

ORDINANCE 16-319

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MISSION VIEJO ADOPTING BY REFERENCE THE 2016 EDITIONS OF THE CALIFORNIA BUILDING, RESIDENTIAL, PLUMBING, ELECTRICAL, MECHANICAL, GREEN BUILDING STANDARDS, HISTORICAL BUILDING, AND EXISTING BUILDING CODES, AND THE 2015 EDITIONS OF THE INTERNATIONAL SWIMMING POOL AND SPA CODE AND INTERNATIONAL PROPERTY MAINTENANCE CODE, TOGETHER, WITH CERTAIN APPENDICES AND AMENDMENTS THERETO, AND AMENDING TITLE 8 OF THE MISSION VIEJO MUNICIPAL CODE

THE CITY COUNCIL OF THE CITY OF MISSION VIEJO DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Chapter 8.02 “Building and Housing Codes” of Title 8 “Buildings and Construction” of the Mission Viejo Municipal Code, is hereby repealed; provided, however, that such repeal shall not affect or excuse any violation of any of said Chapter or codes occurring prior to the effective date of this ordinance.

Section 2. A new Chapter 8.02 is hereby added to Title 8 of the Mission Viejo Municipal Code to read as follows:

“CHAPTER 8.02. BUILDING AND HOUSING CODES

Sec. 8.02.010. Adoption of California Building Codes and related model codes.

For the purpose of prescribing regulations for erection, construction, alteration, relocation, enlargement, replacement, repair, improving, conversion, equipment, use and occupancy, location, maintenance, removal and demolition of every building and structure, or any appurtenances connected or attached to such buildings or structures, the following construction codes, subject to the modifications set forth in this Chapter, are hereby adopted by reference: the California Building Code, 2016 Edition, based on the 2015 International Building Code as published by the International Code Council; the California Residential Code, 2016 Edition, based on the 2015 International Residential Code as published by the International Code Council; the California Green Building Standards Code, 2016 Edition; the California Plumbing Code, 2016 Edition, based on the 2015 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials; the California Mechanical Code, 2016 Edition, based on the 2015 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials; the California Historical Building Code, 2016 Edition; the California Existing Building Code, 2016 Edition; the International Swimming Pool and Spa Code, 2015 Edition, as published by the International Code Council, the California Electrical Code, 2016 Edition, based on the 2014 National Electrical Code as published by the National Fire Protection Association; the International Property Maintenance Code, 2015 Edition, as published by the International Code Council. For the purpose of prescribing regulations for grading and excavations, the Orange County Grading and Excavation Code, as is in effect on the date this

Chapter becomes effective, is hereby adopted by reference. The provisions of these Construction Codes as amended by this chapter shall constitute the Building Regulations of the City of Mission Viejo. Where the California Code of Regulations and/or State Building Standards Code conflict with any sections of the Construction Codes, applicable State laws and regulations shall govern.

One (1) copy of all the above codes and standards therefor are on file in the office of the building official pursuant to Health and Safety Code Section 18942 (e) (1) and are made available for public inspection.

Sec. 8.02.020. Penalties and civil remedies.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, or maintain any building or structure in the city, or cause same to be done, contrary to or in violation of any of the provisions of the code, or to otherwise violate any provision of any of the codes adopted in this chapter.

Any person, firm, or corporation violating any of the provisions or failing to comply with any of the mandatory requirements of this chapter or any of the codes adopted herein, shall be guilty of a misdemeanor, unless such violation is designated as an infraction, and penalties for any such violation shall be as set forth in section 1.01.200 of the Municipal Code. Any person, firm, or corporation shall be guilty of a separate offense for each and every day during which any violation of any provision of this chapter or any of the codes adopted herein is committed, continued, or permitted. Any violation of this chapter or any of the codes adopted herein is a nuisance that may be abated pursuant to Chapter 9.59 of this Code.

Sec. 8.02.030. Fees.

All fees authorized by this chapter shall be as set forth by resolution of the City Council.

Sec. 8.02.040. Adoption of the California Building Code.

Except as provided in this chapter, the California Building Code, 2016 Edition, including Appendix B, and I based on the 2015 International Building Code as published by the International Code Council, shall be and become the Building Code of the City of Mission Viejo. The California Building Code is on file for public examination in the office of the Building Official.

Sec. 8.02.050. Section 104.8 Liability amended.

Section 104.8 Liability of Chapter 1 of the California Building Code is hereby amended by adding a sentence to the end of the paragraph as follows:

The provisions of this section shall apply if the Building Official or his/her authorized representative are employees of this jurisdiction and shall also apply if the Building Official or his/her authorized representative are acting under contract as agents of this jurisdiction.

Sec. 8.02.060. Section 105.2 amended.

Section 105.2 Work exempt from a permit of Chapter 1 of the California Building Code is hereby amended by amending exemption 2 and 9 to read as follows:

2. Fences not over 6 feet (2134 mm) high.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

Sec. 8.02.070. Section 105.3.2 amended.

Section 105.3.2 Time limitation of application of Chapter 1 of the California Building Code is hereby amended read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one extension of time for additional periods not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

Sec. 8.02.080. Section 105.8 added.

Section 105.8 Reconstruction is added to Chapter 1 of the California Building Code to read as follows:

105.8. Reconstruction. If the value of the reconstruction (or renovation) of a building is equal to or exceeds 75 percent of the value of the building, the entire building shall comply with the code provisions for new construction. The value of the reconstruction (or renovation) for a property shall include the value of all construction stemming from construction-related permits issued within the last two years.

Sec. 8.02.090. Section 109.4 amended.

Section 109.4 Work commencing before permit issuance of Chapter 1 of the California Building Code is hereby amended read as follows:

109.4 Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to an investigation fee that shall be in addition to the required permit fees. The investigation fee shall be equal to the amount of the permit fee required in the City Council fee resolution. The payment of such investigation fee shall not exempt an applicant from compliance with all other provisions of either this code or the technical codes nor from the penalty prescribed by law.

Sec. 8.02.100. Section 112.4 added.

Section 112.4 Underground utilities required is added to Chapter 1 of the California Building Code to read as follows:

112.4. Underground utilities required. The building official shall, as a condition precedent to the issuance of a building permit, require all utility services located within the exterior boundary lines of a lot or parcel of property to be installed underground if:

1. The property is to be developed with a new or relocated main building.
2. The remodeling, alteration or addition to an existing main building exceeds 50 percent of the value or area of the existing building.
3. A residential building or use is converted to any nonresidential use or purpose.

For purposes of this section, the term “main building” shall mean a building in which is conducted the principal use of the lot or building site on which it is located.

The owner or developer of the property is responsible for complying with the requirements of this section and shall provide all necessary facilities on the property to receive such service from the supplying utilities.

If it is determined that practical difficulties or unreasonable hardships inconsistent with the purposes of this chapter and unique to a particular parcel of property would result from the literal interpretation of this section, the building official may waive, modify or delay the imposition of any undergrounding requirement imposed pursuant to the section upon written application of any affected property owner. If the building official determines to delay the installation of required underground utilities, a recorded agreement guaranteeing the future performance of the work may be required, together with adequate performance security enforceable by the city in the form of a cash deposit, bond letter of credit or other instrument satisfactory to the city attorney.

For purposes of this section, appurtenances and associated equipment, such as but not limited to surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets, and concealed ducts in an underground system, may be placed above ground.

Sec. 8.02.110. Section 113 Board of appeals amended.

Section 113 Board of appeals of the California Building Code is hereby deleted and replaced with the following:

In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of these codes, there shall be and there in hereby created a Board of Examiners and Appeals, consisting of five members, composed of the Mayor and the other members of the City Council. Said members shall hold their respective membership on said Board of Examiners and Appeals by reason of, and concurrently with their terms of service as Council members and shall cease to be such members upon their ceasing to be such Council members. The Building Official shall be the Secretary of the Board. The Board may adopt reasonable rules and regulations of conducting its investigations and shall render all its decisions and findings on contested matters, in writing to the Building Official, with duplicate copy thereof to any

appellant or contestant affected by any such decision or findings, and may recommend to the City Council such new legislations, if any, as is consistent therewith.

Three members of the Board shall constitute a quorum. The Mayor shall be the presiding officer of the Board and in his/her absence the Board shall select a temporary chairperson. Notices of meetings of the Board shall be given by a least three days' notice delivered to each member personally or by registered mail; provided, however, that any meeting of the board shall be legal for any purpose if the written consent of all of the members of the Board to such meeting is executed and filed in the records of the Board. The Board shall hold meetings at its pleasure.

The Board shall have the right, subject to such limits as the City Council may prescribe by resolution, to employ at the cost and expense of the City, such qualified individuals as the board, in its discretion, may deem reasonably necessary in order to assist it in its investigations and in making its findings and decisions. Disabled access actions which require appeals action ratifications as required by Section 1.9.1.5 may be made ministerial by the Building Official with the concurrence of at least one knowledgeable advocate for people with disabilities.

Sec. 8.02.120. Section 202 Definitions amended.

Section 202 Definitions of the California Building Code is amended by adding and /or amending the following definitions:

ENCLOSED STRUCTURE. Is a structure with a roof and two or more sides.

SPARK ARRESTER. *A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:*

1. *Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.*
2. *Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.*

UNENCLOSED STRUCTURES. Includes structures with a roof and no more than one side and structures having no roof or other covering. Unenclosed structures include patio covers, decks, and balconies.

Sec. 8.02.130. Sections 903.2, 903.2.8, and 903.3.5.3 amended.

Section 903.2 Where required of the California Building Code is hereby revised as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be provided *when one of the following conditions exists:*

1. **New buildings:** *Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.19, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet (465 m²) as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.*

Exceptions:

- 1) *Group R-3 occupancies. Group R-3 occupancies shall comply with Section R313 of the California Residential Code.*
 - 2) *Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.*
2. **Existing Buildings:** *Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:*
 - a. *When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5000 square feet (465 m²) as defined in Section 202; or*
 - b. *When an addition exceeds 2000 square feet (186 m²) and the resulting building area exceeds 5000 square feet (465 m²) as defined in Section 202; or*
 - c. *An additional story is added above the second floor regardless of fire areas or allowable area.*

Exception: *Group R-3 occupancies. Group R-3 occupancies shall comply with Section R313 of the California Residential Code.*

Section 903.2.8 Group R. of the California Building Code is hereby revised as follows:

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area *as follows:*

1. **New buildings:** *An automatic sprinkler system shall be installed throughout all new buildings.*
2. **Existing buildings:** *An automatic sprinkler system shall be installed throughout when one of the following conditions exists:*
 - a. *When an addition is 33% or more of the existing building area, as defined in Section 202, and greater than 1000 square feet (92.903 m²) within a two year period; or*
 - b. *An addition when the existing building is already provided with automatic sprinklers; or*

- c. *When an existing Group R Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.*

Exceptions:

1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing nonambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such children are housed are not more than two stories in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.
4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

When not used in accordance with Section 504.2 or 506.3 of the California Building Code, an automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group R-2.1 occupancies.

An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

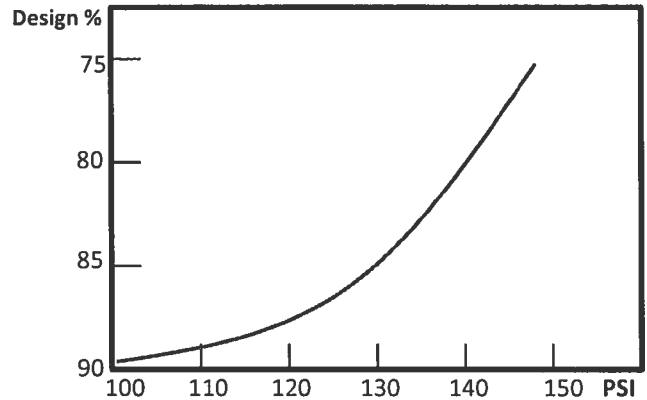
5. *Group R-3 occupancies. Group R-3 occupancies shall comply with Section R313 of the California Residential Code.*

Section 903.3.5.3 hydraulically calculated systems is hereby added as follows:

903.3.5.3 Hydraulically calculated systems. *The design of hydraulically calculated fire sprinkler systems shall not exceed 90% of the water supply capacity.*

Exception: *When static pressure exceeds 100 psi, and required by the Fire Code Official, the fire sprinkler system shall not exceed water supply capacity specified by Table 903.3.5.3.*

**TABLE 903.3.5.3
Hydraulically Calculated Systems**



Sec. 8.02.140. Table 1505.1 amended.

Table 1505.1 of the California Building Code is hereby amended to read as follows:

TABLE 1505.1

MINIMUM ROOF COVERING CLASSIFICATIONS

TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

Sec. 8.02.150. Section 1505.1.3 amended.

Section 1505.1.3 Roof coverings within all other areas of the California Building Code is hereby amended to read as follows:

1505.1.3. Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

Sec. 8.02.160. Sections 3109.4.4.2 amended.

Section 3109.4.4.2 Construction permit; safety features required of the California Building Code is hereby amended to read as follows:

3109.4.4.2 Construction permit; safety features required. Commencing January 1, 2007, except as provided in Section 3109.4.4.5, whenever a building permit is issued for construction of a new

swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least two of the following seven drowning prevention safety features:

- 1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 3109.4.4.3.*
- 2. The pool shall incorporate removable mesh pool fencing that meets American Society for Testing and Materials (ASTM) Specifications F2286 standards in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.*
- 3. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM Specifications F1346.*
- 4. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.*
- 5. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372mm) above the floor.*
- 6. Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM Standard F2208 "Standards Specification for Pool Alarms" which includes surface motion, pressure, sonar, laser and infrared type alarms. For purposes of this article, "swimming pool alarms" shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.*
- 7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1- 4, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or the American Society of Testing Mechanical Engineers (ASME).*

Prior to the issuance of any final approval for the completion of permitted construction or remodeling work, the local building code official shall inspect the drowning safety prevention devices required by this act and if no violations are found, shall give final approval.

Sec. 8.02.170. Chapter 35 amended.

Chapter 35 Referenced standards of the California Building Code is hereby adopted and amended as follows:

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.

Section 8.3.3.1 is hereby revised as follows:

8.3.3.1. When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the Fire Code Official:

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;
- 2) Use a maximum of 40 psi, if available;
- 3) Utilize the Orange County Fire Authority water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised as follows:

7.1.2 The sprinkler system piping shall not have separate control valves installed unless supervised by *a central station, proprietary, or remote station alarm service.*

NFPA 14, 2016 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby is deleted in its entirety and replaced as follows:

7.3.1.1 *Class I and III Standpipe hose connections shall be unobstructed and shall be located not less than 18 inches or more than 24 inches above the finished floor. Class II Standpipe hose connections shall be unobstructed and shall be located not less than 3 feet or more than 5 feet above the finished floor.*

NFPA 24, 2016 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

6.2.8.1 *All indicating valves controlling fire suppression water supplies shall be painted OSHA red.*

Exceptions:

- 1. Brass or bronze valves on sprinkler risers mounted to the exterior of the building may be left unpainted.*
- 2. Where OS&Y valves on the detector check assembly are the only control valves, at least one OS&Y valve shall be painted red.*

Section 6.2.9 is hereby amended as follows:

All connections to private fire service mains for fire protection systems shall be arranged in accordance with one of the following so that they can be isolated:

- (1) A post indicator valve installed not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a post indicator valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the post indicator valve.
- (2) A wall post indicator valve

- (3) An indicating valve in a pit, installed in accordance with Section 6.4
- (4) A backflow preventer with at least one indicating valve not less than 40 ft (12 m) from the building
 - (a) For buildings less than 40 ft (12 m) in height, a backflow preventer with at least one indicating valve shall be permitted to be installed closer than 40 ft (12 m) but at least as far from the building as the height of the wall facing the backflow preventer.
- (5) Control valves installed in a fire-rated room accessible from the exterior
- (6) Control valves in a fire-rated stair enclosure accessible from the exterior

Section 10.1.5 is hereby added as follows:

10.1.5 All ferrous pipe and joints shall be polyethylene encased per AWWA C150, Method A, B, or C. All fittings shall be protected with a loose 8-mil polyethylene tube or sheet. The ends of the tube or sheet shall extend past the joint by a minimum of 12 inches and be sealed with 2 inch wide tape approved for underground use. Galvanizing does not meet the requirements of this section.

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is hereby revised as follows:

10.4.1.1 All bolted joint accessories shall be cleaned and thoroughly coated with asphalt or other corrosion-retarding material after installation.

Exception: Bolted joint accessories made from 304 or 316 stainless steel.

Section 10.4.1.1.1 is hereby added as follows:

10.4.1.1.1 All bolts used in pipe-joint assembly shall be 316 stainless steel.

Section 10.4.3.2 is hereby deleted and replaced as follows:

10.4.3.2 *Where fire service mains enter the building adjacent to the foundation, the pipe may run under a building to a maximum of 24 inches, as measured from the interior face of the exterior wall to the center of the vertical pipe. The pipe under the building or building foundation shall be 304 or 316 stainless steel and shall not contain mechanical joints or it shall comply with 10.4.3.2.1 through 10.4.3.2.4.*

Sec. 8.02.180. Adoption of the California Residential Code.

Except as provided in this chapter, the California Residential Code, 2016 Edition, including Appendices H, O and V based on the 2015 International Residential Code as published by the

International Code Council, shall become the Residential Code for the City of Mission Viejo. The California Residential Code is on file for public examination in the office of the Building Official.

Sec. 8.02.190. Sections R102 through R114 from chapter 1, Division II deleted.

Sections R102 through R114 are deleted in their entirety. All administrative provisions including enforcement, permit process, fees and inspections for these chapters are contained in chapter 1 of the California Building code under section 802.040

Sec. 8.02.200. Section R202 Definitions amended.

Section R202 Definitions of the California Residential Code is hereby revised by adding “OCFA” and “Spark Arrester” as follows:

***OCFA:** Orange County Fire Authority, fire authority having jurisdiction.*

***SPARK ARRESTER.** A listed device constructed of noncombustible material specifically for the purpose of meeting one of the following conditions:*

1. *Removing and retaining carbon and other flammable particles/debris from the exhaust flow of an internal combustion engine in accordance with California Vehicle Code Section 38366.*
2. *Fireplaces that burn solid fuel in accordance with California Building Code Chapter 28.*

Sec. 8.02.210. Table R301.2(1) amended.

Table R301.2(1) of the California Residential Code is revised by filling the table values as follows:

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP °	ICE BARRIER UNDERLAYMENT REQUIRED ^b	FLOOD HAZARDS ^e	AIR FREEZING INDEX ^f	MEAN ANNUAL TEMP ^g
	Speed ^d (mph)	Topographic effects ^h		Weathering ^a	Frost line Depth ^b	Termite ^c					
Zero	110	No	D ₂ or E	Negligible	12-24"	Very Heavy	43	No	See Exhibit B	0	60

For SI: 1 pound per square foot = 0.0479 kPa, 1 mile per hour = 0.447 m/s.

Sec. 8.02.220. Sections R301.9 added.

Section R301.9 Fuel Modification Requirements for New Construction is hereby added to the California Residential Code as follows:

***R301.9 Fuel Modification Requirements for New Construction.** All new structures and facilities adjoining land containing hazardous combustible vegetation shall be approved and in accordance with the requirements of OCFA Guideline C-05 “Vegetation Management Guideline – Technical Design for new Construction Fuel Modification Plans and Maintenance Program.”*

Sec. 8.02.230. Section R313.3.6.2.2 Calculation procedure amended.

Section R313.3.6.2.2 Calculation procedure of the California Residential Code is hereby revised as follows:

Section R313.3.6.2.2 Calculation procedure. Determination of the required size for water distribution piping shall be in accordance with the following procedure *and California Fire Code Section 903.3.5.3.*

Sec. 8.02.240. Section R319.1 Address numbers amended.

Section R319.1 Address identification is hereby revised as follows:

R319.1 Address identification. *New and existing* buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches in height with a stroke width of not less than 0.5 inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

Sec. 8.02.250. Section R337.1.6 Fuel modification requirements for new construction added.

Section R337.1.6 Fuel modification requirements for new construction is hereby added as follows:

R337.1.6 Fuel Modification Requirements for New Construction. *All new buildings to be built or installed in a Wildfire Risk Area shall comply with the following:*

1. *Preliminary fuel modification plans shall be submitted to and approved by the fire code official prior to or concurrently with the approval of any tentative map.*
2. *Final fuel modification plans shall be submitted to and approved by the fire code official prior to the issuance of a grading permit.*
3. *The fuel modification plans shall meet the criteria set forth in the Fuel Modification Section of OCFA Guideline C-05 "Vegetation Management Guideline – Technical Design for New Construction Fuel Modification Plans and Maintenance Program."*
 - 3.1. *The fuel modification plan shall include provisions for the maintenance of the fuel modification in perpetuity.*

4. *The fuel modification plan may be altered if conditions change. Any alterations to the fuel modification areas shall have prior approval from the fire code official.*
5. *All elements of the fuel modification plan shall be maintained in accordance with the approved plan and are subject to the enforcement process outlined in the Fire Code.*

Sec. 8.02.260. Section R405.1 amended.

Section R405.1 Concrete or masonry foundations of the California Residential Code is amended by deleting the exception.

Sec. 8.02.270. Section R902.1 amended.

Section R902.1 Roofing covering materials of the California Residential Code is amended as follows:

R902.1 Roofing covering materials. Roofs shall be covered with materials as set forth in Sections R904 and R905. *A minimum Class A roofing shall be installed in areas designated by this section or where the edge of the roof is less than 3 feet (914 mm) from a lot line. Class A roofing required by this section to be listed shall be tested in accordance with UL 790 or ASTM E108.*

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include minimum 16 oz/ft² copper sheets installed over combustible decks.

Sec. 8.02.280. Section R902.1.3 amended.

Section R902.1.3 Roof coverings in all other areas of the California Residential Code is amended as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

Sec. 8.02.290. Section R902.2 Fire-retardant-treated shingles and shakes amended.

Section R902.2 Fire-retardant-treated shingles and shakes of the California Residential Code is amended as follows:

R902.2 Fire-retardant-treated shingles and shakes. Fire-retardant-treated wood shakes and shingles are wood shakes and shingles complying with UBC Standard 15-3 or 15-4 which are impregnated by the full-cell vacuum-pressure process with fire-retardant chemicals, and which have been qualified by UBC Standard 15-2 for use on Class A roofs.

Sec. 8.02.300. Section R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices is hereby added as follows:

***R1001.13 Outdoor Fireplaces, Fire Pits, Fire Rings, or similar devices.** Outdoor fireplaces, fire pits, fire rings, or similar exterior devices shall comply with this section.*

***Exception:** Barbeques, grills, and other portable devices intended solely for cooking.*

Sec. 8.02.310. Section R1001.13.1 Gas-fueled devices is hereby added as follows:

***R1001.13.1 Gas-fueled devices.** Outdoor fireplaces, fire pits and similar devices fueled by natural gas or liquefied-petroleum gas are allowed when approved by the Building Department and the device is designed to only burn a gas flame and not wood or other solid fuel. At R-3 occupancies, combustible construction shall not be located within three feet of an atmospheric column that extends vertically from the perimeter of the device. Where a permanent Building Department approved hood and vent is installed, combustible construction may encroach upon this column between the bottom of the hood and the vent opening. Where chimneys or vents are installed, they shall have a spark arrester in accordance with Section R1003.9.2.*

Sec. 8.02.320. Section R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added as follows:

***R1001.13.2 Devices using wood or fuels other than natural gas or liquefied-petroleum gas.** Fireplaces burning wood or other solid fuel shall be constructed in accordance with Section R1001. Fires in a fireplace shall be contained within a firebox with an attached chimney. The opening in the face of the firebox shall have an installed and maintained method of arresting sparks. The burning of wood or other solid fuel in a device is not allowed within 15 feet of combustible structures, unless within a permanent or portable fireplace.*

Sec. 8.02.330. Section R1001.13.3 Devices using wood or fuels other than natural gas or liquefied-petroleum gas is hereby added as follows:

***R1001.13.3 Where prohibited.** The burning of wood and other solid fuels shall not be conducted within a fuel modification zone. Wood and other solid fuel burning fires in devices other than permanent fireplaces are not allowed within Wildfire Risk Areas (WRA) and adopted Fire Hazard Severity Zones (FHSZ) or in locations where conditions could cause the spread of fire to the WRA or FHSZ, unless determined by the Fire Code Official that the location or design of the device should reasonably prevent the start of a wildfire.*

Sec. 8.02.340. Chapter 44 Referenced Standards amended.

Chapter 44 Referenced Standards of the California Residential Code is revised as follows:

NFPA 13, 2016 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised as follows:

6.7.3 Fire department connections (*FDC*) shall be of an approved type. *The location shall be approved and be no more than 150 feet from a public hydrant. The FDC may be located within 150 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 2½" inlets shall be approved by the fire code official. If acceptable to the water authority, it may be installed on the backflow assembly. Fire department inlet connections shall be painted OSHA safety red or as approved. When the fire sprinkler density design requires more than 500 gpm (including inside hose stream demand), or a standpipe system is included, four 2½" inlets shall be provided.*

Section 8.3.3.1 is hereby revised as follows:

Section 8.3.3.1 is hereby revised as follows:

8.3.3.1 *When fire sprinkler systems are installed in shell buildings of undetermined use (Spec Buildings) other than warehouses (S occupancies), fire sprinklers of the quick-response type shall be used. Use is considered undetermined if a specific tenant/occupant is not identified at the time the fire sprinkler plan is submitted. Sprinklers in light hazard occupancies shall be one of the following:*

1. Quick-response type as defined in 3.6.4.8
2. Residential sprinklers in accordance with the requirements of 8.4.5
3. Quick response CMSA sprinklers
4. ESFR sprinklers
5. Standard-response sprinklers used for modifications or additions to existing light hazard systems equipped with standard-response sprinklers
6. Standard-response sprinklers used where individual standard-response sprinklers are replaced in existing light hazard systems

Section 11.1.1.1 is hereby added as follows:

11.1.1.1 *When fire sprinkler systems are required in buildings of undetermined use other than warehouses, they shall be designed and installed to have a fire sprinkler density of not less than that required for an Ordinary Hazard Group 2 use, with no reduction(s) in density or design area. Warehouse fire sprinkler systems shall be designed to Figure 16.2.1.3.2 (d) curve "G". Use is considered undetermined if a specific tenant/occupant is not identified at the time the sprinkler plan is submitted. Where a subsequent use or occupancy requires a system with*

greater capability, it shall be the responsibility of the occupant to upgrade the system to the required density for the new use or occupancy.

Section 11.2.3.1.1.1 is hereby added as follows:

11.2.3.1.1.1 *The available water supply for fire sprinkler system design shall be determined by one of the following methods, as approved by the fire code official:*

- 1) Subtract the project site elevation from the low water level for the appropriate pressure zone and multiply the result by 0.433;*
- 2) Use a maximum of 40 psi, if available;*
- 3) Utilize the OCFA water-flow test form/directions to document a flow test conducted by the local water agency or an approved third party licensed in the State of California.*

NFPA 13D 2016 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised as follows:

7.1.2 *The sprinkler system piping shall not have separate control valves installed unless supervised by a central station, proprietary, or remote station alarm service.*

Sec. 8.02.350. Appendix O Automatic Vehicular Gates amended.

The following section AO103.3 of Appendix O of the California Residential Code is hereby added all other sections are not adopted.

AO103.3 Vehicular gates or other barriers across required fire apparatus access roads. *The installation of gates or other barriers across a required fire apparatus access road shall be approved by the fire code official. Gates or barriers shall be in accordance with Orange County Fire Authority Guideline B-09 "Fire Master Plans for Commercial and Residential Development".*

Sec. 8.02.360. Appendix V Swimming Pool Safety Act deleted.

Appendix V is deleted in its entirety and replaced with section 3109 of the Mission Viejo Building Code as amended by section 802.160.

Sec. 8.02.370. Adoption of the California Electrical Code.

Except as provided in this chapter, the California Electrical Code, 2016 Edition, including Annexes A, B, C, and I, based on the 2014 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Mission Viejo. The California Electrical Code is on file for public examination in the office of the Building Official.

Sec. 8.02.380. Adoption of the California Mechanical Code.

The California Mechanical Code, 2016 Edition, including Appendices B, and F, based on the 2015 Uniform Mechanical Code as published by the IAMPO, shall be and become the Mechanical Code of the City. The California Mechanical Code is on file for public examination in the office of the Building Official.

Sec. 8.02.390. Adoption of the California Plumbing Code.

The California Plumbing Code, 2016 Edition, including Appendices A, B, C D, and G, based on the 2015 Uniform Plumbing Code as published by the IAMPO, shall be and become the Plumbing Code of the City. The California Mechanical Code is on file for public examination in the office of the Building Official

Sec. 8.02.400. Adoption of International Swimming Pool and Spa Code.

The International Swimming Pool and Spa Code, 2015 Edition, published by the International Code Council, shall be and become the Swimming Pool and Spa Code of the City of Mission Viejo. The International Swimming Pool and Spa Code is on file for public examination in the office of the Building Official.

Sec. 8.02.410. Adoption of the California Green Building Standards Code.

The California Green Building Standards Code, 2016 Edition, published by the international Code Council, shall be and become the Green Building Standards Code of the City of Mission Viejo. The California Green Building Standards Code is on file for public examination in the office of the Building Official.

Sec. 8.02.420. Adoption of the International Property Maintenance Code.

The International Property Maintenance Code, 2015 Edition, as published by the International Code Council, shall be and become the Property Maintenance Code of the City. The International Property Maintenance Code is on file for public examination in the office of the Building Official.

Sec. 8.02.430. Section 303.2 Enclosures amended.

Section 302.2 Enclosures of the International Property Maintenance Code is amended as follows:

Section 303.2 Enclosures. Private swimming pools, hot tubs and shall comply with section 3109.4 as amended in Section 802.160 of the Mission Viejo Building Code. No existing pool enclosure shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

Sec. 8.02.440. Adoption of the California Historical Building Code.

The California Historical Building Code, 2015 Edition, as published by the International Code Council; shall be and become the Historical Building Code of the City. The California Historical Building Code is on file for public examination in the office of the Building Official.

Sec. 8.02.450. Adoption of the California Existing Building Code.

Except as amended in this Chapter, the 2015 California Existing Building Code, based on the 2012 International Existing Building Code as published by the International Code Council, shall become the Existing Building Code of the City for regulating existing buildings in the City. The California Existing Building Code is on file for public examination in the office of the office of the Building Official.

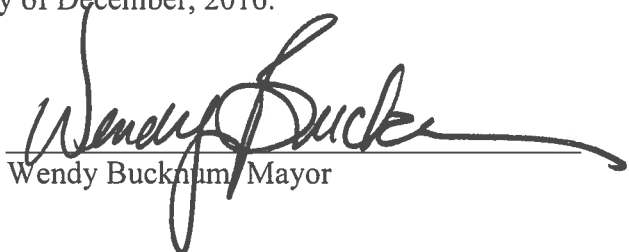
Section 3. Applicability. Notwithstanding any provision of the Mission Viejo Municipal Code, or any other ordinance of the City, this ordinance shall apply to all new applications submitted to the City after the effective date of this Ordinance for permits. This ordinance is additional to and supplemental to, and shall not affect, except as specifically provided herein any provision of the Mission Viejo Municipal Code, which shall be operative and remain in full force and effect without limitation with respect to all other requests for permits, approvals or authorization that are not within the City covered by this ordinance.

Section 4. The provisions of this ordinance shall not apply to previously permitted actions or activities.

Section 5. Effective Date. This ordinance shall take effect 30 days from the adoption of this ordinance for all codes referenced herein. The City Clerk shall certify to the passage of this Ordinance and shall cause the same to be published and posted as required by state law. Projects for which a building permit application and building plans have been submitted prior to the effective date of this ordinance, which building permits have been obtained within 180 days from the effective date of this ordinance, shall be exempt from the provisions of this ordinance. Projects for which a building permit application and building plans have been submitted prior to the effective date of this ordinance, and building permits therefor have not been obtained within 180 days from the effective date of this ordinance, shall be subject to all provisions of this ordinance and the codes adopted in this ordinance.

Section 6. Severability. If any section, subsection, subdivision, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or place, 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 remainder of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each and every 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.

PASSED, APPROVED and ADOPTED this 13th day of December, 2016.


Wendy Buckham, Mayor

STATE OF CALIFORNIA)
COUNTY OF ORANGE) ss.
CITY OF MISSION VIEJO)

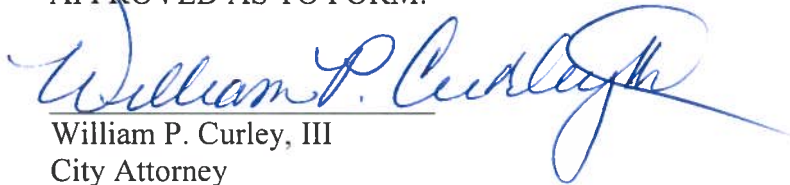
I, Karen Hamman, CMC, City Clerk of the City of Mission Viejo, do hereby certify that the foregoing Ordinance was duly adopted at a regular meeting of the City Council on the 13th day of December, 2016 by the following vote, to wit:

AYES: Bucknum, Goodell, Kelley, Raths, and Sachs
NOES: None
ABSENT: None



KAREN HAMMAN, CMC
CITY CLERK

APPROVED AS TO FORM:



William P. Curley, III
City Attorney