

**CITY OF CARMEL-BY-THE-SEA
CITY COUNCIL**

ORDINANCE NO. 2022-004

AN ORDINANCE OF THE CITY COUNCIL OF CARMEL-BY-THE-SEA AMENDING CARMEL MUNICIPAL CODE (CMC) TITLE 15 (BUILDINGS AND CONSTRUCTION) BY ADOPTING THE 2022 EDITIONS OF THE CALIFORNIA BUILDING (CBC), RESIDENTIAL (CRC), ENERGY (CENC), FIRE (CFC), MECHANICAL (CMC), PLUMBING (CPC), ELECTRICAL (CEC), GREEN BUILDING STANDARDS (CGBSC), HISTORIC BUILDING (HBC), AND EXISTING BUILDING CODES (EBC) WITH LOCAL AMENDMENTS

WHEREAS, to remain compliant with California Building Standards Commission (CBSC) Title 24, it necessary to amend Title 15 of the municipal code adopting the 2022 editions of the California Building (CBC), Residential (CRC), Energy (CEnC), Fire (CFC), Mechanical (CMC), Plumbing (CPC), Electrical (CEC), Green Building Standards (CGBSC), Historic Building (HBC), and Existing Building Codes (EBC) with local amendments.

SECTION 1. CEQA Review. Pursuant to CEQA section 15378(b)(5), adoption of the building code is an administrative activity of local government that will have no direct or reasonably foreseeable indirect physical change on the environment and therefore is not considered a project requiring compliance with the California Environmental Quality Act (Section 21065 of the California Public Resources Code)

SECTION 2. Amendment of Title 15. The following Sections of Title 15 of the Carmel-by-the-Sea Municipal Code are amended to read (all other sections remain unchanged):

15.08.010 Adoption.

Except as otherwise amended by this chapter and Chapter 15.04 of this City Code, the following model codes are hereby adopted and are incorporated in this chapter by reference and made a part hereof as if fully set forth herein:

- A. 2022 California Building Code and Appendices;
- B. 2022 California Historic Building Code;
- C. 2022 California Existing Building Code;
- D. 2022 California Residential Code;
- E. 2022 California Plumbing Code;
- F. 2022 California Electric Code;
- G. 2022 California Mechanical Code;

- H. 2022 California Green Building Standards Code;
- I. 2022 California Fire Code;
- J. 2021 International Property Maintenance Code
- K. 2022 California Energy Code

15.08.135 Retrofit Requirements for Residential Fire Sprinkler Systems

Existing structures to which additions, alterations, or repairs are made that involve alteration, addition, removal or replacement of 50 percent or greater of the linear length of the walls of the existing building (exterior plus interior, including but not limited to gypsum board, wall board, board and batten, siding, or stucco) within a five-year period shall be provided with an automatic residential fire sprinkler system in accordance with the California Building and Fire Codes. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.08.260 Exemption for Pending Applications.

The provisions of the 2022 Editions of the California Building Code, and Appendices, the 2022 California Historic Building Code, the 2022 California Mechanical Code, the 2022 California Plumbing Code, the 2022 California Electrical Code, the 2022 California Fire Code, the 2021 International Property Maintenance Code, the 2022 Existing Building Code, and the 2022 California Energy Code, as adopted and amended herein, shall not apply to any building or structure for which application for a building permit was made prior to January 1, 2023. Such buildings or structures shall be erected, constructed, enlarged, altered, or repaired in accordance with the provisions of this chapter in effect at the date of said application.

15.10.010 Adoption.

The 2022 California Residential Code, copies of which are on file with the City Clerk as required by law, is adopted by reference and incorporated into this title as the residential code for the City except as amended in this chapter and in Chapter 15.04 CMC. (Ord. 2018-03 § 1 (Exh. A § 4), 2018; Ord. 2017-04 § 1 (Exh. A), 2017; Ord. 2013-07 § 1 (Exh. A), 2013; Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2009-04, 2009; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 9904 (Exh. B), 1999; Ord. 96-1, 1996; Ord. 89-29 § 1, 1989; Code 1975 § 1121.0).

15.10.030 Amendments to the 2022 California Residential Code.

Section R403.1.3 of the 2022 California Residential Code is hereby amended to read as follows:

1. Table R301.2(1)

GROUND SNOW LOAD	Wind Design				Seismic Design Category ^l	Subject To Damage From			Winter Design Temp ^o	Ice Barrier Underlayment Required ^h	Flood Hazards ^s	Air Freezing Index ⁱ	Mean Annual Temp. ^j
	Speed ^a (mph)	Topographic Effects ^a	Special Wind Region ^l	Wind-borne Debris Zone ^m		Weathering ^a	Frost Line Depth ^a	Termite ^a					
0	110	N/A	No	No	D	Negligible	12	Yes	40	No	2009	NA	56.5

2. Section R403.1.3:

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

15.20.010 Adoption

The 2022 California Mechanical Code, copies of which are on file with the City Clerk as required by law, is adopted by reference and incorporated into this title as the mechanical code for the City, except as amended in this chapter and Chapter 15.04 CMC. (Amended during 4/17 update; Ord. 2014-02 § 1, 2014; Ord. 2013-07 § 1 (Exh. A), 2013; Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 99-04 (Exh. B), 1999; Ord. 96-1 § 1, 1996; Ord. 92-24, 1992; Ord. 89-29 § 1, 1989; Code 1975 § 1131.0).

15.24.010 Adoption

The 2022 California Plumbing Code, copies of which are on file with the City Clerk as required by law, is adopted by reference and incorporated into this title as the plumbing code for the City, except as amended in this chapter and in Chapter 15.04 CMC. (Ord. 2017-04 § 1 (Exh. A), 2017; Ord. 2013-07 § 1 (Exh. A), 2013; Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 99-04 (Exh. B), 1999; Ord. 92-24, 1992; Ord. 89-29 § 1, 1989; Code 1975 § 1141.0).

15.36.010 Adoption

The 2022 California Electrical Code, based on the National Electric Code, as promulgated by the National Fire Protection Association, copies of which are on file with the City Clerk as required by law, is adopted by reference and incorporated into this title as the electrical code for the City, except as amended in this chapter and in Chapter 15.04 CMC. (Amended during 4/17 update; Ord. 2014-02 § 1, 2014; Ord. 2013-07 § 1 (Exh. A), 2013; Ord. 2010-05 § 1 (Exh. A), 2010; Ord. 2008-02 § 1, 2008; Ord. 2003-03 § 2, 2003; Ord. 99-04 (Exh. B), 1999; Ord. 96-1 § 1, 1996; Ord. 91-1 § 1, 1991; Code 1975 § 1161.0).

Chapter 15.55 California Fire Code

Sections

- 15.55.010 2022 California Fire Code – Adopted
- 15.55.020 Fire Code – Effective Date – Copy on File
- 15.55.030 Definitions
- 15.55.040 Establishment of Limits in Which Storage of Flammable or Combustible Liquids in Outside Aboveground Tanks Is Prohibited.
- 15.55.050 Establishment of Limits in Which Storage of Liquefied Petroleum Gases is Prohibited.
- 15.55.060 Establishment of Limits in Which Storage of Explosives and Blasting Agents is Prohibited.

- 15.55.070 Establishment of Limits in Which Storage of Stationary Tanks or Flammable Cryogenic Fluids is Prohibited.
- 15.55.080 Establishment of Limits in Which Storage of Hazardous Materials is Prohibited.
- 15.55.090 Fireworks Prohibited.
- 15.55.100 Amendments to the California Fire Code
- 15.55.110 Repeal of Conflicting Ordinances
- 15.55.120 Validity

*Prior legislation: Code 1975 §§ 720.0 – 725.0, 726.0, 726.1, 730.0 – 730.0 (o), Ords. 325 C.S., 77-2, 79-21, 82-11, 83-25, 85-21, 86-17, 87-11, 89-24, and 95-15.

15.55.010 2022 California Fire Code – Adopted

For the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the 2022 California Fire Code, published by the International Code Council, save and except those portions as are deleted, modified, or amended, of which code not less than one copy is now on file in the office of the City Clerk, is adopted and incorporated in the municipal code as if set out at length in this code, and the provisions thereof shall be controlling within the limits of this City. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.020 Fire Code – Effective Date – Copy on File

The effective date for the 2022 California Fire Code adopted by CMC 15.55.010 within the City shall be January 1, 2023. The City Clerk shall maintain on file in the official records the edition of the California Fire Code currently in effect at all times. (Ord. 2018-03 § 1 (Exh. A § 4), 2018).

15.55.100 Amendments to the California Fire Code

The 2022 California Fire Code is amended and changed as follows as described in subsections (1) through (37) of this section.

2. Section 101.2.1 is amended to read as follows:

101.2.1 Appendices. Provisions in Appendix Chapter 4 and Appendices B, BB, C, CC, D, H, and I, are hereby adopted in their entirety and shall apply.

6. Section 105.5.0 is added to read as follows:

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

7. Section 105.6.6 is amended to read as follows:

105.6.6 Fire alarm and detection systems and related equipment. A construction permit is required for installation of or modification to fire alarm and detection systems and related systems, including systems installed in Group R-3 occupancies (one- and two-family homes). Maintenance performed in accordance with this code is not considered a modification and may not require a permit as determined by the fire code official.

8. Section 112.4 is amended to read as follows:

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

10.4. Section 304.3.5 is added to read as follows:

304.3.5 Rubbish within Dumpsters. In all rooms or aboveground outside areas, adjacent to a building or underneath roof overhangs or when located nearer than 10 feet to an adjacent property line, containers used for storage of combustible waste materials in other than Group R, Division 3 occupancies shall be protected by automatic sprinkler protection. Such sprinklers may be connected to the domestic water supply, provided sufficient coverage of the area is provided and an approved accessible shutoff valve is provided for each room or area.

Exception: Trash areas adjacent to solid brick or concrete walls with no openings or eaves and a minimum of ten feet (10') separation distance between the dumpster and adjacent property line are not required to be protected by automatic sprinkler system(s).

18. Section 605.3.1 is added to read as follows:

605.3.1 Spark arresters. An approved spark arrester shall be installed on all chimneys, incinerators, smokestacks, solid-fuel burning fire pits, or similar devices where the burning of solid fuel conveys smoke, embers and hot gases to the outer air.

20. *Reserved.*

21. Section 901.4.6 is amended to read as follows:

901.4.6 Appearance of equipment. Any device that has the physical appearance of life safety or fire protection equipment but that does not perform that life safety or fire protection function

shall be prohibited. Any non-required fire protection equipment that is no longer in service shall be removed.

22. *Reserved.*

23. Section 901.6.4 is added to read as follows:

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

26. Section 903.3.1.2 is amended to read as follows:

903.3.1.2 NFPA 13R sprinkler systems. Automatic sprinkler systems in Group R occupancies up to and including four stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 47 of this Code.

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

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

903.3.1.2.4 Sprinkler control valves. Where NFPA 13R sprinkler systems are installed, sprinkler system control valves shall be installed in accordance with NFPA 13. 903.3.1.2.5 Bathrooms. Automatic sprinklers shall be installed in all bathrooms, regardless of square footage, where an electrical receptacle is installed. 903.3.1.2.6 Accessible storage areas. Automatic sprinklers shall be installed in all accessible storage areas.

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

27. Section 903.3.1.3 is amended to read as follows:

903.3.1.3 NFPA 13D sprinkler systems. Where allowed, automatic sprinkler systems installed in one- and two-family dwellings shall be installed throughout in accordance with NFPA 13D.

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

903.3.1.3.2 Each water system supplying both domestic and fire protection systems shall have a single indicating-type control valve, arranged to shut off both the domestic and sprinkler systems off of a single water meter. A separate shut-off valve for the domestic system only shall be permitted to be installed. The location of the control valve shall be approved by the fire code official.

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

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

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

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

903.3.1.3.6 Local water flow alarms shall be provided on all sprinkler systems. Local water flow alarms shall be powered from the main kitchen refrigerator circuit. The local water flow alarm shall be clearly audible from within the master bedroom at an audibility level of not less than 75 dBa. Where no kitchen exists in the building, the water flow alarm shall be powered from the bathroom lighting circuit.

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

31.6. Section 904.13.6 is added to existing section:

904.13.6 Non-Conforming Restaurant Cooking Appliances and Fire Extinguishing Systems. All non-conforming restaurant cooking appliances, hood and duct systems, and fire extinguishing systems found to exist as of the effective date of this Ordinance shall be made to conform to the requirements of this Section within 90 days of notification. It shall thereafter be unlawful for any person to maintain or suffer to be maintained any non-conforming restaurant cooking appliance, hood and duct system or fire extinguishing system on any property owned or controlled by said person within the City of Carmel.

33. Section 907.6.6.5 is added to read as follows:

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

34. Section 907.6.6 is amended to read as follows:

907.6.6 Monitoring. Fire alarm systems required by this chapter, by the California Building Code, or installed voluntarily shall be monitored by a UL-listed central station and shall be documented as UL-certificated central station service systems in accordance with NFPA 72-2010 and this section.

35.4. Section 907.8.4 is amended to read as follows:

907.8.4 Inspection, testing and maintenance. The building owner shall be responsible to maintain the fire and life safety systems in an operable condition at all times. Access shall be provided to each fire alarm system component for periodic inspection, maintenance and testing. Service personnel shall meet the qualification requirements of NFPA 72 for inspection, testing and maintenance of such systems. Records of inspection, testing and maintenance shall be maintained.

37. Section 4907.1.1 is added to read as follows:

4907.1.1 Standard Defensible Space Requirements: Remove combustible vegetation from within a minimum of 100 feet or to the property line from structures, whichever is closer. Vegetation shall be no taller than four inches (4") high. Limb trees 6 feet up from ground. Remove limbs within 10 feet of chimneys. Additional or alternate fire protection approved by the fire code official may be required to provide reasonable fire safety. Environmentally sensitive areas may require alternative fire protection, to be determined by the fire code official and other jurisdictional authorities.

15.36.020 Placement of Service Laterals

A. Within all land use zones, all electrical service laterals to any new building or structure, or to any building or structure being remodeled when such remodeling requires the relocation or replacement of the property owner's main service equipment, shall be placed underground on the premises upon which the building or structure is located, in accordance with applicable rules, regulations and tariffs on file with the California Public Utilities Commission.

Exceptions to undergrounding of utilities for remodeling:

1. Undergrounding of utilities will not be required when a valuation is less than \$200,000. The permit applicant shall submit contractor bids and other documentation verifying that the

valuation is under \$200,000 upon request by the Building Official. The valuation of \$200,000 shall apply to all construction over a cumulative five-year period prior to and/or after installation of a main electrical service panel.

2. Undergrounding of utilities will not be required when it is determined by the City Forester that the undergrounding operation will damage or destroy significant tree(s); provided, that the property owner posts a bond in an amount equal to the estimated cost of the undergrounding work. The bond shall be maintained until such time that the service lateral is placed underground.

SECTION 3. Effective Date. This Ordinance shall take effect 30 days after its adoption by the City Council of the City of Carmel-by-the-Sea.

INTRODUCED at a Regular City Council Meeting on November 1, 2022.

**PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF CARMEL-BY-THE-SEA
this 4th day of October, 2022, by the following vote:**

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

ATTEST:

Dave Potter
Mayor

Nova Romero, MMC
City Clerk