are amended by changing requirements to five hundred (500) square feet for fire sprinkler installation, as follows (the complete text of the section is not provided):

903.2.1.1 Group A-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.2 Group A-2. Change five thousand (5,000) square feet to five hundred (500) square feet.

903.2.1.3 Group A-3. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.4 Group A-4. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.1.5 Group A-5. Change one thousand (1,000) square feet to five hundred (500) square feet.

903.2.3 Group E. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.4 Group F-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.4.1 Group F-1. Change two thousand five hundred (2,500) square feet for woodworking operations to five hundred (500) square feet.

903.2.7-1 Group M. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.7-3 Group M. Change twenty-four thousand (24,000) square feet to five hundred (500) square feet.

903.2.9 Group S-1. Change twelve thousand (12,000) square feet to five hundred (500) square feet.

903.2.9.1 Repair Garages. Change ten thousand (10,000) square feet (2 story buildings) and twelve thousand (12,000) square feet (1 story buildings) to five hundred (500) square feet.

903.2.9.2 Bulk storage of tires. Change twenty thousand (20,000) cubic feet to five hundred (500) square feet.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.440 Section 903.2.8 – Amended

Section 903.2.8 is amended to read as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided in all buildings with a Group R fire area, including, but not limited to, one- and two-family dwellings, townhomes, and manufactured homes and mobile homes located outside of licensed mobile home parks hereafter constructed, moved into or relocated within the jurisdiction, including all additions to buildings already equipped with automatic fire sprinkler systems.

(Exceptions remain per 2022 California Fire Code)

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.450 Section 903.3.1.1.1 #7 – Added

Section 903.3.1.1.1 #7 is added to Chapter 9 of the Fire Code to read as follows:

7. Passenger elevator shafts or associated passenger elevator mechanical rooms, where elevator shafts are constructed with a 2-hour fire resistive method.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.460 Section 903.3.1.1.2 – Deleted

Section 903.3.1.1.2 is deleted in its entirety:

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.470 Section 903.3.1.2 – Amended

Section 903.3.1.2 is amended to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 80.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.480 Section 903.3.1.2.1 – Amended

Section 903.3.1.2.1 is amended to read as follows:

903.3.1.2.1 Balconies and decks. Sprinkler protection shall be provided for exterior balconies, decks and ground floor patios of dwelling units where the building is of Type V construction, provided there is a roof or deck above. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.490 Section 903.3.1.2.3 – Amended

Section 903.3.1.2.3 is amended to read as follows:

903.3.1.2.3 Attics. Where NFPA 13R sprinkler systems are installed, all attic areas shall be provided with sprinkler protection in accordance with NFPA 13.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.500 Section 903.3.1.2.4 – Amended

Section 903.3.1.2.4 is amended to read as follows:

903.3.1.2.4 Sprinkler control valves. Where NFPA 13R sprinkler systems are installed, sprinkler system control valves shall be installed in accordance with NFPA 13.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.510 Section 903.3.1.2.5 – Amended

Section 903.3.1.2.5 is amended to read as follows:

903.3.1.2.5 Bathrooms. Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.520 Section 903.3.1.2.6 – Amended

Section 903.3.1.2.6 is amended to read as follows:

903.3.1.2.6 Accessible storage areas. Automatic sprinklers shall be installed in all accessible storage areas.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.530 Section 903.3.1.2.7 – Amended

Section 903.3.1.2.7 is amended to read as follows:

903.3.1.2.7 Under-stair spaces. Automatic sprinklers shall be installed in all under-stair spaces including all under-stair closets.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.540 Section 903.3.1.3 – Amended

Section 903.3.1.3 is amended to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Automatic fire sprinkler systems installed in one and two-family dwellings, Group R-3 and R-4 congregate living facilities and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D. The requirements of this section supersede the requirements of the California Residential Code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.550 Section 903.3.1.3.1 – Added

Section 903.3.1.3.1 is added to read as follows:

903.3.1.3.1 All fire sprinkler systems installed in one- and two-family dwellings shall be tested for leakage by undergoing a hydrostatic test made at 200 psi for two-hour duration.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.560 Section 903.3.1.3.2 – Added

Section 903.3.1.3.2 is added to read as follows:

903.3.1.3.2 Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems. A separate

shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the fire code official.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.570 Section 903.3.1.3.3 – Added

Section 903.3.1.3.3 is added to read as follows:

903.3.1.3.3 Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.580 Section 903.3.1.3.4 – Added

Section 903.3.1.3.4 is added to read as follows:

903.3.1.3.4 Automatic sprinklers shall be installed in all attached garages and other accessory structures and in all garages and other accessory structures.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.590 Section 903.3.1.3.5 – Added

Section 903.3.1.3.5 is added to read as follows:

903.3.1.3.5 Automatic sprinklers shall be installed in all accessible storage areas.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.600 Section 903.3.1.3.5.1 – Added

Section 903.3.1.3.5.1 is added to read as follows:

903.3.1.3.5.1 Automatic sprinklers shall be installed in all under-stair spaces including all closets.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.610 Section 903.3.1.3.6 – Added

Section 903.3.1.3.6 is added to read as follows:

903.3.1.3.6 Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBA. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit. Where required by the fire code official, interior audible notification appliances or additional water flow alarms may be required to be installed at locations specified by the fire code official.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.620 Section 903.3.1.3.7 – Added

Section 903.3.1.3.7 is added to read as follows:

903.3.1.3.7 Automatic fire sprinklers shall be installed to protect all furnaces and heating system appliances.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

MARINA CITY FIRE CODE INTERPRETATION

With regards to requiring fire sprinkler installation in bathrooms,

Do rooms with toilets and/or bidets only and no electrical receptacles require fire sprinklers?

ANSWER: No unless they exceed the 55 square foot minimum in NFPA 13R and NFPA 13D.

Do rooms with showers only and no electrical receptacles require fire sprinklers?

ANSWER: No, unless they exceed the 55 square foot minimum in NFPA 13R and NFPA 13D

15.32.630 Section 903.4.1 – Amended

Section 903.4.1 is amended to read as follows:

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station or proprietary supervising station as defined in NFPA 72, or, when approved by the fire code official, shall sound an audible signal at a constantly attended location. The fire alarm system installed to transmit such signals shall be considered a building fire alarm system (exceptions remain unchanged).

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.640 Section 903.4.2 – Amended

Section 903.4.2 is amended to read as follows:

903.4.2 Alarms. One exterior approved audible appliance shall be connected to every automatic sprinkler system in an approved location. Sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a building fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Interior alarm notification appliances shall be installed as required by Section 903.4.2.1.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.650 Section 903.4.2.1 – Added

Section 903.4.2.1 is added to Chapter 9 of the Fire Code to read as follows:

903.4.2.1 Where an automatic fire sprinkler system is installed in a building with more than one tenant or with over 100 sprinkler heads, audible and visible notification appliances shall be installed throughout the building as follows:

a. Audible notification appliances shall be installed so as to be audible at 15 dBA above average sound pressure level throughout the building.

b. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.

c. Visible notification appliances can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

EXCEPTION: The requirements of this section do not apply to Group R-3 Occupancies.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.660 Section 903.4.3 – Added

Section 903.4.3 is added to read as follows:

903.4.3 Floor control valves. Approved indicating control valves and water flow switches shall be provided at the point of connection to the riser on each floor in all buildings over one story in height and shall be individually annunciated as approved by the fire code official.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.670 Section 904.13.2 – Amended

Section 904.13.2 is amended to read as follows:

904.13.2 System interconnection. The actuation of the fire extinguishing system shall automatically shut down all fuel and electrical power located under the hood, except for the electrical power to the exhaust air supply. The fuel and electrical supply reset shall be manual.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.680 Section 904.13.5.2 – Amended

Section 904.13.5.2 is amended to read as follows:

904.13.5.2 Extinguishing system service. Automatic fire extinguishing systems shall be serviced by a CSLB licensed C-16 contractor or a CSFM licensed “A” licensee at least every six months and after any activation of the system. Inspection shall be performed by the owner at least monthly in accordance with the currently adopted edition of NFPA 17-A. The service contractor shall review the records of monthly inspections every six months, and deficiencies shall be reported to the fire code official. A service report shall be forwarded to the fire code official by the licensed service contractor within 15 days after every service on the appropriate AES form.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.690 Section 907.1.6 – Added

Section 907.1.6 is added to Chapter 9 of the Fire Code to read as follows:

907.1.6 Multiple Fire Alarm Systems. Multiple fire alarm systems within a single protected premises are not permitted, unless specifically authorized by the fire code official.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.700 Section 907.2 – Amended

Section 907.2 is amended to read as follows:

907.2 Exception 1. The manual fire alarm box is not required for fire alarm control units dedicated to elevator recall control.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.710 Section 907.6.5– Amended

Section 907.6.5 is amended to read as follows:

907.6.5 Access. Access shall be provided to each fire alarm system component for periodic inspection, maintenance, and testing.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.720 Section 907.6.6– Amended

Section 907.6.6 is amended to read as follows:

907.6.6 Monitoring. Fire alarm systems, whether required by this chapter or the California Building Code or voluntarily installed, shall be monitored by an approved supervising station in accordance with NFPA 72 and this section.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.730 Section 907.6.6.5– Added

Section 907.6.6.5 is added to read as follows:

907.6.6.5 Zone transmittal. Where required by the fire code official, fire alarm signals shall be transmitted by zone to the supervising station and retransmitted by zone to the public fire service communications center.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.740 Section 907.6.6.6 – Added

Section 907.6.6.6 is added to Chapter 9 of the Fire Code to read as follows:

907.6.6.6 Means of communication. The use of either POTS or cable telephone lines with a digital alarm communicator transmitter shall not be permitted.

EXCEPTION. Where no other communications methods are available, the use of telephone lines shall be permitted to be used on a temporary basis not to exceed one year from the date of final acceptance test or until permitted alternate means of communications are available.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.750 Section 907.7.2– Amended
Section 907.7.2 is amended to read as follows:

907.7.2 Completion documents. The following documentation shall be provided at the time of acceptance testing for all fire alarm system installations:

1. A record of completion in accordance with NFPA 72.
2. A contractor’s statement verifying that the system has been installed in accordance with the approved plans and specifications and has been 100% tested in accordance with NFPA 72.
3. A contractor’s affidavit of personnel qualifications, indicating that all personnel involved with the installation of the fire alarm system meet the qualification requirements of the fire code official.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.760 Section 1205.1.1– Added
Section 1205.1.1 is added to read as follows:

1205.1.1 Signing and Marking. In addition to signing and marking requirements of the California Building Code and the California Residential Code, the following signing and marking is required:

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.770 Section 1205.1.1.1– Added
Section 1205.1.1.1 is added to read as follows:

1205.1.1.1 Main Panel Exterior Marking. A placard is required to be permanently affixed to the main service disconnect panel. The placard shall be red in color with white capital letters at least 1/2” in height and in a non-serif font, to read “SOLAR DISCONNECT INSIDE PANEL.” The placard shall be constructed of weather-resistant, durable plastic with engraved letters, or other approved material.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.780 Section 1205.1.1.2– Added
Section 1205.1.1.2 is added to read as follows:

1205.1.1.2 Circuit Disconnecting Means Marking. A permanent label is to be affixed adjacent to the circuit breaker controlling the inverter or other photovoltaic system electrical controller. The label shall have contrasting color capital letters at least 3/8” in height and in a non—serif font, to read “SOLAR DISCONNECT.” The label shall be constructed of durable adhesive material or other approved material.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.790 Section 1205.1.1.3– Added
Section 1205.1.1.3 is added to read as follows:

1205.1.1.3 Secondary Power Sources. Where photovoltaic systems are interconnected to battery systems, generator backup systems, or other secondary power systems, additional signage acceptable to the fire code official shall be required indicating the location of the secondary power source shutoff switch.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022

15.32.800 Section 1205.1.1.4– Added

Section 1205.1.1.4 is added to read as follows:

1205.1.1.4 Installer Information. Signage acceptable to the fire code official indicating the name and emergency telephone number of the installing contractor shall be required to be installed adjacent to the main disconnect.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022

15.32.810 Section 1205.2.1– Amended

Section 1205.2.1 is amended to read as follows:

Section 1205.2.1, Exceptions 1 and 2 of the California Fire Code are deleted in their entirety.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022

15.32.820 Section 1205.2.1.4– Added

Section 1205.2.1.4 is added to read as follows:

1205.2.1.4 Hip and Valley Layout. Hip and Valley Layouts. Modules shall be located no closer than one and one-half feet (1-1/2') to a hip or valley if modules are to be placed on both sides of a hip or valley. Where modules are located on only one side of a hip or valley that is of equal length, the modules shall be permitted to be placed directly adjacent to the hip or valley.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022

15.32.830 Section 1206.15– Added

Section 1206.15 is added to read as follows:

1206.15 Signage acceptable to the fire code official shall be required indicating the location of the stationary fuel cell power system.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022

15.32.840 Section 3905.3– Added

Section 3905.3 is added to read as follows:

3905.3. Fire Protection Systems. Fire protection systems in occupancies regulated by this chapter shall be in accordance with Section 901.11 of this Code.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022

15.32.850 Section 5609.0 added

Section 5609.0 is added to Chapter 56 of the California Fire Code to read as follows:

5609.0 Safe and Sane Fireworks Permitted. Notwithstanding the foregoing provision of law, safe and sane fireworks, as defined by the California Health and Safety Code or regulations issued by the Office of the State Fire Marshal, may be sold and discharged within the City during the period from 12:00 o'clock noon on June 28 to and until 11:59 p.m. on July 4 of each year, pursuant to the provisions of this ordinance and not otherwise.

No fireworks shall be sold, or offered for sale, discharged, or possessed within the city of Marina that are classified by the California Health and Safety Code as a dangerous firework.

Any property owner that allows the willful possession, sale or discharge of illegal or dangerous fireworks shall be held responsible and subject to a citation resulting in a fine, imprisonment or both. Any person in possession of illegal or dangerous fireworks shall be held responsible and subject to a citation resulting in a fine, imprisonment or both, all fireworks shall be confiscated.

The safe and sane firework known as a "Piccolo Pete", "Whistling Phantom", or similar type of whistling fountain shall not be sold or discharged within the city of Marina.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.860 Section 5609.1 added

Section 5609.1 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1 Sale Permit Required. No person, co-partnership, partnership, organization, or group shall sell safe and sane fireworks within the City without first having applied for and received a permit therefor in compliance with the terms of this ordinance. Upon receipt of a written application for a permit pursuant to this ordinance, the city manager shall direct the Fire Chief to cause an investigation to be made and make a report to the city manager of his findings and his recommendations for or against the issuance of a permit, together with his reasons therefor. After the receipt of such report and recommendations, the City Manager shall have the power, in his discretion, to grant or deny the application. The denial of an application may be appealed to the City council by a written notice of appeal filed with the city clerk within five (5) days after notice of the city manager's action. Any permit granted by the city manager may be subject to such reasonable conditions and restrictions as may be imposed by the city manager, and such conditions and restrictions shall be complied with by the permittee.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.870 Section 5609.1.2 added.

Section 5609.1.2 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1.2 Permittees. The sale of "safe and sane" fireworks within the city is allowed by non-profit agency, certified by the Secretary of the State of California or the Internal Revenue Service, that is based in the City of Marina and having a mailing address within the city of Marina and whose primary purpose is to benefit the youth and adults that live in the city of Marina. No permit for the sale of safe and sane fireworks shall be issued to any person, corporation, partnership, organization or group which has not been in business or in operation within the City for at least one (1) year continuously preceding the filing of the application. Being in business shall require the prior payment of a business license fee to the City. An organization or group shall be deemed to be in operation if it has a principal and permanent meeting place in the City, holds regular business meetings at that location and has a bona fide membership of at least twenty (20) members.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.880 Section 5609.1.3 added.

Section 5609.1.3 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1.3. Application for Permit. Application for a permit to sell safe and sane fireworks shall:

- a) Be made in writing.
- b) Be filed with the Fire Chief on or prior to May 1 of each year.
- c) Set forth the proposed location of all fireworks stands, and the dimensions thereof.
- d) Be accompanied by an assurance that if a permit is issued the applicant, at the time of receipt of such permit, shall deliver to the city manager satisfactory evidence of an insurance policy with \$50,000/100,000 public liability and \$10,000 property damage coverages, with a rider attached to the policy designating the City and its agents and employees as additional insured thereunder.
- e) Be accompanied by an assurance that if a permit is issued the applicant, at the time of receipt of such permit, shall deposit \$100.00 cash with the city clerk, which deposit shall be refunded to the permittee after the permit period has ended, if said permittee has complied with all applicable provisions of law for the sale of fireworks, but to be forfeited and retained by the City in the event of noncompliance with such law;
- f) Be accompanied by a nonrefundable application fee as specified in Chapter 3 of the Marina Municipal Code; and
- g) Shall contain the following information: name and address of the applicant; applicant's business or organization status; the date the applicant was organized or first conducted business;

the names and addresses of applicant's officers, if any; the location of applicant's principal and permanent place of business or meeting; the location where applicant will sell and store fireworks; and the applicant's State Board of Equalization Sales Tax Permit Number.

Provided the above requirements are met, permits shall be granted on a first-applied for, first-granted basis. Applicants for permits hereunder shall be notified by the Fire Chief or his or her designee of the granting or denial of their application for a permit on or before the first day of June each year.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.890 Section 5609.1.4 added.

Section 5609.1.4 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1.4 Fireworks Stands, Regulations. All retail sales of safe and sane fireworks shall be permitted only from within temporary fireworks stand, and the sale from any other building or structure is prohibited. Such stands shall be subject to the following regulations:

- a) No person, corporation, partnership, organization, or group other than the designated permittee shall operate the stand for which a permit is issued or share or otherwise participate in the profits from the operation of such stand.
- b) No person other than individuals who are employees of the permittee or members of a permittee organization or group, or the spouses or children, eighteen years or older, of such persons, shall sell or otherwise participate in the sale of fireworks at such stand.
- c) Fireworks stands shall comply with the provisions of the Building Code of the City, and all stands shall be erected under the supervision of the building official, who shall require that stands be constructed in a manner which will reasonably insure the safety of attendants and patrons. An electrical permit and compliance with electrical codes are required.
- d) If, in the judgment of the building official or fire department inspector, the construction of the stands or the conduct of the operators therein does not conform to the provisions of this ordinance, such officer may order the stands immediately closed.
- e) No person shall be allowed in the interior of the stands except those directly employed in the sale of fireworks.
- f) There shall be at least one supervisor, twenty-one (21) years of age or older, on duty at all times. There shall be no sale of fireworks to persons under sixteen (16) years of age.
- g) No stand shall be placed closer than thirty (30) feet to any other building.
- h) NO SMOKING signs shall be prominently displayed both inside and outside the stand. No smoking shall be permitted within the stand, or within five (5) feet of the stand.
- i) All weeds and combustible material shall be cleared from the location of the stand. No rubbish shall be allowed to accumulate in or around any fireworks stand, nor shall a fire nuisance be permitted to exist.
- j) No stand shall be erected before June 15th of any year. The premises on which the stand is erected shall be cleared of all structures and debris not later than noon of the 12th day of July following.
- k) All stands must be equipped with at least one 2 1/2-gallon water pressure type extinguisher for each exit in the stand. Each fire extinguisher shall have a current State Fire Marshal tag affixed and have been serviced within the last year.
- l) Each stand in excess of twenty (20) feet in length must have at least two (2) exits; and each stand in excess of forty (40) feet in length must have at least three (3) exits spaced approximately

equidistant apart; provided, however, that in no case shall the distance between exits exceed twenty (20) feet.

- m) No stand shall be constructed with a depth of more than twelve (12) feet.
- n) All unsold safe and sane fireworks shall be returned to the wholesaler not later than the eighth (8) day of July.
- o) Fireworks shall be stored only in a metal type Conex container and be equipped with a lock for overnight storage at the firework stand location. No fireworks shall be stored in the temporary fireworks stands when the stand is not occupied and not in operation.
- p) In addition to the above, the permittee shall also conform to all regulations relating to the storage and sale of fireworks as set forth in the California Health and Safety Code and the Fireworks Rules and Regulations of the State Fire Marshal.
- q) No one shall possess, use, or sell dangerous or illegal fireworks from the stand or near the stand. Violation of this section shall cause for immediately revoking the Fire Department permit and the stand will be shut down.
- r) No fireworks shall be sold or discharged on the Marina Municipal Airport property.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.900 Section 5609.1.5 added.

Section 5609.1.5 is added to Chapter 56 of the California Fire Code to read as follows:

- a. 5609.1.5 NUMBER OF FIREWORK STAND PERMITS.
 - (a) Firework stand permits shall be limited to one (1) permit being available for firework stands in the City per every three thousand (3,000) in City population.
 - (b) As the population of the City increases, the then current limit on the number of permits for any calendar year shall be increased by one (1) permit per every three thousand (3,000) in additional City population. Population to be determined using the then current State of California Department of Finance, Demographic Research Unit's Population Estimates for California cities.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.910 Section D103.2 – Amended

Section D103.2 is amended to read as follows:

D103.2 Grade. Fire apparatus access roads shall not exceed 15 percent in grade with a maximum side slope of 5%.

EXCEPTION: Grades steeper than 15 percent, if approved by the fire code official, shall be paved with perpendicularly grooved concrete.

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

15.32.920 Appendix Q adopted and added.

Appendix Q is adopted and added to read:

APPENDIX Q: Standard Fire Conditions for Single Family Dwellings

SECTION Q101 GENERAL

Q101.1 Scope. Applications for the construction or remodel of single family dwellings, including one- and two-family dwellings, townhomes, modular and manufactured homes, and mobile homes outside of

established mobile home parks, shall be subject to the fire conditions in this appendix when conditioned by the Fire Code Official.

Q101.2 Conflicting sections. Where provisions in this appendix conflict with other sections of this Code or other appendices, the provisions of this appendix shall prevail unless otherwise directed by the Fire Code Official.

SECTION Q102 ROADS

Q102.1 General. These conditions will be used primarily when conditioning a subdivision or other project that requires roads. Roads identified in this Section are vehicular access to more than two (2) parcels; more than four (4) residential units; or access to any industrial or commercial occupancy. Includes public and private streets and lanes.

Q102.2 Road access. (FIRE 001). Access roads shall be required for every building when any portion of the exterior wall of the first story is located more than one hundred fifty (150) feet from fire department access. All roads shall be constructed to provide a minimum of two (2) ten (10) feet wide traffic lanes with an unobstructed vertical clearance of not less than fifteen (15) feet. The roadway surface shall provide unobstructed access to conventional drive vehicles including sedans and fire apparatus and shall be an all-weather surface designed to support the imposed load of fire apparatus (75,000 pounds). Each road shall have an approved name.

Q102.3 Roadway engineering. (FIRE 002). The grade for all roads shall not exceed fifteen percent (15%) with a maximum side slope of five percent (5%). Where road grades are 8 percent (8%) or less, an all-weather aggregate base is required at a minimum or as required in other sections of the Monterey County Code. Where road grades exceed eight percent (8%), a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The length of vertical curves in roadways, exclusive of gutters, ditches and drainage structures designed to hold or divert water, shall not be less than one hundred (100) feet. No roadway turn shall have a horizontal inside radius of less than fifty (50) feet. A roadway turn radius of fifty (50) to one hundred (100) feet is required to have an additional four (4) feet of roadway surface. A roadway turn radius of one hundred (100) to two hundred (200) feet is required to have an additional two (2) feet of roadway surface. Roadway turnarounds shall be required on dead-end roads in excess of one hundred fifty (150) feet of surface length. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of sixty (60) feet in length.

Q102.4 Dead end roads.

Q102.4.1 Parcels less than one acre. (FIRE 003). For parcels less than one acre, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed eight hundred (800) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at its terminus. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the "T" shall be a minimum of sixty (60) feet in length.

Q102.4.2 Parcels greater than one acre and not exceeding five acres (FIRE 004). For parcels greater than one acre and not exceeding five acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed one thousand three hundred twenty (1,320) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have a turnaround constructed at

its terminus. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length

Q102.4.3 Parcels greater than five acres and not exceeding twenty (20) acres. (FIRE 005). For parcels greater than five acres and not exceeding twenty (20) acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed two thousand six hundred forty (2,640) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than one thousand three hundred twenty (1,320) foot intervals. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

Q102.4.4 Parcels greater than twenty (20) acres. (FIRE 006). For parcels greater than twenty (20) acres, the maximum length of a dead-end road, including all dead-end roads accessed from that dead-end road, shall not exceed five thousand two hundred eighty (5,280) feet. All dead-end road lengths shall be measured from the edge of the roadway surface at the intersection that begins the road to the end of the road surface at its furthest point. Where a dead-end road serves parcels of differing sizes, the shortest allowable length shall apply. Each dead-end road shall have turnarounds at its terminus and at no greater than one thousand three hundred twenty (1,320)-foot intervals. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the road. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

SECTION Q103 DRIVEWAYS, GATES, AND BRIDGES

Q103.1 Driveways. (FIRE 007). Driveway identified in this Section is defined as a vehicle access that serves up to two (2) parcels with no more than two (2) residential units and any number on non-commercial or industrial buildings on each parcel. Driveways shall not be less than twelve (12) feet wide traffic lane and minimum fourteen (14) feet wide unobstructed clearance, with an unobstructed vertical clearance of not less than fifteen (15) feet. The grade for all driveways shall not exceed fifteen percent (15%) with a maximum side slope of five percent (5%). Where driveway grades are eight percent (8%) or less, an all-weather surface such as an aggregate base shall meet minimum fire requirements. Other types of material for driveways may be required by Monterey County Code. Where the grade exceeds eight percent (8%), a minimum structural roadway surface of 0.17 feet of asphaltic concrete on 0.34 feet of aggregate base shall be required. The driveway surface shall be capable of supporting the imposed load of fire apparatus forty thousand (40,000) pounds, and be accessible by conventional-drive vehicles, including sedans. For driveways with turns ninety (90) degrees and less, the minimum horizontal inside radius of curvature shall be twenty-five (25) feet. For driveways with turns greater than ninety (90) degrees, the minimum horizontal inside radius curvature shall be twenty-eight (28) feet. For all driveway turns, an additional surface of four (4) feet shall be added. All driveways exceeding one hundred fifty (150) feet in length, but less than eight hundred (800) feet in length, shall provide a turnout near the midpoint of the driveway. Where the driveway exceeds eight hundred (800) feet, turnouts shall be provided at no greater than four hundred (400)-foot intervals. Turnouts shall be a minimum of twelve (12) feet wide and thirty (30) feet long with a minimum of twenty five (25) foot taper at both ends. Turnarounds shall be required on driveways in excess of one hundred fifty (150) feet of surface length and shall be thirty (30) feet long with a minimum twenty-five (25) foot taper at both ends. Turnarounds shall be required on driveways in excess of one hundred fifty (150) feet of surface length and shall be located within fifty (50) feet of the primary building. The minimum turning radius for a turnaround shall be forty (40) feet from the center line of the driveway. If a hammerhead/T is used, the top of the “T” shall be a minimum of sixty (60) feet in length.

Q103.2 Gates. (FIRE 008). All gates providing access from a road to a driveway shall be located at least thirty (30) feet from the roadway and shall open to allow a vehicle to stop without obstructing traffic on the road. Gate entrances shall be at least two (2) feet wider than the width of the traffic lane but in no case be less than fourteen (14) feet wide unobstructed and unobstructed vertical clearance of fifteen (15) feet. Where

a one-way road with a single traffic lane provides access to a gated entrance, a forty (40) foot turning radius shall be used. Where gates are to be locked, the installation of a key box or other acceptable means for immediate access by emergency equipment may be required.

Q103.3 Bridges. (FIRE 009). All new and reconstructed bridges shall be at least the width of the roadbed and berms, but in no case less than twelve (12) feet wide. Bridge width on all roads exceeding tertiary standards shall not be less than the width of the two lanes with berms. All bridges shall be designed for HS15-44 loading and have guardrails. Appropriate signage, including but not limited to, weight ratings or vertical clearance limitations, and one-way road or single-lane road conditions, shall be provided at both entrances to any bridge. One-lane bridges may be permitted if there is unobstructed visibility across the entire bridge, and turnouts are provided at both bridge ends. The fire authority may impose more stringent requirements for bridges.

SECTION Q104 SIGNS AND ADDRESSES

Q104.1 Road signs. (FIRE 010). All newly constructed or approved roads and streets shall be designated by names or numbers, posted on signs clearly visible and legible from the roadway. Size of letters, numbers and symbols for street and road signs shall be a minimum four-inch letter height, ½-inch stroke, and shall be a color that is reflective and clearly contrasts with the background color of the sign. All numerals shall be Arabic. Street and road signs shall be non-combustible and shall be visible and legible from both directions of vehicle travel for a distance of at least one hundred (100) feet. Height, visibility, legibility, and orientation of street and road signs shall be meet the provisions of the jurisdiction. This section does not require any entity to rename or renumber existing roads or streets, nor shall a roadway providing access only to a single commercial or industrial occupancy require naming or numbering. Signs required under this section identifying intersecting roads, streets and private lanes shall be placed at the intersection of those roads, streets and/or private lanes. Signs identifying traffic access or flow limitations (i.e., weight or vertical clearance limitations, dead-end road, one-way road or single lane conditions, etc.) shall be placed: (a) at the intersection preceding the traffic access limitation; and (b) not more than one hundred (100) feet before such traffic access limitation. Road, street and private lane signs required by this article shall be installed prior to final acceptance of road improvements by the Fire Code Official.

Q104.2 Addresses for buildings. (FIRE 011). All buildings shall be issued an address in accordance with jurisdictional requirements. Each occupancy, including detached accessory dwelling units (ADU), except accessory buildings, shall have its own permanently posted address. When multiple occupancies exist within a single building, each individual occupancy shall be separately identified by its own address. Letters, numbers and symbols for addresses shall be a minimum of four-inch (4") height, 1/2-inch stroke, contrasting with the background color of the sign, and shall be Arabic. The sign and numbers shall be reflective and made of a noncombustible material. Address signs shall be placed at each driveway entrance and at each driveway split. Address signs shall be and visible from both directions of travel along the road. In all cases, the address shall be posted at the beginning of construction and shall be maintained thereafter. Address signs along one-way roads shall be visible from both directions of travel. Where multiple addresses are required at a single driveway, they shall be mounted on a single sign. Where a roadway provides access solely to a single commercial occupancy, the address sign shall be placed at the nearest road intersection providing access to that site. Permanent address numbers shall be posted prior to requesting final clearance.

SECTION Q105 WATER SUPPLY

Q105.1 Water systems. (FIRE 012). The provisions of this condition shall apply when new parcels are approved by a local jurisdiction. The emergency water system shall be available on-site prior to the completion of road construction, where a community water system is approved, or prior to the completion of building construction, where an individual system is approved. Approved water systems shall be installed and made serviceable prior to the time of construction. Water systems constructed, extended or modified to serve a new development, a change of use, or an intensification of use, shall be designed to meet, in addition to average daily demand, NFPA Standard 1142 or other adopted standards. The quantity of water required

pursuant to this chapter shall be in addition to the domestic demand and shall be permanently and immediately available.

Q105.2 (RESERVED) (FIRE 013).

Q105.3 Single parcel fire protection water supply. (FIRE 014). For development of structures totaling less than three thousand (3,000) square feet on a single parcel, the minimum fire protection water supply shall be four thousand nine hundred (4,900) gallons. For development of structures totaling three thousand (3,000) square feet or more on a single parcel, the minimum fire protection water supply shall be nine thousand eight hundred (9,800) gallons. For development of structures totaling more than ten thousand (10,000) square feet on a single parcel, the reviewing authority may require additional fire protection water supply. Other water supply alternatives, including ISO Rural Class 8 mobile water systems, may be permitted by the fire authority to provide for the same practical effect. The quantity of water required by this condition shall be in addition to the domestic demand and shall be permanently and immediately available.

Q105.4 Fire hydrants and valves. (FIRE 015). A fire hydrant or fire valve is required. The hydrant or fire valve shall be eighteen (18) inches above grade, eight feet from flammable vegetation, no closer than four feet nor further than twelve (12) feet from a roadway, and in a location where fire apparatus using it will not block the roadway. The hydrant serving any building shall be not less than fifty (50) feet and not more than one thousand (1,000) feet by road from the building it is to serve. Minimum hydrant standards shall include a brass head and valve with at least one 2 1/2-inch National Hose outlet supplied by a minimum four inch main and riser. More restrictive hydrant requirements may be applied by the Reviewing Authority. Each hydrant/valve shall be identified with a reflectorized blue marker, with minimum dimensions of three inches, located on the driveway address sign, non-combustible post or fire hydrant riser. If used, the post shall be within three feet of the hydrant/valve, with the blue marker not less than three feet or greater than five feet above the ground, visible from the driveway. On paved roads or driveways, reflectorized blue markers shall be permitted to be installed in accordance with the State Fire Marshal's Guidelines for Fire Hydrant Markings Along State Highways and Freeways, May 1988.

SECTION Q106 SETBACKS

Q106.1 Setbacks. (FIRE 016). Except as permitted by the fire code official, all parcels one acre and larger shall provide a minimum thirty (30) foot setback for new buildings and accessory buildings from all property lines and/or the center of the road. For parcels less than one-acre, alternate fuel modification standards or other requirements may be imposed by the Fire Code Official to provide the same practical effect.

SECTION Q107 VEGETATION AND DEBRIS DISPOSAL

Q107.1 Disposition of vegetation and debris fuels. (FIRE 017). Disposal, including chipping, burying, or removal to a landfill site approved by the local jurisdiction, of vegetation and debris caused by site development and construction, road and driveway construction, and fuel modification shall be completed prior to final clearance of the related permit.

SECTION Q108 GREENBELTS

Q108.1 Greenbelts. (FIRE 018). Subdivisions and other developments, which propose greenbelts as a part of the development plan, shall locate said greenbelts strategically as a separation between wild land fuels and structures. The locations shall be approved by the Fire Code Official.

SECTION Q109 DEFENSIBLE SPACE

Q109.1 Standard defensible space requirements. (FIRE 019). Defensible space requirements shall meet Section 4291 of the Public Resources Code or the Monterey County Code, whichever is more restrictive. Additional or alternate fire protection approved by the Fire Code Official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the Fire Code Official and other jurisdictional authorities.

Q109.2 (RESERVED) (FIRE 020).

SECTION Q110 FIRE PROTECTION SYSTEMS

Q110.1 Residential fire sprinkler systems (Standard). (FIRE 021). The building(s) and attached structure(s) shall be fully protected with automatic fire sprinkler system(s). Installation shall be in accordance with the applicable NFPA standard. A minimum of four sets of plans for fire sprinkler systems must be submitted by a California licensed C-16 contractor and approved prior to installation. This requirement is not intended to delay issuance of a building permit. A rough sprinkler inspection must be scheduled by the installing contractor and completed prior to requesting a framing inspection.

Q110.2 (RESERVED) (FIRE 022).

Q110.3 (RESERVED) (FIRE 023).

Q110.4 Residential fire alarm systems. (FIRE 024). The residence shall be fully protected with an approved household fire warning system as defined by NFPA 72. Plans and specifications for the household fire warning system shall be submitted by a California licensed C-10 contractor and approved prior to installation. Household fire warning systems installed in lieu of single-station smoke alarms required by the California Residential Code shall meet the requirements of the California Residential Code.

Q110.5 (RESERVED) (FIRE 025).

(Ord. 2022-____ § 1 (Exh. A (15) (part)), 2022)

**15.32.930 Appendix R adopted and added.
Appendix R is adopted and added to read:**

Appendix R Roofs

SECTION R101 GENERAL

R101.1 Scope. Applications for the construction or remodel of any buildings shall be subject to the roofing conditions of this Appendix when conditioned by the Fire Code Official.

R101.2 Conflicting Sections. Where provisions in this Appendix conflict with other sections of this Code or other appendices, the provisions of this Appendix shall prevail unless otherwise directed by the Fire Code Official.

SECTION R102 NEW BUILDINGS

R102.1 General. (FIRE 026). Roofing requirements for all new buildings shall be a minimum Class “B” roof assembly as defined by the International Building Code.
EXCEPTION: Greenhouses shall be exempt from the requirements of this Section.

R102.2 Very High Hazard Severity Zones. (FIRE 027). Roofing requirements for all new buildings in Very High Hazard Severity Zones shall be a minimum Class “A” roof assembly as defined by the International Building Code.

SECTION R103 EXISTING BUILDINGS

R103.1 General. (FIRE 026). Roofing requirements for existing buildings when fifty percent (50%) or more of the roof area is reroofed within a one-year period after the issuance of a building permit shall be a minimum Class “B” roof assembly as defined by the California Building Code. Where there is no permit issued, this section is applicable to buildings constructed after the effective date of this code and to buildings where fifty percent (50%) or more of the roof area is reroofed within a one-year period after commencing construction.

R103.2 Very High Hazard Severity Zone. (FIRE 027). Roofing requirements for existing buildings within a very high hazard severity zone when fifty percent (50%) or more of the roof area is reroofed within a one-year period after the issuance of a building permit shall be a minimum Class “A” roof assembly as defined by the International Building Code. Where there is no permit issued, this Section is applicable to such buildings constructed after the effective date of this code and to buildings where fifty percent (50%) or more of the roof area is reroofed within a one-year period after commencing construction.

SECTION R104 ADDITIONS TO EXISTING BUILDINGS

R104.1 General. The requirements of this Appendix shall apply to all additions to existing buildings, except that only the new portions of the roof shall be required to meet the requirements of this Appendix.

March 10, 2023

Item No. **10f(2)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of March 21, 2023

**CITY COUNCIL CONSIDER ADOPTING RESOLUTION NO. 2023-,
RATIFYING EXHIBIT A, AS CORRECTED, TO ORDINANCE NO. 2022-06,
TITLE 15 OF THE MARINA MUNICIPAL CODE**

REQUEST:

It is requested that the City Council:

1. Adopt Resolution No. 2023-, ratifying **EXHIBIT A**, as corrected, to Ordinance 2022-06, and direct its codification.
2. Direct the City Clerk to file a copy of this corrected Exhibit A to Ordinance 2022-06 with the California Building Standards Commission of the State of California.

BACKGROUND:

The California Building Standards Commission's (CBSC) latest editions of the construction codes (Codes) for the State of California became effective for every state agency and local municipality as of January 1, 2023. Typically, the CBSC reviews and revises the Codes every three years.

At the regularly held City Council meeting held on November 15, 2022, the City Council adopted Ordinance 2022-06, which included the latest CBSC editions as modifications of the Marina Municipal Code ("MMC") in **Exhibit A**.

City staff subsequently discovered that an incorrect version of **Exhibit A** had inadvertently been attached to the Ordinance, and contained clerical errors as detailed below. During the Council meetings at the first and second reading of Ordinance 2022-06, neither staff nor Council discussed or intended to approve the incorrect version of Exhibit A. Staff now seeks Council's ratification of the corrected Exhibit A to Ordinance 2022-06.

ANALYSIS:

The correct version of **Exhibit A**, as attached to this report, differs from the prior Exhibit presented in November in the following regard:

▪ **Plumbing Code**

Section 15.24.030 of the MMC, pertaining to the Plumbing Code, references CPC Appendix G, which neither staff nor Council discussed or intended to adopt. This reference has been removed.

15.24.030 Portions of California Plumbing Code which are not approved, adopted, or incorporated by reference. The following portions of the California Plumbing Code or CPC, 2022 edition, or of the appendix thereto, are not approved or adopted or incorporated in this Chapter by reference, and shall not be deemed to be a part of this Chapter nor a part of the plumbing code of the City of Marina:

Chapter 1 – Division II and all the Appendices with the exception of the following Appendix Chapters or portion thereof (which are approved, adopted and incorporated in this Chapter by reference):

~~A. CPC Appendix G.~~

B. CPC Appendix I.

▪ **Fire Code**

Section 15.32.030 of the MMC, pertaining to the Fire Code, did not include all the listed findings. In this section, the correct range of Sections are designated.

15.32.030 Findings.

*The amendments set forth in Sections 15.32.040 through **15.32.930** are reasonably necessary because of the following local climatic, geological, and topographical conditions:*

Sections 15.32.150 and 15.32.160, pertaining to the Fire Code, had been removed from the Marina Municipal Code (“MMC”) during the 2019 Code cycle, and were not intended to be included in Exhibit A. These additions were not intended by City staff or Council, and were not discussed. Accordingly, the correct version of Exhibit A, attached hereto, does not contain the following sections:

15.32.150 Section 307.1.2 – Added

Section 307.1.2 is added to read as follows:

The Chief of the Marina Fire Department shall prohibit all outdoor rubbish fires. No waste matter shall be disposed of by burning within the City of Marina.

15.32.160 Section 307.2.1.2 – Added

Section 307.2.1.2 is added to read as follows:

Permit Required. No person shall kindle or maintain any open ground fire or authorize any such fire or authorize any such fire to be kindled or maintained for the purpose of preparation of food, such as in the case of a luau or barbecue or recreational fire without a permit from the Marina Fire Department. Other than one- and two-family residential dwelling units, applicant shall also need to secure a permit and/or clearance from the Monterey Bay Unified Air Pollution Control District.

Section 15.32.580 of the 2019 Fire Code was not included with Ordinance 2022-06 and is not included in the corrected ordinance. This Section authorized a Cost Recovery surcharge by ordinance. Staff will bring to Council a resolution that will update the Fee Schedule thereby establishing a percentage of Fireworks sales for Cost Recovery. This will be done before any fireworks permits are issued this year.

15.32.580 - Section 5609.1.6 – Added

Section 5609.1.6 is added to Chapter 56 of the California Fire Code to read as follows:

5609.1.6 Safe and Sane Fireworks Cost Recovery Surcharge.

(a) All nonprofit retail booth locations shall assess a surcharge, on all retail sales of Safe and Sane Fireworks that occur in the City. The assessment shall be paid by the permittee upon presentment of an invoice by the City. The surcharge will be assessed to the public for each retail sale and is in addition to the retail price of the fireworks and will not be deducted from the permittees' net profit.

(b) The assessment is intended to raise sufficient funds for the City to pay for the cost of enforcement; inspection of stands; public education and awareness campaigns; enforcing the provisions of this Chapter, including extra personnel time, and cleanup of the Safe and Sane Fireworks trash and debris left behind each year. "Extra personnel time" shall be defined as employee or contracted employee time that the City would not otherwise incur but for the sale and use of Safe and Sane Fireworks. On or around the first regular City Council meeting in May of each year, the City Manager or his/her designee must submit to the City Council for its approval, a proposed budget for police, fire, administrative services and public works departments. The exact amount of the assessment shall be determined each year on or about the second regular City Council meeting in May of that year and notice sent to each of the permittees.. The fireworks wholesaler with whom each permittee has contracted shall be responsible for collecting the estimated assessment from their nonprofit organizations, advising the City of the amount of each estimated assessment collected, and holding the funds in trust pending notification by the City of the exact amount owed. After the City determines each permittee's share of the total annual sales volume, each permittee shall be billed for its share of the total assessment. A duplicate copy of each permittee's invoice will be sent to its fireworks wholesaler. Payment of the assessment by each permittee shall be due to the City 30 days after the issuance of the invoice. The expenses submitted are subject to review, audit and dispute by any permittee who has to pay the assessment that year. Any dispute of the assessment must be filed within 15 days of its receipt or any right to contest it will be deemed waived. The City Council is the final arbiter of any disputed assessment. The entire surcharge amount shall be deposited with the City. The City Council shall consider giving a credit toward future surcharge at the second City Council meeting of May.

(c) Failure by any permittee to pay the amount assessed to it by the City shall be cause to bar the permittee from selling Safe and Sane Fireworks in the future, until the assessment is paid in full. Furthermore, if the assessment is not paid by the due date, it shall be subject to 10% penalty for each month or portion of a month that it is late. (Ord. 2019-____ § 1 (Exh. A (16) (part)), 2019)

Exhibit A, as corrected, to Ordinance 2022-06 is attached to this report. **(EXHIBIT A).**

FISCAL IMPACT:

None.

CONCLUSION:

This request is submitted for City Council consideration and ratification.

Respectfully submitted,

Doug McCoun
Fire Chief
City of Marina

Dan Paolini, CBO
Chief Building Official
City of Marina

REVIEWED/CONCUR:

Layne P. Long
City Manager
City of Marina