



TOWN OF FAIRFAX

STAFF REPORT

December 4, 2019

TO: Mayor and Town Council

FROM: Mark Lockaby, Building Official 

SUBJECT: Second reading and adoption of an Ordinance of the Town Council of the Town of Fairfax Amending Chapter 15.04 of the Town of Fairfax Municipal Code and Adopting by Reference the 2019 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, and Adopting the 2018 Edition of the International Property Maintenance Code Together With Certain Additions, Insertions, Deletions and Changes Thereto; Exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3) and Cal. Public Resources Code section 21080(b)(4)

RECOMMENDATION

- 1) Conduct public hearing.
- 2) Read by title only and adopt an ordinance titled, "An Ordinance of the Town Council of the Town of Fairfax Amending Chapter 15.04 of the Town of Fairfax Municipal Code and Adopting by Reference the 2019 California Building Standards Code, California Code of Regulations, Title 24, Parts 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 and 12, Which Consists of the California Administrative, Building, Residential, Electrical, Mechanical, Plumbing, Energy, Historical Building, Existing Building, Green Building Standards, and Referenced Standards Codes, and Adopting the 2018 Edition of the International Property Maintenance Code Together with Certain Additions, Insertions, Deletions and Changes Thereto."

DISCUSSION

At its November 6, 2019 meeting, the Town Council introduced the ordinance. Tonight, is the second reading and adoption of the ordinance. This ordinance would amend Chapter 15.04 of the Town Code to adopt by reference the 2019 California Building Standards Code, California Code of Regulations and adopt the 2018 edition of the International Property Maintenance Code. This adoption process is required by the Town Council to stay current with the minimum requirements of the State of California building and fire standards as determined by the California Building Standards Commission.

Per State law, the second reading of this ordinance requires a public hearing. If adopted, the ordinance would take effect 30 days from the adoption.

On July 1, 2019 the State of California published and made available the 2019 Edition of the California Code of Regulations, Title 24 consisting of the following:

AGENDA ITEM # 23

- The California Administrative Code
- The California Building Code
- The California Residential Code
- The California Electrical Code
- The California Mechanical Code
- The California Plumbing Code
- The California Energy Code
- The California Historical Building Code
- The California Fire Code
- The California Existing Building Code
- The California Referenced Standards
- The California Green Building Standards Code *Ca/Green*

The State has mandated that local jurisdictions must adopt the codes with appendices and amendments to be effective by January 1, 2020. California Building Standards are applicable to all occupancies throughout California, whether or not the local government takes an affirmative action to adopt those California Building Standards. However, the standards enforced by statute will be without added appendices and amendments.

Staff recommends that the Town continue to adopt the California Green Building Standards Code (*Ca/Green*) to include Tier 1 mandatory measures for commercial and residential construction with verification provided by the installer or designer, excluding Tier 1 Energy Efficiency provisions contained in Appendix A4.2 and A5.2. Staff is not recommending the Town adopt Tier 2 standards under *Ca/Green* at this time. The California Green Building Standards Code notes: "The measures necessary to achieve Tier 2 status are very stringent. Cities, counties, and cities and counties considering adoption of Tier 2 as mandatory should carefully consider the stringency of each measure and ensure that the measures are achievable in their location."

Similarly, the Town is not adopting more stringent energy requirements than the California Energy Code. To do so would require energy studies and approval by the California Energy Commission.

Staff understands that the Town's Climate Action Committee (CAC) may have recommendations regarding Green Building Standards Code and County of Marin Green Building Reach codes. Staff has suggested to the CAC that they provide us with their recommendations so we can evaluate them first. An initial evaluation is needed for staff to identify potential impacts to residents, feasibility of the requirements, and the time, costs and process needed to adopt more stringent standards. Once we complete our initial assessment, staff will discuss our findings with the CAC. After such a meeting, staff will report to the Council our analysis and recommendations regarding the CAC's suggestions for Council consideration and direction.

The 2018 edition of the International Property Maintenance Code is not included in the California Code of Regulations, but is included in the ordinance because it is referenced for use in the California Building Code.

The Fire Code will be adopted separately under Chapter 8 of the Fairfax Municipal Code. Ross Valley Fire Department indicates there are no significant revisions to the Fire Code affecting the Town's building codes. The second reading is also on the Council's December 4, 2019 meeting agenda.

FINDINGS

Staff recommends continuing the practice of not adopting Appendix B "Board of Appeals" of Title 24. Without the adoption of Appendix B, the Town Council shall serve as the local appeals board.

The following amendments we are carrying forward to make the Building Code consistent with the Fire Code:

- 15.04.015 Definitions
- 15.04.055 Alternative Power Supplies

The following Chapter has been amended to have the WUI code apply to: Additions, repairs, and exterior alterations:

- 15.04.020 Exterior Fire Resistive Construction, Automatic Sprinkler Systems, Fire Extinguishers, Smoke Alarms

The amendments we will be carrying forward due to local climatic, geological and/or topographical conditions are:

- 15.04.030 Roof Coverings
- 15.04.035 Barriers for swimming pools, spas, and hot tubs
- 15.04.040 Septic Systems
- 15.04.060 Applicability of the 2006 Wildland Urban Interface Code

The following items will continue to be included in Chapter 15 but are not amendments to the codes:

- 15.04.025 Plan Check Fees
- 15.04.045 Correcting Past Violations
- 15.04.050 Fee Adjustments
- 15.08 Reports of Residential Building Records

CEQA

The Town Council of the Town of Fairfax further finds that adoption of this ordinance is exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, Title 14, § 15061(b)(3). Furthermore, the project protects persons and property from emergencies caused by the risk of fire, explosion and earthquake, and is statutorily exempt from CEQA because it is an action necessary to prevent or mitigate an emergency. (Cal. Public Resources Code section 21080(b)(4).)

FISCAL IMPACT

None

ATTACHMENT

Ordinance

TOWN OF FAIRFAX

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF FAIRFAX AMENDING CHAPTER 15.04 OF THE TOWN OF FAIRFAX MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2019 CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF REGULATIONS, TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 AND 12, WHICH CONSISTS OF THE CALIFORNIA ADMINISTRATIVE, BUILDING, RESIDENTIAL, ELECTRICAL, MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, EXISTING BUILDING, GREEN BUILDING STANDARDS, AND REFERENCED STANDARDS CODES, AND ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO

WHEREAS, the Fairfax Town Council finds that in order to best protect the health, safety and welfare of the citizens of the Town of Fairfax, the standards of building within the Town must conform with state law except where local conditions warrant more restrictive regulations; and

WHEREAS, the California Building Standards Commission ("Commission") recently adopted the 2019 Edition of the California Building Standards Code; and

WHEREAS, pursuant to California Government Code Section 50022.1 et seq., the Fairfax Town Council adopts the 2019 California Building Standards Code, contained in California Code of Regulations, Title 24, and other uniform codes governing the construction and regulation of buildings and structures ("Codes"); and

WHEREAS, pursuant to California Health and Safety Code sections 17958.7 and 18941.5, the Town determines that the local amendments to parts of the 2019 California Building Codes are reasonably necessary due to local climatic, geological or topographical conditions; and

WHEREAS, the Town held a public hearing on December 4, 2019 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the Town published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on November 20, 2019 and November 26, 2019; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF FAIRFAX DOES ORDAIN AS FOLLOWS:

Section 1. The above recitals are true and correct and are hereby incorporated into this Ordinance.

Section 2. The Town Council makes the findings set forth in Exhibit “A” attached hereto and incorporated herein by reference in support of the local amendments made to the 2019 California Building Code, 2019 California Residential Code, and the 2019 California Plumbing Code.

Section 3. CEQA. The Town Council hereby determines that this Ordinance is not subject to the California Environmental Quality Act (“CEQA”) pursuant to CEQA Guidelines Sections 15060(c)(3) because it can be seen with certainty that it will not have a significant effect or physical change to the environment. The Ordinance adopts Codes and makes modifications to the Codes that protect persons and property from risk of fire, explosions, and earthquakes, and mitigates the effects of such emergencies.

Section 4. Chapter 15.04 of the Municipal Code Amended. Chapter 15.04 of the Town Code is hereby deleted in its entirety and replaced by the following:

“Chapter 15.04

CONSTRUCTION CODES

Sections

- 15.04.010 Adoption of Construction Codes**
- 15.04.015 Definitions**
- 15.04.020 Exterior Fire Resistive Construction, Automatic Fire Sprinkler Systems, Fire Extinguishers, Smoke Alarms**
- 15.04.025 Plan Check Fees**
- 15.04.030 Roof Coverings**
- 15.04.035 Barriers for swimming pools, spas, and hot tubs**
- 15.04.040 Septic Systems**
- 15.04.045 Correcting Past Violations**
- 15.04.050 Fee Adjustments**
- 15.04.055 Alternative Power Supplies**
- 15.04.060. Applicability of Appendix A of the 2018 International Wildland Urban Interface Code**

Section 15.04.010 – Adoption of Construction Codes

The following parts of Title 24, California Code of Regulations are adopted by reference as construction codes for the Town of Fairfax, subject to the modifications included later in this Chapter 15.04:

- a) 2019 edition of the California Administrative Code (Title 24 Part 1)
- b) 2019 edition of the California Building Code (Title 24 Part 2) based upon the 2018 International Building Code (IBC), including:
 - 1) Division II of Chapter 1, but not Section 113,
 - 2) Appendix Chapter A, Employee Qualifications,
 - 3) Appendix Chapter G, Flood-Resistant Construction,

- 4) Appendix Chapter H, Signs,
 - 5) Appendix Chapter I, Patio Covers, and
 - 6) Appendix Chapter J, Grading.
- c) 2019 edition of the California Residential Code (Title 24 Part 2.5) based on the 2018 International Residential Code (IRC) including:
 - 1) Division II of Chapter 1, but not Section 112,
 - 2) Appendix Chapter V Swimming Pools Safety Act
 - 3) Appendix Chapter H Patio Covers, and
 - 4) Appendix Chapter J Existing Buildings and Structures.
 - d) 2019 edition of the California Electrical Code (Title 24 Part 3) based upon the 2017 National Electrical Code (NEC), including:
 - 1) Article 89, but not Section 89.108.8.
 - e) 2019 edition of the California Mechanical Code (Title 24 Part 4) based upon the 2018 Uniform Mechanical Code (UMC), including:
 - 1) Division II of Chapter 1, but not Section 107.0, 107.1, 107.2.
 - f) 2019 edition of the California Plumbing Code (Title 24 Part 5) based upon the 2018 Uniform Plumbing Code (UPC), including:
 - 1) Division II of Chapter 1, but not Section 107.0 or 107.1, 107.2
 - g) 2019 edition of the California Energy Code (Title 24 Part 6)
 - h) 2019 edition of the California Historical Building Code (Title 24 Part 8)
 - i) 2019 edition of the California Existing Building Code (Title 24 Part 10) based upon the 2018 International Existing Building Code (IEBC) including:
 - 1) Appendix Chapter A1 Seismic Strengthening Provisions For Unreinforced Masonry Bearing Wall Buildings
 - 2) Appendix Chapter A3 Prescriptive Provisions For Seismic Strengthening Of Cripple Walls And Sill Plate Anchorage Of Light, Wood-Frame Residential Buildings.
 - 3) Appendix Chapter A4 Earthquake Risk Reduction In Wood-Frame Residential Buildings With Soft, Weak or Open Front Walls.
 - j) 2019 edition of the California Green Building Standards Code (CALGreen) (Title 24 Part 11), including:
 - 1) Appendix A4 Residential Voluntary Measures and Appendix A5 Nonresidential Voluntary Measures, Tier 1 measures, but excluding Appendix A4.2 and A5.2 (Energy Efficiency). The Tier 1 measures shall be mandatory for commercial and residential construction, and verification of such compliance shall be provided by the installer or designer.
 - k) 2019 edition of the California Referenced Standards Code (Title 24 Part 12).
 - l) 2018 edition of the International Property Maintenance Code, to the extent the same is not inconsistent with the California Buildings Standards Code (California Code of Regulations, Title 12, Parts 1-Part 12), as adopted and amended herein.

A copy of each of these documents is maintained in the office of the Building Official, and reference is made to them with like effect as if all the provisions and printed matter therein were herein set forth in full.

Section 15.04.015 Definitions.

Section 202 of the California Building Code and Section R202 of the California Residential Code are both hereby amended to add the definitions of “Substantial Remodel” and “Second Unit” as follows:

Substantial Remodel shall mean the renovation of any structure, which combined with any additions to the structure, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure within any twelve-month period. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for the purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings, repair or replacement of foundations, the installation of energy efficient windows of like size, or the removal of interior wall coverings solely for the installation of insulation.

Second Unit shall mean a completely separate housekeeping unit with kitchen, sleeping and bathroom facilities which is a part of, an extension to, or a separate structure on a site developed with a single-family residence, in excess of the maximum density designated by the zoning district in which the property is situated or as prescribed thereby.

Section 15.04.020 Exterior Fire Resistive Construction, Automatic Fire Sprinkler Systems, Fire Extinguishers, Smoke Alarms.

Section 701A.1 of Chapter 7A of the 2019 California Building Code (Title 24, Part 2, Volume 1), and Section R337.1.1 of the 2019 California Residential Code (Title 24, Part 2.5), California Code of Regulations are hereby amended to read as follows:

701A.1 / R337.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, additions, repairs, and exterior alterations located within a Wildland Urban Interface Fire Area as defined in section 702A and R337.2.

Section 701A.3 of Chapter 7A of the 2019 California Building Code (Title 24, Part 2, Volume 1), and Section R337.1.3 of the 2019 California Residential Code (Title 24, Part 2.5), California Code of Regulations are hereby amended to read as follows:

701A.3 / R337.1.3 Application. New buildings, additions, repairs, and exterior alterations to buildings located in any Fire Hazard Severity Zone or any Wildland Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. Buildings of an accessory character and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building.

2. Buildings of an accessory character classified as a Group U occupancy of any size located at least 50 feet from an applicable building.

Buildings classified as a Group U Agricultural Building, as defined in Section 202 and R202 of this code (see also Appendix C - Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

Section 707A.3.3 is hereby added to Chapter 7A of the 2019 California Building Code (Title 24, Part 2, Volume 1), which shall read as follows:

707A.3.3. When more than fifty percent (50%) of exterior wall coverings of an existing structure are repaired or replaced within a thirty-six (36) month period, the entire exterior wall coverings shall comply with Section 707A.3.

Section R337.7.3.2 is hereby added to the 2019 California Residential Code (Title 24, Part 2.5), which shall read as follows:

R337.7.3.2. When more than fifty percent (50%) of exterior wall coverings of an existing structure are repaired or replaced within a thirty-six (36) month period, the entire exterior wall coverings shall comply with Section 707A.3.

Section 903.2 of the California Building Code is hereby amended to read as follows:

903.2 Where Required. All Occupancies and Facilities. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12. Additionally, an automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
- b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height.

2. In newly created second units.

Exceptions:

- a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
- b. Parcels for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as illustrated in the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.

- c. Junior second units.
 - d. For an accessory dwelling unit, as defined by Government Code Section 65852.2(i)(4), if fire sprinklers are not required for the primary residence. This exception is intended to comply with Government Code Section 65852.2(c).
3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 12 month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.
4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten percent (10%) floor area added within any 12 month period. Exceptions may be granted by the Fire Chief when alternate means of protection are installed as approved by the Fire Code Official.
5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than fifty percent (50%) of the square footage of the building.

Sections R313.1 and R313.2 of the California Residential Code are hereby amended to read as follows:

An automatic fire sprinkler system shall be installed in all of the following:

1. Every newly constructed building and facility.

Exceptions:

- a. Free standing Group U Occupancies not more than 1,000 square feet and provided with exterior wall and opening protection as per Table 602 of the Building Code.
- b. Agricultural buildings as defined in Appendix C of the Building Code and not exceeding 2,000 square feet, having clear unobstructed side yard of combustible materials, exceeding 60 feet in all directions and not exceeding 25 feet in height.

2. In newly created second units.

Exceptions:

- a. Parcels that are not within the Wildland Urban Interface, as established by the Town.
- b. Parcels for which there is less than a thirty percent (30%) grade change between the subject parcel and Sir Francis Drake Boulevard as shown on the "Map of Parcels Qualifying for Exceptions to Sprinkler System Requirements for Newly Created Second Units" or as hereafter designated by resolution of the Town of Fairfax.
- c. Junior second units.
- d. For an accessory dwelling unit, as defined by Government Code Section 65852.2(i)(4), if fire sprinklers are not required for the primary residence. This exception is intended to comply with Government Code Section 65852.2(c).

3. In all buildings which have more than fifty percent (50%) floor area added or any "substantial remodel" as defined in this code, within any 12 month period. Exceptions may be granted by the Fire Code Official when alternate means of protection are installed as approved by the Fire Code Official.
4. In all buildings except R-3 occupancies, in excess of 3,000 sq. ft. which have more than ten percent (10%) floor area added within any 12 month period. Exceptions may be granted by the Fire Chief when alternate means of protection are installed as approved by the Fire Code Official.
5. A change in the use of a structure that results in a higher fire or life safety exposure when the square footage of the area changing use is more than fifty percent (50%) of the square footage of the building.

Section 903.3 of the California Building Code and Sections R313.1.1 and R313.2.1 of the California Residential Code are both hereby amended by adding the following language:

The requirements for fire sprinklers in this code section are not meant to disallow the provisions for area increase, height increase, or Fire-Resistive substitution if otherwise allowed by sections 504 and 506 of the California Building Code. All automatic fire sprinkler systems shall be installed in accordance with the written standards of the Fire Code Official and the following:

- a. In all residential buildings required to be sprinkled any attached garages shall be sprinkled, and except for one and two family dwellings, in all residential occupancies the attics shall be sprinkled.
- b. In all existing buildings, where fire sprinklers are required by provisions of this code, they shall be extended into all unprotected areas of the building.
- c. All single family dwellings in excess of 5,000 square feet shall have automatic fire sprinkler systems designed in accordance with National Fire Protection Association (NFPA) Standard 13 or 13R and standards developed by the Fire Chief.
- d. All public storage facilities shall have installed an approved automatic fire sprinkler system. An approved wire mesh or other approved physical barrier shall be installed 18 inches below the sprinkler head deflector to prevent storage from being placed to within eighteen (18) inches from the bottom of the deflector measured at a horizontal plane.

Section 906.11 is hereby added to the California Building Code as follows:

906.11 Fire Extinguisher Documentation. The owner and/or operator of every Group R Division 1 and R Division 2 occupancies shall annually provide the Fire Chief written documentation that fire extinguishers are installed and have been serviced as required by Title 19 California Code of Regulations when such extinguishers are installed in residential units in lieu of common areas.

Section 907.2 of the California Building Code is amended to add the following paragraphs:

New Construction: Every new building constructed for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the NFPA. The type of system installed shall be determined by the Fire Chief.

Existing Construction: Every existing building remodeled for non-residential occupancies greater than 2000 square feet shall have installed therein an approved fire detection (products of combustion) system in accordance with the standards established by the NFPA. The type of system installed shall be determined by the Fire Chief.

Section 907.2.11 is hereby amended by changing the first sentence of the exception to read as follows:

EXCEPTION: For group R occupancies other than single family dwellings.

Section 907.8.5.1 is hereby added as follows:

Section 907.8.5.1 Smoke Alarm Documentation. The owner and/or operator of every Group R Division 1, Division 2, Division 3.1, and Division 4 Occupancies shall annually provide the Fire Code Official with written documentation that the smoke alarms installed pursuant to the Building Code have been tested and are operational. If alarms are found to be inoperable or are missing, such alarms shall be repaired or replaced immediately.

Section 15.04.025. Plan check fees.

Section 109.2 of the California Building Code is hereby amended to add the following:

When submittal documents are required by Section 107.1, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be sixty-five percent (65%) of the building permit fee.

When private contractors are retained to conduct project plan checks, the plan check fee charged by the Town shall be the total cost of the private plan check plus an additional twenty percent (20%) of that cost to defer administrative services provided by the Town.

Section 15.04.030. Roof coverings.

Section 1505.1 of the California Building Code and Section R902.1 of the California Residential Code are both amended to add the following language:

Notwithstanding anything to the contrary, the roof covering on any structure regulated by this code shall be a Class A Roof Covering Assembly as classified by Section 1505.2. When more than fifty percent (50%) of the total roof area of

an existing structure is replaced within a twelve (12) month period, the entire roof must be replaced with a Class A Roof Covering Assembly.

Section 15.04.035. Barriers for Swimming Pools, Spas and Hot Tubs.

The Town Council finds and determines that the maintenance of swimming pools without protective measures constitutes a hazard to the safety of children and other inhabitants of the town and therefore the regulations contained in section 3109 of the 2018 International Building Code (to the extent the same are not inconsistent with the California Building Code) and appendix V of the California Residential Code are hereby adopted and shall apply to existing as well as remodeled and new swimming pools.

Section 15.04.040. Septic systems.

California Plumbing Code Section 713.1 is amended to read as follows:

Every building in which plumbing fixtures are installed and every premises having drainage piping thereon, shall have a connection to a public sewer, except as provided in Sections 713.2, 713.4. of the 2019 California Plumbing Code.

Exception: A permit may be issued for the repair, replacement, or alteration of a previously constructed septic tank or sewage disposal system other than a septic system where no public sewer is available upon approval by the Town Council, the Planning Commission, the Marin County Health Department, Sanitary District Number 1 of Marin County, and the Bay Area Water Quality Control Board.

Section 15.04.045. Correcting Past Violations

Before a new permit can be issued for any parcel, all expired permits for a parcel must be reinstated, all work done without a permit on a parcel must be permitted, and all mandatory correction items noted on the Resale Inspection Reports for that parcel must be permitted or corrected.

California Building Code Section 109.7 and California Residential Code Section R108.7 is added:

Expired permits which are lacking only a final inspection may be reinstated for a fee of \$50 or the cost of the permit, whichever is less.

Section 15.04.050. Fee Adjustments.

The Town Council may, by resolution, revise the fees established by this Chapter 15.04.

Section 15.04.055. Alternative Power Supplies.

Section 1510.7.3 of the California Building Code and Section R324.7.2.1 of the California Residential Code are added to read as follows:

Alternative Power Supplies. Roof-mounted photovoltaic panels/modules and other alternative electrical power supply sources shall comply with the requirements of the California Building Code as amended, the California Residential Code as amended, the California Electrical Code, and the California Fire Code as amended.

Section 15.04.060. Applicability of Appendix A of the 2018 International Wildland Urban Interface Code

Section 701 of the California Building Code is hereby amended by adding the following sentence:

Buildings constructed in designated Wildland Urban Interface areas shall also comply with Appendix A of the 2018 International Wildland Urban Interface Code as adopted and amended by this Town of Fairfax in Chapters 8.04 and 8.06 of the Town Code.

Section 5. Severability. If any section, subsection, subdivision, paragraph, sentence, clause, or phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The Town Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause, or phrase thereof irrespective of the fact that any one (1) or more subsections, subdivisions, paragraphs, sentences, clauses, or phrases be declared unconstitutional, or invalid, or ineffective.

Section 6. Effective Date and Posting. This Ordinance shall be effective 30 days following its adoption by the Town Council. Copies of this Ordinance shall, within fifteen days after its passage and adoption, be posted in three public places in the Town of Fairfax, to wit: 1. Bulletin Board, Town Hall Offices; 2. Bulletin Board, Fairfax Post Office; and 3. Bulletin Board, Fairfax Women's Club Building, located at 46 Park.

THE FOREGOING ORDINANCE was first read at a regular meeting of the Fairfax Town Council on November 6, 2019 and was passed and adopted at a regular meeting of the Town Council on December 4, 2019 by the following vote:

AYES:

NOES:

ABSENT:

Barbara Coler
Mayor

Attest:

Hannah Politzer
Deputy Town Clerk

EXHIBIT "A"

**FINDINGS OF FACT AND NEED FOR CHANGES OR MODIFICATIONS
TO THE 2019 CALIFORNIA BUILDING STANDARDS CODE, CALIFORNIA CODE OF
REGULATIONS, TITLE 24, PARTS 1, 2, 2.5, 3, 4, 5, 6, 8, 10, 11 AND 12, WHICH CONSISTS
OF THE CALIFORNIA ADMINISTRATIVE, BUILDING, RESIDENTIAL, ELECTRICAL,
MECHANICAL, PLUMBING, ENERGY, HISTORICAL BUILDING, EXISTING BUILDING,
GREEN BUILDING STANDARDS, AND REFERENCED STANDARDS CODES, AND THE
ADOPTION OF THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE
CODE**

Pursuant to Sections 17958.5, 17958.7, and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of Fairfax has determined and finds that all the changes or modifications in this Ordinance to the California Building Standards Code (California Code of Regulations, Title 24) are necessary because of the following local climatic, geological and/or topographic conditions:

1. The Town is densely populated, with most structures being of combustible wood frame construction.
2. Many buildings were erected prior to the enforcement of zoning and building laws, with the result that many are located extremely close to each other with no provisions for fire protection.
3. Much of the Town contains heavy vegetation, including groves of highly combustible eucalyptus, pine, oak and bay trees with interconnecting canopies.
4. The Town contains steep terrain and narrow roadways, which reduces the Fire Department's ability to respond to certain emergency situations.
5. A large portion of the Town's topography consists of very steep hillsides, which severely hampers firefighting efforts.
6. The Town is located in close proximity to the San Andreas and Hayward seismic faults.
7. The Town has a history of significant flooding from the Fairfax and San Anselmo Creeks and their tributaries.

The Town Council of the Town of Fairfax hereby finds and determines that as a result of these conditions and the resulting health and safety hazards, the changes and modifications to the California Building Code (CBC), California Residential Code (CRC), and the California Plumbing Code (CPC) enacted in Chapter 15.04 of the Town Code are reasonably necessary as listed in the table below:

Section Number	Local climatic, geological and topographical conditions
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CBC 202	1, 2, 3, 4, 5, 6
CBC 701	1, 2, 3, 4, 5, 6
CBC 701A.1	1, 2, 3, 4, 5, 6
CBC 701A.3	1, 2, 3, 4, 5, 6
CBC 707A.3.2	1, 2, 3, 4, 5, 6
CBC 903.2	1, 2, 3, 4, 5, 6
CBC 903.3	1, 2, 3, 4, 5, 6
CBC 906.11	1, 2, 3, 4, 5, 6
CBC 907.2	1, 2, 3, 4, 5, 6
CBC 907.2.11	1, 2, 3, 4, 5, 6
CBC 907.8.5.1	1, 2, 3, 4, 5, 6
CBC1505.1	1, 2, 3, 4, 5, 6
CBC 1509.7.5	1, 2, 3, 4, 5, 6
CRC R202	1, 2, 3, 4, 5, 6
CRC R313.1	1, 2, 3, 4, 5, 6
CRC R313.1.1	1, 2, 3, 4, 5, 6
CRC R313.2	1, 2, 3, 4, 5, 6
CRC R313.2.1	1, 2, 3, 4, 5, 6
CRC 337.1.1	1, 2, 3, 4, 5, 6
CRC 337.1.3	1, 2, 3, 4, 5, 6
CRC 337.7.3	1, 2, 3, 4, 5, 6
CPC 713.1	2, 7
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