

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CATHEDRAL CITY AMENDING PROVISIONS OF CATHEDRAL CITY MUNICIPAL CODE CHAPTER 8.12 AND THE CALIFORNIA FIRE CODE (2013 EDITION ARTICLE 9-907.2.10.5.4) RELATING TO SMOKE ALARM REQUIREMENTS UPON SALE OF CERTAIN RESIDENTIAL DWELLINGS

WHEREAS, the State has adopted and approved the 2013 edition of the California Building Standards Code (“Code”), which are published in Title 24 of the California Code of Regulations and are based on the latest national, uniform and international model building codes; and

WHEREAS, as permitted by and in accordance with the California Building Standards Law (Health & Safety Code section 18941.5(b)), the City of Cathedral City (the “City”) adopted amendments to the Code on or about November 13, 2013, which amendments became effective on January 1, 2014; and

WHEREAS, the current provisions of section 8.12.020 of the Cathedral City Municipal Code (“CCMC”) require installation of “dual sensor” (photoelectric and ionization) residential smoke detectors based on prior recommendations from the International Association of Fire Chiefs and California Fire Chiefs Association; and

WHEREAS, the California Office of the State Fire Marshal (“OSFM”) recently determined removal of smoke detector batteries by residential occupants as one of the more serious hazards to life safety; and

WHEREAS, as of July 1, 2014, Health & Safety Code section 13114 requires all new smoke alarms that are solely battery powered to have a non-replaceable, non-removable battery that is capable of powering the smoke alarm for at least ten years in order to be listed by the California OSFM; and

WHEREAS, the City Council of the City (“City Council”) has determined that the advantage of smoke alarms being installed in Cathedral City with a non-replaceable, non-removable battery that is capable of powering the smoke alarms for at least ten years outweighs the current “dual sensor” smoke alarm requirement and ensures that sellers of real property, relators and escrow agents can meet the requirements of the CCMC; and

WHEREAS, the City Council has further determined that adopting a brief phase-in period to accommodate those residential properties that had previously installed smoke alarms in compliance with the prior provisions of the CCMC is warranted; and

WHEREAS, at the conclusion of a duly-noticed public hearing on June 22, 2015 at which evidence was presented and duly considered, the City Council found that this Ordinance updating CCMC Chapter 8.12 is needed to conform with the requirements of the Health & Safety Code and to provide appropriate fire protection to residential structures in the City.

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

Section 1. AMENDMENT OF CATHEDRAL CITY MUNICIPAL CODE, CHAPTER 8.12, SECTION 8.12.020, SUBDIVISION T

Subdivision T of Section 8.12.020 of Chapter 8.12 of the Cathedral City Municipal Code shall be revised to read as follows:

T. Section 907.2.10.5.4 is added to provide for the installation of detection devices upon the sale of certain dwellings:

907.2.10.5.4 Upon sale of any residential dwelling and factory-built housing, the seller shall have installed therein, permanently wired **smoke detectors (alarms)** or **ten-year tamper-proof** battery powered approved ~~dual Photoelectric and Ionization type~~ detectors of products of combustion other than heat only, **as required by the Fire Code.** ~~commonly known as Dual Sensor Smoke Alarms.~~ The smoke alarms are required to be State Fire Marshal approved and listed. The seller must obtain certification from the Fire Department of the installation and proper operation prior to close of sale of property.

Phase-in Period: The foregoing notwithstanding, residential properties which installed battery powered dual sensor smoke alarms, without a 10-year tamper proof battery (as permitted by the prior provisions of this Section) on or before the effective date of this revision, may retain such alarms if the property is sold during the period of September 1, 2015 through August 31, 2017.

Section 2. SEVERABILITY

The City Council declares that, should any provision, section, paragraph, sentence or word of this ordinance be rendered or declared invalid by any final court action of competent jurisdiction or by reason of any preemptive legislation, the remaining provision, sections, paragraphs, sentences or words of this ordinance as hereby adopted shall remain in full force and effect.

Section 3. REPEAL OF CONFLICTING PROVISIONS

All the provisions of the Cathedral City Municipal Code adopted by the City of Cathedral City that are in conflict with the provisions of this ordinance are hereby repealed.

Section 4. AMENDING OF BAIL SCHEDULE

The City Attorney's Office is hereby directed to amend the City's Bail Schedule to conform to the revised penalty and fine provisions established by this ordinance and to cause such amended Bail Schedule to be filed with the local branches of the Superior Court of the County of Riverside.

Section 5. ENVIRONMENTAL FINDINGS

The City Council finds that adoption of this ordinance is exempt from the provisions of the California Environmental Quality Act pursuant to Title 14 California Code of Regulations section 15061, subsection (b)(3), because there is nothing in this chapter or its implementation that could foreseeably have any impact on the environment.

Section 6. EFFECTIVE DATE

This ordinance shall take effect thirty (30) days after its adoption by the City Council of the City of Cathedral City.

Section 7. CERTIFICATION

The City Clerk shall certify to the passage of this ordinance and shall cause the same to be published according to law.

The foregoing Ordinance was approved and adopted at a meeting of the City Council held on _____, 2015 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Stan Henry, Mayor

ATTEST:

Gary F. Howell, City Clerk

APPROVED AS TO FORM

Charles R. Green, City Attorney