

ORDINANCE NO. 22-1002

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SPECIFIC CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2022 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2, INCLUDING APPENDIX CHAPTERS I AND J; THE 2022 EDITION OF THE CALIFORNIA RESIDENTIAL CODE INCLUDING APPENDIX AX; THE 2022 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2022 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2022 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2022 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2022 EDITION OF THE CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTERS B, BB, C, CC, AND H; AND THE 2021 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS INCLUDING FEES AND PENALTIES

WHEREAS, the California Health and Safety Code establishes a Building Standards Commission whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code, commonly called Title 24; and

WHEREAS, the Building Standards Commission also establishes a date that these codes become effective throughout the state; and

WHEREAS, adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of Montclair; and provision for issuance of permits and collection of fees, therefore; and

WHEREAS, Building Standards Code does *not* include the adoption of procedural ordinances by a city or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

NOW, THEREFORE, THE CITY THE CITY COUNCIL OF THE CITY OF MONTCLAIR DOES HEREBY ORDAIN AS FOLLOWS:

**SECTION I.** Section 10.08.010 of the Montclair Municipal Code is hereby amended as follows:

**10.08.010. Adoption.**

Except as provided in this Chapter, those certain building codes known and designated as the California Building Code, ~~2019~~ 2022 Edition, Volumes 1 and 2, including Appendix Chapters "I," and "J," based on the ~~2018~~ 2021 International Building Code as published by the International Code Council, shall be and become the Building Codes of the City of Montclair for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building and/or structure or any appurtenances connected or attached to such buildings or structures throughout the City. The California Building Code and its appendix chapters will be on file for public examination in the office of the Building Official.

**SECTION II.** Section 10.20.010 of the Montclair Municipal Code is hereby amended as follows:

**10.20.010. Adoption.**

Except as provided in this Chapter, the California Electrical Code, ~~2019~~ 2022 Edition, based on the ~~2018~~ 2021 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Montclair, regulating all installation, arrangement, alteration, repair, use, and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the City. The California Electrical Code is on file for public examination in the office of the Building Official.

The ~~2019~~ 2022 Edition of the California Electrical Code is hereby adopted with no amendments.

**SECTION III.** Section 10.28.010 of the Montclair Municipal Code is hereby amended as follows:

**10.28.010. Adoption.**

There is adopted by the City Council a code known as the California Fire Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2021** International Fire Code as published by the "International Code Council," and referenced as the California Code of Regulations, Title 24, Part 9, including Appendices **A**, B, BB, C, CC, ~~F~~, ~~H~~, and ~~K~~ H. The California Fire Code and its appendix chapters shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conservation, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City for all fire related issues. The California Fire Code will be on file for public examination in the Office of the Building Official.

**SECTION IV.** Section 10.28.020 is deleted in its entirety and replaced with the following:

**10.28.020. Scope and Administration.**

A. Section 112.4 Violation penalties is hereby revised as follows: Infraction, Misdemeanor, as follows:

112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of either a misdemeanor, infraction or both as prescribed in Section 112.4.2 and 112.4.3. Penalties shall be as prescribed in local ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B. Sections 112.4.2 Infraction is hereby added as follows:

112.4.2 Infraction. Except as provided in Section 112.4.3, persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction.

C. Sections 112.4.3 Misdemeanor is hereby added as follows:

112.4.3 Misdemeanor. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative, or who violate the following sections of this code, shall be guilty of a misdemeanor:

- (1) 104.12.2 Obstructing operations
- (2) 104.12.3 Systems and Devices
- (3) 109.6 Overcrowding
- (4) 112.3.2 Compliance with Orders and Notices
- (5) 113.4 Failure to comply
- (6) 305.4 Deliberate or negligent burning
- (7) 308.1.2 Throwing or placing sources of ignition
- (8) 310.7 Burning Objects
- (9) 3107.4 Open or exposed flames

**SECTION V.** Sections 10.28.022, 10.28.024, 10.28.025, 10.28.042, 10.28.044, and 10.28.048, and 10.28.052 of the Montclair Municipal Code shall be added as follows:

**10.28.022 Definitions.**

Flow-line. The lowest continuous elevation on a curb defined by the path traced by a particle in a moving body of water at the bottom of the rolled curb.

New construction. For the purposes of enforcing the provisions of the California Fire Code, California Building Code, and the California Residential Building Code, any work, addition to, remodel, repair, renovation, or alteration of any building(s) or structure(s) may be defined as "New Construction" when:

- 50 percent or more of the exterior weight bearing walls are removed or demolished
- 50 percent of the wall plate height is raised
- When a story is added that increases the existing floor area by more than 35 percent
- Additions within 3 years that exceed 50% of existing original floor area

The Building Official shall make the final determination regarding the application of this section

**10.28.024 Emergency Planning and Preparedness.**

Only the following sections of Chapter 4 of the California Fire Code are adopted:

- 401-401.9
- 402
- 403.1
- 403.2
- 403.4-403.4.4
- 403.10.2.1.1
- 403.12 - 403.12.3
- 404.5- 404.6.6
- 407

**10.28.025 Fire Service Features.**

The following section Fire Service Features, Chapter 5 of the California Fire Code is adopted in its entirety with the following amendments:

A. Section 501.1 Scope is revised as follows:

501.1 Scope. Fire service features for buildings, structures and premises shall comply with this chapter and the City of Montclair Guideline for Fire Department Access & Water Requirements for Commercial & Residential Development, and the City of Montclair Guideline for Underground Piping for Private Hydrants & Sprinkler Supply Line.

B. Section 503.2.1 Dimensions is revised as follows:

D. Fire Service Features is adopted in its entirety with the following amendment:

Section 501.3 Construction documents is revised as follows:

501.3 Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. The design shall be in accordance with this code, national standards, and the City of Montclair Guideline for Fire Department Access & Water Requires for Commercial & Residential Development, and the City of Montclair Guideline for Underground Piping for Private Hydrants & Sprinkler Supply Line.

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

C. Section 504.5 Escape Windows is added as follows:

504.5 Escape window access. Where escape windows are required by Section 1031.2, fire department access shall be provided to the escape window. An unobstructed setback area shall be provided. The minimum setback distance shall be calculated  $((H/5)+2)+P$ = Clear space required.

Where:

H = Height of the windowsill measured from the exterior ground surface

P = 3' ladder pad

D. Section 504.5 .1 Ladder Pad is added as follows:

504.5.1 Ladder Pad. Where a laddering pad is required, it shall be free of obstructions and vegetation for a minimum of 3-foot x 3-foot area. The laddering pad shall be a firm surface such as compacted decomposed granite, concrete, pavers, or asphalt. The laddering pad shall be placed at a distance from the structure as calculated by Section 504.5.

#### **10.28.042 Construction Requirements for Existing Buildings.**

Construction Requirements for Existing Buildings from Chapter 11 of California Fire Code shall adopt only the sections listed below:

- 11.3.3.3
- 1103.7
- 1103.7.3
- 1103.7.3.1
- 1103.7.8 - 1103.7.8.2
- 1103.7.9 - 1103.7.9.10
- 1103.8 - 1103.8.5.3
- 1103.9.1
- 1107
- 1113
- 1114
- 1115
- 1116

#### **10.28.044 Energy Systems.**

Energy Systems from Chapter 12 of the California Fire Code is adopted in its entirety with the following amendments:

Section 1205.2 Access and Pathways.

Exception 3. Building-Integrated Photovoltaic (BIPV) systems where the BIPV systems are approved, integrated into the finished roof surface and are listed in accordance with a national test standard developed to address Section 690.12(B)(2) of the California Electrical Code. The removal or cutting away of portions of the BIPV system during firefighting operations shall not expose a firefighter to electrical shock hazard and smoke ventilation opportunity areas have been identified.

#### **10.28.048 Marinas.**

Marinas from Chapter 36 of the California Fire Code is deleted in its entirety.

**10.28.052 Hazardous Materials.**

Hazardous Materials – General Provisions from the California Fire Code is adopted in its entirety with the following amendments.

Section 5001.5.2 Hazardous Materials Inventory Statement (HMIS), is hereby amended by modifying the starting paragraph as follows:

5001.5.2 Hazardous Materials Inventory Statement (HMIS). Where required by the fire code official, an application for a permit shall include City of Montclair Chemical Disclosure Statement, which shall be completed and approved prior to approval of plans, and/or the storage, use or handling of chemicals on the premises. The Chemical Disclosure Statement shall include the following information and formatted as specified in the City of Montclair Chemical Disclosure Statement:

1. Product Name
2. Component
3. Chemical Abstract Service (CAS) number
4. Location where stored or used.
5. Container size
6. Hazard classification
7. Amount in storage
8. Amount in use-closed systems
9. Amount in use-open systems

**SECTION VI.** Sections 10.30.010 and 10.30.020 of the Montclair Municipal Code are hereby amended as follows:

**10.30.010. Adoption.**

Except as provided in this Chapter, the California Green Standards Code, ~~2019~~ **2022** Edition, as published by the California Building Standards Commission, shall be and become the Green Building Standards Code of the City of Montclair, regulating and controlling the planning, design, operation, use and occupancy of every newly constructed building or structure in the City. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

**10.30.020. Green Building Standards Code amendments.**

The ~~2019~~ **2022** Edition of the California Green Building Standards Code is hereby adopted with no amendments.

**SECTION VII.** Section 10.32.10 of the Montclair Municipal Code is hereby amended as follows:

**10.32.10. Adoption.**

Except as provided in this chapter of the International Property Maintenance Code, ~~2018~~ **2022** Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, is referenced to and, by such reference, incorporated in this chapter and adopted as the Property Maintenance Code of the City of Montclair, except as certain portions are hereinafter specifically amended. One copy of the Property Maintenance Code certified by the City Clerk of the City of Montclair shall be filed and kept in the Building Division for use and examination by the public.

The ~~2018~~ **2021** Edition of the International Property Maintenance Code is hereby adopted with no amendments.

**SECTION VIII.** Sections 10.36.010 and 10.36.020 of the Montclair Municipal Code are hereby amended as follows:

**10.36.010. Adoption.**

Except as provided in this Chapter, the California Mechanical Code, ~~2019~~ **2022** Edition, based on the ~~2018~~ **2022** Uniform Mechanical Code as published by the

International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City of Montclair, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

#### **10.36.020. Mechanical Code amendments.**

The ~~2019~~ 2022 Edition of the California Mechanical Code is hereby adopted with no amendments.

**SECTION IX.** Sections 10.40.010 and 10.40.020 of the Montclair Municipal Code are hereby amended as follows:

#### **10.40.010. Adoption.**

Except as provided in this Chapter, the California Plumbing Code, ~~2019~~ 2022 Edition, based on the ~~2018~~ 2021 Uniform International Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAMPO) shall be and become the Plumbing Code of the City of Montclair, regulating erection, installation, alteration, repair, relocation, replacement, maintenance, or use of plumbing systems within the City. The California Plumbing Code is on file for public examination in the office of the Building Official.

#### **10.40.020. Plumbing Code amendments.**

The ~~2019~~ 2022 Edition of the California Plumbing Code is hereby adopted with no amendments.

**SECTION X.** Section 10.42.010 of the Montclair Municipal Code is hereby amended as follows:

#### **10.42.010. Adoption.**

Except as provided in this Chapter, the California Residential Code, ~~2019~~ 2022 Edition, based on the ~~2018~~ 2021 International Residential Code, including Appendix Chapters "I," "H" and "AX," based on the ~~2018~~ 2021 International Residential Code, as published by the California Building Standards Commission, shall be and become the Residential Building Code of the City of Montclair, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling and townhouse not more than three stories above grade in height with a separate means of egress and structures accessory thereto in the City. The California Residential Code is on file for public examination in the office of the Building Official.

#### **SECTION XI. Severability.**

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

#### **SECTION XII. Effective Date.**

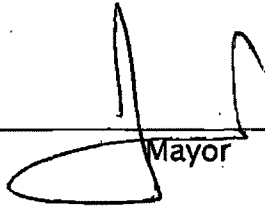
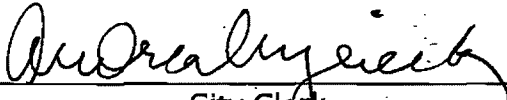
This Ordinance shall be in full force and effect thirty (30) days after passage.

**SECTION XIII. Posting.**

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

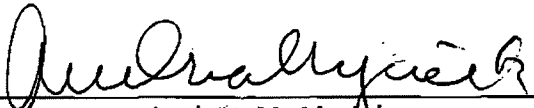
**APPROVED AND ADOPTED** this 19th day of December, 2022.

**ATTEST:**

  
\_\_\_\_\_  
Mayor  
  
\_\_\_\_\_  
City Clerk

I, Andrea M. Myrick, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 22-1002 of said City, which was introduced at a regular meeting of the City Council held on the 5th day of December, 2022, and finally passed not less than five (5) days thereafter on the 19th day of December, 2022, by the following vote, to-wit:

AYES: Lopez, Martinez, Ruh, Johnson, Dutrey  
NOES: None  
ABSTAIN: None  
ABSENT: None

  
\_\_\_\_\_  
Andrea M. Myrick  
City Clerk