

ORDINANCE NO. 2022-1094

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF YORBA LINDA AMENDING CHAPTER 15.04 OF THE YORBA LINDA MUNICIPAL CODE AND ADOPTING BY REFERENCE THE CALIFORNIA BUILDING CODE VOLUMES 1 AND 2, 2022 EDITION, WHICH INCORPORATES AND AMENDS THE INTERNATIONAL BUILDING CODE, 2019 EDITION, WITH CERTAIN APPENDICES AND AMENDMENTS, THE CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION, THE CALIFORNIA EXISTING BUILDING CODE, 2021 EDITION, AND REPEALING ORDINANCE NO. 2019-1063.

WHEREAS, California Government Code Section 50022.1 *et seq.* authorizes the City to adopt by reference the California Building Standards Code (California Code of Regulations, Title 24) adopting certain uniform codes, including the California Building Code Volumes 1 and 2, 2019 Edition (which incorporates and amends the International Building Code, 2021 Edition), with certain appendices and amendments, the California Historical Building, 2022 Edition, the California Existing Building Code, 2022 Edition; and

WHEREAS, California Health and Safety Code Sections 17958 *et seq.* and 18941.5 authorizes cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City of Yorba Linda desires to adopt the California Building Code, as adopted by the State of California Building Standards Commission in Title 24 of the California Code of Regulations (the "Building Code"), with certain appendices and amendments to assure the Building Code is tailored to the particular safety needs of the City of Yorba Linda as required by its unique climatic, geological and topographical conditions; and

WHEREAS, the City Council held a public hearing on December 6, 2022 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the California Building Code, 2022 Edition, as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on November 24, 2022 and December 1, 2022; and

WHEREAS, any and all other legal prerequisites relating to the adoption of this Ordinance have occurred.

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

Section 1. Findings. To the extent that the following changes and modifications to the California Building Code, 2022 Edition, are deemed more restrictive than the standards contained therein, thus requiring that findings be made pertaining to local conditions justifying such modifications, the City Council adopted Resolution No. 2022-5828 that found and determined that the following changes and modifications are reasonably necessary due to local conditions.

Section 2. Chapter 15.04 of the Yorba Linda Municipal Code is hereby amended to read as follows:

“CHAPTER 15.04

BUILDING CODE

Sections:

15.04.010	Documents adopted.
15.04.020	Chapter 1, Division II, Scope and Administration – amendments.
15.04.030	Chapter 2 Definitions – amendments.
15.04.040	Chapter 7A Materials and Construction Methods for Exterior Wildfire Exposure – amendments.
15.04.050	Chapter 9 Fire Protection Systems – amendments.
15.04.060	Chapter 15 Roof Assemblies and Rooftop Structures - amendments
15.04.070	Section 3109 Swimming Pool Enclosures and Safety Devices – amendments.
15.04.080	Chapter 35 Referenced Standards – amendments.
15.04.090	Appendix A Employee Qualifications – deleted.
15.04.100	Appendix B Board of Appeals- adopted.
15.04.110	Appendix C Group U – Agricultural Buildings – adopted.
15.04.120	Appendix D Fire Districts – deleted.
15.04.130	Appendix E Reserved – deleted.
15.04.140	Appendix F Rodent proofing – deleted.
15.04.150	Appendix G Flood-Resistant Construction – deleted.
15.04.160	Appendix H Signs – deleted.
15.04.170	Appendix I Patio Covers – adopted.
15.04.180	Appendix J Grading – deleted.
15.04.190	Appendix K Group R-3 and Group R-3.1 Occupancies Protected by the Facilities of the Central Valley Flood Protection Plan – deleted.
15.04.200	Appendix L Earthquake Recording Instrumentation – deleted.
15.04.210	Appendix M Tsunami-Generated Flood Hazard – deleted.
15.04.220	Appendix N Replicable Buildings – deleted
15.04.230	Appendix O Performance – Based Application – deleted “new”
15.04.240	Appendix P Emergency Housing – deleted

15.04.010. Building Code Adopted.

There is hereby adopted by reference, as the Building Code of the City, the California Building Code, 2022 Edition, with certain appendices and amendments, which incorporates and amends the International Building Code, 2021 Edition, with certain appendices and amendments, published by the International Code Council, the California Historical Building Code, 2022 Edition and the California Existing Building code, 2022 Edition, one certified copy of which is on file in the office of the City Clerk for public inspection and is adopted with the same force and effect as though set out herein in full. The California Building Code, 2022 Edition, as adopted herein, is amended as set forth in Sections 15.40.020 through 15.04.230

15.04.020. Chapter 1, Division II, Scope and Administration – amendments.

Section 101.4.1 Gas is hereby amended to read as follows:

101.4.1 Gas. The provisions of the California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. Where the term “International Fuel Gas Code” is used in this code, it shall be interpreted to mean the California Plumbing Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

Section 101.4.2 Mechanical is hereby amended to read as follows:

101.4.2 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators and other energy-related systems. Where the term “International Mechanical Code” is used in this code, it shall be interpreted to mean the California Mechanical Code.

Section 101.4.3 Plumbing is hereby amended to read as follows:

101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system. The provisions of the California Plumbing Code shall also apply to all private sewage disposal systems. Where the terms “International Plumbing Code” or “International Private Sewage Disposal Code” are used in this code, it shall be interpreted to mean the California Plumbing Code.

Section 101.4.4 Property maintenance is hereby amended to read as follows:

101.4.4 Property Maintenance. The provisions of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, Uniform Housing Code, 1997 Edition, and Chapter 18.40, Enforcement, of the YLMC shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures. Where the term “International Property Maintenance Code” is used in this code, it shall be interpreted to mean the Uniform Code for the Abatement of Dangerous Buildings, Uniform Housing Code and Chapter 18.40 of the YLMC.

Section 101.4.5 Fire prevention is hereby amended to read as follows:

101.4.5 Fire Prevention. The provisions of the California Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from the occupancy or operation. Where the term “International Fire Code” is used in this code, it shall be interpreted to mean the California Fire Code.

Sections 105.1.1 and 105.1.2 are hereby deleted.

Section 105.2 Work exempt from permits is hereby amended by modifying subsections under the heading of “Building” to read as follows:

2. Masonry or concrete fences not over 3 feet (1829 mm) in height measured from the lowest adjacent finish grade.
4. Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall unless supporting a surcharge, supporting a sloped backfill with a slope greater than 2:1 or impounding flammable Class I, II, or III-A liquids.
9. Prefabricated swimming pools that are less than 18” deep, do not exceed 5,000 gallons and are installed entirely above ground.
14. Wrought Iron, wood, vinyl or chain link fences not over six (6) feet high measured from the lowest adjacent finish grade, unless a wood, vinyl or chain link fence is a full or partial pool enclosure. Such wood, vinyl or chain link fences shall conform to the pool enclosure requirements of Section 3119B of this code.

Section 105.3.1 Action on application is hereby amended by adding the additional paragraphs to read as follows:

When plans or other data are required to be submitted by section 105.1, a plan review fee shall be paid at the time of submitting plans and specifications for review. The amount of the plan review fee shall be as established by resolution adopted by the City Council.

When submittal documents for plan review are incomplete or modified so as to require additional plan review, an additional plan review fee shall be charged as established by resolution adopted by the City Council.

Section 105.3.2 Time limitation of applications is hereby amended to read as follows:

105.3.2 Time limitation of applications. An application for which no permit is issued within 180 days following the date of application shall automatically expire, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. The Building Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. An application may be extended one or more times by the building official for additional periods not exceeding 180 days each. An application shall not be extended if this code or any other pertinent laws or ordinances have been amended subsequent to the date of application.

An application for a permit may only be extended if a written request for an extension is received prior to the expiration of the permit application and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. Payment of the \$73.00 application fee shall not automatically grant an extension. Permit application extensions shall not be granted after the expiration of the original permit application and payment of plan review fees. Full plan review fees as set forth in the fee resolution adopted by the City Council shall be paid should the permit application expire.

Section 105.5 Expiration is hereby amended to read as follows:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 12 months days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 12 months any time after the work is commenced. The suspension or abandonment of work shall be defined as failing to obtain a formal approval of any required inspection as specified in Section 110.3 of this code within 180 day time period. The Building Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

A permit may only be extended, with no additional permit fees charged, if a written request for an extension is received prior to the expiration of the permit and a nonrefundable application fee of \$73.00 is paid. The application for an extension shall state the reason for the extension and identify conditions beyond the control of the applicant which justify the extension. The application shall be reviewed by the Building Official and a decision to grant an extension or not shall be based upon the merits of the written request for the extension. No additional permit fees, other than the application fee of \$73.00, shall be charged. Payment of the \$73.00 application fee shall not automatically grant an extension. Permits which have become invalid shall pay a renewal fee of 50% of the original permit fee when the permit has been expired for up to one (1) year. When a permit has been expired for a period in excess of one (1) year, the renewal fee shall be 100% of the original permit fee.

Section 107.2.2 Fire protection system shop drawings is hereby amended by amending the first sentence to read as follows:

107.2.2 Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to the Orange County Fire Authority for review to indicate conformance to the adopted codes and the construction documents and shall be approved prior to the framing inspection. Shop drawing shall contain all information as required by the referenced installation standards in Chapter 9.

Section 107.2.5 Exterior balconies and elevated walking surfaces is hereby amended to read as follows:

107.2.5 Exterior balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, or irrigation and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include the manufactures installation instructions, products listing name, approval number of the product and the approving agency.

Section 107.2.6 Site plan is hereby amended to read as follows:

107.2.6 Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing the location and dimensions of all new construction, the location and dimensions of all existing construction, all property lines shown and labeled, dimensions between all new construction and all property lines, dimensions between all existing construction and all property lines, dimensions between all new and existing construction, locations of all slopes with the top of any slope or the bottom of any slope specifically plotted and indicated, the structural setback line from top of slope specifically plotted as required by Chapter 18, the overall vertical height of all slope shown, dimensions from the top of any slope to all new proposed construction, show a dimensioned location of any active or abandon oil wells

per the Geologic Energy Management Division (CalGem) online Well Finder, indicate if the property is in a methane gas area as designated by OCFA and the Geologic Energy Management Division (CalGem), show a dimensioned location of any active or abandon septic tanks and seepage pits and any other site related information. The Building Official is authorized to waive or modify the requirement for a site plan when the application for permit is for an alteration or repair or when otherwise warranted.

Section 108.1 General is hereby amended by changing the number of days in the second sentence from “180 days” to “30 days”.

Section 109.2 Schedule of permit fees is hereby amended to read as follows:

109.2 Schedule of permit fees. For each permit required by this Article, there shall be charged and paid to the Building Department, a fee as established by resolution adopted by the City Council, and at the rate provided for each classification shown therein.

Section 109.4 Work commencing before permit issuance is hereby amended to read as follows:

109.4 Work commencing before permit issuance.

109.4.1 Investigation. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, a special investigation shall be made before a permit may be issued for such work. A special investigation shall be made either by the building official, or a building inspector. Prior to any special inspection, all concealed structural and non-structural items shall be exposed so either the building official, or the inspector can conduct an accurate assessment of the non-permitted construction. The items to be exposed shall include, but not limited to, foundation, framing, electrical, plumbing and mechanical.

109.4.2 Fee. An investigation fee, in addition to the permit, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee that would be required by this code if a permit were to be issued. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code or from any penalty prescribed by law.

109.4.3 Emergency Work. The investigation fee shall not apply to emergency work when it shall be proved to the satisfaction of the Administrative Authority that such work was urgently necessary and that it was not practical to obtain a permit therefor before commencement of the work. In all such cases, a permit must be obtained as soon as it is practical to do so, and if there be an unreasonable delay in obtaining such permit, an investigation fee as herein provided shall be charged.

Section 109.6 Refunds is hereby amended to read as follows:

109.6 Refunds. The building official may authorize refunding of a fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any examination time has been expended.

The building official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

Section 110.7 Reinspections is hereby added to read as follows:

110.7 Reinspections: The Authority Having Jurisdiction shall have the authority to assess a reinspection fee for each inspection or reinspection when such portion of work for which inspection is requested is not complete or when required corrections have not been made. Reinspection fees may also be assessed when the approved plans are not readily available to the inspector, or failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the Building Official or requesting a reinspection of the same item three or more times.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for inspection or reinspection.

To obtain reinspection, the applicant shall file an application therefor in writing upon a form furnished for that purpose and pay the reinspection fee established by resolution adopted by the City Council.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

Section 110.8 Extra inspections is hereby added to read as follows:

110.8 Extra inspections: When extra inspections are necessary by reason of deficient or defective work, or otherwise through fault or error on the part of the holder of the permit or on the part of his employees, only one such extra inspection shall be made under the regular fees as herein prescribed; and the holder of the permit shall be entirely responsible for each and every subsequent extra visit or inspection. A reinspection fee shall be paid for every subsequent extra visit or inspection.

Section 111.5 Posting is hereby added to read as follows:

111.5 Posting. The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building official.

Section 112.3 Authority to disconnect service utilities is hereby amended by modifying the first sentence to read as follows;

112.3 Authority to disconnect service utilities. The building official or the building official's authorized representative shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the codes referenced in case of emergency where necessary to eliminate an immediate hazard to life and property.

Section 115.1 Authority is hereby amended to read as follows:

115.1 Authority. Whenever the building official finds any work regulated by this code, or other pertinent laws or ordinances implemented through the enforcement of this code, is being performed in a manner either contrary to their provisions or in a dangerous or unsafe manor, the building official is authorized to issue a stop work order."

15.04.030. Chapter 2 Definitions – amendments.

Sections 202 Definitions is hereby amended by adding definition to read as follows:

202 General Definitions

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

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

15.04.040. Chapter 7A Materials and Construction Methods for Exterior Wildfire Exposure – amendments.

Section 701A.3 Application is hereby revised to read as follows:

701A.3 Application. New buildings located in any Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date, and additions to and remodel of buildings constructed before

2012 located in areas currently designated as such, shall comply with the provisions of this chapter. The provisions shall also apply to additions, remodels, and accessory structures located within 100 feet of a fuel modification zone, vegetation management area, or similar area containing hazardous combustible vegetation, regardless of whether the property is currently located in a designated Fire Hazard Severity Zone or Wildland-Urban Interface Fire Area, when materials and/or construction methods for exterior wildfire exposure were previously required at the property by the Building or Fire Code Official.

Exceptions:

1. Buildings of an accessory character classified as a Group U occupancy and not exceeding 120 square feet in floor area, when located at least 50 feet from the applicable building.
2. Buildings of an accessory character classified as a Group U occupancy of any size located least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in Section 202 of this code (see also Appendix C – Group U Agricultural Buildings), when located at least 50 feet from an applicable building.

Section 710A.3.3 is hereby revised to read as follows:

710A.3.3 Detached accessory structures within 50 feet of an applicable building shall comply with the requirements of this section.

Section 710A.4 Requirements is hereby added to read as follows:

710A.4 Requirements. Roofs of any accessory structures shall be constructed of non-combustible or ignition-resistant materials.

15.04.050. Chapter 9 Fire Protection Systems – amendments.

Section 903.2 Where required is hereby amended to read as follows:

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

1. **New buildings:** Notwithstanding any applicable provisions of Sections 903.2.1 through 903.2.21, an automatic fire-extinguishing system shall also be installed in all occupancies when the total building area exceeds 5,000 square feet as defined in Section 202, regardless of fire areas or allowable area, or is more than two stories in height.

Exception: Subject to approval by the Fire Code Official, open parking garages in accordance with Section 406.5 of the California Building Code.

2. **Existing Buildings:** Notwithstanding any applicable provisions of this code, an automatic sprinkler system shall be provided in an existing building when an addition occurs and one of the following conditions exists:
 - a. When an addition is 33% or more of the existing building area, and the resulting building area exceeds 5000 square feet.
 - b. When an addition exceeds 2000 square feet and the resulting building area exceeds 5000 square feet.
 - c. An additional story is added above the second floor regardless of fire areas or allowable area.

Exception: Additions to Group R-3 occupancies shall comply with Section 903.2.8 (2).

Section 903.2.8 Group R is hereby amended to read as follows:

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

1. **New Buildings:** An automatic sprinkler system shall be installed throughout all new buildings.
2. **Existing R-3 Buildings:** An automatic sprinkler system shall be provided installed throughout when one of the following conditions exists:
 1. When the floor area of alterations within any two-year period exceeds 50 percent of the gross area of the existing structure and the building gross floor area exceeds 4,800 square feet; or
 2. When an existing Group R-3 Occupancy is being substantially renovated, and where the scope of the renovation is such that the Building Code Official determines that the complexity of installing a sprinkler system would be similar as in a new building.
1. Existing Group R-3 occupancies converted to Group R-3.1 occupancies and not housing bedridden clients, not housing non-ambulatory clients above the first floor, and not housing clients above the second floor.
2. Existing Group R-3 occupancies converted to Group R-3.1 occupancies housing only one bedridden client and complying with Section 435.8.3.3 of the California Building Code.
3. Pursuant to Health and Safety Code, Section 13113, occupancies housing ambulatory children only, none of whom are mentally ill children or children with intellectual disabilities, and the buildings or portions thereof in which such

children are housed are not more than two stories in height, and building or portions thereof housing such children have an automatic fire alarm system activated by approved smoke detectors.

4. Pursuant to Health and Safety Code, Section 13143.6, occupancies licensed for protective social care which house ambulatory clients only, none of whom is a child (under the age of 18 years), or who is elderly (65 years of age or over).

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

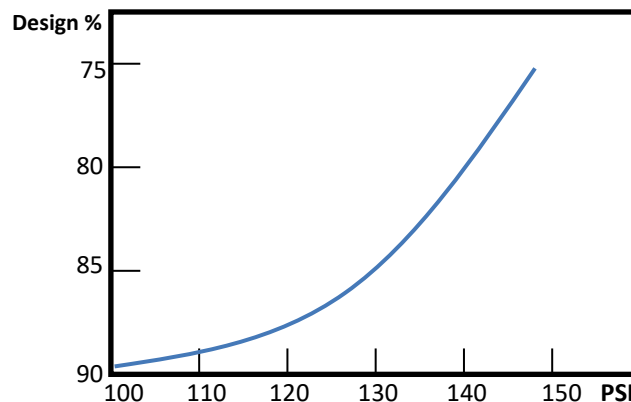
An automatic sprinkler system designed in accordance with Section 903.3.1.3 shall not be utilized in Group R-2.1 or R-4 occupancies.

Section 903.3.5.3 Hydraulically calculated systems is hereby added as follows:

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

Exception: When static pressure exceeds 100 psi, and when required by the fire code official, the fire sprinkler system shall not exceed the water supply capacity specified by Table 903.3.5.3.

TABLE 903.3.5.3
Hydraulically Calculated Systems



15.04.060. Chapter 15 Roof Assemblies and Rooftop Structures – amendments.

Table 1505.1 Minimum roof covering classifications types of construction is hereby amended to read as follows:

TABLE 1505.1^a
MINIMUM ROOF COVERING CLASSIFICATIONS
TYPES OF CONSTRUCTION

I A	I B	II A	II B	III B	III B	I V	V A	V B
A	A	A	A	A	A	A	A	A

For SI: 1 foot = 304.8 mm, 1 square foot = 0.0929 m².

a. Unless otherwise required in accordance with chapter 7A.

Section 1512.2 Roof replacement is hereby amended to read as follows:

1512.2 Recovering versus replacement. New roof coverings shall not be installed without first removing all existing layers of roof coverings and assembly materials down to the roof deck.

All newly installed roof coverings in a Fire Hazard Severity Zone, Wildland-Urban Interface Fire Area, or Fuel Modification Zone shall require new roof vents throughout and if applicable, all underside eave and cornice vents per Section 706A. Retrofit vents shall be reviewed and approved prior to installation.

Where the roofing material profile has an “air-space” under the roof covering, the underlayment shall comply with Section 705A.

15.04.070 Section 3109 Swimming Pool, SPAS AND HOT TUBS – amendments.
Revised to coincide with Ord. 2020-1083.

Section 3109.2 California swimming pool act are hereby amended by modifying the following subsections:

Subsection 115922(a)(1) is hereby amended to include the follow sentence at the end of the subsection, “The requirements of this subsection, 115922(a)(1) are required to be one of the drowning prevention safety features.”

Subsection 115922(a)(2) is hereby deleted.

Subsection 115923 is hereby amended to read as follows:

115923 An enclosure/barrier¹ is a mandatory requirement per subsection 115922(a)(1) and shall have all the following characteristics:

- (a) **Barrier height and clearances.** The top of the barrier shall be at least sixty (60) inches above grade measured on both sides of the barrier. The 60-inch barrier height shall be maintained for a distance of three (3) feet measured perpendicular from the face of the barrier and on both sides of the barrier. No natural or artificial grade, rock outcropping or artificial structure or construction may be placed within

the three-foot horizontal distance, which reduces the effective barrier height to less than 60 inches. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches.

Return walls and all other obstructions, indentations, including but not limited to artificial structure(s), construction characteristics, wrought iron/vinyl fencing, raised planters, retaining walls or architectural features which could be considered a step shall maintain a 45-inch horizontal clear area between the horizontal surface(s) measures 3'-0" perpendicular outward from the face of the subject wall.

- 1 The Property Owner is responsible for verifying and avoiding conflicts with any existing easements, Yorba Linda Water District easements, dedicated easements, parks, public trails, neighboring properties, and any other similar areas.

- (b) **Gates.** Any access door or gates through the enclosure shall be a minimum of 60 inches in height, open away from the swimming pool and be self-closing with a self-latching device. The release mechanism shall be located on the pool side of the door or gate and shall be located a minimum of three inches below the top of the 60-inch gate. The access door or gate and the barrier shall have no openings greater than one half (1/2) inch within eighteen (18) inches of the release mechanism. Gates shall not be wider than 48 inches.

Access doors wider than 48 inches may be used with the following conditions. Access doors or gates with a leaf wider than forty-eight (48) inches need not be self-closing or self-latching. Single leaf doors or gates shall have an integral, permanent, keyed locking device or a pad lock installed. Double leaf doors or gates shall have an integral; permanent keyed locking device or a pad lock installed in one leaf with the second leaf provided with a dead bolt at the bottom of the door or gate. The dead bolt shall be a minimum of one half inch (1/2) inch in diameter and engage into a permanently installed receiver of steel or concrete a minimum of two (2) full inches. The dead bolt shall have an integral, permanent, keyed locking device.

RV Gates are permitted, however a separate mandatory barrier compliant with Section 115923 shall be installed with or without a compliant access gate behind the RV gate.

- (c) **Gaps.** Gaps or voids, if any, shall not allow passage of a sphere equal to or greater than four (4) inches in diameter.
 - (d) **Chain link Fencing.** Chain link (consistent with Yorba Linda Zoning Code, Section 18.10.130.F) may be used, provided the openings are not greater than 1-3/4 inches measured horizontally.
 - (e) **Widely and Closely spaced horizontal, vertical or diagonal members.** When the barrier is composed of horizontal, vertical or diagonal members, the distance

between the tops of the horizontal members shall not be less than forty-five (45) inches. Where there are decorative features in the fence, spacing within the features shall not exceed 1-3/4 inches in any dimension.

- (f) **Outside surface.** The outside surface shall be free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five to climb over. Protrusions, cavities and physical characteristics shall be a maximum of 1/2" or less.
- (g) **Solid Barrier Surfaces.** Solid Barriers which do not have openings shall not contain indentations or protrusions except normal construction tolerances and tooled joints 1/2" or less.

115923.1 Dwelling wall as a barrier. Where a wall of a dwelling serves as part of the barrier, one of the following shall apply:

1. Doors with direct access to the pool through that wall shall be equipped with an alarm that produces an audible warning when the door and/or its screen, if present, are opened. The alarm shall be *listed* and labeled in accordance with UL 2017. In dwellings not required to be *Accessible units*, *Type A units* or *Type B units*, the deactivation switch shall be located 54 inches (1372 mm) or more above the threshold of the door. In dwellings required to be *Accessible units*, *Type A units* or *Type B units*, the deactivation switch shall be located not higher than 54 inches (4 feet 6 inches) and not less than 48 inches (4 feet) above the threshold of the door.
2. The pool shall be equipped with a power safety cover that complies with ASTM F1346.
3. Any man door opening from a garage to the inside of the pool barrier enclosure shall be equipped with one of the following devices:
 - i. The locking and latching device shall be located a minimum of 54 inches above ground level. The door shall be self closing and self latching.
 - ii. The door shall be equipped with an audible warning as required in Item (1) above, with the exception that the alarm shall be located in both the garage and in the habitable area of the dwelling.
 - iii. The door shall be self closing, self latching and be openable only with a key or combination type door latch.

115923.2 Indoor Swimming Pools. Walls surrounding indoor swimming pools shall not be required to comply with Subsection 115923.1.

115923.3 Exempt facilities. The requirements of this article shall not apply to the following:

Any pool within the jurisdiction of any political subdivision that adopts and ordinance for swimming pool safety that includes requirements that are at least as stringent as this division.

Section 3109.3 Public swimming pools is hereby added to read as follows:

3109.3 Public swimming pools. Public swimming pools shall be completely enclosed by a fence at least five (5) feet in height or other acceptable barrier. Fences and acceptable barriers shall conform to the requirements of Section 3119B

15.04.080. Chapter 35 Referenced Standards – amendments.

NFPA 13, 2022 Edition, Standard for the Installation of Sprinkler Systems is hereby amended as follows:

Section 6.7.3 is hereby revised to read as follows:

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

Section 8.3.3.1 is hereby revised to read as follows:

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

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

Section 8.15.1.2.7 is hereby revised as follows:

8.15.1.2.7 Concealed spaces filled with noncombustible insulation shall not require sprinkler protection when approved by the fire code official.

NFPA 13D 2022 Edition, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes is hereby amended as follows:

Section 7.1.2 is hereby revised to read as follows:

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

NFPA 14, 2019 Edition, Installation of Standpipe and Hose Systems is hereby amended as follows:

Section 7.3.1.1 is hereby deleted in its entirety.

NFPA 24, 2019 Edition, Standard for the Installation of Private Fire Service Mains and Their Appurtenances is hereby amended as follows:

Section 6.2.8.1 is hereby added as follows:

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

Exceptions:

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

Section 6.2.9 is hereby revised to read as follows:

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

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

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

Section 10.1.5 is hereby added as follows:

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

Exception: 304 or 316 Stainless Steel pipe and fittings

Section 10.4.1.1 is hereby revised to read as follows:

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

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

Section 10.4.1.1.1 is hereby added as follows:

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

Section 10.4.3.2 is hereby revised to read as follows:

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

15.04 090 Appendix A Employee Qualifications – deleted.

Appendix A Employee Qualifications is hereby deleted in its entirety.

15.04.100 Appendix B Board of Appeals – adopted.

Appendix B Board of Appeals is hereby adopted.

15.04.110 Appendix C Group U – Agricultural Buildings – adopted.

Appendix C Group U – Agricultural Buildings is hereby adopted.

15.04.120 Appendix D Fire Districts – deleted.

Appendix D Fire Districts is hereby deleted in its entirety.

15.04.130 Appendix E Reserved – deleted.

Appendix E Reserved is hereby deleted in its entirety.

15.04.140 Appendix F Rodent proofing – deleted.

Appendix F Rodent proofing is hereby deleted in its entirety.

15.04.150 Appendix G Floor-Resistant Construction – deleted

Appendix G Flood-Resistant Construction is hereby deleted in its entirety.

15.04.160 Appendix H Signs – deleted.

Appendix H Signs is hereby deleted in its entirety.

15.04.170 Appendix I Patio Covers – adopted.

Appendix I Patio Covers is hereby adopted.

15.04 180 Appendix J Grading – deleted

Appendix J Grading is hereby deleted in its entirety.

15.04.190 Appendix K Group R-3 and Group R-3.1 Occupancies Protected by the Facilities of the Central Valley Flood Protection Plan – deleted.

Appendix K Group R-3 and Group R-3.1 Occupancies Protected by the Facilities of the Central Valley Flood Protection Plan is hereby deleted in its entirety.

15.04.200 Appendix L Earthquake Recording Instrumentation – deleted.

Appendix L Earthquake Recording Instrumentation

Appendix L Earthquake Recording Instrumentation is hereby deleted in its entirety.

15.04.210 Appendix M Tsunami-Generated Flood Hazard – deleted

Appendix M Tsunami-Generated Flood Hazard is hereby deleted in its entirety.

15.04.220 Appendix N Replicable Buildings – deleted

Appendix N Replicable Buildings is hereby deleted in its entirety.

15.04.230 Appendix O Performance – Based Application – deleted

Appendix O Performance – Based Application is hereby deleted in its entirety.

15.04.240 Appendix P Emergency Housing – Deleted

Appendix P Emergency Housing is hereby deleted in its entirety.

Section 3. Ordinance No. 2019-1063 is hereby repealed in its entirety.

Section 4. CEQA. The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had previously adopted in substantial form. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act (“CEQA”) pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a Notice of Exemption with the Orange County Clerk’s Office within five (5) working days of the approval of this ordinance.

Section 5. Severability. If any section, subsection, sentence, clause, phase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted this Ordinance, and each section, subsection, subdivision, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, subdivisions, sentences, clauses, phrases or portions might subsequently be declared invalid or unconstitutional.

Section 6. Effective Date. This ordinance shall take effect on January 1, 2023. The City Clerk shall certify to the adoption of this ordinance and shall cause this ordinance or a summary thereof to be published in the manner required by law.

PASSED, APPROVED AND ADOPTED at a regular meeting of the City Council of the City of Yorba Linda on this 6th day of December, 2022.

, MAYOR
CITY OF YORBA LINDA

ATTEST:

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA

APPROVED AS TO FORM:
RUTAN & TUCKER LLP

CITY ATTORNEY

STATE OF CALIFORNIA)

ss.

COUNTY OF ORANGE)

I, MARCIA BROWN, City Clerk of the City of Yorba Linda, California, **DO HEREBY CERTIFY** that the foregoing Ordinance was adopted at a regular meeting of the City Council of the City of Yorba Linda held on this 6th day of December, 2022 and was carried by the following roll call vote:

AYES: COUNCILMEMBERS:
NOES: COUNCILMEMBERS: None
ABSENT: COUNCILMEMBERS: None

MARCIA BROWN, CITY CLERK
CITY OF YORBA LINDA