



CITY OF MONTCLAIR NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that a public hearing will be held before the Montclair City Council on Monday, December 2, 2019, at 7:00 p.m. in the Council Chambers of City Hall located at 5111 Benito Street, Montclair, California, concerning the following:

1. First Reading of **Ordinance No. 19-988** amending specific chapters of Title 10 of the Montclair Municipal Code related to the adoption of and amendments to the State's standard Building Codes to regulate construction in the City of Montclair.

Full text of the proposed Ordinance may be reviewed prior to the hearing in the Office of the City Clerk located at 5111 Benito Street, Montclair, California, during regular business hours — 7:00 a.m. to 6:00 p.m. Monday through Thursday, and can be viewed on the City's website under Public Notices.

INVITATION TO BE HEARD: All interested persons will be given an opportunity to comment on this item at the public hearing and any subsequent public hearings conducted related to this item. In addition, written comments may be submitted to the City Council prior to the hearings, to the attention of City Clerk's Office, City of Montclair, 5111 Benito Street, Montclair, California. Please reference the hearing title and date of hearing in any correspondence. If you wish to challenge the above item in court, the challenge will be limited only to those issues you or someone else raised at the public hearing(s) in written correspondence delivered to the City at or prior to the public hearings as described in this notice.

Andrea M. Phillips
City Clerk

Dated: Thursday, November 21, 2019

ORDINANCE NO. 19-988

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MONTCLAIR AMENDING SPECIFIC CHAPTERS OF TITLE 10 OF THE MONTCLAIR MUNICIPAL CODE AND ADOPTING BY REFERENCE THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE, VOLUMES 1 AND 2, INCLUDING APPENDIX CHAPTERS C AND F; THE 2019 EDITION OF THE CALIFORNIA RESIDENTIAL CODE; THE 2019 EDITION OF THE CALIFORNIA PLUMBING CODE; THE 2019 EDITION OF THE CALIFORNIA ELECTRICAL CODE; THE 2019 EDITION OF THE CALIFORNIA MECHANICAL CODE; THE 2019 EDITION OF THE CALIFORNIA GREEN BUILDING STANDARDS CODE; THE 2019 EDITION OF THE CALIFORNIA FIRE CODE, INCLUDING APPENDIX CHAPTERS A, B, BB, C, CC, H, F, AND K; AND THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE; TOGETHER WITH CERTAIN AMENDMENTS, ADDITIONS, DELETIONS, AND EXCEPTIONS INCLUDING FEES AND PENALTIES

WHEREAS, the California Health and Safety Code establishes a Building Standards Commission whose duties include approval, codification, and publication of building standards in a triennial edition of the California Building Standards Code, commonly called Title 24; and

WHEREAS, the Building Standards Commission also establishes a date that these codes become effective throughout the state; and

WHEREAS, adoption of these codes would regulate the fabrication, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area, or other improvements to real property; maintenance of all buildings or structures in the City of Montclair; and provision for issuance of permits and collection of fees therefore; and

WHEREAS, Building Standards Code does *not* include adoption of procedural ordinances by a city or other agency related to civil, administrative, or criminal procedures and remedies available for enforcing code violations.

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

SECTION I. The following definitions are deleted from Section 10.02.010, "Definitions," of Chapter 10.02 of the Montclair Municipal Code:

~~**Fire control center** means a central location within a high-rise building for Fire Department operations and monitoring of such systems and equipment as required in this title. For the purpose of this section, fire control center also means fire command center.~~

~~**High-rise building**, in other than Group 1-2 occupancies, means every building of any type of construction or occupancy having floors used for human occupancy located more than 45 feet above the lowest floor level having building access (see California Building Code Section 403.1.2), except buildings used as hospitals as defined in Health and Safety Code Section 1250.~~

SECTION II. Section 10.08.010 of the Montclair Municipal Code is hereby amended to read as follows:

10.08.010. Adoption.

Except as provided in this Chapter, those certain building codes known and designated as the California Building Code, 2019 Edition, Volumes 1 and 2, including Appendix Chapters "I," and "J," based on the 2018 International Building Code as published by the International Code Council, shall be and become the Building Codes of the City of Montclair for regulating the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building and/or structure or any appurtenances connected or attached to such buildings or structures throughout the City. The California Building Code and its appendix chapters will be on file for public examination in the office of the Building Official.

SECTION III. The following language under Section 10.08.020 of the Montclair Municipal Code is hereby amended to read as follows:

10.08.020. Building Code amendments.

Item 9 under "Building" is hereby amended to read as follows:

Prefabricated swimming pools accessory to a R-3 occupancy that are capable of holding liquid less than 12 inches in depth, and are installed entirely above ground.

SECTION IV. Section 10.20.010 of the Montclair Municipal Code is hereby amended to read as follows:

10.20.010. Adoption.

Except as provided in this Chapter, the California Electrical Code, 2019 Edition, based on the 2018 National Electrical Code as published by the National Fire Protection Association, shall be and become the Electrical Code of the City of Montclair, regulating all installation, arrangement, alteration, repair, use, and other operation of electrical wiring, connections, fixtures, and other electrical appliances on premises within the City. The California Electrical Code is on file for public examination in the office of the Building Official.

The 2019 Edition of the California Electrical Code is hereby adopted with no amendments.

SECTION V. Article I, Article II, and Article III of Chapter 10.28 of the Montclair Municipal Code are hereby deleted and replaced with the following:

10.28.010. Adoption.

There is adopted by the City Council a code known as the California Fire Code, 2019 Edition, based on the 2018 International Fire Code as published by the "International Code Council," and referenced as the California Code of Regulations, Title 24, Part 9, including Appendices A, B, BB, C, CC, F, H, and K. The California Fire Code and its appendix chapters shall regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conservation, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the City for all fire related issues. The California Fire Code will be on file for public examination in the Office of the Building Official.

10.28.020. Scope and Administration.

A. Section 110.4 Violation penalties is hereby revised as follows:

110.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of either a misdemeanor, infraction or both as prescribed in Section 110.4.2 and 110.4.3. Penalties shall be as prescribed in local ordinance. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

B. Section 110.4.2 Infraction is hereby added as follows:

110.4.2 Infraction. Except as provided in Section 110.4.3, persons operating or maintaining any occupancy, premises or vehicle subject to this code that shall permit any fire or life safety hazard to exist on premises under their control shall be guilty of an infraction.

C. Section 110.4.3 Misdemeanor is hereby added as follows:

110.4.3 Misdemeanor. Persons who fail to take immediate action to abate a fire or life safety hazard when ordered or notified to do so by the chief or a duly authorized representative, or who violate the following sections of this code, shall be guilty of a misdemeanor:

- (1) 104.11.2 Obstructing operations
- (2) 104.11.3 Systems and Devices
- (3) 108.6 Overcrowding

- (4) 110.3.2 Compliance with Orders and Notices
- (5) 112.4 Failure to comply
- (6) 305.4 Deliberate or negligent burning
- (7) 308.1.2 Throwing or placing sources of ignition
- (8) 310.7 Burning Objects
- (9) 3107.4 Open or exposed flames

D. Fire Service Features is adopted in its entirety with the following amendment:

Section 501.3 Construction documents is revised as follows:

501.3 Construction documents. Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus roads and construction documents and hydraulic calculations for fire hydrant systems shall be submitted to the fire department for review and approval prior to construction. The design shall be in accordance with this code, national standards, and the City of Montclair Guideline for Fire Department Access & Water Requires for Commercial & Residential Development, and the City of Montclair Guideline for Underground Piping for Private Hydrants & Sprinkler Supply Line.

10.28.030 Fire Protection and Life Safety Systems

Section 903.2 Where required is hereby amended as follows:

903.2 Where required. Approved automatic sprinkler systems in buildings and structures shall be required in the locations described in Sections 903.2.1 through 903.2.12 and as follows:

- (1) Every structure hereafter constructed, erected, or moved onto a property, regard-less of separation walls as outlined in the California Building Code, shall have an approved automatic fire sprinkler system installed throughout therein.
- (2) Every structure, except Group R, Division 3, and Group R, Division 4 occupancies, here-after remodeled, rebuilt, or renovated where such costs exceed fifty (50) percent of the assessed valuation as determined by the San Bernardino County Tax Assessor shall have an approved automatic fire sprinkler system installed throughout therein.
- (3) Group R, Division 3, and Group R, Division 4 occupancies, including attached Group U occupancies, where fifty (50) percent or more of the existing floor area is hereafter added to, remodeled, rebuilt, or renovated shall have an approved automatic fire sprinkler system installed throughout therein.
- (4) Every approved automatic fire sprinkler system shall have one (1) exterior Audible Device, connected to water flow alarm device installed on each riser.
- (5) Each approved automatic fire sprinkler system shall maintain a stock of at least one spare sprinkler that corresponds to the types and temperatures of those installed in the system. The stock of spare sprinklers and wrench shall be stored in a cabinet which shall be mounted as close to the system riser as practical.

Exceptions:

- (1) Spaces or areas in telecommunications buildings used exclusively for telecommunications equipment, associated electrical power distribution equipment, batteries, and standby engines, provided those spaces or areas are equipped throughout with an automatic fire alarm system and are separated from the remainder of the building by fire barriers consisting of not less than one-hour fire-resistance-rated walls and two-hour fire-resistance-rated floor/ceiling assemblies.
- (2) Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17.
- (3) Outdoor, detached storage facilities of 200 square feet or less.
- (4) Any work for which a building permit is not required.

- (5) Block walls.
- (6) Swimming pools and spas.
- (7) Lattice patio covers.
- (8) Reroofing.
- (9) Decks.
 - (i) Except a covered deck constructed as part of a new building or structure.
- (10) Gazebos.
- (11) Solar photovoltaic panels supported by a structure over parking stalls where the panels constitute the roof.

10.28.040 Sprinkler and Alarm requirements

A. Section 903.3.1 Standards is hereby amended as follows:

903.3.1 Standards. Sprinkler systems shall be designed and installed in accordance with Section 903.3.1.1, unless otherwise permitted by Sections 903.3.1.2 and 903.3.1.3, and the following:

- (1) Every sprinkler system shall have at least one (1) fire department connection located within fifty (50) feet of a fire hydrant as approved.

Exceptions:

- (i) Sprinkler systems complying with NFPA 13 D.
 - (ii) Sprinkler systems supplying fewer than twenty (20) heads.
- (2) Minimum sprinkler system design requirements for new industrial "spec" buildings shall be as required for NFPA 13 (latest edition), extra hazard (group 1).
 - (3) NFPA 13 R sprinkler systems shall utilize separate underground water mains to supply the fire sprinkler system and the domestic water supply.

B. Section 903.4, Sprinkler system supervision and alarms, is hereby amended by modifying item 1, deleting item 5, and renumbering the Exceptions as follows:

- (1) Automatic sprinkler systems protecting one- and two-family dwellings.
- (2) Limited area systems serving fewer than 20 sprinklers.
- (3) Automatic sprinkler systems installed in accordance with NFPA 13R where the common supply main is used to supply both the domestic and automatic sprinkler system, and a separate shutoff valve for automatic sprinkler system is not provided.
- (4) Jockey pump control valves that are sealed or locked in the open position.
- (5) Valves controlling the fuel supply to fire pump engines that are sealed or locked in the open position.
- (6) Trim valves to pressure switches in dry, pre-action and deluge sprinkler systems that are sealed or locked in the open position.

C. Section 905.4 Location of Class I standpipe hose connections is hereby amended by adding items 7 as follows:

- (7) The centerline of the 2.5 inch (63.5 mm) outlet shall be no less than 18 inches (457.2 mm) and no more than 24 inches above the finished floor.

D. Section 907.1.6 False Alarms is hereby added as follows:

907.1.6 False Alarms. More than two (2) false alarms transmitted from any required or not required fire alarm system in a one (1) month period of time, or three (3) false alarms transmitted from any required or not required fire alarm system in any two (2) month period of time shall result in an assessment of fees for services provided by the Fire Department for all subsequent false alarms in the remainder of the calendar year.

10.28.050 Explosives and Fireworks

A. Section 5601.2.5 Retail Fireworks is hereby added as follows:

5601.2.5 Retail Fireworks. The storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe & Sane) and fireworks 1.3G is prohibited. Exception: Fireworks 1.4G and fireworks 1.3G may be part of an electrically fired public display when permitted and conducted by a licensed pyrotechnic operator

B. Section 5601.3.6 Seizure of Fireworks is hereby added as follows:

5601.3.6 Seizure of Fireworks. The fire code official shall have the authority to seize, take, and remove all fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19 CCR, Chapter 6. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law.

C. Section 5608.2 Firing is hereby added as follows:

5608.2 Firing. All fireworks displays shall be electrically fired.

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

Section 6.7.3 is hereby revised as follows:

6.7.3 Fire department connections (FDC) shall be of an approved type. The FDC shall contain a minimum of two 2 ½" inlets. The location shall be approved and be no more than 50 feet from a public hydrant. The FDC may be located within 50 feet of a private fire hydrant when approved by the fire code official. The size of piping and the number of 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. When the fire sprinkler density design requires 500 gpm (including inside hose stream demand) or greater, or a standpipe system is included, four 2 ½" inlets shall be provided.

Section 8.3.3.1 is hereby revised as follows:

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

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

Section 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.

Section 11.1.1.1 is hereby added as follows:

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

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

(1) Section 4.1.3 is hereby added as follows:

4.1.3 Stock of Spare Sprinklers.

4.1.3.1. A supply of at least two sprinklers for each type shall be maintained on the premises so that any sprinklers that have operated or been damaged in any way can be promptly replaced.

4.1.3.2 The sprinklers shall correspond to the types and temperature ratings of the sprinklers in the property.

4.1.3.3 The sprinklers shall be kept in a cabinet located where the temperature to which they are subjected will at no time exceed 100 oF (38oC).

4.1.3.4 A special sprinkler wrench shall be provided and kept in the cabinet to be used in the removal and installation of sprinklers. One sprinkler wrench shall be provided for each type of sprinkler installed.

(2) Section 7.1.2 is hereby revised to read as follows:

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

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

(1) Section 1.1.1 This standard and the City of Montclair’s Underground Guideline shall cover the minimum requirements for the installation of private fire service mains and their appurtenances, which include supplying the following:

1. Automatic sprinkler systems
2. Open sprinkler systems
3. Water spray fixed systems
4. Foam systems
5. Private hydrants
6. Monitor nozzles or standpipe systems with reference to water supplies
7. Hose houses

G. Appendices

Appendix B is adopted in its entirety with the following amendments.

(1) Table B105.1 (1) is hereby revised as follows:

**TABLE B105.1(1)
REQUIRED FIRE-FLOW FOR ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3
AND R-4 BUILDINGS AND TOWNHOUSES**

CALCULATION AREA (square feet)	AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
0 - 3,600	No automatic sprinkler system	1,000	1
3,601 and greater	No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2) at the required fire-flow rate
0 - 3,600	Section 903.3.1.3 of the California Fire Code or Section 313.3 of the California Residential Code	750	3/4
3,601 and greater	Section 903.3.1.3 of the California Fire Code or Section 313.3 of the California Residential Code	½ value in Table B105.1(2) but not less than 1500	1

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m

(2) Table B105.2 is hereby revised as follows:

**TABLE B105.2
REQUIRED FIRE-FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY
DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES**

AUTOMATIC SPRINKLER SYSTEM (Design Standard)	MINIMUM FIRE-FLOW (gallons per minute)	FLOW DURATION (hours)
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 or Section 903.3.1.2 of the California Fire Code	50% of the value in Table B105.1(2) but not less than 1500	Duration in Table B105.1(2)

For SI: 1 square foot = 0.0929 m², 1 gallon per minute = 3.785 L/m

- (3) Appendix BB is adopted in its entirety without amendments.
- (4) Appendix C is adopted in its entirety without amendments.
- (5) Appendix CC is adopted in its entirety without amendments.

10.28.060 Explosives and Fireworks

Chapter 56 Explosives and Fireworks California Fire Code Chapter 56 is adopted in its entirety with the following amendments:

Section 5601.2.5 Retail Fireworks is hereby added as follows:

5601.2.5 Retail Fireworks. The storage, use, sale, possession, and handling of fireworks 1.4G (commonly referred to as Safe & Sane) and fireworks 1.3G is prohibited. Exception: Fireworks 1.4G and fireworks 1.3G may be part of an electrically fired public display when permitted and conducted by a licensed pyrotechnic operator

Section 5601.3.6 Seizure of Fireworks is hereby added as follows:

5601.3.6 Seizure of Fireworks. The fire code official shall have the authority to seize, take, and remove all fireworks stored, sold, offered for sale, used or handled in violation of the provisions of Title 19 CCR, Chapter 6. Any seizure or removal pursuant to this section shall be in compliance with all applicable statutory, constitutional, and decisional law.

Section 5608.2 Firing is hereby added as follows:

5608.2 Firing. All fireworks displays shall be electrically fired.

SECTION VI. Sections 10.30.010 and 10.30.020 of the Montclair Municipal Code are hereby amended to read as follows:

10.30.010. Adoption.

Except as provided in this Chapter, the California Green Standards Code, 2019 Edition, as published by the California Building Standards Commission, shall be and become the Green Building Standards Code of the City of Montclair, regulating and controlling the planning, design, operation, use and occupancy of every newly constructed building or structure in the City. The California Green Building Standards Code shall be on file for public examination in the office of the Building Official.

10.30.020. Green Building Standards Code amendments.

The 2019 Edition of the California Green Building Standards Code is hereby adopted with no amendments.

SECTION VII. Section 10.32.10 of the Montclair Municipal Code is hereby amended to read as follows:

10.32.10. Adoption.

Except as provided in this chapter of the International Property Maintenance Code, 2018 Edition as published by the International Code Council, 4051 West Flossmoor Road, Country Club Hills, IL 60478, is referenced to and, by such reference, incorporated in this chapter and adopted as the Property Maintenance Code of the City of Montclair, except as certain portions are hereinafter specifically amended. One copy of the Property Maintenance Code certified by the City Clerk of the City of Montclair shall be filed and kept in the Building Division for use and examination by the public.

The 2018 Edition of the International Property Maintenance Code is hereby adopted with no amendments.

SECTION VIII. Sections 10.36.010 and 10.36.020 of the Montclair Municipal Code are hereby amended to read as follows:

10.36.010. Adoption.

Except as provided in this Chapter, the California Mechanical Code, 2019 Edition, based on the 2018 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the Mechanical Code of the City of Montclair, regulating and controlling the design, construction, installation, quality of materials, location, operation, and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, and other miscellaneous heat-producing appliances. The California Mechanical Code is on file for public examination in the office of the Building Official.

10.36.020. Mechanical Code amendments.

The 2019 Edition of the California Mechanical Code is hereby adopted with no amendments.

SECTION IX. Sections 10.40.010 and 10.40.020 of the Montclair Municipal Code are hereby amended to read as follows:

10.40.010. Adoption.

Except as provided in this Chapter, the California Plumbing Code, 2019 Edition, based on the 2018 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO) shall be and become the Plumbing Code of the City of Montclair, regulating erection, installation, alteration, repair, relocation, replacement, maintenance, or use of plumbing systems within the City. The California Plumbing Code is on file for public examination in the office of the Building Official.

10.40.020. Plumbing Code amendments.

The 2019 Edition of the California Plumbing Code is hereby adopted with no amendments.

SECTION X. Section 10.42.010 of the Montclair Municipal Code is hereby amended to read as follows:

10.42.010. Adoption.

Except as provided in this Chapter, the California Residential Code, 2019 Edition, based on the 2018 International Residential Code, including Appendix Chapters "I," "H" and "V," based on the 2018 as published by the International Code Council, as published by the California Building Standards Commission, shall be and become the Residential Building Code of the City of Montclair, regulating construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every detached one- and two-family dwelling and townhouse not more than three stories above grade in height with a separate means of egress and structures accessory thereto in the City. The California Residential Code is on file for public examination in the office of the Building Official.

SECTION XI. The following language is added to the end of Section 10.42.010 of the Montclair Municipal Code:

A. Appendix V, Swimming Pool Safety Act, AV100.2 (a), Construction permit, safety features required, is amended to read as follows:

Except as provided in Section AV100.5, when a building permit is issued for the construction of a new swimming pool or spa or the remodeling of an existing swimming pool or spa at a private single-family home, the respective swimming pool or spa shall be equipped with item #1 and at least one addition of the following seven drowning prevention features:

B. Appendix V, Swimming Pool Safety Act, AV100.2 (a) #1, Construction permit, safety features required, is amended to read as follows:

An enclosure that meets the requirements of Section AV100.3 and isolates the swimming pool or spa from the private single-family home. Any walls of the residential structure or accessory structures used to complete the isolation enclosure must have its door openings equipped with protection as required in AV100.2 (a) #4 or #5. Any such door protection device provided for this purpose may not be used to comply with the second drowning prevention feature requirement.

SECTION XII. Severability.

If any section, subsection, subdivision, sentence, clause, phrase 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 thereof be declared invalid or unconstitutional.

SECTION XIII. Effective Date.

This Ordinance shall be in full force and effect thirty (30) days after passage.

SECTION XIV. Posting.

The City Clerk shall certify to the passage of this Ordinance and cause the same to be posted pursuant to Government Code Section 36933.

APPROVED AND ADOPTED this XX day of XX, 2019.

Mayor

ATTEST:

City Clerk

I, Andrea M. Phillips, City Clerk of the City of Montclair, DO HEREBY CERTIFY that the foregoing is a true and correct copy of Ordinance No. 19-988 of said City, which was introduced at a regular meeting of the City Council held on the XX day of XX, 2019, and finally passed not less than five (5) days thereafter on the XX day of XX, 2019, by the following vote, to-wit:

AYES: XX
NOES: XX
ABSTAIN: XX
ABSENT: XX

Andrea M. Phillips
City Clerk