

ORDINANCE NO. 2485-15

ORDINANCE TO INCREASE TRADITIONAL RECYCLING AND ORGANICS RECYCLING OF FOOD AND BEVERAGE PACKAGING AND TO-GO CONTAINERS

THE CITY OF ST. LOUIS PARK DOES ORDAIN:

CHAPTER 12 – Environment and Public Health
Division VI. ZERO WASTE PACKAGING

12-201. - Legislative purpose.

The city council (council) adopted the strategic direction in March 2007 stating that the city is committed to being a leader in environmental stewardship and will increase environmental consciousness and responsibility in all areas of city business.

As such, the council finds that discarded packaging from foods and beverages prepared for immediate consumption constitutes a portion of the waste stream in St. Louis Park that could be diverted for reuse, recycling, or organics recycling. Regulation of food and beverage packaging, therefore, is a necessary part of any effort to encourage a recyclable and compostable waste stream, thereby reducing the disposal of solid waste and the economic and environmental costs of waste management for the citizens of St. Louis Park and others working or doing business in St. Louis Park.

The council also finds that the two (2) main processes used to dispose of discarded nonreusable, nonreturnable, nonrecyclable and noncompostable food and beverage packaging are land filling and incineration, both of which should be minimized for environmental reasons.

The council therefore finds that the minimization of nonreusable, nonreturnable, nonrecyclable and noncompostable food and beverage packaging originating at retail food establishments and at events providing food and/or beverages within the city of St. Louis Park is necessary and desirable in order to minimize the city's waste stream and maximize recycling and organics recycling, so as to reduce the volume of landfilled waste, to minimize toxic by-products of incineration, and to make our city and neighboring communities more environmentally sound places to live.

12.202. - Definitions.

As used in this chapter, the following terms and phrases shall have the meanings as defined in this section:

- (a) “Distributor” shall mean a business that distributes food and beverages but who conduct no retail food or beverage transactions.
- (b) “Food establishment”, as used in this chapter, shall mean a "food establishment" as defined by Chapter 3.3.1 Hennepin County Code of Ordinances.
- (c) “Mobile use-food establishment”, as used in this chapter, shall mean “mobile use-food” as defined in Chapter 36-142(g)(5) of the City Code of Ordinances, as a vehicle or cart used to prepare and serve food and/or beverages in individual portions in a ready-to-consume state. Mobile use-food does not include the sale of groceries or vegetables and fruits not prepared for immediate consumption at the vehicle.

- (d) “Packaging” shall mean and include food or beverage cans, bottles or containers used to package food and beverage products for distribution including glasses, cups, plates, serving trays, and to-go containers. The following exclusions apply: foods pre-packaged by the manufacturer, producer or distributor; plastic knives, forks and spoons sold or intended for use as utensils; and plastic films less than ten (10) mils in thickness.
- (e) “Violation” shall mean any time a food establishment is found by the city to be non-compliant with one or more section(s) of this chapter.
- (f) “Zero waste packaging” shall mean and include any of the following:
 - (1) “Reusable and returnable packaging”: Food or beverage containers or packages, such as, but not limited to, water bottles, growlers, milk containers and bulk product packaging that are capable of being refilled at a retail location or returned to the distributor for reuse at least once as a container for the same food or beverage;
 - (2) “Recyclable packaging”: Packaging that is separable from solid waste during collection for the purpose of recycling including, but not limited to, glass bottles, aluminum cans and plastic food and beverage packaging. Recyclable packaging must be accepted by the local material recovery facilities receiving and processing the materials and have existing robust recycling markets as determined by the Public Works Division by rule promulgated pursuant to section 12.205.
 - (3) “Compostable packaging”: Packaging that is separable from solid waste during collection for the purpose of composting. Compostable packaging must be made of unlined paper (unless lining is certified compostable), certified compostable plastic that meet ASTM D6400 or ASTM D6868 or other material accepted by the commercial compost or anaerobic digestion facility receiving and processing the materials.

12.203. - Prohibitions and duties.

- (a) No person owning, operating or conducting a food establishment or any person or organization providing free food or beverage products within the city of St. Louis Park pursuant to a Hennepin County permit or license, or in a manner which would require a permit or license, shall do or allow to be done any of the following within the city:
 - (1) Sell or convey at retail or possess with the intent to sell or convey at retail any food or beverage intended for immediate consumption contained, at any time at or before the time or point of sale, in packaging which is not zero waste packaging. The presence on the premises of the food establishment of packaging which is not zero waste packaging shall constitute a rebuttable presumption of intent to sell or convey at retail, or to provide to retail customers packaging which is not zero waste packaging; provided, however, that this subparagraph shall not apply to manufacturers, brokers or warehouse operators, who conduct or transact no retail food or beverage business.
- (b) Packaging used to contain food or beverages intended for immediate consumption shall be considered zero waste packaging only when the food establishment provides consumers with an on-site opportunity to recycle and/or appropriately manage compostable packaging and compostable plastics and utilizes a qualified recycling and/or organics management system.
 - (1) A qualified recycling system shall have the following elements:

- a. A clear and verifiable process for separating recyclable packaging from discarded solid waste; and
 - b. Collection and delivery of recyclable packaging to a recycling facility for processing in the same or at least similar manner as recyclable packaging collected in a city approved recycling program.
- (2) A qualified organics recycling system shall have the following elements:
- a. A clear and verifiable process for separating organic materials from discarded solid waste; and
 - b. Collection and delivery of organic materials to an organics composting or anaerobic digestion facility in the same manner or at least similar manner as organic materials collected in a municipally approved organics management program.
- (3) A food establishment that does not have dine-in seating for consumers, except a mobile use-food establishment, is exempt from the requirement to provide consumers with an on-site opportunity to recycle and/or manage compostable packaging/compostable plastics as defined in Sec 12-203(b).

12.204. – Violations and Enforcement.

- (a) When a violation of this chapter has occurred, the food establishment shall be subject to the penalties set forth below.
- (b) A violation of this chapter is a misdemeanor.
- (c) Violations of this chapter shall be punishable as an administrative offense pursuant to City Code Ordinance 2420-12, Section 1-14 Administrative Penalties, as follows:
 - (1) A warning notice in writing for the first violation;
 - (2) A fine of \$100 for the second violation;
 - (3) Repeat subsequent violations within 24 months, a fine double the amount of the fine imposed for the previous violation, up to a maximum of \$2,000. For example if there were four occurrences of a violation that carried a \$100 fine: first is \$0 (warning); second is \$100, third is \$200, forth is \$400).
- (d) At the time a violation occurs, the food establishment will be given 14 calendar days to take corrective action before a subsequent fine is issued.
- (e) The administrative offenses provided for in this chapter shall be in addition to any other legal or equitable remedy available to the city for city code violations.

12.205. - Rules and regulations.

The Public Works Division may, upon notice and hearing, promulgate such rules and regulations as may be necessary to carry out the purposes of this chapter and protect the health of the public, including the development of list of recyclable and compostable packaging that meets definitions under section 12.202 and development of exemptions under section 12.206 for packaging for which there is no reasonable commercially available alternative. In promulgating such rules, the division shall consider the legislative purposes provided in section 12.201 of this chapter and shall

consult with the operators of affected food establishments, local material recovery facilities and local commercial composting facilities. The Public Works Division rules and regulations shall be approved by council annually.

12.206. - Exemptions.

Notwithstanding any other provision to the contrary, this chapter shall not apply to:

- (a) Any packaging which is not zero waste packaging, but for which there is no commercially available alternative as determined by the Public Works Division by rule promulgated pursuant to section 12.205. In determining whether there are commercially available alternatives, the Public Works Division will consider whether there is availability of zero waste packaging for affected products. Every rule creating an exemption under this paragraph will be reviewed annually by the Public Works Division to determine whether current conditions continue to warrant the exemption.

12.207. - Severability.

If any part or provision of this chapter or the application thereof to any person, entity, or circumstances shall be adjudged unconstitutional or invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application which is directly involved in the controversy in which such judgment shall have been rendered, and shall not affect or impair the validity of the remainder of this chapter or the application thereof to other persons, entities, or circumstances.

12.208. - Effective date.

This ordinance shall take effect January 1, 2017.

Secs. 12-209--12-250. Reserved.

First Reading	December 7, 2015
Second Reading	December 21, 2015
Date of Publication	December 31, 2015
Date Ordinance takes effect	January 1, 2017

Reviewed for Administration

Adopted by the City Council December 21, 2015

City Manager

Mayor

Attest:

Approved as to Form and Execution:

City Clerk

City Attorney



City Clerk

CITY OF SAN JOSÉ, CALIFORNIA

Office of the City Clerk
200 East Santa Clara Street
San José, California 95113
Telephone (408) 535-1260
FAX (408) 292-6207

STATE OF CALIFORNIA)
COUNTY OF SANTA CLARA)
CITY OF SAN JOSÉ)

I, Toni J. Taber, Acting City Clerk & Ex-Officio Clerk of the Council of and for the City of San José, in said County of Santa Clara, and State of California, do hereby certify that **Ordinance No. 29298**, the original copy of which is attached hereto, was passed for publication of title on the **27th day of August 2013**, was published in accordance with the provisions of the Charter of the City of San José, and was given final reading and adopted on the **10th day of September 2013** by the following vote:

AYES: CAMPOS, CHU, CONSTANT, HERRERA, KALRA, KHAMIS,
LICCARDO, NGUYEN, ROCHA; REED.

NOES: NONE.

ABSENT: OLIVERIO.

ABSTAINED: NONE.

VACANT: NONE.

Said ordinance is effective as of **January 1, 2014**.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the corporate seal of the City of San José, this **13th day of November 2013**.

(SEAL)

TONI J. TABER, CMC
CITY CLERK & EX-OFFICIO
CLERK OF THE CITY COUNCIL

ORDINANCE NO. 29298

**AN ORDINANCE OF THE CITY OF SAN JOSE
AMENDING CHAPTER 9.10 OF TITLE 9 OF THE SAN
JOSE MUNICIPAL CODE TO ADD A NEW PART 17 TO
PROHIBIT THE USE OF POLYSTYRENE FOAM
DISPOSABLE FOOD SERVICE WARE BY FOOD
VENDORS**

WHEREAS, plastic debris and in particular expanded polystyrene foam ("EPS") is a distinctive litter concern because it is lightweight, floats, and readily travels from land to inland waterways and out to the ocean where it breaks down into small pieces to be mistaken for food by birds and other marine wildlife; and

WHEREAS, EPS disposable food service ware comprises a majority of EPS litter observed in storm drains; and

WHEREAS, the proposed phase-out of EPS disposable food service ware would require food vendors to use alternative disposable food service ware that should result in a reduction of EPS litter, reduce the risk of harm to aquatic wildlife, and improve water quality in the San José creeks and the Southern San Francisco Bay; and

WHEREAS, on August 27, 2013, prior to taking action on the Ordinance, the City Council reviewed, considered and adopted by separate Council resolution, the proposed Negative Declaration analyzing the regional environmental impacts of the Ordinance to phase-out of EPS disposable food service ware (File NO. PP13-043);

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SAN JOSE:

SECTION 1. Chapter 9.10 of Title 9 of the San Jose Municipal Code is hereby amended by adding a new Part, to be numbered, entitled and to read as follows:

Part 17

Polystyrene Foam Disposable Food Service Ware

9.10.3100 Definitions

The definitions set forth in this Section shall govern the application and interpretation of this Part.

- A. "Disposable food service ware" means single-use disposable products used in the restaurant and food service industry for serving prepared food and includes, but is not limited to, plates, trays, cups, bowls, trays, and hinged or lidded containers (clamshells). Disposable food service ware does not include straws, utensils, drink lids, or ice chests.
- B. "Food vendor" means any establishment located in the City of San José that sells or otherwise provides prepared food for consumption on or off its premises, and includes, but is not limited to, any shop, sales outlet, restaurant, bar, pub, coffee shop, cafeteria, caterer, convenience store, liquor store, grocery store, supermarket, delicatessen, mobile food truck, vehicle or cart, or roadside stand. A "food vendor" does not include a food service provider that is associated with either a nonprofit organization with Section 501(c)(3) status under the Internal Revenue Code or a public agency sponsored program.
- C. "National food vendor" means a food vendor that is a chain of franchised or corporate owned establishments located in more than one state.
- D. "Polystyrene foam" means a thermoplastic petrochemical material made from a styrene monomer and expanded or blown using a gaseous agent (expanded polystyrene) including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). "Polystyrene foam" is commonly made into

disposable food service ware products. "Polystyrene foam" does not include clear or solid polystyrene (oriented polystyrene).

- E. "Prepared food" means food or beverages that are packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared on the premises. "Prepared food" does not include (1) any raw, uncooked meat products or fruits or vegetables unless it can be consumed without further preparation; or (2) prepackaged food that is delivered to the food vendor wholly encased, contained or packaged in a container or wrapper, and sold or otherwise provided by the food vendor in the same container or packaging.

9.10.3110 Polystyrene Foam Disposable Food Service Ware Prohibited

- A. No national food vendor shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after January 1, 2014.
- B. No food vendor shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after January 1, 2015.

9.10.3120 Exemptions to the Polystyrene Foam Disposable Food Service Ware Prohibition

- A. A national food vendor or food vendor may seek an exemption from the prohibition under Section 9.10.3110 due to a "unique packaging hardship" under Subsection B of this Section or a "financial hardship" under Subsection C of this Section.
- B. The national food vendor or food vendor must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware to qualify for a "unique packaging hardship" exemption.

- C. The national food vendor or food vendor must demonstrate both of the following to qualify for a "financial hardship" exemption: (1) a gross income under \$300,000 on their annual income tax filing for the most recent tax year, and (2) with respect to each specific and necessary polystyrene foam disposable food service ware, that there is no feasible alternative that would cost the same or less than the polystyrene foam disposable food service ware.
- D. The national food vendor or food vendor may submit a written application for an exemption on a form provided by the Department of Environmental Services. The Director of Environmental Services or designee ("Director") may require the applicant to submit additional information or documentation to make a determination regarding the exemption request. A request for exemption shall be reviewed on a case by case basis, and may be granted in whole or in part, with or without conditions, for a period of up to twelve (12) months. The national food vendor or food vendor must apply for a new exemption period no later than sixty (60) days prior to the expiration of the then current exemption period to preserve a continuous exemption status. Each application shall be reviewed anew and will be based on the most current information available. The determination of the Director shall be final and is not subject to appeal.

SECTION 2. This ordinance shall be effective on January 1, 2014.

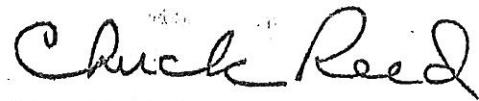
PASSED FOR PUBLICATION of title this 27th day of August, 2013, by the following vote:

AYES: CAMPOS, CHU, HERRERA, KALRA, LICCARDO, NGUYEN,
OLIVERIO, ROCHA; REED.

NOES: CONSTANT, KHAMIS.

ABSENT: NONE.

DISQUALIFIED: NONE.



CHUCK REED
Mayor

ATTEST:



TONI J. TABER, CMC
Acting City Clerk

RECEIVED
San Jose City Clerk

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SUZANNE GUZZETTA
SAN JOSE CITY CLERK
200 E. SANTA CLARA ST.
SAN JOSE, CA - 95113

SJ#: 2528836


PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of SANTA CLARA) ss

Notice Type: GORSJ - SAN JOSE ORDINANCE (1 PUB)

Ad Description:
ORDINANCE #29298



CITY OF
SAN JOSE
CAPITAL OF SILICON VALLEY
ORDINANCE NO. 29298

AN ORDINANCE OF THE CITY OF SAN JOSE AMENDING CHAPTER 9.10 OF TITLE 9 OF THE SAN JOSE MUNICIPAL CODE TO ADD A NEW PART 17 TO PROHIBIT THE USE OF POLYSTYRENE FOAM DISPOSABLE FOOD SERVICE WARE BY FOOD VENDORS PASSED FOR PUBLICATION of title this 27th day of August, 2013; by the following vote:
 AYES: CAMPOS, CHU, HERRERA, KALRA, LICCARDO, NGUYEN, OLIVERIO, REED, ROCHA.
 NOES: CONSTANT, KHAMIS.
 ABSENT: NONE.
 DISQUALIFIED: NONE.

CHUCK REED
 Mayor
 ATTEST:

TONI J. TABER, CMC
 Acting City Clerk
 8/30/13

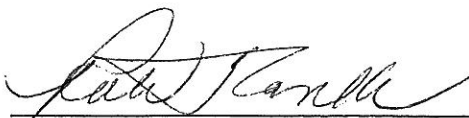
SJ-2528836#

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the SAN JOSE POST-RECORD, a newspaper published in the English language in the city of SAN JOSE, county of SANTA CLARA, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of SANTA CLARA, State of California, under date 02/03/1922, Case No. 27844. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

08/30/2013

Executed on: 08/30/2013
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature



* A 0 0 0 0 0 3 1 8 5 6 4 6 *

Chapter 5.44 NONRECYCLABLE PLASTIC DISPOSABLE FOOD SERVICE CONTAINERS

5.44.010 Definitions.

(a) "Biodegradable" refers to the ability of a material to decompose into elements normally found in nature within a reasonably short period of time after disposal.

(b) "City facilities" refers to buildings and structures owned or leased by the City of Santa Monica.

(c) "Disposable food service container" means single-use disposable products used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages. This includes, but is not limited to, plates, cups, bowls, trays and hinged or lidded containers. This does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

(d) "Expanded polystyrene" (EPS) means polystyrene that has been expanded or "blown" using a gaseous blowing agent into a solid foam.

(e) "Food provider" means any establishment, located or providing food within the City of Santa Monica, which provides prepared food for public consumption on or off its premises and includes without limitation any store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, catering truck or vehicle, or any other person who provides prepared food; and any organization, group or individual which regularly provides food as a part of its services.

(f) "Nonrecyclable plastic" refers to any plastic which cannot be feasibly recycled by a municipal recycling program in the State of California, including polystyrene and expanded polystyrene.

(g) "Polystyrene" means and includes expanded polystyrene which is a thermoplastic petrochemical material utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, form molding, and extrusion-blow molding (extruded foam polystyrene). The term "polystyrene" also includes clear or solid polystyrene which is known as "oriented polystyrene".

(h) "Prepared food" means any food or beverage prepared for consumption on the food provider's premises, using any cooking or food preparation technique. This does not include any raw uncooked meat, fish or eggs unless provided for consumption without further food preparation.

(i) "Recyclable plastic" means any plastic which can be feasibly recycled by a municipal recycling program in the State of California. Recyclable plastics comprise those plastics with the recycling symbols No. 1 through No. 5 including polyethylene terephthalate (PET or PETE), high density polyethylene (HDPE), low density polyethylene (LDPE), and polypropylene (PP). (Added by Ord. No. 2216CCS § 1 (part), adopted 1/9/07)

5.44.020 Prohibition on the use of non-recyclable plastic disposable food service containers.

(a) Except as provided in Section 5.44.030, food providers are prohibited from dispensing prepared food to customers in disposable food service containers made from expanded polystyrene.

(b) Except as provided in Section 5.44.030, food providers are prohibited from dispensing prepared food to customers in disposable food service containers made from nonrecyclable plastic.

(c) All City facilities, City-managed concessions, City sponsored events, and City-permitted events are prohibited from using disposable food service containers made from expanded polystyrene or nonrecyclable plastic. (Added by Ord. No. 2216CCS § 1 (part), adopted 1/9/07)

5.44.030 Exemptions.

(a) The Director of the Environmental and Public Works Management Department (EPWM), or his/her designee, may exempt a food provider from the requirements of this Chapter for a one-year period, upon showing by the food provider that the conditions of this Chapter would cause undue hardship. An "undue hardship" shall be found in:

(1) Situations unique to the food provider where there are no reasonable alternatives to expanded polystyrene or nonrecyclable plastic disposable food service containers and compliance with this Chapter would cause significant economic hardship to that food provider;

(2) Situations where no reasonably feasible available alternatives exist to a specific and necessary expanded polystyrene or nonrecyclable plastic food container.

A food provider granted an exemption by the City must re-apply prior to the end of the one-year exemption period and demonstrate continued undue hardship, if it wishes to have the exemption extended. Extensions may only be granted for intervals not to exceed one year.

(b) An exemption application shall include all information necessary for the City to make its decision, including but not limited to documentation showing the factual support for the claimed exemption. The Director may require the applicant to provide additional information to permit the Director to determine facts regarding the exemption application.

(c) The Director may approve the exemption application, in whole or in part, with or without conditions.

(d) Exemption decisions are effective immediately and final and are not appealable. (Added by Ord. No. 2216CCS § 1 (part), adopted 1/9/07)

5.44.040 Enforcement and notice of violations.

(a) The Director of EPWM or designee shall have primary responsibility for enforcement of this Chapter and the Director of EPWM or designee shall have authority to issue citations for violation of this Chapter. The Director of EPWM or designee is authorized to establish regulations or administrative procedures and to take any and all actions reasonable and necessary to further the purposes of this Chapter or to obtain compliance with this Chapter, including, but not limited to, inspecting any vendor's premises to verify compliance in accordance with applicable law.

(b) Anyone violating or failing to comply with any of the requirements of this Chapter or of any regulation or administrative procedure authorized by it shall be guilty of an infraction.

(c) The City Attorney may seek legal, injunctive, or any other relief to enforce this Chapter and any regulation or administrative procedure authorized by it.

(d) The remedies and penalties provided in this Chapter are cumulative and not exclusive of one another. (Added by Ord. No. 2216CCS § 1 (part), adopted 1/9/07)

5.44.050 Penalties and fines for violations.

Violations of this Chapter shall be enforced as follows:

(a) For the first violation, the Director of EPWM or designee, upon determination that a violation of this Chapter has occurred, shall issue a written warning notice to the food provider which will specify the violation and the appropriate penalties in the event of future violations.

(b) Thereafter, the following penalties shall apply:

(1) A fine not exceeding one hundred dollars for the first violation following the issuance of a warning notice.

(2) A fine not exceeding two hundred fifty dollars for the second and any other violation that occurs following the issuance of a warning notice.

(c) Fines are cumulative and each day that a violation occurs shall constitute a separate violation. (Added by Ord. No. 2216CCS § 1 (part), adopted 1/9/07)

5.44.060 Effective Dates.

(a) No food provider shall distribute or utilize disposable food service containers containing expanded polystyrene or nonrecyclable plastic on or after one year following the adoption of the ordinance codified in this Chapter by the City Council.

(b) No City facilities, City-managed concessions, City-sponsored events or City-permitted events shall distribute or utilize disposable food service containers containing expanded polystyrene or non-recyclable plastic on or after the effective date of the ordinance codified in this Chapter. (Added by Ord. No. 2216CCS § 1 (part), adopted 1/9/07)

The Council of the City of Richmond do ordain as follows:

SECTION I. AMENDMENT OF CHAPTER 8.16.

Chapter 8.16 of the Municipal Code of the City of Richmond is hereby amended to read:

Chapter 8.16
FIRE PREVENTION CODE

Sections:

8.16.010	Adoption of the California Fire Code.
8.16.020	Establishment and duties of bureau of fire prevention.
8.16.030	Definitions.
8.16.035	Findings and Conclusion.
8.16.040	Amendments to the California Fire Code.
8.16.050	New materials, processes or occupancies which may require permits.
8.16.060	Fire hazards and nuisances - Abatement.
8.16.070	Smoke and carbon monoxide detectors.
8.16.080	Very High Fire Hazard Severity Zones
8.16.090	False Fire Alarms

8.16.010 Adoption of the 2013 California Fire Code

There is adopted by the city for the purpose of prescribing regulations governing conditions hazardous to life property from fire, and explosion. Adoption of text of the International Fire Code and The California Fire Code, 2013 Edition (California Code of Regulations, Title 24, Part, 9 [based on the 2012 International Fire Code published by the International Code Council]), hereinafter referred to as the "California Fire Code" or the "Code", is hereby adopted by this reference subject to the changes, additions, and deletions (amendments) set forth in this ordinance. The California Fire Code referred to in this ordinance includes Appendix Chapters: A, B, C, D, E, F, G, H & I, as amended by the changes, additions and deletions set forth in this ordinance. In addition, all applicable reference standards will be included as part of this ordinance. Three copies of the 2013 California Fire Code are on file in the Office of the City Clerk for use and examination by the public.

8.16.020 Establishment and duties of the Fire Prevention Bureau.

(a) The California Fire Code shall be enforced by the Fire Prevention Bureau in the Fire Department of the City of Richmond, hereinafter referred to as the "Richmond Fire Department", which is hereby established and which shall be operated under the supervision of the Chief of the Richmond Fire Department, hereinafter referred to as the "Fire Chief".

(b) The Fire Marshal in charge of the Fire Prevention Bureau shall be appointed by the Fire Chief.

(c) The Chief of the Fire Department shall recommend to the City Manager the employment of technical staff members, who, when such authorization is made, shall be selected on the basis of examination to determine their qualifications for the position.

(b) Wherever the words “Fire Code Official” are used they mean Fire Marshal.

(c) Wherever the words “**fire chief**” are used in the California Fire Code they mean the Fire Chief of the City of Richmond, or said Fire Chief’s authorized representative. The term “**Chief**” also means Fire Chief.

(d) Where ever the words “Key Box” are used in the California Fire Code they mean Knox Box.

8.16.035 Findings and Conclusion.

(a) Findings. Pursuant to Sections 17958.5 and 17958.7 of the State of California Health and Safety Code, the City Council of the City of Richmond finds that the following changes or modifications are needed and are reasonably necessary because of certain local climatic, geological and topographic conditions.

(b) Local Conditions. The following local conditions make necessary the changes or modifications in the California Fire Code and the State Building Standards Code in order to provide a reasonable degree of fire and life safety in the City.

Precipitation ranges from 15 to 24 inches per year with an average of 15 inches per year. Ninety percent falls during the months of October through March and 10 percent from April through September.

Typically, 0.8 percent of rainfall occurs during the fire season. This is a dry period of at least six months. Additionally, the area is subject to recurrent drought. The Climatic region is currently in a drought phase that has lasted eight years. A previous drought began in 1978 and lasted four years. Additional droughts can be expected locally in the future.

Relative humidity remains in the middle range most of the time. It ranges from 45 to 65 percent during spring, summer and fall; and from 60 to 90 percent in the winter. The coastal fog that occasionally occurs can raise summer humidity, particularly at night. Summer humidity can fall as low as 12 percent.

(b) Temperature.

Temperatures have been recorded as high as 106⁰ F. Average summer highs are in the 90⁰ range.

(c) Winds.

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 miles per hour (MPH) to 23 MPH range, gusting from 25 to 35 MPH. Forty (40) MPH winds are experienced occasionally and winds up to 55 MPH have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days, creating extremely dry conditions.

(d) Impact.

The above-referenced local climatic conditions affect the acceleration, intensity, and size of fire in the community. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and single roof fires and conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another commonly found in the City of Richmond. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations.

Hot, dry winds that can be experienced any time of the year can force a fire to move in any direction in heavily vegetated interface areas. In building fires, winds can literally force fires back into the building and can create a blow torch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts. Winds, high temperatures, and low humidity expose the entire community to the threat of conflagration.

(2) Geological.

(a) Seismicity.

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Rodgers, Mt. Diablo, and other lesser faults. The Hayward fault has been identified as a likely sight for a major earthquake event in the 7+ Richter range. Minor tremblers from seismic activity are not uncommon in the area.

losses in such buildings.

The above local geologic conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the City of Richmond. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public Safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires. Other variables may tend to intensify the situation, such as:

- (1) The extent of damage to the water system;
- (2) The extent of isolation due to bridge and/or freeway overpass collapse;
- (3) The extent of roadway damage and/or amount of debris blocking the roadway;
- (4) Climatological conditions (hot, dry weather with high winds);
- (5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- (6) The availability of timely mutual aid or military assistance; or
- (7) The likelihood that small fires will rapidly grow to conflagration proportions.

(3) Topographic.

(a) Soils.

The area is replete with various soils which are unstable; clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic and tend to liquefy.

(b) Vegetation.

Highly combustible dry grass, weeds and brush are common in the hilly and open space areas adjacent to built-up locations six to eight months of each year. Many of these areas frequently experience wildland fires which threaten nearby buildings, particularly those with wood roofs or sidings. This condition can be found throughout the City, especially in Wildland Interface Areas.

(c) Surface Features.

The arrangement and location of natural and man made surface features, including hills, canyons, creeks, steep slopes, and historical slides, housing developments, commercial developments, fire stations, streets and roads, combine to limit feasible response routes for fire resources. Fires moving through steep terrain can move 16-30 times faster than on level ground. Erratic terrain and erratic winds can cause fires to grow in an unpredictable manner.

(d) Buildings, Landscaping and Terrain.

Many commercial and residential buildings and apartment complexes have building and

Above-ground electrical power transmission lines suspended on poles and towers exist throughout the City. Many of the power poles are nearing the end of their useful life and would fail early in an area wide fire. Many power line poles are located adjacent to streets and roads and many of the transmission wires are suspended above dry vegetation and untreated wood shake or shingle roofs. These cables are also suspended above large areas of dry vegetation and untreated wood shake or shingle roofs.

(f) Impact.

The above listed local topographical conditions increase the magnitude, exposure, and accessibility problems associated with the fire hazards which arise within the City. Should a significant emergency event occur, such as an area wide conflagration, public safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires. Other variables may tend to intensify the situation, such as:

- 1) The extent of damage to the water system;
- (2) The extent of isolation due to bridge and/or freeway overpass collapse;
- (3) The extent of roadway damage and/or amount of debris blocking the roadways;
- (4) Climatical conditions (hot, dry weather with high winds);
- (5) Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
- (6) The likelihood that small fires will rapidly grow to conflagration proportions.

(g) Conclusion.

Local climatic, geologic and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fires which involve buildings in this community. Further, the local climatic, geologic and topographic conditions impact potential damage to all structures from earthquake and subsequent fire. Therefore, it is found to be reasonably necessary that the 2013 California Fire Code be changed or modified to mitigate the effects of the risks associated with the above conditions.

8.16.040 Amendments to the California Fire Code.

Pursuant to Section 17958 of the State of California Health and Safety Code, the City Council of the City of Richmond, in adopting and amending the 2013 Edition of the California Fire Code, changes or modifies such provisions which are described in the following sections. The following changes and/or modifications to the 2013 Edition of the California Fire Code are found to be reasonably necessary to mitigate the impacts described above which are caused by the above described local climatic, geological and topographic conditions. The pertinent chapters and sections of the California Fire Code which are amended are as follows:

A. Amendment of Chapter 1, Scope and Administration is amended as follows:

(a) **Section 102.1 Construction and design provisions.**

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, boats, trains, and mobile vehicles when said vehicles are fixed in a specific location within the boundaries of this jurisdiction.

- (3) Section 103.5 is amended by adding a subsection to read as follows:

- (a) **Section 103.5 Fire Prevention Personnel as Peace Officers** The Fire Chief and said Chief's designees shall have the powers of peace officers while engaging in the performance of their duties with respect to the prevention, investigation and suppression of fires and the protection and prevention of life and property against the hazards of fire and conflagration.

The Fire Chief, or his duly authorized agents, may issue citations for violations of this ordinance in the same manner as a county or city is authorized to do so by Chapter 5C (commencing with Section 853.5), Title 3, Part 2, of the California Penal Code.

- (4) Section 104.2.1 is amended by adding subsection to read as follows:

- (a) **Section 104.2.1 Plan Review.** Whenever any land is to be developed or a building is to be constructed, before undertaking any construction or development, Applicants shall submit building plans and specifications to the Richmond Fire Department which includes an aerial pre-fire plan for said Department's retention and review for compliance with this ordinance and other applicable regulations.

- (5) Section 104.2.2 is amended by adding subsection to read as follows:

- (a) **Section 104.2.2. Development Requirements.** This section shall be applicable whenever any land is developed or a building is constructed or improved which would require:

1. Provision of a water supply for fire protection;
2. Provision of access for fire apparatus;
3. An occupancy for the storage, handling, or use of any hazardous substance, material process or device;
4. Occupancies for which a fire department has responsibility for enforcement of laws or ordinances for fire safety or for the preservation of property or lives; or
5. Provisions to control the spread of fire.

- (6) Section 104.12 is amended by adding subsection to read as follows:

- (a) **Section 104.12. Fire Chief Fire Prevention Scope.** The Fire Chief may order, in writing, the correction, elimination or abatement of any fire or life hazard or any violation of this Ordinance including the code and standards incorporated by reference herein when the correction, elimination or abatement is necessary for the prevention or suppression of fires or conflagrations or for the protection or preservation of life or property against the hazards of fire or conflagration.

- (7) Section 104.12.1 is amended by adding subsection to read as follows:

- (a) **Section 104.12.1 Penalties.** Every person who violates any provision of this ordinance, and any provision of the California Fire Code as adopted by reference herein, is guilty of a misdemeanor. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue. Any violator shall be required to correct or remedy such violations or defects within a time specified by the Fire Chief or, when not otherwise specified, within ten (10) days. The application of the aforesaid misdemeanor penalty shall not be held to prevent the enforced removal of prohibited conditions.

(9) Section 105.6.48 is amended by adding subsection to read as follows:

(a) **Section 105.6.48 Temporary assembly permit.** A temporary assembly permit is required 10 days prior to conduct an event that will assemble more than 1,000 people. A site floor plan review and inspection fee will be assessed. A floor plan outlining but not limited to the following is required.

1. Number of people expected to attend
2. Number of exits
3. Location of fire extinguisher
4. Location of tables & chairs
5. Location of stage
6. Location of tents – requires separate permit
7. Location of cooking area(s)
8. Location of any open flames used for cooking or decorating

(10) Section 105.6.49 is amended by adding subsection to read as follows:

(a) **Section 105.6.49 Christmas tree sales permit.** An operational permit is required to engage in the business of Christmas tree sales.

(11) Section 105.6.50 is amended by adding subsection to read as follows:

(a) **Section 105.6.50 Asbestos removal.** A permit is required to conduct asbestos-removal operations regulated by Section 3319.

(12) Section 105.6.51 is amended by adding subsection to read as follows:

(a) **Section 105.6.51 Battery systems.** A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

(13) Section 105.6.52 is amended by adding subsection to read as follows:

(a) **Section 105.6.52 Firework aerial display.** A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

(14) Section 105.6.53 is amended by adding subsection to read as follows:

(a) **Section 105.6.53 Model rockets.** A permit is required to sell model rocket motors or launch model rockets (in excess of 3 launches per event) pursuant to California Code of Regulations, Title 19, Division 1, Article 17.

(15) Section 105.6.54 is amended by adding subsection to read as follows:

(a) **Section 105.6.54 Temporary water supply.** A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

(16) Section 105.6.55 is amended by adding subsection to read as follows:

(a) **Section 105.6.55 Tire storage.** A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 34.

(17) Section 105.6.56 is amended by adding subsection to read as follows:

(a) **Section 105.6.56 Change of occupancy/Site or miscellaneous inspection.** A permit is

install a gate across a fire apparatus access road pursuant to Section 505.

(19) Section 105.7.18 is amended by adding subsection to read as follows:

- (a) **Section 105.7.18 Construction, alteration, or renovation of building for which a building permit is required.** Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

(20) Section 105.7.19 is amended by adding subsection to read as follows:

- (a) **105.7.19 Medical gas systems.** A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

(21) Section 105.7.20 is amended by adding subsection to read as follows:

- (a) **105.7.20 Refrigeration equipment.** A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6.

(22) Section 105.7.21 is amended by adding subsection to read as follows:

- (a) **105.7.21 Land Development, Subdivisions.** Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

(23) Section 105.7.22 is amended by adding subsection to read as follows:

- (a) **105.7.22 Water supply for fire protection.** Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 507.

(24) Section 105.8 is added to read as follows:

- (a) **105.8 Responsibility of permittee.** Construction permits shall be presumed by the Fire District to incorporate all of the work that the applicant, the applicant's agent, employees and/or contractors shall carry out. Work performed shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval shall relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code.

(25) Section 109.4 is amended to read as follows:

- (a) **Section 109.4 Violations 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 misdemeanor, punishable by a fine of not more than \$5,000 dollars, in accordance with Government Code Section 530694. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; all such persons shall be required to correct or remedy such violations or defects within a reasonable time; when not otherwise specified, 10 days will apply. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(27) Section 113.2.1 is amended by adding subsection read as follows:

- (a) **Section 113.2.1 Local Fees.** The City Council may, by resolution, establish a schedule of nondiscriminatory fees to be charged and collected, solely to defray the Richmond Fire Department's reasonable costs for plan review of fire protection equipment and systems, including, but not limited to, the plans set forth in Section 105.1.2; requested or required inspection services; and issuance of permits. Such fees shall become effective only after the City Council has reviewed such and approved the fee schedule. At least one copy of such approved fee schedule shall be filed with the City Clerk's Office. Additional copies shall be kept in the main business office of the Richmond Fire Department for reference by, and distribution to, the public.

(28) Section 113.6 is amended by adding subsection read as follows:

- (a) **Section 113.6 Fire Suppression and Emergency Mitigation Fees.** The Richmond Fire Department may charge fees that reasonably constitute the cost of suppression of any fire or emergency mitigation against a property owner or other responsible person when the fire or emergency is a result of that person's violation of any federal, state statute or local ordinance. The Richmond Fire Department may charge fees that reasonably constitute the cost of response to incidents involving the discharge or threatened discharge of a hazardous (or suspected hazardous) material.

B. Amendment of Chapter 2 Definitions is amended as follows:

(1) Section 202-A Definitions is amended by adding the following.

- (a) **Administrator** shall mean the Fire Chief.
- (b) **All-weather driving surface.** A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

(2) Section 202-D is amended by adding the following:

- (a) **Defensible space** is a concept in landscape design for homes which provides a band of managed vegetation around a home that slows movement of fire by reducing or denying fuel and provides a space for fire fighters to take a stand to protect the house.
- (b) **Driveway** is a private roadway that provides access to no more than two (2) single-family dwellings.

(3) Section 202-F is amended by adding the following definitions to read as follows:

- (a) **Firebreak:** An area in which all flammable vegetation or combustible growth is removed and cleared away, thereby eliminating fire hazardous vegetation fuels which can rapidly transmit fire. Ornamental landscaping is permissible within a firebreak as long as it is adequately irrigated, maintained and spaced so as not to provide a means of rapidly transmitting fire. (Compare to **fuel break**.)
- (b) **Fire hazardous vegetation:** Are plants which can burn easily because they generate dry

hazardous vegetation is also known as flammable vegetation and combustible growth.

- (c) **Fire resistant plants:** A relative term used to describe plants that are more resistant or less resistant than other plants to fire. Given enough heat, all vegetation will burn. Yet plants in fact differ in how fast they burn, how high a flame they produce and their ability to survive fire. Fire resistance is enhanced by higher amounts of moisture within twigs and foliage. Fire-resistant plants can lose this quality altogether if not properly maintained and irrigated.
 - (d) **Firetrail:** A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.
 - (e) **Fuel break:** An area in which all flammable vegetation or combustible growth is reduced and cleared away according to established standards, thereby limiting the mass and arrangement of fire hazardous vegetation fuels which can rapidly transmit fire. Appropriate ornamental landscaping is permissible within a fuel break. Fuel reduction standards for fuel breaks limit the height of certain vegetation (brush, native shrubs, weeds and grasses), remove from trees any fuels which can ladder into the canopies, and provide adequate spacing between remaining plants.
- (4) Section 202-K is amended to add a definition and read as follows:
- (a) **Knox Box:** (Underwriters Laboratory) UL "Listed" box, size and style, approved by the Fire Code Official or designee that meets the requirements and uses the same security key code adopted by the Fire Department.
- (5) Section 202-M is amended to add a definition and read as follows:
- (a) **Multi-Family Residential Structures:** Multi-family residential structures comprised of four (4) or more units which access to the building or common areas or mechanical or an electrical room within the building is denied through locked doors.
- (6) Section 202-N is amended to add a definition and read as follows:
- (a) **Nuisance Fire Alarm:** The activation of any fire protection or alarm system which results in the response of the Richmond Fire Department and is caused by malfunction, improper maintenance, negligence, or misuse, of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.
- (7) Section 202-O is amended by adding the following:
- (a) **Ornamental landscaping:** Decorative plants growing within a tended garden or yard which are appropriately irrigated, maintained and located to provide aesthetic decoration and functional utility, such as privacy screening, shade, weed suppression and erosion control. The use of fire-resistant plants and the removal of fire hazardous vegetation will enhance fire safety.
- (8) Section 202-P is amended by adding the following:
- (a) **Protected aboveground tank:** A listed tank system consisting of a primary tank provided with protection from physical damage, and fire-resistive protection from a high-intensity liquid pool fire exposure. The tank system is allowed to provide these protection elements as a unit or is allowed to be an assembly of components, or a combination thereof.
- (9) Section 202-R is amended by adding the following:

Condominiums, Congregate re residences (nontransient) with more than 10 occupants, Convents, Dormitories, Fraternities and sororities, Hotels (nontransient), Live/work units, Monasteries, Motels (nontransient), Vacation timeshare properties.

(10) Section 202-S is amended by adding the following:

- (a) **Security Padlock:** The person(s) charged with the responsibility for the occupancy, building or business owner.
- (b) **Security Cap:** A Fire Department Connection (FDC) plug and cap approved for use in the City of Richmond by the Fire Official or designee utilizing 2 1/2" National Standard thread pattern.
- (c) **Sprinkler alarm and Supervisory system (SASS):** A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.
- (d) **Substantial Addition or Expansion:** Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

(11) Section 202-T is amended by adding the following:

- (a) **Temporary fire department access road for construction:** An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.
- (b) **Temporary fire department access road for construction of one (1) residential (R3) unit.** A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.
- (c) **Temporary water supply.** Water stored for firefighting purposes in an approved aboveground tank during combustible construction.
- (d) **Tree litter.** Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground

(12) Section 202-V is amended by adding the following:

- (a) **Very High Fire Hazard Severity Zones (VHFHSZ):** Any geographic area designated pursuant to California Government Code Section 51178 to contain the type and condition of vegetation, topography, weather and structure density to potentially increase the possibility of wildland conflagration fires. As a community adjacent to extensive wildland areas, the City of Richmond contains several VHFHS zones. A map of these zones is available from the Richmond Fire Department. Fire hazard reduction standards are more extensive for properties located within VHFHS zones.

C. Amendment of Chapter 3 General Requirements is amended as follows:

(1) Section 304.1.2 is added to read as follows:

- (a) **Section 304.1.2 Vegetation.** A hazard created by the growth of weeds, grass, vines, trees or other growth capable of being ignited and endangering property shall be mitigated.

- (3) Section 308.1.4 Exception 1 is added to read as follows:
- (a) **Section 308.1.4 Exception 1. Residential Occupancies.**
- (4) Section 318 Automobile Wrecking Yards is added to read as follows:
- (5) Section 318.1 is added to read as follows:
- (a) **Section 318.1 General.** The operation of automobile wrecking yards shall be in accordance with this section.
- (6) Section 318.2 is added to read as follows:
- (a) **Section 318.2 Definitions** is added to read as follows:
1. **Automobile Wrecking Yard.** An area that stores or dismantles salvaged vehicles.
 2. **Automobile Dismantling.** The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.
- (7) Section 318.3 is added to read as follows:
- (a) **Section 318.3 Requirements:**
- (8) Section 318.3.1 is added to read as follows:
- (a) **Section 318.3.1 Permits.** An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.
- (9) Section 318.3.2 is added to read as follows:
- (a) **Section 318.3.2 Fire Apparatus Access Roads.** Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.
- (10) Section 318.3.3 is added to read as follows:
- (a) **Section 318.3.3 Welding and cutting.** Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires and all other debris.
- (11) Section 318.3.4 is added to read as follows:
- (a) **Section 318.3.4 Housekeeping.** Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.
- (12) Section 318.3.5 is added to read as follows:
- (a) **Section 318.3.5 Fire Protection.** Offices, storage buildings and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.
- (13) Section 318.3.6 is added to read as follows:

no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

(15) Section 318.3.7 is added to read as follows:

(a) **Section 318.3.7 Storage Piles.** Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

(16) Section 318.3.8 is added to read as follows:

(a) **Section 318.3.8 Burning operations.** The burning of salvaged vehicles and salvaged or waste materials is prohibited.

(17) Section 318.3.9 is added to read as follows:

(a) **Section 318.3.9 Motor vehicle fluids.** Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

(18) Section 318.3.9.1 is added to read as follows:

(a) **Section 318.3.9.1 Mitigation of leaking fluids.** Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems and transmissions shall be kept available on site. Single-use plugs, diking and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state and local requirements.

(19) Section 318.3.10 is added to read as follows:

(a) **Section 318.3.10 Fuel tanks.** Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

(20) Section 318.3.10.1 is added to read as follows:

(a) **Section 318.3.10.1 Repair of vehicle fuel tanks.** The repair of fuel tanks, including cutting, welding or drilling of any kind, is prohibited.

(21) Section 318.3.11 is added to read as follows:

(a) **Section 318.3.11 Lead acid batteries.** Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

D. Amendment of Chapter 4 Emergency Planning and Preparedness is amended as follows:

(1) Section 401.5.1 is added to read as follows.

(a) **Section 401.5.1 Unwarranted fire alarm notification.** Notification of emergency responders based on an unwarranted alarm may be punishable by a fine. In addition, the responsible party may be liable for the operational and/or administrative costs incurred from the emergency response and/or mitigation procedures resulting from an unwarranted fire alarm notification.

servicing or testing, construction activities, ordinary household activities or other cause when no such danger exists.

- (3) Section 404.1 is amended to read as follows.
- (a) **Section 404.1 General.** Aerial pre-plans, evacuation, and lockdown plans associated drills shall comply with the requirements of Sections 404.2 through 404.5.1.
- (4) Section 404.2 items number five (5), seven (7), and number eight (8) are amended to read as follows.
- (a) **Section 404.2 Where required.** An approved fire aerial pre-plan and evacuation plan shall be prepared and maintained for the following occupancies and buildings.
5. Group H. including any occupancy that is in the Contra Costa Health Services Hazardous Materials Programs larger than 5,000 square feet.
 7. Group R-1. Residential occupancies containing twenty (20) or more sleeping units in complex.
 8. Group R-2. Residential occupancies containing twenty (20) or more sleeping units in complex.
- (5) Section 404.3.2 is amended to read as follows:
- (a) **Section 404.3.2 Aerial pre-plans.** Aerial pre-plans shall include but not be limited to the following:
1. Knox Box and/or hazmat Knox cabinet location
 2. Fire Alarm Control Panel (FACP)
 3. Emergency vehicle access
 4. Post Indicator Valve (PIV)
 5. OS&Y valve
 6. Location of hazardous materials
 7. Sprinkler riser
 8. Gas valve
 9. Electrical main valve
 10. Fire Department Connection (FDC)
 11. Hydrant location
 12. Elevator equipment room

E. Amendment of Chapter 5 Fire Service Features is amended as follows:

- (1) Section 503.1.2.1 is amended by adding the following:
- (a) **Section 503.1.2.1 Access to Very High Fire Hazard Severity Zones and Open Space.**
1. It shall be unlawful to block access to any of the fire access roads into open space which are identified on lists or maps contained in the document entitled “Exhibit B - Access Roads in Very High Fire Hazard Severity Zones,” copies of which shall be

private use is obstructed by new development, the developer shall provide alternate access, approved by the Fire Department, for fire personnel and equipment. Any obstruction of access to open land/space or a fire trail system maintained for public or private use shall be deemed to be a nuisance and shall be subject to abatement as set forth in Section 8.16.060 (c) of the Municipal Code of the City of Richmond.

(2) Section 505.3 is added to read as follows:

(a) **Section 505.3 Street names and addressing.** Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

(3) Section 506.1 is amended by adding Subsection 506.1 items number one (1) thru number seven (7) to read as follows:

(a) **Section 506.1 Where required.** Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire official is authorized to require a Knox Rapid Entry System to be installed in an approved location. The Knox Rapid Entry System shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain necessary access as required by the fire code official. If any of the following items listed (a) thru (g) is located at an occupancy then a Knox Rapid Entry System shall be required.

1. **Fire suppression and standpipe systems.** When a building within the city limits is protected by an automatic fire suppression and/or standpipe system, it shall be equipped with a Knox Rapid Entry System, installed at a location approved by the Fire Code Official or designee.
2. **Automatic Alarm Systems.** When a building within the city limits is protected by an automatic fire suppression and/or standpipe system, it shall be equipped with a Knox Rapid Entry System, installed at a location approved by the Fire Code Official or designee.
3. **Multi-family residential structures.** Multi-family residential structures comprised of four (4) or more units which access to the building or common areas or mechanical or an electrical room within the building is denied through locked doors.
4. **Automatic Gates.** When a property is accessed through a gate or cross arm that impedes ingress through required fire lanes by means of a key or swipe card, it shall be equipped with a key switch to be installed at a location approved by the Fire Code Official or designee.
5. **Security Padlock.** When a property is protected by a locked fence or gate and where immediate access to the property is necessary for life saving and firefighting purposes, it shall be equipped with a security padlock to be installed at a location approved by the Fire Code Official or designee. It shall then be the responsibility of the Responsible Party to see that the fence or gate is secured properly so that the security padlock is accessible.
6. **Construction Sites.** When a construction site is to be secured by a locked fence or gate, that site will fall under section 2 subsection E, during the duration of construction or until said fence or gate is removed. It shall then be the responsibility of the construction company to see that the fence or gate is secured properly so that the security padlock is accessible.
7. **Security of Fire Department Connections (FDC).** When a building is protected by an automatic sprinkler and/or standpipe system and the fire department connection is exposed to vandalism, the Fire Code Official or designee shall require that a security cap be installed.

Exception: This shall not apply to any owner occupied one and two family

barrier(s) and security caps for all fire department connections to an automatic sprinkler and/or standpipe system.

(5) Section 506.1.3 is added to read as follows:

- (a) **Section 506.1.3 Knox Rapid Entry System storage cabinet contents.** Any facility, firm, or corporation that handles, uses, or stores hazardous material and or total aggregate is more than 55 gallons of liquid, 500 pounds of solid, or 200 cubic feet of gas, shall have a Knox Box HazMat Cabinet, model #1100, for Richmond Fire Department use. A weatherproof cabinet, model #1200-WH, shall be installed when appropriate. Exception: not required for Underground Storage Tanks (UST).

The cabinet shall contain the following items:

1. Binder for hazmat Knox Box with:
 - a. List of responsible parties phone numbers (i.e. plant manager, owner, all principal employees, management types, and major chemical manufacturers).
 - b. An aerial pre-plan of the facility, to include room numbering, extinguishing systems (outside stem and yoke (OSY), post indicator valves (PIV), fire department connections (FDC), drains, secondary containment, ventilation systems, and hydrant locations (See attached aerial pre-plan sample).
 - c. Alphabetical list of chemicals, room number location, and approximate quantity and strength (i.e. 50%, 60%, 85%, etc.).
 - d. Safety Data Sheet (SDS) of all chemicals in alphabetical order.
2. Keys for hazmat Knox Box:
 - a. Keys to all locked doors with plastic identification tags corresponding to complex aerial pre-plan.
3. Location of Hazmat Knox Box:
 - a. The Knox Box shall be located on the exterior of the building near the front entrance as shown by Fire Code Official or designee.

(6) Section 506.1.4 is added to read as follows:

- (a) **Section 506.1.4 Knox Rapid Entry System key box contents.** The Key boxes shall contain, but not be limited to the following items as designated by the Fire Code Official or designee.

The Key Box shall contain the following items:

1. Labeled keys to locked points of egress, whether in interior or exterior of such buildings.
2. Labeled Keys to the locked mechanical rooms.
3. Labeled keys to any fence or secured areas not covered in Section 506.1 subsection (4), (5), or (6).
4. Labeled keys to any other areas that may be required by the Fire Code Official or designee.
5. A card containing the emergency contact people and phone numbers for each occupancy.
6. Hazardous Materials Safety Data Sheet (SDS).
7. Aerial pre-plan.

(7) Section 506.1.5 is added to read as follows:

- (a) **Section 506.1.5 Alert Decals.** Alert decals approved by the Fire Code Official or designee, to alert fire companies of the presence of security features covered by this ordinance, will be displayed on any outside doors or windows as designated by the Fire Code Official or designee.

F. Amendment of Chapter 9 Fire Protection Systems is amended as follows:

(1) Section 901.6.2.2 is amended by adding to read as follows:

(a) **Section 901.6.2.2 Inspection Records.** Records of all Inspections, testing and maintenance for all water based fire suppression systems shall be completed on the forms found in annex B of NFPA 25, California Edition.

(2) Section 902.1 is amended by adding 902.1-U to read as follows:

(a) **Section 902.1 Definitions. Undetermined Occupancy.** In buildings of undeclared use with floor to structure height greater than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

(3) Section 902.1 is amended by adding 902.1-S to read as follows:

(a) **Section 902.1 Definitions. Substantial Remodel.** In existing buildings, any alteration that causes additional floor area that is more than fifty (50%) percent of the existing floor area and where the total floor area exceeds 5000 square feet.

(4) Section 903.1 is amended to read as follows:

(a) **Section 903.1 General.** Automatic sprinkler systems shall comply with this section. For the purposes of this section, fire walls shall not be considered as creating separate buildings. An automatic sprinkler system shall be provided for all new buildings with a gross floor area that exceeds 5000 square feet and in the locations set forth in Section 903.

Exception: Group U occupancies.

(5) Section 903.2 is adopted in its entirety except as amended below:

(a) **Section 903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

(b) **Section 903.2.1.3 Group A-3.** An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area

2. The fire area has an occupant load of 500 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

- (d) **Section 903.2.1.6 Group B.** An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.
- (e) **Section 903.2.3 Group E.** Except as provided for in Section 903.2.19 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:
1. Throughout all Group E fire areas greater than 5000 square feet in area.
 2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

1. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
 2. Throughout any Group E structure greater than 10,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.
- (f) **Section 903.2.4 Group F-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:
1. A Group F-1 fire area exceeds 5000 square feet.
 2. A Group F-1 fire area is located more than three stories above grade plane.
 3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
- (g) **Section 903.2.7 Group M.** An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:
1. A Group M fire area exceeds 5000 square feet.
 2. A Group M fire area is located more than three stories above grade plane.
 3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10000 square feet.
 4. A Group M occupancy is used for the display and sale of upholstered furniture.
 5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.
- (h) **Section 903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, including manufactured and mobile homes, including those located in mobile home parks.
- (i) **Section 903.2.8.2 Group R-3 Substantial Addition or Expansion.** An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs and the new total fire area of the structure exceeds 3,600 square feet.
- (j) **Section 903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:
1. A Group S-1 fire area exceeds 5000 square feet

California Building Code, as shown.

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5000 square feet.
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5000 square feet
3. Buildings with repair garages servicing vehicles parked in basements.

(l) **Section 903.2.10 Group S-2 enclosed parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5000 square feet; or
2. Where the enclosed parking garage is located beneath other occupancy groups.

(m) **Section 903.2.11.3 Buildings 35 feet or more in height.** An automatic fire extinguishing system shall be installed in all occupancies regardless of type of construction, floor area, or occupancy load if the building is three stories or more than 35 feet in height measured in accordance with the California Building Code, Chapter 5.

(n) **Section 903.2.20 Mitigation.** An automatic fire extinguishing system installed in accordance to Section 903.3 shall be provided throughout all new buildings located within the Very High Fire Hazard Severity Zones (VHFHSZ) as identified in RMC Section 8.16.080.

(o) **Section 903.2.21 Fire Department Delivery Capability.** An automatic fire sprinkler shall be installed in all new buildings and occupancies or in existing buildings or structures that change occupancy classification or use, when the required fire flow exceeds 2,000 gallons per minute or the total floor area exceeds 5,000 square feet.

(p) **Section 903.2.22 Response Times.** An automatic fire sprinkler system shall be installed in all new buildings or occupancies which exceed a maximum running time of three minutes or a maximum response time of 5 minutes from the first due station. Times shall be measured by the most direct route on surface streets.

(q) **Section 903.2.23 Area Separation.** For the purpose of this section, buildings separated by fire walls without openings, constructed in accordance with the California Building Code, shall not be considered to create separate buildings.

(6) Section 903.1.1.2 is added to read as follows.

(a) **Section 903.3.1.1.2 Undeclared Use.** In buildings of undeclared use with floor to structure height greater than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

(7) Section 903.3.8 is amended to read as follows.

(a) **Section 903.3.8. Floor control valves.** Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies

(8) Section 903.4.2 is amended to read as follows:

(a) **Section 903.4.2 Alarms.** One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm

(9) Section 903.6 is amended by adding subsections 903.6.1 and 903.6.2 to read as follows:

(a) **Section 903.6.1 Substantial Addition or Expansion.** An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs *and* the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.2.

(b) **Section 903.6.2 Change of occupancy classification.** Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1012.4 of the 2012 edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). R-3.1 occupancies shall be considered a relative hazard of 4 (lowest hazard).

(10) Section 905.3.1 subsection (2) is amended in its entirety to read as follows.

(a) **Section 905.3.1 Height subsection (2).** Any building three (3) stories in height shall have a Class I standpipe installed that is interconnected with the fire sprinkler system.

(11) Section 907.4.4 is added to read as follows:

(a) **Section 907.4.4 Monitoring of other fire systems.** In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored in compliance with Section 907.6.5.

1. Sanitary facilities including restrooms, bathrooms, shower rooms and locker rooms.
2. Corridors, hallways, aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

(13) Section 907.6.5 is amended to read as follows:

- (a) **907.6.5 Monitoring of fire alarm systems.** A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL listed central station is not required for:

1. Single and multiple station smoke alarms required by section 907.2.11
2. Group I-3 occupancies shall be monitored in accordance with section 907.2.6.3.4
3. Residential Day Care Facilities (occupancy load of 14 or less)
4. One and two family dwellings
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

(14) Section 907.8.4 is added to read as follows:

- (a) **Section 907.8.4 Certification.** New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

(15) Section 907.8.5 is added to read as follows:

- (a) **Section 907.8.5 Posting of Certificate.** The UL Certificate shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

G. Amendment of Chapter 10 Means Of Egress is amended as follows:

(1) Section 1027.6 is amended by adding a new subsection 1027.6.1 to read as follows:

- (a) **Section 1027.6.1 Exit discharge surface.** Exterior exit pathway surfaces including permeable materials, shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

n. Amendment of Chapter 25 Motor Fuel-Dispensing Facilities & Repair Garages is amended as follows:

(1) Section 2306.2.4.2 is amended to read as follows:

(a) **Section 2306.2.4.2 Fleet vehicle motor fuel-dispensing facilities. Aboveground Tanks.** Class I and II and IIIA liquids may be dispensed from approved protected aboveground tanks into the fuel tanks of motor vehicles, watercraft or aircraft when installed and maintained as required by the Fire Chief and in accordance with Richmond Municipal Code Section 8.16.040.

1. **Location.** Upon approval of the Fire Chief, protected aboveground tanks may be located at farms, construction sites, gravel pits, industrial occupancies, corporation yards, other remote locations or in areas where the approved installation of underground tanks is not feasible due to soil conditions, flood plain areas, high water table or environmentally sensitive areas.
2. **Capacity.** Vaulted tanks shall not exceed 2,000 gallon capacity unless approved by the Fire Chief.
3. **Removal.** The Fire Chief shall have the sole discretion to prohibit use of vaulted tanks based on the safety of the public. Removal of vaulted tanks may be required at any time for violation of these requirements, any associated permit requirements or a change in conditions.

I. Amendment of Chapter 33 Fire Safety during Construction & Demolition is amended as follows:

(1) Section 3301.3 is added to read as follows:

(a) **3301.3 Permits.** Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

(2) Section 3318 Asbestos Removal is added to read as follows:

(a) **3318.1 General.** Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3318.

Exception: Section 3318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

(b) **3318.2 Notification.** The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

(c) **3318.3 Plastic Film.** Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.