

**DRAFT ORDINANCE**

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF LOS GATOS  
REPEALING AND REPLACING CHAPTER 6, BUILDING REGULATIONS, AND  
CHAPTER 9, FIRE PREVENTION AND PROTECTION, AND  
ADOPTING NEW 2019 CALIFORNIA BUILDING AND FIRE CODES, AS AMENDED,  
INCLUDING REACH CODES**

**WHEREAS**, every three years, 14 State of California agencies review, amend, and propose model codes to be adopted by the Building Standards Commission; and

**WHEREAS**, the California Building Standards Commission completed the adoption and approval of 12 new building codes, and local jurisdictions are required to adopt these codes by January 1, 2020; and

**WHEREAS**, the Town of Los Gatos is proposing to adopt and amend Part 1, the California Administrative Code to address administrative provisions; and

**WHEREAS**, the Town of Los Gatos is proposing to adopt the California Building Standards Codes as Chapter 6 and the California Fire Code as Chapter 9 of the Town Code and to make amendments to address climatic, topographic, and geological conditions; and

**WHEREAS**, the Town of Los Gatos is proposing to adopt the 2018 International Property Maintenance Code and portions of the 2018 International Existing Building Code to provide procedures for the maintenance, repair, and demolition of existing buildings; and

**WHEREAS**, the Town of Los Gatos, in adopting these codes will be consistent with the State of California and other local municipalities.

**NOW, THEREFORE, THE TOWN COUNCIL OF THE TOWN OF LOS GATOS DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION I**

CHAPTER 6 is deleted in its entirety and replaced with the following:

**ARTICLE I. IN GENERAL (reserved)**

ATTACHMENT 1

## **ARTICLE II. ADMINISTRATION OF CODES**

### **Sec. 6.20.010. Conflicting Provisions.**

When any provisions of the administrative sections of the codes adopted in this Chapter 6 are in conflict with the administrative provisions found in the California Administrative or Building Codes, the California Administrative and Building Codes shall apply. If any code adopted in this Chapter does not include administrative provisions, the administrative provisions of the California Administrative and Building Codes shall apply.

## **ARTICLE III. BUILDING CODE**

### **Sec. 6.30.010. Adopted.**

The 2018 International Building Code (IBC) as amended by the State of California Building Standards Commission and known as the 2019 California Building Code (CBC), California Code of Regulations Title 24, Part 2, Volumes 1 and 2, with Appendix Chapters B, I, and J, with modifications provided in sections 6.30.020 through 6.30.180 of this article, is adopted by reference.

The 2019 California Administrative Code, California Code of Regulations, Title 24, Part 1, is also adopted by reference.

### **Sec. 6.30.020. Fire Protection Systems.**

Section 901.2 of the California Building Code adopted by this article is amended to read as follows:

*Fire Protection Systems.* Fire protection systems shall be installed, repaired, operated, and maintained in accordance with this code and the California Fire Code as amended by the Town of Los Gatos.

### **Sec. 6.30.030. Roof Drainage.**

1502 is amended to add Section 1502.5 as follows:

#### **Section 1502.5**

##### **Over Public Property.**

**Roof drainage water from a building shall not be permitted to flow over public property.**

**Exception(s): 1) Group R3, and Group U Occupancies**

2) Other occupancies where the drainage plan and method of drainage have been approved by the "Building Official."

**Sec. 6.30.040. Roof Covering Requirements in a Wildland-Urban Interface Fire Area and other areas.**

Section 1505.1.2 is amended as follows:

**1505.1.2 Roof coverings within state responsibility 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 fire-retardant roof covering that is at least ~~Class B~~ Class A.

Section 1505.1.3 is amended 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 fire-retardant roof covering that is at least ~~Class C~~ Class A.

Section 1505.1.4 is amended as follows:

**1505.1.4. Roofing requirements in a Wildland-Urban Interface Fire Area.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair, or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall also comply with Section 705A.

701A.3 is amended as follows:

**701A.3 Application.** New 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 classified as a Group U occupancy 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 Group U occupancy of any size ~~located at least 50 feet from an applicable building.~~

3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), ~~when located at least 50 feet from an applicable building.~~
4. Additions to and remodels of buildings originally constructed prior to the applicable application date.
5. Group C, special buildings conforming to the limitations specified in Section 450.4.1.

For the purpose of this section and Section 710A, applicable building includes all buildings that have residential, commercial, educational, institutional, or similar occupancy type use.

707A.9 is amended as follows:

**707A.9 Underside of appendages.** ~~When required by the enforcing agency~~ the underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed under-floor shall consist of one of the following:

1. Noncombustible material
2. Ignition-resistant material
3. One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the floor projection
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the floor including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual
5. The underside of a floor assembly that meets the performance criteria in accordance with test procedures set forth in either of the following:
  - 5.1 SFM Standard 12-7A3; or
  - 5.2 ASTM E2957

Exception: Structural column and beams do not require protection when constructed with sawn lumber or glue laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks splined, tongue-and-groove, or set close together and well spiked.

710A.3 is amended as follows:

**710A.3 Where required.** ~~No requirements shall apply to accessory building or miscellaneous structures when located at least 50 feet from an applicable building. Applicable accessory buildings and attached miscellaneous structures, or detached miscellaneous structures that are installed at a distance of less than 3 feet from an applicable building, shall comply with this section. When required by the enforcing agency, detached miscellaneous structures that are installed at a distance of more than 3 feet but less than 50 feet from an applicable building shall comply with the requirements of this section.~~

**710A.3.1 Accessory building requirements.** ~~Applicable accessory buildings that are less than 120 square feet in floor area and are located more than 30 feet but less than 50 feet from~~

an applicable building shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2.

~~710A.3.2 Attached miscellaneous structure requirements.~~ Applicable miscellaneous structures that are attached to, or installed at a distance of less than 3 feet from, an applicable building shall be constructed of non-combustible materials or of ignition-resistant materials as described in Section 704A.2.

~~710A.3.3 Detached miscellaneous structure requirements.~~ When required by the enforcing agency, applicable detached miscellaneous structures that are installed at a distance of more than 3 feet but less than 50 feet from an applicable building shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section 704A.2. Applicable accessory buildings and attached miscellaneous structures or detached miscellaneous structures shall comply with this section and shall be constructed of noncombustible materials or of ignition-resistant materials as described in section 704A.2.

### **Sec. 6.30.060. Concrete Strength.**

Section 1705.3, Exception 1 is amended as follows:

Exception: Special inspections and tests shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength,  $f'c$ , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).

### **Sec. 6.30.070. Modification to ACI 318.**

Section 1905.1.7 ACI 318, Section 14.1.4 is deleted and amended as follows:

**1905.1.7 ACI 318, Section 14.1.4.** Delete ACI 318, Section 14.1.4, and replace with the following:

~~14.1.4 Plain concrete in structures assigned to Seismic Design Category C, D, E or F.~~

~~14.1.4.1 Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:~~

- ~~(a) Structural plain concrete basement, foundation or other walls below the base as defined in ASCE 7 are permitted in detached one and two family dwellings three stories or less in height constructed with stud-bearing walls. In dwellings assigned to Seismic Design Category D or E, the height for the wall shall not exceed 8 feet (2438 mm), the thickness shall be not less than 7 ½ inches (190 mm), and the wall shall retain no more than 4 feet (1219 mm) of unbalanced fill. Walls shall have reinforcement in accordance with 14.6.1.~~

~~(b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.~~

~~**Exception:** In detached one and two family dwellings, three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.~~

~~(c) Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. For footings that exceed 8 inches (203 mm) in thickness, a minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.~~

~~**Exceptions:**~~

- ~~1. In Seismic Design Categories A, B, and C, detached one and two family dwellings three stories or less in height constructed with stud bearing walls are permitted to have plain concrete footings without longitudinal reinforcement.~~
- ~~2. For foundation systems consisting of plain concrete footings and a plain concrete stemwall a minimum of one bar shall be provided at the top of the stemwall and at the bottom of the footing.~~
- ~~3. Where a slab on ground is cast monolithically with the footing, one No. 5 bar is permitted to be located at either the top of the slab or bottom of the footing.~~

14.1.4 - Plain concrete in structures assigned to Seismic Design Category C, D, E, or

F.

14.1.4.1- Structures assigned to Seismic Design Category C, D, E, or F shall not have elements of structural plain concrete, except as follows:

(a) Left intentionally blank.

(b) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

(c) Plain concrete footings supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars not smaller than No. 4, with a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

**Sec. 6.30.085. Swimming Pools, Spas, and Hot Tubs:**

3109 Swimming Pools Spas and Hot Tubs is adopted in its entirety.

**Sec. 6.30.090. IBC Oversight.** The California adoption of the new 2018 International Building Code may have inadvertently eliminated some construction requirements by oversight or erroneous reference to another code. In cases where the code adoption has inadvertently deleted or missed referenced necessary construction requirements, the Town of Los Gatos Building Official may authorize use of construction requirements from the last previously adopted International Codes.

Sec. 6.30.170 is amended as follows:

**Sec. 6.30.170. Schedule of permit fees.** Administration Chapter 1, Division II, Section 109.2 of the 2019 California Building Code adopted by this article states that "... a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority (Town of Los Gatos).

**109.7. Plan Review Fees.**

Section 109.7 is added as follows:

When submittal documents are required by Section 109, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. Said plan review fee shall be 65 percent of the building permit fee. The plan review fees specified in this section are separate fees from the permit fees and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the per hour plan review rate as adopted by the Town of Los Gatos.

**Sec. 6.30.180. Refunds. Administration Chapter 1, Section 109.6 of the 2019 California Building Code** adopted by this article is amended to add Section 109.6.1:

Section 109.6.1 is added as follows:

**109.6.1. Refunds.** The building official may authorize refunds of Building Division fees which were erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work or inspections has been done under an issued permit.

The building official may authorize refunding of not more than 80 percent of the collected plan review fee when the plan check application is withdrawn or cancelled prior to any plan review work being done.

The building official shall not authorize refunding of any collected fee until a written request for a refund by the original permittee or applicant is received. Requests must be received no later than 180 days after the date of fee payment.

#### **ARTICLE IV. PLUMBING CODE**

##### **Sec. 6.40.010. Adopted.**

The Uniform Plumbing Code, 2018 Edition, as amended by the State of California Building Standards Commission, California Code of Regulations, Title 24, Part 5, as the 2019 California Plumbing Code is adopted with Appendix Chapters A, B, D, G, I, K, and L only.

##### **Sec. 6.40.020. Backflow protection.**

Section 710.1 is amended as follows:

**710.1. Backflow Protection.** ~~Fixtures installed on a floor level that is lower than the next upstream manhole cover of the public, or private sewer shall be protected from backflow of sewage by installing an approved type of backwater valve. Fixtures on such floor level that are not below the next upstream manhole cover shall not be required to be protected by a backwater valve. Fixtures on floor levels above such elevation shall not discharge through the backwater valve.~~ Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative Authority. Cleanouts for drains that pass through a backwater valve shall be clearly identified with a permanent label stating, "backwater valve downstream."

#### **ARTICLE V. MECHANICAL CODE**

##### **Sec. 6.50.010. Adopted.**

The Uniform Mechanical Code (UMC), 2018 Edition, amended by the State of California Building Standards Commission, California Code of Regulations, Title 24, Part 4, as the 2016 California Mechanical Code is adopted by reference.

#### **ARTICLE VI. ELECTRICAL CODE**

##### **Sec. 6.60.010. Adopted.**

The National Electrical Code, 2017 Edition, as amended by the State of California Building Standards Commission, California Code of Regulations, Title 24, Part 3, as the 2016 California Electrical Code is adopted by reference.

## ARTICLE VII. ENERGY CODE

### Sec. 6.70.010. Adopted.

The 2019 California Energy Code, California Code of Regulations, Title 24, Part 6 is adopted by reference and amended as follows.

### **Sec. 6.70.020 Single Family Residential, ADU (Accessory Dwelling Unit), and Low-Rise Residential All Electric Requirements.**

100.0(e)2D Low-rise residential buildings is amended as follows.

#### **100.0(e)2D Low-rise residential buildings.**

**i Sections applicable.** Sections 150.0 through 150.1 apply to newly constructed low-rise residential buildings except where they conflict with Section ii below.

**ii All electric construction.** All single-family residential and low-rise multifamily buildings as defined in Section 100.1 of this code and ADUs (Accessory Dwelling Unit) as defined in Town of Los Gatos Municipal Code Sec. 29.10.310 shall use electricity as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances.

**Exception:** Natural gas or propane may be used for cooktop or range and standalone cooking ovens provided that all the following are met:

1. A dedicated 208/240-volt, 50-amp or greater electrical receptacle that is connected to the electric panel with conductors of adequate capacity, within 3 feet of the appliance and accessible with no obstructions;
2. Both ends of the unused conductor shall be labeled with the words "For Future Electric Range, Cooktop or Oven" as applicable, and be electrically isolated;
3. A reserved double-pole circuit breaker space in the electrical panel adjacent to the circuit breaker for the branch circuit and labeled with the words "For Future Electric Range, Cooktop or Oven" as applicable, and;
4. Other electrical components, including conductors, receptacles, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

## ARTICLE VIII. REFERENCE STANDARDS CODE

**Sec. 6.80.010. Adopted.**

The 2019 California Referenced Standards Code, California Code of Regulations, Title 24, Part 12, is adopted by reference.

**ARTICLE IX. HISTORICAL BUILDING CODE**

**Sec. 6.90.010. Adopted.**

The 2019 California Historical Building Code, California Code of Regulations, Title 24, Part 8 including Appendix A is adopted by reference.

**ARTICLE X. EXISTING BUILDING CODE**

**Sec. 6.100.010. Adopted.**

The 2018 International Existing Building Code (IEBC), specifically Appendix Chapter A1, as amended by the State of California Building Standards Commission and known as the 2019 California Existing Building Code, California Code of Regulations, Title 24, Part 10, is adopted by reference.

**Sec. 6.100.020. Additional Chapters Adopted.**

The following Chapters of the 2018 International Existing Building Code, as published by the International Code Council (ICC) are also adopted:

- Chapter 9
- Chapter 14
- Appendix A2
- Appendix A3
- Appendix A4
- Appendix A5

**ARTICLE XI. INTERNATIONAL PROPERTY MAINTENANCE CODE**

**Sec. 6.110.010. Adopted.**

The 2018 International Property Maintenance Code, as published by International Code Council (ICC), is adopted by reference.

**Sec. 6.110.020. Application of other codes.**

Section 102.3 is amended as follows:

**Sec. 102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the IBC, IEBC, IECC, IFC, IFGC, IMC, IRC, IPC and NFPA 70. ~~Nothing in this code shall be construed to cancel, modify or set aside any provision of the International Zoning Code, California Building Code, California Plumbing Code, California Electrical Code, and California Mechanical Code. Nothing in this code shall be construed to cancel, modify or set aside any provisions of the Town of Los Gatos Zoning Code.~~

## ARTICLE XII. CALIFORNIA GREEN BUILDING STANDARDS CODE

### Sec. 6.120.010. Adopted.

The 2019 California Green Building Standards Code, California Code of Regulations, Title 24, Part 11, Chapters 1 through 8 only, are adopted by reference and amended as follows.

### Sec. 6.120.020 Electric Vehicle Charging Requirements.

4.106.4 is amended as follows:

**4.106.4 Electric vehicle (EV) charging for new construction.** New construction shall comply with Section 4.106.4.1, 4.106.4.2, or 4.106.4.3, to facilitate future installation and use of EV chargers. Electric vehicle supply equipment (EVSE) shall be installed in accordance with California Electrical Code, Article 625.

#### Exceptions:

1. On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon on or more of the following conditions:
  - 1.1. Where there is no commercial power supply.
  - 1.2. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase utility side cost to the homeowner or the developer by or than \$400 per dwelling unit.
2. ~~Accessory Dwelling Units (ADU) and Junior Accessory Dwelling Units (JADU) without additional parking facilities.~~

4.106.4.1 is amended as follows:

**4.106.4.1 New one- and two-family dwellings, ADUs, and townhouses with attached private garages.** For each dwelling unit a wired National Electrical Manufacturers Association (NEMA) outlet supplied by a 40-ampere minimum dedicated branch circuit shall be installed specifically for supplying electrical power for an Electric Vehicle Charger. ~~For each dwelling unit, install a listed raceway to accommodate a dedicated 208/240-volt branch circuit. The raceway shall not~~

~~be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity to install a 40-ampere minimum dedicated branch circuit and space(s) reserved to permit installation of a branch circuit overcurrent protective device.~~

~~**4.106.4.1.1 Identification** The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as “EV CAPABLE”. The raceway termination location shall be permanently and visibly marked as “EV CAPABLE.”~~

## ARTICLE XIII.

### Sec. 6.130.010. Additions and alterations. Clarification.

301.1.1 is amended as follows:

**301.1.1. Additions and alterations. [HCD]** The mandatory provisions of Chapter 4 shall be applied to additions or alterations of existing residential buildings where the addition or alteration increases the building’s conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

**Note:** On and after January 1, 2014, residential buildings undergoing permitted alterations, additions, or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of a certificate of final completion, certificate of occupancy, or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected, and other important enactment dates.

**Clarification:** Based on definitions found within the California Building Code and the California Green Building Standards Code, alteration and improvements are interpreted to mean any construction to an existing structure which enhance or improve the structure.

Construction related to repairs or maintenance of the structure is not considered to be an alteration or improvement. **Alteration**, as defined in the 2019 California Building Code, states in part; *“Normal maintenance, reroofing, painting or wallpapering, or changes to mechanical and electrical systems are not alterations unless they affect the usability of the building or facility.”* Therefore, permits can be issued for property maintenance and repair without the requirement to replace noncompliant plumbing fixtures. The following is a list of permits that are considered to be repair or maintenance:

- Electrical Service Change Out

- HVAC Change Out
- Re-Roof
- Sewer Line Replacement
- Siding or Stucco application
- Site Work: Retaining Walls, Fences, Walkways, etc.
- Water heater Replacement
- Window Replacement
- Other Repairs as determined by the Building Official

**ARTICLE XIV. BUILDING RELOCATION CODE OF THE TOWN**

**DIVISION 1. GENERALLY**

**Sec. 6.140.010. Title.**

This article is the Building Relocation Code of the Town of Los Gatos.

**Sec. 6.140.020. Interference with demolition or removal of building.**

It shall be unlawful for any person to interfere with or obstruct the Building Official, any person engaged by the Town, or any representative of any surety, engaged in inspection or in the work of completing, demolishing, or removing any building or structure for which a building relocation permit has been issued under Division 2 of this article, after a default has occurred in timely completion of the work or in the performance of the other terms or conditions of the permit.

**DIVISION 2. PERMIT**

**Sec. 6.140.030. Required, exceptions.**

It shall be unlawful for any person to move any building or structure on any parcel of land in the Town (except a contractor's tool house, construction building or similar structure which is moved as construction work requires) without first obtaining a permit and posting a bond as provided in this article.

**Sec. 6.140.040. Application.**

An application for a permit required by the provisions of this division shall be made in writing on the form provided by the Town. The application shall:

- (1) Be signed by the permittee or the permittee's authorized agent (who may be required to submit evidence proving authority);
- (2) Be accompanied by plans, photographs or other substantiating data as reasonably may be required by the Building Official; and

(3) Contain such information as reasonably may be required by the Building Official in order to carry out the purposes of this chapter.

**Sec. 6.140.050. Review of application, duty of applicant.**

The application for a permit required by the provisions of this division, including the plans and other data filed with it, shall be checked by the Building Official, who is authorized to conduct any investigation in connection therewith may be deemed reasonably necessary. If, when the Building Official has completed such investigation and has notified the applicant that a permit will issue, the applicant fails for a period of sixty (60) days to post the bond and any other instrument required by this division, the application shall become void.

**Sec. 6.140.060. Issuance, fees.**

(a) Subject to the requirements contained in this article, if in the judgment of the Building Official the conditions of the building or structure can be effectively and practically repaired or restored to comply with this Code, the Building Official shall issue a permit to the owner of the property where the building or structure is to be located.

(b) A permit fee shall be paid at the time of issuance of the permit. The amount of the fee shall be fixed by resolution of the Town Council.

**Sec. 6.140.070. When issuance prohibited.**

The Building Official shall not issue a permit under this division for any building or structure:

- (1) Which does not or cannot be repaired or modified to comply with this code, as it presently exists or hereafter may be amended;
- (2) Which is so constructed or in such condition as to be a substandard building;
- (3) Which is infested with pests or is unsanitary;
- (4) Which is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the existing improvements on nearby property;
- (5) If the proposed use is prohibited by the zoning ordinance;
- (6) If the structure is of a type prohibited at the site of the proposed relocation by this code, or any other statute or ordinance; or
- (7) If the structure or site has not received approval as prescribed in sections 29.20.140 through 29.20.155 of the Town Code. The body granting such approval shall first consider and determine that the proposed site and building are compatible in use, size and architecture with other buildings and structures in the area of the proposed relocation.

**Sec. 6.140.080. Conditions of issuance.**

In connection with the issuance of any permit under this division, the Building Official or the body granting architecture and site approval or both may attach to the permit such conditions

which are necessary to assure compliance with the purposes of this article and the zoning ordinance, and to assure that the building or structure when relocated will be compatible with and not detrimental or injurious to the buildings or structures in the area of the proposed relocation. Such conditions may include, but are not limited to:

- (1) A limitation of the period of time required to complete the work of relocation;
- (2) Requirements for changes, alterations, additions or repairs;
- (3) The providing of all utility services by the time the building relocation is finished;
- (4) Provision for any improvement work or dedication provided for by the zoning ordinance;
- (5) The applicant's written agreement to indemnify the Town for any and all damages or injury to Town property incurred in the course of the moving, including but not limited to damage or injury to streets, thoroughfares, pavements, curbs, gutters, sidewalks, sewers, public lighting equipment and plants.

**Sec. 6.140.090. Bond required.**

(a) As a condition precedent to the issuance of any building relocation permit, the applicant shall post a surety bond, the form of which is subject to approval by the Town Attorney, issued by a surety company conducting business in the State. The penal sum of the bond shall be an amount equal to the estimated cost, plus ten (10) percent, of all the work required to perform the relocation to comply with all of the conditions of the permit. The cost estimate is made by the Building Official.

(b) The applicant, in lieu of posting a surety bond, may deposit with the town an amount equal to the required bond amount, in cash.

**Sec. 6.140.100. Conditions of bond.**

A surety bond shall contain, and any deposit shall be subject to, the following conditions:

- (1) All work, including performance of conditions of the permit (except for performance of conditions such as street improvements when provision is made in a contract with the Town to do the work at a later time) shall be performed and completed within one hundred twenty (120) days after the date of issuance of the permit. After that time, the permit expires.
- (2) The time limit and expiration date of the permit may be extended for good cause after written request of both the principal and the surety. The request may be made either during or after the one-hundred-twenty-day period. If the Building Official decides to grant the request the Building Official shall notify the principal and surety in writing stating the new deadline. The Building Official need not grant the request if the work is not being done continuously and diligently, or if reasonable progress has not been made.
- (3) The term of each bond shall begin on the date the bond instrument is delivered to the town and shall end upon the acceptance by the Building Official of performance of all the terms and conditions of the permit as satisfactory and complete.
- (4) The Building Official, the surety and their representatives shall have access to the premises to inspect the progress of the work.

(5) Upon default by the principal, the surety shall be required to complete the work and to perform all conditions of the permit. The principal shall give the surety right-of-entry onto the site for those purposes.

(6) In the event of any default in the performance of any term or condition of the permit, or failure to complete the work before the permit expires, the surety or any person employed or engaged on its behalf, or the building official, or any person employed or engaged on behalf of the Town may go on the premises to complete the required work or to remove or demolish the building or structure, and clear, clean and restore the site.

**Sec. 6.140.110. Default on bond.**

(a) If the permittee as principal on the bond defaults in the performance of the conditions required by the permit, or fails to complete the work before the permit expires, the Building Official shall give notice in writing to the principal and the surety, stating the conditions which have not been complied with and the period of time deemed by the Building Official to be reasonably necessary for the completion of the work.

(b) After receipt of the notice, the surety, within the time therein specified, shall finish the work. When the principal has defaulted in any way, the surety, at its option, in lieu of completing the work required, may remove or demolish the building or structure and clear, clean and restore the site.

**Sec. 6.140.120. Bond other than surety bond--Default.**

If a deposit has been made as provided in Section 6.140.090, the Building Official shall give notice of default, as provided in section 6.140.110, to the permittee. If the permittee does not perform within the time specified in the notice, the Building Official shall proceed without delay and without further notice or proceeding whatever to use the deposit, or any portion of the deposit necessary to cause the required work to be done by contract or otherwise at the Building Official's discretion, upon the completion of the work. The balance, if any, of the deposit, shall be returned to the depositor or to the depositor's successors or assigns after deducting the cost of the work plus ten (10) percent of the cost, which is an amount to defray the Town's cost in enforcement and administration.

**Sec. 6.140.130. Same--Release.** When a deposit has been made as provided in Section 6.140.090 and all requirements of the permit have been completed, the Building Official shall return the deposit to the depositor or to the depositor's successors or assigns, except any portion thereof that may have been used or deducted as provided in this section.

**ARTICLE XV. CALIFORNIA RESIDENTIAL BUILDING CODE**

**Sec. 6.150.010. Adopted.**

The 2019 California Residential Code, California Code of Regulations, Title 24, Part 2.5 is adopted by reference including Appendices H, K, O, Q, S, V, and X and as locally modified by the following Sections of this Article.

**Sec. 6.150.020. Fire Protection Amendments.**

R310.1 is amended as follows:

- ~~2. Where the dwelling or townhouse is equipped with an automatic sprinkler system installed in accordance with Section P2904, sleeping rooms in basements shall not be required to have emergency escape and rescue opening provided that the basement has one of the following:~~
- ~~2.1 One means of egress complying with Section R311 and one emergency escape and rescue opening.~~
  - ~~2.2 Two means of egress complying with Section R311.~~

R313.1 is amended as follows:

~~R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.~~

~~Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed. An automatic residential fire sprinkler system shall be installed in all new townhouses and in existing townhouses when additions are made that increase the building area to more than 3,600 square feet.~~

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

R313.2 One- and two-family dwellings automatic fire sprinkler systems is amended as follows:

**R313.2 One- and two-family dwellings automatic fire sprinkler systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings as follows:

- ~~1. An automatic residential fire sprinkler system shall not be required for additions or alterations to existing buildings that are not already provided with an automatic residential sprinkler system.~~
- ~~2. Accessory Dwelling Unit provided that all of the following are met:
  - ~~2.1 The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.~~
  - ~~2.2 The existing primary residence does not have automatic fire sprinklers.~~
  - ~~2.3 The accessory detached dwelling unit does not exceed 1,200 square feet in size.~~
  - ~~2.4 The unit is on the same lot as the primary residence.~~~~

1. In all new one- and two-family dwellings and in existing one- and two-family dwellings when additions are made that increase the building area to more than 3,600 square feet, whether by increasing the area of the primary residence or by creation of an attached ADU.

2. In all attached ADUs, additions or alterations to an existing one- and two-family dwelling that have an existing fire sprinkler system.

**Exceptions:**

1. One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area and meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code.

2. Detached Accessory Dwelling Units, provided that all of the following are met:

2.1 The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.

2.2 The existing primary residence does not have automatic fire sprinklers.

2.3 The accessory detached dwelling unit does not exceed 1,200 square feet in size.

2.4 The unit is on the same lot as the primary residence.

2.5 The unit meets all access and water supply requirements of Chapter 5 and Appendix B and C of the 2019 California Fire Code.

3. In all new basements and in existing basements that are expanded by more than 50 percent.

R337.1.3 is amended as follows:

**R337.1.3 Application.** New 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 classified as a Group U occupancy 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 Group U occupancy of any size ~~located at least 50 feet from an applicable building.~~

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

4. Additions to and remodels of buildings originally constructed prior to the applicable application date.

5. Group C, special buildings conforming to the limitations specified in Section 450.4.1.

For the purpose of this section and Section R337.10, applicable building includes all buildings that have residential, commercial, educational, institutional, or similar occupancy type use.

R337.7.9 is amended as follows:

**R337.7.9 Underside of appendages.** ~~When required by the enforcing agency~~ The underside of overhanging appendages shall be enclosed to grade in accordance with the requirements of this chapter or the underside of the exposed under-floor shall consist of one of the following:

1. Noncombustible material
2. Ignition-resistant material
3. One layer of 5/8-inch Type X gypsum sheathing applied behind an exterior covering on the underside of the floor projection
4. The exterior portion of a 1-hour fire resistive exterior wall assembly applied to the underside of the floor including assemblies using the gypsum panel and sheathing products listed in the Gypsum Association Fire Resistance Design Manual
5. The underside of a floor assembly that meets the performance criteria in accordance with test procedures set forth in either of the following:
  - 5.1 SFM Standard 12-7A3; or
  - 5.2 ASTM E2957

**Exception:** Structural column and beams do not require protection when constructed with sawn lumber or glue laminated wood with the smallest minimum nominal dimension of 4 inches (102 mm). Sawn or glue-laminated planks splined, tongue-and-groove, or set close together and well spiked.

R337.10.3 is amended as follows:

**R337.10.3 Where required.** ~~No requirements shall apply to accessory building or miscellaneous structures when located at least 50 feet from an applicable building. Applicable accessory buildings and attached miscellaneous structures, or detached miscellaneous structures that are installed at a distance of less than 3 feet from an applicable building, shall comply with this section. When required by the enforcing agency, detached miscellaneous structures that are installed at a distance of more than 3 feet but less than 50 feet from an applicable building shall comply with the requirements of this section.~~

~~**R337.10.3.1 Accessory building requirements.** Applicable accessory buildings that are less than 120 square feet in floor area and are located more than 30 feet but less than 50 feet from an applicable building shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section R337.4.2.~~

~~**R337.10.3.2 Attached miscellaneous structure requirements.** Applicable miscellaneous structures that are attached to, or installed at a distance of less than 3 feet from, an applicable~~

~~building shall be constructed of non-combustible materials or of ignition-resistant materials as described in Section R337.4.2.~~

~~**R337.10.3.3 Detached miscellaneous structure requirements.** When required by the enforcing agency, applicable detached miscellaneous structures that are installed at a distance of more than 3 feet but less than 50 feet from an applicable building shall be constructed of noncombustible materials or of ignition-resistant materials as described in Section R337.4.2. Applicable accessory buildings and attached miscellaneous structures or detached miscellaneous structures shall comply with this section and shall be constructed of noncombustible materials or of ignition-resistant materials as described in section R337.4.2.~~

R902.1.2 is amended as follows:

**R902.1.2 Roof coverings within state responsibility 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 fire-retardant roof covering that is at least ~~Class B~~ Class A.

R902.1.3 is amended as follows:

**R902.1.3 Roof coverings in 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 fire-retardant roof covering that is at least ~~Class C~~ Class A.

R902.1.4 is amended as follows:

**R902.1.4 Roofing requirements in a wildland urban interface fire area.** The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A. Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall also comply with Section R337.5.

**Sec. 6.150.040. Limits on methods using Gypsum Board and Cement Plaster.**

Table R602.10.3(3) is amended as follows:

TABLE R602.10.3(3)g

Footnote "g" is added to Table R602.10.3(3) as follows:

g. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted, and the use of Method PCP is limited to one-story dwellings and accessory structures.

R602.10.4 Construction methods for braced wall panels is amended to add Section R602.10.4.5 Limits on methods GB and PCP.

R602.10.4.5 is added as follows:

**R602.10.4.5 Limits on methods GB and PCP.** In Seismic Design Categories D0, D1, and D2, Method GB is not permitted, but GB is permitted to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story dwellings and accessory structures.

## SECTION II

**CHAPTER 9, Article III, IS DELETED IN ITS ENTIRETY AND REPLACED WITH THE FOLLOWING:**

### **Sec. 9.30.005. Adoption of 2019 CFC and 2018 IFC**

Adoption of the 2019 California Fire Code and 2018 International Fire Code.

There is hereby adopted by the Town for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the 2019 California Fire Code and also the International Fire Code 2018 Edition, including Appendix Chapters B, C, and O and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended by this ordinance, of which one copy has been filed for use and examination by the public in the office of the Town Building Official and the Town Fire Chief and the same adopted and incorporated as fully as if set out at length herein, and from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the Town of Los Gatos.

## **CHAPTER 1, DIVISION II Administration**

Chapter 1 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### **105 PERMITS**

105.6.8 is amended as follows:

**105.6.8 Compressed gases.** An operational permit is required for the storage, use or handling at normal temperature and pressure (NTP) of compressed gases in excess of the amounts listed in Table 105.6.8.

**Exception:**

1. Vehicles equipped for and using compressed gas as a fuel for propelling the vehicle.

Table 105.6.20 is amended as follows:

**TABLE 105.6.20  
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials: Gases Liquids Solids	See Section 105.6.8 55 gallons 500 pounds
Explosive materials	See Section 105.6.14
Flammable materials: Gases Liquids Solids	See Section 105.6.8 See Section 105.6.16 100 pounds
Highly toxic materials: Gases Liquids Solids	See Section 105.6.8 Any Amount Any Amount
<u>Moderately toxic materials:</u> <u>Gases</u>	<u>See Section 105.6.8</u>
<u>Other health hazard materials:</u> <u>Gases</u> <u>Liquids</u> <u>Solids</u>	<u>See Section 105.6.8</u> <u>55 gallons</u> <u>500 pounds</u>
Oxidizing materials: Gases Liquids: Class 4 Class 3 Class 2 Class 1 Solids: Class 4	See Section 105.6.8  Any Amount 1 gallon <sup>a</sup> 10 gallons 55 gallons  Any Amount

Class 3	10 pounds <sup>b</sup>
Class 2	100 pounds
Class 1	500 pounds
Organic peroxides:	
Liquids	
Class I	Any Amount
Class II	Any Amount
Class III	1 gallon
Class IV	2 gallons
Class V	No Permit Required
Solids	
Class I	Any Amount
Class II	Any Amount
Class III	10 pounds
Class IV	20 pounds
Class V	No Permit Required
Pyrophoric materials:	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Toxic materials:	
Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials:	
Liquids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any Amount
Class 3	Any Amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive materials:	
Liquids	
Class 3	Any Amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any Amount
Class 2	50 pounds

Class 1	500 pounds
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For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg.

- a. 20 gallons for Class 3 oxidizers when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.
- b. 200 pounds for Class 3 oxidizers when Table 5003.1.1(1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

105.6.30 is deleted as follows:

~~105.6.30 Mobile food preparation vehicles. A permit is required for mobile food preparation vehicles equipped with appliances that produce smoke or grease-laden vapors.~~

**Sec. 9.30.770. Day care facility permit.**

105.6.52 is added as follows:

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

**Sec. 9.30.775. Institutional permits.**

105.6.53 is added as follows:

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

105.6.54 is added as follows:

**105.6.54 Lithium Batteries.** An operational permit is required to collect or store more than 1,000 pounds (454 kg) of lithium batteries.

105.6.55 is added as follows:

**105.6.55 Additive Manufacturing.** An operational permit is required to conduct additive manufacturing operations as covered in Section 321.3.

105.7.4 is amended as follows:

**[A] 105.7.4 Compressed gases.** A construction permit is required to install any piped distribution system for compressed gases, or to install a non-flammable medical gas manifold system. A construction permit is required to ~~Where the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a construction permit is required to~~ install, repair damage to, abandon, remove, place temporarily out of service, close substantially, or modify a compressed gas system.

**Exceptions:**

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

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

105.7.5 is amended as follows:

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

**Sec. 9.30.745 Construction permit fees.**

106.2.1 is added as follows:

**106.2.1 Construction permit fees.** Construction permit fees and plan review fees for fire hydrant systems, fire extinguishing systems, and fire alarm systems shall be paid to the Santa Clara County Fire Department in accordance with the following table based on valuation. The valuation shall be limited to the value of the system installation for which the permit is being issued. Plan review fees are 65 percent of the Permit Fee amount. For the purposes of determining the total fee amount for each permit, the plan review fee shall be added to the Permit Fee.

<u>TOTAL VALUATIONS</u>	<u>PERMIT FEE</u>
<u>\$1.00 TO \$500.00</u>	<u>\$23.50</u>
<u>\$501.00 TO \$2,000.00</u>	<u>\$23.50 for the first \$500.00 plus \$3.05 for each additional \$100.00, or fraction thereof, to and including \$2,000.00</u>
<u>\$2001.00 TO \$25,000.00</u>	<u>\$69.25 for the first \$2,000.00 plus \$14.00 for each additional \$1,000.00 or fraction thereof, to and including \$25,000.00</u>
<u>\$25,001.00 TO \$50,000.00</u>	<u>\$391.25 for the first \$25,000.00 plus \$4.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00</u>
<u>\$50,001.00 TO \$100,000.00</u>	<u>\$630.15 for the first \$50,000.00 plus \$13.60 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00</u>
<u>\$100,001.00 to \$500,000.00</u>	<u>\$986.75 for the first \$100,000.00 plus \$7.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00</u>
<u>\$500,001 to \$1,000,000.00</u>	<u>\$3,228.15 for the first \$500,000.00 plus \$5.35 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00</u>
<u>\$1,000,001 and up</u>	<u>\$5,604.00 for the first \$1,000,000.00 plus \$4.75 for each additional \$1,000.00, or fraction thereof</u>
<u>Additional re-inspections, in connection with the permits above, are to be paid at \$120.00 for each occurrence at the discretion of the fire code official.</u>	
<u>Cancelled inspections without advance notice are to be paid at \$120.00 for each occurrence.</u>	

**Sec. 9.30.750. Operational permit fees.**

106.2.2 is added as follows:

**106.2.2 Operational permit fees.** Operational permit fees shall be paid to the Santa Clara County Fire Department as follows:

	<u>FACILITY TYPE</u>	<u>PERMIT FEE</u>
<u>1.</u>	<u>Institutional</u>	
	<u>A. More than 6 persons</u>	<u>\$75.00 - Annually</u>
	<u>B. Over 50 persons</u>	<u>\$100.00 - Annually</u>
<u>2.</u>	<u>Day Care Facilities</u>	
	<u>More than 6 clients</u>	<u>\$35.00 - Annually</u>
<u>3.</u>	<u>Places of Assembly</u>	
	<u>A. 50-300 persons</u>	<u>\$50.00 - Annually</u>
	<u>B. Over 300 persons</u>	<u>\$85.00 - Annually</u>
<u>4.</u>	<u>Temporary Membrane Structures, Tents, and Canopies</u>	<u>\$85.00 – Each</u>

(Only those requiring permits in accordance with Section 105.6.47).	occurrence
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**Sec. 9.30.780. Final inspection.**

107.5 is added as follows:

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

**Sec. 9.30.785. Violations.**

110.4 is deleted as follows:

~~**[A] 110.4 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 a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

**CHAPTER 2  
DEFINITIONS**

Chapter 1 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

**202 GENERAL DEFINITIONS**

202 is amended as follows:

**3D PRINTER.** A machine used in the additive manufacturing process for fabricating objects through the deposition of a material using a print head, nozzle, or another printer technology.

**ADDITIVE MANUFACTURING.** A process of joining materials to make objects from 3D model data, usually layer upon layer, sometimes referred to as 3D printing. The Code recognizes two types of additive manufacturing:

1. Industrial additive manufacturing. 3D printing operations that typically utilize combustible powders or metals, an inert gas supply, a combustible dust collection system, or that create a hazardous (classified) location area or zone outside of the equipment.
2. Non-industrial additive manufacturing. 3D printing operations that do create a hazardous (classified) location area outside of the equipment, and do not utilize an inert gas supply or a combustible dust collection system.

**CORROSIVE LIQUID.** Corrosive liquid is:

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

**MINIMUM THRESHOLD QUANTITY.** Minimum threshold quantity is the aggregate of highly toxic, toxic, or moderately toxic gases in a control area which, due to the minimum aggregate quantities, need only comply with the requirements set forth in Section 6004.1

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

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

**SECONDARY CONTAINMENT.** Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a reasonable period of time to ensure detection and remedy of the primary containment failure.

**SPILL CONTROL.** That level of containment that is external to and separate from the primary containment and is capable of safely and securely containing the contents of the largest container and prevents the materials from spreading to other parts of the room.

**WORKSTATION** is a defined space or an independent principal piece of equipment using ~~HPM within a fabrication area~~ hazardous material with a hazard rating of 3 or 4 in accordance with NFPA 704 where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials storage cabinets, flammable liquid storage cabinets

or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, detection devices, electrical devices, and other processing and scientific equipment.

### **CHAPTER 3 GENERAL REQUIREMENTS**

Chapter 3 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

315.8 is added as follows:

#### **315.8 LITHIUM BATTERY STORAGE AND HANDLING**

**315.8 Lithium Battery Storage and Handling.** The storage and handling of lithium ion and lithium metal batteries or cells in quantities exceeding 1,000 pounds (4086 kg) shall comply with Section 315.8.1 through 315.8.10, and Chapter 32 where applicable.

**315.8.1 Permits.** Permits shall be required as set forth in Section 105.6.54.

**315.8.2 Maximum quantity in a fire area.** The aggregate amount of lithium batteries stored and handled in a single fire area shall not exceed 9,000 pounds (4086 kg).

**315.8.3 Construction requirements.** Fire areas shall be separated from each other by fire barriers having not less than 2-hour fire resistance rating constructed in accordance with Section 707 of the Building Code and horizontal assemblies constructed in accordance with Section 711 of the Building Code.

**315.8.4 Number of fire areas.** The maximum number of fire areas within a building shall be four.

**315.8.5 Group H, Division 2 occupancy.** Storage and handling of more than 9,000 pounds of lithium batteries per fire area shall be in an approved Group H, Division 2 occupancy constructed in accordance with the Building Code and provided throughout with approved automatic smoke detection and radiant-energy detection systems.

**315.8.6 Automatic sprinkler system.** Buildings containing fire areas used for lithium battery storage or handling shall be equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1. The design of the sprinkler system within each fire area shall not be less than that required for Extra Hazard Group 2 with a minimum design area of 2,500 square feet. Where the storage arrangement is required by other provisions of this code to be provided with a higher level of sprinkler system protection, the higher level of sprinkler system protection shall be provided.

**315.8.7 Automatic smoke detection system.** An approved automatic smoke detection system that activates an approved occupant notification system shall be provided throughout each fire area in accordance with Section 907.

**315.8.8 Radiant energy detection.** An approved radiant-energy detection system that activates an approved occupant notification system shall be installed throughout each fire area in accordance with Section 907.

**315.8.9 Collection containers.** Containers used to collect or store lithium batteries shall be noncombustible and shall not have an individual capacity exceeding 30 gallons (113.6 L), or be approved for transportation in accordance with the Department of Transportation (DOT).

**315.8.10 Storage configuration.** Lithium batteries shall be considered a high-hazard commodity in accordance with Chapter 32 and where applicable, lithium battery storage shall comply with Chapter 32 in addition to Section 315.8.

## **316 HAZARDS TO FIRE FIGHTERS**

316.7 is added as follows:

**316.7 Roof guardrails at interior courts.** Roof openings into interior courts that are bounded on all sides by building walls shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

### **Exception:**

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

321 is added as follows:

## **321 ADDITIVE MANUFACTURING**

**321.1 General.** Additive manufacturing equipment and operations shall comply with Section 321.

**321.1.1 Scope.** Additive manufacturing shall comply with one of the following:

1. Non-industrial additive manufacturing shall comply with Section 321.2.
2. Industrial additive manufacturing shall comply with Section 321.3.

**321.1.2 Installation, operation and maintenance.** 3D printers and associated additive manufacturing equipment shall be installed, operated, and maintained in accordance with this Code, the listing, and the manufacturer's instructions.

**321.1.3 Production materials.** Only the production materials listed for use with the equipment and included in the manufacturer's instructions shall be used.

**321.2 Non-industrial additive manufacturing.** Non-industrial additive manufacturing equipment and operations shall comply with Section 321.2.1 through 321.2.4. Additive manufacturing equipment and operations that do not comply with Section 321.2 shall comply with Section 321.3.

**321.2.1 Listing.** 3D printers used in non-industrial additive manufacturing shall be listed and labeled in accordance with UL 60950-1, UL 62368-1, or UL 2011. The listing shall also verify:

1. The 3D printers are self-contained and utilize maximum 30-liter pre-packaged production materials.
2. The operation of the 3D printers shall not create a hazardous (classified) electrical area or outside of the unit.
3. If any hazardous (classified) electrical area or zone exists inside of the unit's outer enclosure, the area shall be protected by intrinsically safe electrical construction or other acceptable protection methods.
4. The 3D printers shall not utilize inert gas or an external combustible dust collection.

**321.2.2 Occupancies.** Non-industrial additive manufacturing shall be permitted in all occupancy groups.

**321.3 Industrial additive manufacturing.** Industrial additive manufacturing equipment and operations shall comply with Section 321.3.1 through 321.3.13.

**321.3.1 Permits required.** Permits shall be obtained from the fire code official in accordance with Section 105.6.55 prior to engaging in industrial additive manufacturing operations.

**321.3.2 Listing.** 3D printers used in industrial additive manufacturing shall be listed and labeled in accordance with UL 2011 or approved for the application based on a field evaluation conducted by an approved agency.

**321.3.3 Combustible dusts and metals.** Industrial additive manufacturing operations that store, use, or produce combustible dust, combustible particulate solids, or combustible metals shall comply with Chapter 22 and this section.

**321.3.4 Powder evaluation.** Printing powders used in industrial additive manufacturing operations shall be tested for combustibility in accordance with NFPA 484 or NFPA 652 as applicable. A copy of test reports shall be provided to the fire code official upon request.

**321.3.5 Combustible (non-metallic) dusts.** Industrial additive manufacturing that uses operations that store, use, or produce combustible (non-metallic) dusts shall comply with NFPA 654.

**321.3.6 Combustible metals.** Industrial additive manufacturing operations that store or use combustible metals shall also comply with NFPA 484.

**321.3.7 Ancillary equipment.** Ancillary equipment provided for recycling, sieving, vacuuming, or handling combustible powders shall be designed and approved for such use.

**321.3.8 Hazardous materials.** Industrial additive manufacturing operations that store or use hazardous materials exceeding the maximum allowable quantity limits shall comply with Chapter 50.

**321.3.9 Inert Gas.** Additive manufacturing processes that utilize inert gases shall comply with Chapter 53. Ventilation or gas detection shall be provided in accordance with Section 5307.

**321.3.10 Technical assistance.** Where required by the fire code official, a report evaluating the acceptability of technologies, processes, products, facilities, materials, and uses associated with the operation shall be provided in accordance with 104.7.2 and approved.

**321.3.11 Performance based design alternative.** Where approved by the fire code official, buildings and facilities where industrial additive manufacturing is performed shall be permitted to comply with the performance-based design options in Section 5001.3 as an alternative to compliance with the other requirements set forth in this Section.

**321.3.12 Occupancies.** Industrial additive manufacturing shall only be conducted in the occupancy groups associated with manufacturing operations. The occupancy may be required by the fire code official to comply with Chapter 50 maximum allowable quantity tables. Where approved, the requirements in Sections 321.2.5 and 321.3.6 shall be permitted to provide the technical basis for determining compliance with Table 5003.1.1(1), footnote q.

**321.3.13 Safety Certification.** The equipment, process, training procedures, and occupancy associated with industrial additive manufacturing may be required by the fire code official to receive a safety certification from Underwriter's Laboratory or equivalent.

## CHAPTER 5 FIRE SERVICE FEATURES

Chapter 5 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### 503 FIRE APPARATUS ACCESS ROADS

503.1 is amended as follows:

**503.1 Where required.** Fire apparatus access roads shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3 and as per fire department access road standards.

503.1.1 is amended as follows:

**503.1.1 Buildings and facilities.** Approved fire apparatus access roads shall be provided for every facility, building or portion of a building hereafter constructed or moved into or within the jurisdiction. The fire apparatus access road shall comply with the requirements for this section and shall extend to within 150 feet (45 720 mm) of all portions of the facility and all portions of the exterior walls of the first story of the building as measured by an approved route around the exterior of the building or facility.

**Exceptions:**

1. The fire code official is authorized to increase the dimension of 150 feet (45 720 mm) where any of the following conditions occur:
  - 1.1 In other than R-3 occupancies, when the building is equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.11903.3.1.2 or 903.3.1.3, the dimension may be increased to a maximum of 300 feet when approved by the fire code official.
  - 1.2 When fire apparatus access roads cannot be installed because of ~~location on property,~~ topography, waterways, nonnegotiable grades, or other similar conditions, ~~and an approved alternative means of fire protection is~~ shall be provided.
  - 1.3 When there are no more than two Group R-3 or accessory Group U occupancies, the dimension may be increased to a maximum of 200 feet.
2. Where approved by the fire code official, fire apparatus access roads shall be permitted to be exempted or modified for solar photovoltaic power generation facilities.

503.2.1 is amended as follows:

**503.2.1 Dimensions.** Fire apparatus access roads shall have an unobstructed width of not less than 20 feet (6096 mm), exclusive of shoulders, or as required by fire department access road standards, except for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4115 mm).

**Exception:**

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

503.2.2 is amended as follows:

**503.2.2 Authority.** The fire code official shall have the authority to require or permit modifications to the required access widths and/or vertical clearance where they are inadequate for fire or rescue operations or where necessary to meet the public safety objectives of the jurisdiction.

## **504 ACCESS TO BUILDING OPENING AND ROOFS**

504.5 is added as follows:

**504.5 Access control devices.** When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to or within the building are installed, such devices shall be approved by the fire code official. All electrically powered access control devices shall be provided with an approved means for deactivation or unlocking from a single location or otherwise approved by the fire code official.

Access control devices shall also comply with Chapter 10 Means of Egress.

## **510 EMERGENCY RESPONDER RADIO COVERAGE**

510.1 is amended as follows:

**510.1 Emergency responder radio coverage in new buildings.** ~~New buildings shall have~~ Approved radio coverage for emergency responders shall be provided within all the buildings meeting any one of the following conditions: based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

1. There are more than 3 stories above grade plane (as defined by the Building Code Section 202);
2. The total building area is 30,000 square feet or more;
3. The total basement area is 5,000 square feet or more; or
4. Where required by the fire code official and radio coverage signal strength levels are not consistent with the minimum levels set forth in Section 510.4.1.

### **Exceptions:**

1. Where approved by the ~~building official and the~~ fire code official, a wired communication system in accordance with Section 907.2.12.2 shall be permitted to be installed or maintained in ~~instead~~ lieu of an approved radio coverage system.

2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. Buildings and areas of buildings that have minimum radio coverage signal strength levels of the Silicon Valley Regional Interoperability Authority (SVRIA) P25 Phase 2 700 MHz Digital Trunked Radio System within the building in accordance with Section 510.4.1 without the use of an indoor radio coverage system.

The radio coverage system shall be installed and maintained in accordance with Sections 510.4 through 510.6.4 of this code and with the applicable provisions of NFPA 1221, Standard for the Installation, and Maintenance and Use of Emergency Services Communications Systems.

The coverage shall be based upon the existing coverage levels of the public safety communication systems of the jurisdiction at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

510.1.1 is added as follows:

**510.1.1 Obstruction by new buildings.** No obstruction of the public safety system backhaul shall be allowed without an approved mitigating plan.

510.2 is deleted as follows:

~~**510.2 Emergency responder radio coverage in existing buildings.** Existing buildings shall be provided with approved radio coverage for emergency responders as required in Chapter 11.~~

510.3 is amended as follows:

**510.3 Permit required.** A construction permit, for the installation of, or modification to emergency responder radio coverage systems and related equipment is required as specified in Section 105.7.6. Maintenance performed in accordance with this code is not considered a modification and does not require a permit. A frequency change made to an existing system is considered to be new construction and will require a construction permit.

510.4 is amended as follows:

**510.4 Technical requirements.** Systems, components and equipment required to provide the emergency responder radio coverage system shall comply with ~~Section 510.4.1 through~~

~~510.4.2.8.~~ the current Emergency Responders Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

510.4.1.1 is amended as follows:

**510.4.1.1 Minimum signal strength into the building.** The minimum inbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The inbound signal level shall be sufficient to provide not less than a Delivered Audio Quality (DAQ) of 3.0 for analog communications and a DAQ of 3.4 for digital communications systems or an equivalent Signal-to-Interference-Plus-Noise Ratio (SINR) applicable to the technology ~~for either analog or digital signals.~~

510.4.1.2 is amended as follows:

**510.4.1.2 Minimum signal strength out of the building.** The minimum outbound signal strength shall be sufficient to provide usable voice communications throughout the coverage area as specified by the fire code official. The outbound signal level shall be sufficient to provide not less than a DAQ of 3.0 for analog communications and a DAQ of 3.4 for digital communications systems or an equivalent SINR applicable to the technology ~~for either analog or digital signals.~~

510.5 is amended as follows:

**510.5 Installation requirement.** The installation of the ~~public safety radio~~ emergency responder radio coverage system shall be in accordance with NFPA 1221 and ~~Sections 510.5.1 through 510.5.4~~ the current Emergency Responder Radio Coverage Systems Standard Details & Specification enforced by the Santa Clara County Fire Department.

510.5.1 is amended as follows:

**510.5.1 Approval prior to installation.** Amplification systems capable of operating on frequencies licensed to any public safety agency by the FCC or other radio licensing authority shall not be installed without prior coordination and approval of the fire code official and the agency FCC license holder or systems administrator.

Amend the First Paragraph of 510.5.3 as follows:

**510.5.3 Acceptance test procedure.** Where an emergency responder radio coverage system is required, and upon completion of installation, the building owner shall have the radio system tested to verify that two-way coverage on each floor of the building is not less than 95 percent. Final system acceptance will require ERRCS power level and DAQ testing with the agency FCC license holder, systems administrators, or designee.

## BUILDING SERVICES AND SYSTEMS

Chapter 6 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### 603 FUEL-FIRED APPLIANCES

603.4.2.1.1 is amended as follows:

**603.4.2.1.1 Prohibited locations.** The storage or use of portable outdoor gas-fired heating appliances is prohibited in any of the following locations:

1. Inside of any occupancy where connected to the fuel gas container.
2. Inside of tents, canopies and membrane structures.
3. On exterior balconies and rooftops in other than R-3 occupancies.

### 604 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

604.12 is added as follows:

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

## CHAPTER 8 INTERIOR FINISH, DECORATIVE MATERIALS AND FURNISHINGS

Chapter 8 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### 806 NATURAL DECORATIVE VEGETATION IN NEW AND EXISTING BUILDINGS

806.1.1 is amended as follows:

**806.1.1 Restricted occupancies.** ~~Natural cut trees shall be prohibited within ambulatory care facilities and Group A, E, I-2, I-3, I-4, M, R-1, R-2 and R-4 occupancies.~~ The display of natural cut trees and other decorative vegetation shall be in accordance with the California Code of Regulations, Title 19, Division 1, Section 3.08 and Sections 806 .1 through 806.4.

#### Exceptions:

1. Trees located in areas protected by an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2 shall not be prohibited in Groups A, E, M,

R-1 and R-2.

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

## CHAPTER 9 FIRE PROTECTION AND LIFE SAFETY SYSTEMS

Chapter 9 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### 901 GENERAL

901.6.3 is amended as follows:

**901.6.3 Records.** Records of all system inspections, tests and maintenance required by the referenced standard shall be maintained on the premises for a minimum of five years. Inspections and tests performed on fire alarm systems shall be documented on NFPA 72 forms.

### 903 AUTOMATIC SPRINKLER SYSTEMS

903.2 is amended as follows:

**903.2 Where required.** Approved automatic sprinkler system in new and existing buildings and structures shall be provided in the locations described in this Section or in Sections 903.2.1 through 903.2.18 whichever is the more restrictive. For the purposes of this section, firewalls and fire barriers used to separate building areas shall be constructed in accordance with the California Building Code and shall not be utilized as a means of area reduction for the purposes of circumventing automatic fire sprinkler system installation requirements.

1. An approved automatic sprinkler system shall be provided throughout all new buildings and structures.

#### **Exceptions:**

- a. Buildings and structures that do not exceed 1,000 square feet of building area and that are not located in the Wildland-Urban Interface Fire Area.
- b. Buildings and structures that are located in the Wildland-Urban Interface Fire Area and do not exceed 500 square feet of building area.
- c. Group S-2 or U occupancies that are not located in the Wildland-Urban Interface and used exclusively for vehicle parking and meeting all of the following conditions:
  - i. Noncombustible construction;
  - ii. Maximum building area not to exceed 5,000 square feet;

- iii. Structure is open on three (3) or more sides; and
  - iv. Minimum of 10 feet separation from existing buildings unless area is separated by fire walls complying with CBC 706.
2. An automatic sprinkler system shall be provided throughout existing buildings and structures when alterations or additions are made that create conditions described in Sections 903.2.1 through 903.2.18.
  3. An automatic sprinkler system shall be provided throughout existing buildings and structures, when additions are made that increase the building area to more than 3,600 square feet.

**Exception:** One or more additions made to a building after January 1, 2011 that does not total more than 1,000 square feet of building area.

4. An automatic sprinkler system shall be provided throughout all new basements regardless of size and throughout existing basements that are expanded by more than 50 percent.
5. Any change in the character of occupancy or in use of any building with a building area equal to or greater than 3,600 square feet which, in the opinion of the fire code official or building official, would place the building into a more hazardous division of the same occupancy group or into a different group of occupancies and constitutes a greater degree of life safety or increased fire risk, shall require the installation of an approved automatic fire sprinkler system.

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

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

903.2.18 is amended as follows:

**903.2.18 Group U private garages and carports accessory to Group R-3 occupancies.** Carports with habitable space above and attached garages, accessory to Group R-3 occupancies, shall be protected by residential fire sprinklers in accordance with this section. Residential fire sprinklers shall be connected to, and installed in accordance with, an automatic residential fire sprinkler system that complies with Section R313 of the California Residential Code or with NFPA 13D. Fire sprinklers shall be residential sprinklers or quick-response sprinklers, designed to provide a minimum density of 0.05 gpm/ft<sup>2</sup> (2.04 mm/min) over the area of the garage and/or carport,

but not to exceed two sprinklers for hydraulic calculation purposes. Garage doors shall not be considered obstructions with respect to sprinkler placement.

Exception:

An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing carports and/or garages that do not have an automatic residential fire sprinkler system installed in accordance with this section.

## 909 SMOKE CONTROL SYSTEMS

909.20.1 is amended as follows:

**909.20.1 Schedule.** A routine maintenance and operational testing program shall be initiated immediately after the smoke control system has passed the acceptance tests. A written schedule for routine maintenance and operational testing shall be established and both shall occur at least annually.

## CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS.

Delete Chapter 11 of the 2018 International Fire Code in its entirety.

## CHAPTER 33 FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

Chapter 33 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### 3304 PRECAUTIONS AGAINST FIRE

3304.9 is added as follows:

**3304.9 Fire walls.** When firewalls are required in combustible construction, the wall construction shall be completed (with all openings protected) immediately after the building is sufficiently weather protected at the location of the wall(s).

### 3311 MEANS OF EGRESS

3311.1 is amended as follows:

**3311.1 Stairways required.** ~~Where building construction exceeds 40 feet (12 192 mm) in height above the lowest level of fire department vehicle access, a temporary or permanent stairway shall be provided. As construction progresses, such stairway shall be extended to~~

~~within one floor of the highest point of construction having secured decking or flooring.~~  
Each level above the first story in multi-story buildings that require two exit stairways shall be provided with at least two usable exit stairways after the floor decking is installed. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

**Exception:**

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

3311.1.1 is added as follows:

**3311.1.1 Required means of egress.** All buildings under construction shall have at least one unobstructed means of egress. All means of egress shall be identified in the pre-fire plan see Section 3308.3.

**CHAPTER 49  
REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS**

Chapter 49 of the 2019 California Fire Code is adopted with the following amendments:

**4902 DEFINITIONS**

Amend the following definition as follows:

**Wildland-Urban Interface Fire Area.** A geographical area identified by the state as a " Fire Hazard Severity Zone" in accordance with the Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, or other areas designated by the enforcing agency to be at a significant risk from wildfires. The Wildland-Urban Interface Fire Area shall be defined as all areas within the Town of Los Gatos as set forth and delineated on the map entitled "Wildland-Urban Interface Fire Area" which map and all notations, references, data, and other information shown thereon are hereby adopted and made a part of this chapter. The map properly attested, shall be on file in the Office of the Town Clerk of the Town of Los Gatos.

**4906 HAZARDOUS VEGETATION AND FUEL MANAGEMENT**

4906.2 is amended as follows:

**4906.2 Application.** Buildings and structures located in the following areas shall maintain the required hazardous vegetation and fuel management:

1. All unincorporated lands designated by the State Board of Forestry and Fire Protection as State Responsibility Areas (SRA) including:
  - 1.1 Moderate Fire Hazard Severity Zones
  - 1.2 High Fire Hazard Severity Zones
  - 1.3 Very-high Fire Hazard Severity Zones
2. Land designated as a Very-high Fire Hazard Severity Zone ~~by cities and other local agencies or~~ as a Wildland Urban Interface Fire Area by the Town of Los Gatos.

#### **4907 DEFENSIBLE SPACE**

4907.1 is amended as follows:

**4907.1 General.** Defensible space will be maintained around all buildings and structures in Sate Responsibility Area (SRA) as required in Public Resources Code 4290 and "SRA Fire Safe Regulations" California Code of Regulations, Title 14, Division 1.5, Chapter 7, Subchapter 2, Section 1270.

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

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

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

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

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

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

3. Remove portions of trees, which extend within 10 feet (3048 mm) of the outlet of a chimney.

4. Maintain trees adjacent to or overhanging a building free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles, or other dead vegetative growth.
6. Defensible space shall also be provided around water tank structures, water supply pumps, and pump houses.
7. Remove flammable vegetation a minimum of 10 feet around liquefied petroleum gas tanks/containers.
8. Firewood and combustible materials shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. The storage of firewood and combustible material within the defensible space shall be located a minimum of 30 feet (6096 mm) from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet (4572 mm).  
**Exception:** Firewood and combustible materials not for consumption on the premises shall be stored as approved by the fire code official.
9. Clear areas within 10 feet (3048 mm) of fire apparatus access roads and driveways of non-fire-resistive vegetation growth.  
**Exception:** Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents, or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

4907.2 is added as follows:

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

4908 is added as follows:

#### **4908 FIRE PROTECTION PLAN**

**4908.1 General.** When required by the fire code official, a fire protection plan shall be prepared.

**4908.2 Content.** The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions, and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space, and vegetation management.

**4908.3 Cost.** The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

**4908.4 Plan retention.** The fire protection plan shall be retained by the fire code official.

4909 is added as follows:

### **4909 WATER SUPPLY**

**4909.1 General.** Buildings and structures, or portions thereof, hereafter constructed or relocated into or within the Wildland-Urban Interface Fire Area shall be provided with fire protection water supplies in accordance with Chapter 5 and Section 4909.2.

**Exception:**

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

**4909.2 Standby power.** Standby power shall be provided to pumps, controllers, and related electrical equipment so that stationary water supply facilities within the wildland-urban interface area that are dependent on electrical power can provide the required water supply. The standby power system shall be in accordance with the Electrical Code. The standby power source shall be capable of providing power for a minimum of two hours.

**Exceptions:**

1. When approved by the fire code official, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

4910 is added as follows:

### **4910 IGNITION SOURCE CONTROL**

**4910.1 Fireworks.** Fireworks shall not be used or possessed in the Wildland-Urban Interface Fire Area.

## **CHAPTER 50 HAZARDOUS MATERIALS-GENERAL PROVISIONS**

Chapter 50 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### **5001 GENERAL**

5001.2.2.2 is amended as follows:

**5001.2.2.2 Health hazards.** The material categories listed in this section are classified as health hazards. A material with a primary classification as a health hazard can also pose a physical hazard.

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

5001.5.3 is added as follows:

**5001.5.3 Hazardous Materials Business Plan (HMBP).** Where required by the Fire code official, facilities shall submit a Hazardous Materials Business Plan (HMBP) as required by California Health & Safety Code (HSC), Chapter 6.95, Sections 25500 through 25545, and Title 19, Division 2, Chapter 4. The HMBP shall be electronically submitted in accordance with the fire code official's requested timeframe and no less frequently than is required by the HSC.

### **5003 GENERAL REQUIREMENTS**

5003.1.3.1 is added as follows:

**5003.1.3.1 Highly toxic, toxic, moderately toxic gases, and similarly used or handled materials.** The storage, use, and handling of highly toxic, toxic, and moderately toxic gases in amounts exceeding Table 6004.2.1.4 shall be in accordance with this chapter and Chapter 60. Any highly toxic, toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for highly toxic, toxic, or moderately toxic gases.

5003.1.5 is added as follows:

**5003.1.5 Other health hazards.** The storage, use, and handling of materials classified as other health hazards including carcinogens, irritants, and sensitizers in amounts exceeding 810 cubic feet for gases, 55 gallons for liquids, and 5,000 pounds for solids shall be in accordance with Section 5003.

5003.1.6 is added as follows:

**5003.1.6 Additional spill control and secondary containment requirements.** In addition to the requirements set forth in Section 5004.2, an approved containment system is required for any quantity of hazardous materials, that are liquids or solids at normal temperature, and pressure (NTP) where a spill is determined to be a plausible event and where such an event would endanger people, property, or the environment. The approved containment

system may be required to include a combination of spill control and secondary containment meeting the design and construction requirements set forth in Section 5004.2.

5003.2.2.1 is added as follows:

**5003.2.2.1 Design and construction.** Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

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

**Exception:**

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

6. Where gases or liquids having a hazard ranking of: Health Hazard Class 3 or 4  
Flammability Class 4  
Reactivity Class 4

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

**Exceptions:**

1. Piping for inlet connections designed to prevent backflow.

2. Piping for pressure relief devices.
7. Secondary containment or equivalent protection from spills or leaks shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Table 6004.2.1.4. Secondary containment includes but is not limited to double walled piping.

**Exceptions:**

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

5003.2.2.2 is amended as follows:

**5003.2.2.2 Additional regulation for supply piping for health-hazard materials.** Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 ~~in accordance with NFPA 704~~ shall be in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of highly toxic, toxic, or highly volatile corrosive liquids and gases shall have welded ~~threaded or flanged~~ or brazed connections throughout except for connections within ~~a ventilated or exhausted~~ enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.
2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H occupancies.

**EXCEPTION:** Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies ~~where~~ when installed in accordance with Section 415.11-~~6.4~~ of the California Building Code for Group H-5 occupancies.

3. All primary piping for highly toxic, toxic, and moderately toxic gases shall pass a helium leak test of  $1 \times 10^{-9}$  cubic centimeters/second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified third party not involved with the construction of the piping and control systems.

5003.3.1 is amended as follows:

**5003.3.1 Unauthorized discharges.** ~~In the event~~ Where hazardous materials are released in quantities reportable under state, federal, or local regulations or when there is release or a threatened release that presents a threat to health, property, or the environment, the fire code official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 5003.3.1.1 through 5003.3.1.4.

5003.5.2 is amended as follows:

**5003.5.2 Ventilation ducting.** Ducts venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

5003.5.3 is added as follows:

**5003.5.3 "H" occupancies.** In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

5003.9.11 is added as follows:

**5003.9.11 Fire extinguishing systems for workstations dispensing, handling, or using hazardous materials.** Combustible and non-combustible workstations, which dispense, handle, or use hazardous materials, shall be protected by an approved automatic fire extinguishing system in accordance with Section 2703.10.

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

5003.10.4 is amended as follows:

**5003.10.4** Elevators utilized to transport hazardous materials.

**5003.10.4.1** When transporting hazardous materials, elevators shall have no other passengers other than in the individual(s) handling the chemical transport cart.

**5003.10.4.2** Hazardous materials liquid containers shall have a maximum capacity of 20 liters {5.28 gal).

**5003.10.4.3** Highly toxic, toxic, and moderately toxic gases shall be limited to a container of a maximum water capacity of 1lb.

**5003.10.4.4** Means shall be provided to prevent the elevator from being summoned to other floors.

## 5004 STORAGE

5004.2.1 is amended as follows:

**5004.2.1 Spill control for hazardous material liquids.** Rooms, buildings or areas used for storage of hazardous material liquids in individual vessels having a capacity of more than 55 gallons (208 L), or in which the aggregate capacity of multiple vessels exceeds 1,000 gallons (3785 L), shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor and outdoor locations or similar areas ~~in outdoor locations~~ provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems, including containment pallets in accordance with Section 5004.2.3.
4. Other approved engineered systems.

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

5004.2.2.2 is amended as follows:

**5004.2.2.2 Incompatible materials.** Incompatible materials ~~used in open systems~~ shall be separated from each other in ~~the~~ independent secondary containment systems.

5004.2.3 is amended as follows:

**5004.2.3 Containment pallets.** Where used as an alternative to spill control and secondary containment for outdoor storage in accordance with the exception in Section 5004.2, containment pallets shall comply with all of the following:

1. A liquid-tight sump ~~with access~~ accessible for visual inspection shall be provided;
2. The sump shall be designed to contain not less than 66 gallons (250L);
3. Exposed surfaces shall be compatible with material stored;
4. Containment pallets shall be protected to prevent collection of rainwater within the sump of the containment pallet.

Combustible containment pallets shall not be used inside buildings to comply with Section 5004.2 where the individual container capacity exceeds 55 gallons (208 L) or an aggregate capacity of multiple containers exceeds 1,000 gallons (3785 L) for liquids or where the individual container capacity exceeds 550 pounds (250 kg) or an aggregate of multiple containers exceeds 10,000 pounds (4540 kg) for solids.

## CHAPTER 56 EXPLOSIVES AND FIREWORKS

Chapter 56 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### 5601 GENERAL

5601.1.3 is amended as follows:

**5601.1.3 Fireworks.** The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

Exceptions:

- ~~1. Storage and handling of fireworks as allowed in Section 5604.~~
- ~~2. Manufacture, assembly and testing of fireworks as allowed in Section 5605 and Health and Safety Code Division 11.~~
- ~~3. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience and pyrotechnic special effects in motion pictures, television theatrical or group entertainment productions as allowed in Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and Health and Safety Code Division 11.~~
- ~~4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by applicable laws, ordinances and regulations, provided that such fireworks and facilities comply with NFPA 1124, CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100-185, as applicable for consumer fireworks and Health and Safety Code Division 11.~~

The use of fireworks for firework displays as allowed in Section 5608

## CHAPTER 57 FLAMMABLE AND COMBUSTIBLE LIQUIDS

Chapter 57 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

## 5704 STORAGE

5704.2.7.5.8 is amended as follows:

**5704.2.7.5.8 Overfill prevention.** An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by Sections 5706.4 or 5706.7 shall have overfill protection in accordance with API 2350.

An approved means or method in accordance with Section 5704.2.9.7.5 shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel-burning equipment inside buildings.

~~Exception:~~

~~Outside above-ground tanks with a capacity of 1,320 gallons (5000 L) or less.~~

5704.2.7.5.9 is added as follows:

**5704.2.7.5.9 Automatic filling of tanks.** Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the fire code official, that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shut off shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

5704.2.9.6.1 is amended as follows:

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited [jurisdiction to specify] in all locations of the Town of Los Gatos, which are residential or congested commercial areas as determined by the fire code official.

## 5706 SPECIAL OPERATIONS

5706.2.4.4 is amended as follows:

**5706.2.4.4 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited [Jurisdiction to specify] in all locations of the Town of Los Gatos, which are residential or congested commercial areas as determined by the fire code official.

## 5707 ON-DEMAND MOBILE FUELING OPERATIONS

5707.3.3 is amended as follows:

**5707.3.3 Site plan.** ~~Where required by the fire code official~~ A site plan shall be developed for each location at which mobile fueling occurs. The site plan shall be in sufficient detail to indicate: all buildings, structures, lot lines, property lines, and appurtenances on site and their use ~~or~~ and function; all uses adjacent to the lot lines of the site; fueling locations, the locations of all storm drain openings, and adjacent waterways or wetlands; information regarding slope, natural drainage, curbing, impounding, and how a spill will be kept on the site property; and the scale of the site plan.

## CHAPTER 58 FLAMMABLE GASES AND FLAMMABLE CRYOGENIC FLUIDS

Chapter 58 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendment:

### 5806 FLAMMABLE CRYOGENIC FLUIDS

5806.2 is amended as follows:

**5806.2 Limitations.** The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited [Jurisdiction to specify] in all locations of the Town of Los Gatos, which are residential or congested commercial areas as determined by the fire code official.

### 5809 MOBILE GASEOUS FUELING OF HYDROGEN-FUELED VEHICLES

5809.3.4 is amended as follows:

**5809.3.4 Site plan.** ~~Where required by the fire code official~~ For other than emergency roadside service, a site plan shall be developed for each location at which mobile gaseous hydrogen fueling occurs. The site plan shall be in sufficient detail to indicate; all buildings, structures, lot lines, property lines and appurtenances on site and their use and function, and the scale of the site plan.

## CHAPTER 60 HIGHLY TOXIC, TOXIC AND MODERATELY TOXIC MATERIALS

Chapter 60 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

## **6001 GENERAL**

6001.1 is amended as follows:

**6001.1 Scope.** The storage and use of highly toxic, toxic, and moderately toxic materials shall comply with this chapter. Compressed gases shall also comply with Chapter 53.

### **Exceptions:**

1. Display and storage in Group M and storage in Group S occupancies complying with Section 5003.11.
2. Conditions involving pesticides or agricultural products as follows:
  - 2.1 Application and release of pesticide, agricultural products and materials intended for use in weed abatement, erosion control, soil amendment or similar applications when applied in accordance with the manufacturer's instruction and label directions.
  - 2.2 Transportation of pesticides in compliance with the Federal Hazardous Materials Transportation Act and regulations there under.
  - 2.3 Storage in dwellings or private garages of pesticides registered by the U.S. Environmental Protection Agency to be utilized in and around the home, garden, pool, spa and patio.

## **6004 HIGHLY TOXIC, TOXIC AND MODERATELY TOXIC COMPRESSED GASES**

6004.1 is amended as follows:

**6004.1 General.** The storage and use of highly toxic, toxic, and moderately toxic compressed gases shall comply with this section.

6004.1.1 is amended as follows:

**6004.1.1 Special limitations for indoor storage and use by occupancy.** The indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases in certain occupancies shall be subject to the limitations contained in Sections 6004.1.1.1 through 6004.1.1.3.

6004.1.1.1 is amended as follows:

**6004.1.1.1 Group A, E, I or U occupancies.** Highly toxic, toxic, and moderately toxic compressed gases shall not be stored or used within Group A, E, I or U occupancies.

**Exception:** Cylinders not exceeding 20 cubic feet (0.556m<sup>3</sup>) at normal temperature and pressure (NTP) are allowed within gas cabinets or fume hoods.

6004.1.1.2 is amended as follows:

**6004.1.1.2 Group R occupancies.** Highly toxic, toxic, and moderately toxic compressed gases shall not be stored or used in Group R occupancies.

6004.1.1.3 is amended as follows:

**6004.1.1.3 Offices, retail sales and classrooms.** Highly toxic, toxic, and moderately toxic compressed gases shall not be stored or used in offices, retail sales or classroom portions of Group B, F, M or S occupancies.

**Exception:** In classrooms of Group B occupancies, cylinders with a capacity not exceeding 20 cubic feet (0.566 m<sup>3</sup>) at NTP are allowed in gas cabinets or fume hoods.

6004.2 is amended as follows:

**6004.2 Indoor storage and use.** The indoor storage ~~and or~~ use of highly toxic, toxic, or moderately toxic compressed gases shall be in accordance with Sections 6004.2.1 through 6004.2.1.4.

6004.2.1 is amended as follows:

**6004.2.1 Applicability.** The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 6004.2.1.1 through 6004.2.1.4.

6004.2.1.4 is amended as follows:

**6004.2.1.4 Quantities exceeding the minimum threshold quantities, but not exceeding the maximum allowable per control area.** The indoor storage or use of highly toxic, toxic and moderately toxic gases in amounts not exceeding the minimum threshold quantities per control area set forth in Table 6004.2.1.4, but not exceeding maximum allowable quantity per control area set forth in Table 5003.1.1(2) shall be in accordance with Sections 5001, 5003, 6001, and 6004.1, and 6004.4.

Table 6004.2.1.4 is added as follows:

<p style="text-align: center;"><b><u>Minimum Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use</u></b></p>
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<u>Highly Toxic</u>	<u>20</u>
<u>Toxic</u>	<u>405 cubic feet</u>
<u>Moderately Toxic</u>	<u>405 cubic feet</u>

6004.4 is added as follows:

**6004.4 General indoor requirements.** The general requirements applicable to the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be in accordance with Sections 6004.4 through 6004.4.8.2.

6004.4.1 is added as follows:

**6004.4.1 Cylinder and tank location.** Cylinders shall be located within gas cabinets, exhausted enclosures, or gas rooms. Portable and stationary tanks shall be located within gas rooms or exhausted enclosures.

**Exceptions:**

1. Where a gas detection system is provided in accordance with 6004.4.8

6004.4.2 is added as follows:

**6004.4.2. Ventilated areas.** The room or area in which gas cabinets or exhausted enclosures are located shall be provided with exhaust ventilation. Gas cabinets or exhausted enclosures shall not be used as the sole means of exhaust for any room or area.

6004.4.3 is added as follows:

**6004.4.3. Piping and controls.** In addition to the requirements of Section 5003.2.2, piping and controls on stationary tanks, portable tanks, and cylinders shall comply with the following requirements:

1. Stationary tanks, portable tanks, and cylinders in use shall be provided with a means of excess flow control on all tank and cylinder inlet or outlet connections.

**Exceptions:**

1. Inlet connections designed to prevent backflow.
2. Pressure relief devices.

6004.4.4 is added as follows:

**6004.4.4 Gas rooms.** Gas rooms shall comply with Section 5003.8.4 and both of the following requirements:

1. The exhaust ventilation from gas rooms shall be directed to an exhaust system.
2. Gas rooms shall be equipped with an approved automatic sprinkler system. Alternative fire-extinguishing systems shall not be used.

6004.4.5 is added as follows:

**6004.4.5 Treatment systems.** The exhaust ventilation from gas cabinets, exhausted enclosures, and gas rooms, required in Section 6004.4.1 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 6004.2.2.7.1 through 6004.2.2.7.5 and Chapter 5 of the California Mechanical Code.

**Exceptions:**

1. Highly toxic, toxic, and moderately toxic gases - storage. A treatment system is not required for cylinders, containers, and tanks in storage where all of the following controls are provided:
  - 1.1 Valve outlets are equipped with gas-tight outlet plugs or caps.
  - 1.2 Hand wheel-operated valves have handles secured to prevent movement.
  - 1.3 Approved containment vessels or containment systems are provided in accordance with Section 6004.2.2.3.
2. Highly toxic, toxic, and moderately toxic gases —use. Treatment systems are not required for highly toxic, toxic, and moderately toxic gases supplied by stationary tanks, portable tanks, or cylinders where a gas detection system complying with Section 6004.4.8 and listed or approved automatic-closing fail-safe valves are provided. The gas detection system shall have a sensing interval not exceeding 5 minutes. Automatic-closing fail-safe valves shall be located immediately adjacent to cylinder valves and shall close when gas is detected at the permissible exposure limit (PEL) by a gas sensor monitoring the exhaust system at the point of discharge from the gas cabinet, exhausted enclosure, ventilated enclosure, or gas room.

6004.4.5.1 is added as follows:

**6004.4.5.1. Design.** Treatment systems shall be capable of diluting, absorbing, containing, neutralizing, burning, or otherwise processing the contents of the largest single vessel of compressed gas. Where a total containment system is used, the system shall be designed to handle the maximum anticipated pressure of release to the system when it reaches equilibrium.

6004.4.5.2 is added as follows:

**6004.4.5.2. Performance.** Treatment systems shall be designed to reduce the maximum allowable discharge concentrations of the gas to one-half immediate by dangerous to life and health (IDLH) at the point of discharge to the atmosphere. Where more than one gas is emitted to the treatment system, the treatment system shall be designed to handle the worst-case release based on the release rate, the quantity and the IDLH for all compressed gases stored or used.

6004.4.5.3 is added as follows:

**6004.4.5.3. Sizing.** Treatment systems shall be sized to process the maximum worst-case release of gas based on the maximum flow rate of release from the largest vessel utilized. The entire contents of the largest compressed gas vessel shall be considered.

6004.4.5.4 is added as follows:

**6004.4.5.4 Stationary tanks.** Stationary tanks shall be labeled with the maximum rate of release for the compressed gas contained based on valves or fittings that are inserted directly into the tank. Where multiple valves or fittings are provided, the maximum flow rate of release for valves or fittings with the highest flow rate shall be indicated. Where liquefied compressed gases are in contact with valves or fittings, the liquid flow rate shall be utilized for computation purposes. Flow rates indicated on the label shall be converted to cubic feet per minute (cfm/min) (m<sup>3</sup>/s) of gas at normal temperature and pressure (NTP).

6004.4.5.5 is added as follows:

**6004.4.5.5 Portable tanks and cylinders.** The maximum flow rate of release for portable tanks and cylinders shall be calculated based on the total release from the cylinder or tank within the time specified in Table 6004.2.2.7.5. Where portable tanks or cylinders are equipped with approved excess flow or reduced flow valves, the worst-case release shall be determined by the maximum achievable flow from the valve as determined by the valve manufacturer or compressed gas supplier. Reduced flow and excess flow valves shall be permanently marked by the valve manufacturer to indicate the maximum design flow rate. Such markings shall indicate the flow rate for air under normal temperature and pressure.

6004.4.6 is added as follows:

**6004.4.6. Emergency power.** Emergency power shall be provided for the following systems in accordance with Section 604:

1. Exhaust ventilation system.
2. Treatment system.
3. Gas detection system.
4. Smoke detection system.

6004.4.6.1 is added as follows:

**6004.4.6.1. Fail-safe systems.** Emergency power shall not be required for mechanical exhaust ventilation and treatment systems where approved fail-safe systems are installed and designed to stop gas flow.

6004.4.7 is added as follows:

**6004.4.7. Automatic fire detection system.** An approved automatic fire detection system shall be installed in rooms or areas where highly toxic, toxic, and moderately toxic compressed gases are stored or used. Activation of the detection system shall sound a local alarm. The fire detection system shall comply with Section 907.

6004.4.8 is added as follows:

**6004.4.8. Gas detection system.** A gas detection system complying with Section 916 shall be provided to detect the presence of gas at or below the PEL or ceiling limit of the gas for which detection is provided.

**Exceptions:**

1. A gas detection system is not required for toxic and moderately toxic gases when the physiological warning threshold level for the gas is at a level below the accepted PEL for the gas.
2. A gas detection system is not required for highly toxic, toxic, and moderately toxic gases where cylinders, portable tanks, and all non-continuously welded connects are within a gas cabinet or exhausted enclosures.

6004.4.8.1 is added as follows:

**6004.4.8.1. Alarms.** The gas detection system shall initiate a local alarm and transmit a signal to an approved location.

6004.4.8.2 is added as follows:

**6004.4.8.2. Shut off of gas supply.** The gas detection system shall automatically close the shut off valve at the source on gas supply piping and tubing related to the system being monitored for whichever gas is detected.

**Exception:** Automatic shutdown is not required for highly toxic, toxic, and moderately toxic compressed gas systems where all of the following controls are provided:

1. Constantly attended / supervised.
2. Provided with emergency shutoff valves that have ready access.

## CHAPTER 61 LIQUEFIED PETROLEUM GASES

Chapter 61 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### 6104 LOCATION OF LP-GAS CONTAINERS

6104.2 is amended as follows:

**6104.2 Maximum capacity within established limits.** ~~Within the limits established by law restricting~~ The storage of liquefied petroleum gas (LPG) for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) [Jurisdiction to specify] is restricted in all locations within the Town of Los Gatos that are residential or congested commercial areas as determined by the fire code official.

**Exceptions:** ~~In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP gas containers, degree of fire protection to be provided and capabilities of the local fire department.~~ LPG may be used for industrial operations or when natural gas would not provide a viable substitute for LPG. Portable containers for temporary heating and/or cooking uses may be permitted if stored and handled in accordance with this code. Facilities in commercial areas for refueling portable or mobile LPG containers may be approved by the fire code official on a case-by-case basis.

## CHAPTER 64 PYROPHORIC MATERIALS

Chapter 64 of the 2019 California Fire Code and 2018 International Fire Code is adopted with the following amendments:

### 6405 USE

6405.3.1 is added as follows:

**6405.3.1 Silane distribution systems automatic shutdown.** Silane distribution systems shall automatically shut down at the source upon activation of the gas detection system at levels above the alarm level and/or failure of the ventilation system for the distribution system.

## SECTION III

If any provision of this ordinance or the application thereof to any person or circumstance is held invalid, such invalidly shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are severable. This Town Council hereby declares that it would have adopted this ordinance irrespective of the invalidity of any particular portion thereof and intends that the invalid portions should be severed and the balance of the ordinance be enforced.

#### **SECTION IV**

Except as expressly modified in this Ordinance, all other sections set forth in the Los Gatos Town Code shall remain unchanged and shall be in full force and effect.

#### **SECTION V**

This Ordinance was introduced at a regular meeting of the Town Council of the Town of Los Gatos on December 3, 2019 and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on December 17, 2019 and becomes effective 30 days after it is adopted.

In lieu of publication of the full text of the ordinance within fifteen (15) days after its passage a summary of the ordinance may be published at least five (5) days prior to and fifteen (15) days after adoption by the Town Council and a certified copy shall be posted in the office of the Town Clerk, pursuant to GC 36933(c)(1).

COUNCIL MEMBERS:

AYES:

NAYS:

ABSENT:

ABSTAIN:

SIGNED:

MAYOR OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_

ATTEST:

TOWN CLERK OF THE TOWN OF LOS GATOS  
LOS GATOS, CALIFORNIA

DATE: \_\_\_\_\_