



CITY OF SACRAMENTO

DEPARTMENT OF FIRE
915 "I" STREET SACRAMENTO, CALIF. 95814
CITY HALL - ROOM 3 TEL. (916) 449-5267

CITY MANAGER'S OFFICE
RECEIVED
JAN 16 1981

WILLIAM R. POWELL
FIRE CHIEF

January 16, 1981

City Council
Sacramento, California

Honorable Members in Session:

SUBJECT: Proposed Smoke Detector Ordinance for existing structures when sold and hotels, motels, lodging houses and apartments

SUMMARY

This proposed ordinance was resubmitted to the Planning and Community Development Committee on December 17, 1980. The committee voted in favor of the ordinance with a vote of 2½ to ½.

BACKGROUND

This proposed ordinance was originally submitted to the Planning and Community Development Committee on September 17, 1980. During the review of the ordinance by committee there was concern expressed about the ability to enforce the ordinance.

Since that meeting, two major changes have been made to the proposed ordinance:

1. The portion of the ordinance which deals with alterations that require a building permit in excess of \$1,000.00 has been removed because the 1979 Uniform Building Code which is to be submitted for approval around February 1981 covers this subject and this would just be a duplication.
2. The responsibility for having smoke detectors installed, in the first proposed ordinance, was identified as: "Any person who sells or purchases a residential building."

There was concern expressed at the first meeting that this was unenforceable.

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BY THE CITY COUNCIL
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The newer proposed ordinance places the responsibility as follows:

(a) Within thirty days after the sale, exchange or other transfer or ownership of any residential building constructed prior to January 1, 1976 the purchaser or person otherwise acquiring ownership of the building shall:

(1) install or cause to be installed a smoke detector or detectors of a type approved by the State Fire Marshal. Such smoke detectors shall be located and installed within such dwelling unit as set forth in Section 1310 or Section 1413, as applicable, of the latest edition of the Uniform Building Code adopted by the City of Sacramento.

Exception: Battery-operated smoke detectors approved by the State Fire Marshal may be used;

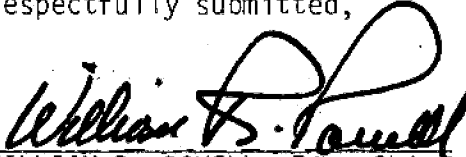
(2) and shall file with the City of Sacramento Fire Department on a form furnished by it, a declaration under penalty of perjury certifying that smoke detectors have been installed in accordance with the provisions of subdivisions (a) (1) of this section.

This change was made to clarify the responsibility and to eliminate a concern that the ordinance would be hard to enforce.


RECOMMENDATION

It is recommended that this ordinance be approved by the Council as another step to reduce the fire losses and make Sacramento a safer place to live.

Respectfully submitted,


WILLIAM R. POWELL, Fire Chief

Recommendation Approved:


Walter J. Slip
City Manager

WRP:cc
attachment

All Districts

Council Meeting January 27, 1981

ORDINANCE NO.

81-005

FOURTH SERIES

AN ORDINANCE ADDING SECTION 15.206-1
TO THE SACRAMENTO CITY CODE RELATING
TO SMOKE DETECTORS IN EXISTING
RESIDENTIAL BUILDINGS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO AS FOLLOWS:

SECTION 1. Findings. The City Council hereby finds as follows:

1. For the following reasons, the City of Sacramento is experiencing and will continue to experience an increasing demand for services rendered by fire suppression personnel of the City Fire Department:

a. The City of Sacramento is experiencing a rapid and increasing rate of growth in the construction of residential and nonresidential structures which is now resulting, and will continue to result in an increasing demand for fire suppression services;

b. That the City of Sacramento is experiencing a rapid rate of growth of high rise residential and non-residential structures which present unique fire suppression problems in terms of personnel and equipment available to fight fires in such structures;

c. That there are areas of the City in which traffic congestion existing during certain hours of the day which inhibit prompt response by the Fire Department to calls for fire suppression; and,

d. That the Fire Department is experiencing an increasing number of calls for medical-emergency assistance (e.g., cardiopulmonary resuscitation).

2. That the constraints on funding available for the activities of fire suppression caused by the Jarvis-Gann tax initiative (Article XIII A of the California Constitution) make it imperative that all reasonable methods for the earliest possible detection of fires be implemented in order to decrease the demand for fire suppression services.

3. That the requirement for smoke detectors as set forth in this ordinance constitutes a reasonable and necessary method for the reduction of the size and intensity of fires through early detection, thereby decreasing the burden on the City Fire Department by:

a. Reducing the amount of time and effort expended in the suppression of fire, thereby allowing greater time and effort to be devoted to fire prevention;

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b. Reduction of "out of service" time of fire companies due to calls for fire suppression;

c. Reduction in overtime due to call back of off duty personnel;

d. Reduction in incidence and severity of "on the job" injuries of fire personnel through reduction of size of fires; and,

e. Reduction in loss and damage of fire fighting equipment and apparatus.

4. That the requirement for smoke detectors constitutes a reasonable and necessary means for early detection of fire by the occupants of structures, thereby greatly decreasing injury, loss of life, and damage to said structures.

SECTION 2. Section 15.206-1 hereby is added to the Sacramento City Code to read as follows:

Sec. 15.206-1 Smoke detectors required in existing buildings:

(a) Within thirty (30) days after the sale, exchange or other transfer of ownership of any residential building constructed prior to January 1, 1976, the purchaser or person otherwise acquiring ownership of the building shall:

(1) install or cause to be installed a smoke detector or detectors of a type approved by the State Fire Marshal. Such smoke detectors shall be located and installed within such dwelling unit as set forth in Section 1310 or Section 1413, as applicable, of the latest edition of the Uniform Building Code adopted by the City of Sacramento.

Exception: Battery-operated smoke detectors approved by the State Fire Marshal may be used;

(2) and shall file with the City of Sacramento Fire Department on a form furnished by it, a declaration under penalty of perjury certifying that smoke detectors have been installed in accordance with the provisions of subdivisions (a)(1) of this section.

(b) After March 1, 1984, no person shall, as owner or lessee maintain a building which is used as a hotel, motel, lodging house, or apartment house unless smoke detectors approved by the State Fire Marshal are installed in such structure.

Such smoke detector or detectors shall be located and installed within such building or dwelling unit as set forth in Section 1310 or Section 1413, as applicable, of the latest edition of the Uniform Building Code adopted by the City of Sacramento.

Exception: Battery-operated smoke detectors approved by the State Fire Marshal may be used.

(c) As used in this section, "residential building" shall mean and include any dwelling, apartment house, lodging house, hotel or motel. The terms "dwelling," "apartment house," "lodging house," "hotel," "motel," and "dwelling unit" shall have the meaning given to them in the latest edition of the Uniform Building Code adopted by the City of Sacramento. "Smoke detector" shall have the meaning given to it by said Uniform Building Code.

(d) Failure to comply with the provisions of subdivision (a) (1), (a) (2) or (b) of this section shall be an infraction and shall be punishable by:

- (1) a fine not exceeding \$50.00 for a first violation;
- (2) a fine not exceeding \$100 for a second violation of the same ordinance within one year; and,
- (3) a fine not exceeding \$250 for each additional violation of the same ordinance within one year.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO.

81 006

FOURTH SERIES

FEB 3 - 1981

AN ORDINANCE ADDING ARTICLE XXII TO CHAPTER 9 OF THE SACRAMENTO CITY CODE, RELATING TO ENERGY CONSERVATION STANDARDS

BE IT ENACTED BY THE COUNCIL OF THE CITY OF SACRAMENTO:

SECTION 1. Findings.

The Council hereby finds that:

(1) Electrical and natural gas energy used to power the climate control of residential structures is essential to the health, safety, and welfare of the people of Sacramento. The cost of energy is rapidly rising due to uncertainties about the present and future supplies of energy resources and the increased cost of power plant construction to keep pace with the rising demand for electricity. Rising residential energy costs are becoming an increasing economic burden.

(2) Projections of energy sources and potentials, when compared to projections of energy consumption, indicate that the people of the City of Sacramento face a potential energy shortage in the foreseeable future.

(3) Most of the dwellings within the City of Sacramento were constructed during periods of relative energy abundance and therefore employ climate control systems which consume energy in amounts exceeding that which is possible if recently developed and previously existing energy conservation technologies are employed.

(4) Significant opportunities exist for energy conservation through the application of appropriate energy conservation standards to existing dwellings. Conservation of energy in this manner will result in decreased residential energy costs; a decrease in peak energy demand; and will decrease the threat to health and welfare of residents of the City of Sacramento posed by potential energy shortages.

(5) Based upon the foregoing, the City finds it is necessary to promote energy conservation within the City of Sacramento by adopting the regulations set forth in this ordinance.

(6) The energy conservation measures set forth in this ordinance are found to be cost effective over the lifetime of the devices which are necessary to comply with the requirements of this ordinance in the average home.

SECTION 2.

Article XXII is hereby added to Chapter 9 of the Sacramento City Code to read as follows:

ARTICLE XXII

Energy Conservation Standards for Existing Residential Structures

Sec. 9.751. Definitions.

For the purposes of this Article the following terms shall have the definition shown:

(a) "Accessible Attic Space" a space between the roof and ceiling next below in a dwelling where a roof slope is not less than two and one-half (2-1/2) feet in twelve (12) feet and the vertical clear height from the top of the bottom cord of the truss or ceiling joist to the underside of the roof sheathing at the roof ridge is at least thirty (30) inches.

(b) "A.S.H.R.A.E." American Society of Heating, Refrigeration, Air Conditioning Engineers, Inc.

(c) "Buyer" any person who receives a present ownership interest in real property including, but not limited to, any sale, exchange or lease with an option to purchase. Provided, however, that real property transactions described as exclusions in California Revenue and Taxation Code, Sections 62, 63, 64, 65 and 66 are excluded from this definition.

(d) "Conditioned Space" means the space, within a building, which is provided with a positive heat supply or a positive method of cooling, either of which has a connected output capacity in excess of 10 BTU/HR per sq. ft.

(e) "Dwelling" shall have the same meaning as defined in Section 405 of the Uniform Building Code, 1976 Edition.

(f) "Energy Auditor" a representative of Pacific Gas and Electric Company or the Sacramento Municipal Utility District, who is trained and qualified to conduct the energy audit required by this Article, or, a person who is certified or licensed by the State of California as qualified to conduct the energy audit required by this Article.

(g) "Energy Conservation Audit" an on-site inspection of existing ceiling insulation, weather stripping, duct insulation, hot water heaters, and additional items necessary to determine compliance with the requirements of this Article.

(h) "Proof of Compliance Form" a form used to indicate compliance with standards described in this Article.

(i) "Sale or Exchange" any transfer of a present ownership in real property including but not limited to any sale, exchange or lease with an option to purchase. Provided, however, that real property transactions described as exclusions in California Revenue and Taxation Code Sections 62, 63, 64, 65 and 66 are excluded from this definition of sale or exchange.

Sec. 9.752 Exemptions.

(a) The provisions of this Article shall not apply to the sale or exchange of any dwelling consummated prior to the effective date of this Article; provided, however, that any dwelling sold or exchanged subsequent to the effective date of this Article shall be subject to the provisions herein.

(b) Any dwelling for which a building permit was issued on, or after July 1, 1977, shall be exempt from the provisions of this Article for 10 years following the date the building permit was issued.

Sec. 9.753 Energy Conservation Standards.

Minimum energy conservation standards and exemptions, if any, are defined below.

Exemptions provided in this section may be recommended as applicable by the energy auditor; however, no exemptions provided in this section shall be applicable or otherwise available unless approved by the director or his designated representative.

The provisions of subsection (a) of this section shall not be enforced until July 3, 1981. The provisions of subsections (b) through (h) of this section shall not be enforced until June 28, 1982. Sections 9.754 and 9.755 shall not be enforced until the same dates prescribed in this section.

(a) All accessible attic space over conditioned areas shall be insulated to a minimum thermal resistance value of R-19.

Exemptions:

(1) Existing ceiling insulation is in excess of R-11 throughout at least 90 per cent of the existing ceiling area.

(b) All swinging doors which separate conditioned from unconditioned spaces shall be fully weather stripped or gasketed in

such a manner as to effectively and reliably limit air infiltration. Adhesive foam-type weater stripping will not constitute compliance.

(c) All domestic water heaters shall be fitted with external insulation blankets rated at a minimum thermal resistance value of R-6.

Exemptions:

(1) Thermal resistance of the total water heater insulation jacket which meets, or exceeds, A.S.H.R.A.E. Standard 90-75.

(2) Water heater clearance of less than 3" from nearest wall or is otherwise partially inaccessible to a wrap-around insulation blanket.

(3) Water heater is of non-standard, non-cylindrical shape requiring oddly cut insultation blanket or does not possess a pressure release valve.

(d) All uninsulated transverse ducts, plenums, fitting joints of all heating and cooling equipment in unconditioned areas such as attics, crawl, spaces garages and basements shall be sealed with pressure sensitive tape or mastic to prevent air loss and shall be insulated to a thermal resistance of R-5.6.

Exemptions:

(1) Duct is between floors, within interior walls, or is otherwise inaccessible without significant structural alteration or cost.

(e) The first four feet of hot water piping leading from electrical resistance, natural gas, or other fossil fuel fire domestic water heaters shall be insulated to a minimum resistance value of R-4.

(1) Piping is between floors, within interior walls, or is otherwise inaccessible without significant structural alteration.

(f) There shall be no broken window or hole in the building envelope where the light or air may be detected passing from an unconditioned space to a conditioned space.

Exemptions:

(1) Point of infiltration is inaccessible without significant structural alteration.

(g) All shower fixtures shall be fitted with flow restrictions or low-flow shower heads such that the maximum flow rate of the fixture does not exceed 3 gallons per minute maximum flow.

Exemptions:

(1) A flow rate of less than 3 gallons per minute due to reduced water pressure behind the shower head.

(2) Shower arm and head is of a ball-joint type that cannot easily be removed from the wall.

(h) All electrical wall outlet and wall switch plates shall be fitted with gaskets to reduce air infiltration.

Exemptions:

- (1) Electrical wall outlet and switch plates which are inaccessible.
- (2) Electrical wall outlet and switch plates for which infiltration has been otherwise eliminated through caulking of wire holes or other means.

Sec. 9.754. Notice of the Requirements of the Article.

Any real estate agent, real estate broker, real estate salesman or title company, whether representing a seller or buyer, involved in the sale or exchange of a dwelling subject to the provisions of this Article shall give written notice to the buyer of the requirements of this Article. The failure of a real estate agent, real estate broker, real estate salesman or title company to give notice required by this Section shall not excuse or exempt the buyer of a dwelling subject to the provisions of this Article from compliance with the energy audit requirements specified herein.

Sec. 9.755. Energy Audits.

(a) The buyer of a dwelling subject to the provisions of this Article shall, within 180 days of the sale or exchange of such dwelling:

- (1) Arrange for an energy audit of the dwelling by an energy auditor;
- (2) Upon completion of the energy audit, perform, or have performed, the tasks set forth by the auditor as required to meet the energy conservation standards herein prescribed as set forth by the auditor on Proof of Compliance Form; and
- (3) Upon compliance, record a copy of the Proof of Compliance Form, as completed by the energy auditor, with the director or his designated representative.

(b) (1) An energy auditor, when so authorized by a buyer, shall conduct an energy audit of the dwelling consistent with the standards set forth in this Article. The Auditor shall set forth his findings on a Proof of Compliance Form provided by the director. If the dwelling fails to meet the standards set forth in this Article, the auditor shall indicate on the Proof of Compliance Form the work necessary to bring the dwelling into compliance.

(2) If the dwelling is in compliance with the provisions of this article the buyer shall record the Proof of Compliance Form as set forth above.

(3) If the dwelling does not comply with the provisions of this article the buyer shall perform, or have performed, the tasks set forth by the auditor as required to comply with the provisions of this Article. Thereafter, the buyer shall request a subsequent inspection by an energy auditor to determine if the dwelling is in compliance with the provisions of this Article. The Auditor shall set forth his findings on the Proof of Compliance Form. If the dwelling is then determined to be in compliance with the provisions of this Article the buyer shall record the Proof of Compliance Form as set forth above. If the dwelling is not in compliance, the buyer will continue to be subject to the provisions of this Article.

(c) The buyer may satisfy the requirements of this Article by demonstrating to the satisfaction of the director that \$750.00, or 1-1/2% of the fair market value of the dwelling as of the date of sale, whichever is greater, has been reasonably expended or paid by the buyer in meeting the energy conservation standards prescribed by Section 9.753 with respect to said dwelling. Such demonstration shall be in the form of receipts, invoices or other documentation satisfactory to the director showing the actual cost of materials or labor and the date of installation. If the director determines that the foregoing provisions have been satisfied, he shall issue a Proof of Compliance Form to the buyer, indicating thereon the manner in which the buyer has satisfied the foregoing provisions. A copy of said Proof of Compliance Form shall be retained by the director.

(d) Any dwelling which has been determined to be in compliance pursuant to this Article shall, upon recordation of the Proof of Compliance Form as set forth above, be exempt from the provisions of this Article for 10 years following the date of the audit at which such determination was made.

Sec. 9.756. Violations.

Any failure by the buyer to comply with the requirements of Section 9.755 shall be an infraction subject to the provisions of Government Code Section 36900(b).

Sec. 9.757. Appeals.

Any person aggrieved by a determination or interpretation in the application of this Article may appeal such determination or interpretation to the Construction Codes Advisory and Appeals Board in the manner provided by Section 9.576, provided that the appeal is filed within 30 days of the decision being appealed.

The procedural requirements for any hearing required by the provisions of this section shall be governed by the requirements applicable to appeals under Section 9.576.

Any person aggrieved by the decision of the Construction Codes Advisory and Appeals Board pursuant to this section may appeal to the City Council, pursuant to Section 9.580.

Sec. 9.758. Fees.

Fees shall be required to cover the costs of processing Proof of Compliance Forms recorded pursuant to this Article. Fees shall be required to cover the costs of the appeal process.

Such fees shall be set by resolution of the City Council.

SECTION 3. Severability.

If any provision of this ordinance or application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or application of this ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

PASSED FOR PUBLICATION:

ENACTED:

EFFECTIVE:

MAYOR

ATTEST:

CITY CLERK



CITY OF SACRAMENTO

OFFICE OF THE CITY CLERK

915 I STREET

CITY HALL ROOM 203

SACRAMENTO, CALIFORNIA 95814

TELEPHONE (916) 448-5426

LORRAINE MAGANA
CITY CLERK

MEMORANDUM

TO: WALTER J. SLIPE, CITY MANAGER

FROM: LORRAINE MAGANA, CITY CLERK *LM*

SUBJECT: REFERRAL OF ITEM NO. 28, COUNCIL AGENDA OF FEBRUARY 3, 1981

DATE: FEBRUARY 3, 1981

Pursuant to Council action, the following matter was referred to you:

Councilperson Fisher requested that Fire Stations not be left unattended at anytime.

sj

cc: Councilperson Fisher
Fire Chief