

Revised January 1, 2014

**Adopted Codes**

Except for the California Energy Code the following construction codes will become effective on January 1, 2014. Because of delays in software development the California Building Standards Commission has delayed the effective date of the 2013 California Energy Code until July 1, 2014. Some of these codes have been amended by the City. The significant changes are listed below.

- 2013 California Building Code** (Based on the 2012 International Building Code)
- 2013 California Residential Code** (Based on the 2012 International Residential Code)
- 2013 California Electrical Code** (Based on the 2011 National Electrical Code)
- 2013 California Plumbing Code** (Based on the 2012 Uniform Plumbing Code)
- 2013 California Mechanical Code** (Based on the 2012 Uniform Mechanical Code)
- 2013 California Fire Code** (Based on the 2012 International Fire Code)
- 2013 California Green Building Standards Code**, also known as CALGreen
- 2013 California Energy Code** (*Effective date delayed until July 1, 2014*)

**Transition From 2010 Codes To 2013 Codes**

Completed applications for a construction permit made after December 31, 2013, are subject to all conditions, standards and requirements of the 2013 editions of the adopted California construction codes. Completed applications for a construction permit made prior to January 1, 2014, are subject to all conditions, standards and requirements of the 2010 editions of the adopted California construction codes.

Construction drawings submitted for plan review on or before December 31, 2013, and designed under the 2010 codes will remain valid for 180 days from the date a complete package of construction drawings is submitted for review. If no permit is issued for the work described by the construction drawings within the 180 days then the plan check will expire. No extensions will be granted. Once these plan checks have expired the old plans will be discarded (or returned to the applicant) and new drawings developed in compliance with the 2013 codes shall be submitted for review and new fees paid. This process is applicable for single building projects or multiple building projects such as housing tracts utilizing standards plans.

Permits issued for projects designed under the 2010 codes will remain valid for 180 days from the date of permit issuance. If no meaningful work has commenced within the 180 days the permit shall expire. The applicant may request an extension to the permit but no extensions will be granted past June 30, 2014. Once the permit has expired the plans will become void and new plans designed under the 2013 codes shall be submitted for review and new permits shall be issued.

The effective date of the new codes will be January 1, 2014. However, the Newark City Council normally will adopt the new codes with local amendments a few months prior to the actual effective date

of the codes. For construction drawings submitted for review between the time the City Council adopts the new codes and the effective date of January 1, 2014, designers can design their projects to be in compliance with 2013 codes, even though such codes have not yet become effective.

### **California Building Code**

- A. Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection 903.2 in its entirety with the following:

#### **903 Automatic Sprinkler Systems**

**903.2** Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

**903.2.1** All new construction, except one and two family dwellings and townhouses and H occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

**903.2.2** All existing buildings except one and two family dwellings and townhouses and when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

**903.2.3** All existing buildings and additions to existing buildings, except for one and two family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

**903.2.4** Existing buildings except one and two family dwellings and townhouses and not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group H occupancy or any division within a Group H occupancy.

**903.2.5** Newly constructed and existing one and two family dwellings and townhouses and detached structures accessory to one and two family dwellings and townhouses shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

**903.2.6** Additions to existing buildings except one and two family dwellings and townhouses, currently equipped with an automatic fire extinguishing system.

**903.2.7** Areas of modifications to existing buildings, except one and two family dwellings and townhouses, currently equipped with an automatic fire extinguishing system. The extent of the modifications to the existing automatic fire extinguishing system shall be determined by the building official based upon the extent of the modifications to the existing structure. Modifications to the structure can include a change in the fire load.

**903.2.8** Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

**903.2.9** An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D where any repair, reconstruction, addition, alteration, or improvement, or any combination

thereof, when the cost of which exceeds 80 percent of the market value of the dwelling either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Improvement costs shall include all improvement costs which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

- B. Section 1510 dealing with reroofing is amended by adding the following:  
**1510.7 Spark Arrestors.** Whenever a roof covering is applied to an existing roof, spark arrestors complying with section 2113.9.2 shall be installed on all existing chimneys serving a solid fuel burning appliance or fireplace.
- C. Section 1805 dealing with foundation damproofing and waterproofing is amended by adding the following:  
**1805.5 Rodent Proofing.** Buildings intended for human habitation and not provided with a continuous foundation shall be provided with protection against entry to the under floor area by rodents.

### **California Residential Code**

- A. Section 1.8.4 dealing with general provisions such as permits, fees, applications, and inspections has been deleted. These subjects are addressed in Chapter 15.04, General Provisions, of the Newark Municipal Ordinance.
- B. Section 1.8.8 dealing with an appeals board has been deleted. This subject is addresses in Chapter 15.04, General Provision, of the Newark Municipal Ordinance.
- C. Section R301.1.3.2 is amended by replacing it in its entirety with the following:  
**R301.1.3.2 Design Professional:** Woodframe structures two or more stories in height. The building official may require the structural portions of construction documents to be prepared, stamped and signed by a California licensed architect, civil engineer, or structural engineer for all dwellings with two or more stories.
- D. Section R311.3 dealing with door landings is amended by replacing it in its entirety with the following;  
**R311.3.1 Floors and landings at doors:** There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall have a width not less than the width of the door and shall extend no less than 36 inches in the direction of travel. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed 0.25 unit vertical in 12 units horizontal (2-percent slope). When exterior landings or floors are not at grade, they shall be provided with access to grade by means of a ramp in accordance with Section R311.8 or a stairway in accordance with Section R311.7.

Exceptions:

1. Exterior balconies less than 60 square feet and only accessible from a door are permitted to

- have a landing less than 36 inches measured in the direction of travel.
2. A floor or landing is not required on the interior side of a room in which a person would not normally enter, such as a storage closet or mechanical closet.
3. A floor or landing is not required at the top of an interior light of stairs, including stairs in an enclosed garage, provided the door does not swing over the stairs.
4. An exterior landing is not required at an exterior door not designated as a required egress door where a stairway of two or fewer risers is provided in accordance with Section 311.8 provided the door, other than a screen or storm door, does not swing over the stairs.

**R311.3.2 Floor or landing elevation at doors.** Landings or floors at exterior doors shall not be more than 1-1/2 inches lower than the top of the threshold. The difference in elevation of landings on each side of an interior door shall not exceed 3/4 inch, or if a threshold is present, not more than 3/4 inch lower than the top the threshold. At the interior side of thresholds where the threshold exceeds 1/4 inch in height that portion of the threshold exceeding 1/4 inch shall have a sloped transition no less than one unit vertical and two units horizontal.

Exception:

1. The exterior landings or floor of an exterior door shall not be more than 7-3/4 inches below the top of the threshold provided the door, other than a screen or storm door, does not swing over the landing or floor.
- E. Section R313 dealing with automatic fire sprinkler systems is amended by replacing Sections R313.1 and R313.2 in their entirety with the following;

**R313.1 Sprinkler systems required in new construction.** Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 or NFPA 13D.

**R313.2 Sprinkler systems required in existing construction.** An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 or NFPA 13D where any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, when the construction value of which exceeds 80 percent of the market value of the dwelling either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

- F. Section R322 dealing with flood resistant construction is deleted. The City has its own floor ordinance. Please refer to Chapter 15.40 of the Newark Municipal Code.
- G. Appendix H, Patio Covers, has been adopted without local amendments.
- H. Appendix K, Sound Transmission, has been adopted without local amendments.

### **California Plumbing Code**

- A. Section 422.2 dealing with separate toilet facilities is amended by adding the following.
- 422.2.2 Water closet screening in multiple accommodation toilet rooms:** In public multiple accommodation toilet rooms water closets shall be enclosed by a screening partition with an operable door. The bottom of the screen and door shall not be more than 12 inches above finish floor and the top shall not be less than 69 inches above finish floor. Screens and doors shall be constructed of materials in compliance with Section 1210 of the California Building Code.
- Exception: When approved by the building official screens may be omitted from toilet rooms used only by children attending a day care center when state licensing requires full time supervision of children.
- 422.2.3 Urinal screening in multiple accommodation toilet rooms.** In public multiple accommodation toilet rooms urinals shall be located so the urinal and the person using the urinal can not be viewed from outside the toilet room.
- B. Section 713.0 dealing with access to public sewers is replaced in its entirety with the following:
- 713.0 Where Required.** All plumbing fixtures that have a waste connection, such as toilets, water closets, urinals, sinks, lavatories, drinking fountains and industrial equipment shall have their waste lines connected to the public sewer system.

### **California Mechanical Code**

No local technical amendments have been made to the California Mechanical Code.

### **California Electrical Code**

- A. Article 310.106(B) Conductor Material, is amended by replacing the first paragraph in its entirety with the following:
- (B) Conductor Material.** Except for service entrance conductors, all conductors shall be copper. Service entrance conductors shall be of copper, aluminum, or copper-clad aluminum.

### **California Green Building Standards Code**

No local amendments have been made to the California Green Building Standards Code. The City of Newark enforces only the mandatory portions of the code.

### **California Energy Code**

No local amendments have been made to the California Energy Code.

### **California Fire Code**

- A. Chapter 9, Section 901 of the California Fire Code is amended by addition of Section 901.2.2 Plans, as follows:

**901.2.2 Plans.** Complete plans and specifications for fire, smoke, and hazardous materials alarm systems; fire-extinguishing systems, including automatic sprinklers, wet and dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; basement pipe inlets; and other fire protection systems and appurtenances thereto shall be submitted to the fire department for review and approval prior to system installation. Plans and specifications for fire, smoke, and hazardous materials alarm systems shall include, but not be limited to, a floor plan; location of all alarm initiating and alarm signaling devices, alarm control and trouble signaling equipment; annunciation; power connection; battery calculations; and manufacturer, model numbers, and listing information for all equipment, devices, and materials.

- B. Chapter 9, Section 903 is amended by replacing section 903.2 with the following:  
**Section 903.2** is deleted in its entirety. Refer to Section 903.2 of the California Building Code as amended by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code which reads as follows:
- C. Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection 903.2 in its entirety with the following:  
**[B]903.2 Where required.** Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:  
**[B]903.2.1** All new construction, except one- and two-family dwellings and townhouses and H occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.  
**[B]903.2.2** All existing buildings except one- and two-family dwellings and townhouses and when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.  
**[B]903.2.3** All existing buildings and additions to existing buildings, except for one- and two-family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.  
**[B]903.2.4** Existing buildings except one- and two-family dwellings and townhouses and not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group H occupancy or any division within a Group H occupancy.  
**[B]903.2.5** Newly constructed and existing one- and two-family dwellings and townhouses and detached structures accessory to one- and two-family dwellings and townhouses shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.  
**[B]903.2.6** Additions to existing buildings except one- and two-family dwellings and townhouses, currently equipped with an automatic fire extinguishing system.  
**[B]903.2.7** Areas of modifications to existing buildings, except one- and two-family dwellings and townhouses, currently equipped with an automatic fire extinguishing system. The extent of the modifications to the existing automatic fire extinguishing system shall be determined by the Building Official based upon the extent of the modifications to the existing structure. Modifications to the

structure can include a change in the fire load.

**[B]903.2.8** Automatic residential fire sprinkler systems shall be installed in new one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

**[B]903.2.9** An automatic residential fire sprinkler system shall be installed in existing one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

- D. Section 903.6 dealing with the requirement for fire sprinkler systems in existing buildings and structures is amended by replacing subsection 903.6 in its entirety with the following:

**903.6 Where Required.** An automatic sprinkler system shall be provided in existing buildings and structures where required by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code.

- E. Section 907 Fire Alarm and Detection Systems is amended by adding the following:

**907.1.6 Definitions**

**ALARM/ALARM SYSTEM** means any device or system designated to signal the activation of a fire suppression system, fire, smoke, or hazardous materials detection system, or manual fire alarm system by emitting a signal which can be perceived on the premises and outside of the protected premises and/or at a remote location with subsequent notification of such signal to which the Fire Department is dispatched on an emergency response.

**ALARM USER** means any person on whose premises an alarm system is maintained within the City.

**FALSE ALARM** means the activation of an alarm system through mechanical failure; malfunction; improper installation, maintenance or operation; or the negligence of the owner, lessee, or their employees or agents. Such terminology does not include, for example, alarm activation caused by earthquakes, violent storms, power fluctuations, or other violent uncontrollable acts of nature.

- F. Section 907 Fire Alarm and Detection Systems is amended by adding the following:

**907.10 False Alarms**

**907.10.1.** Malfunctions of any sprinkler alarm, or other fire protection or emergency alarm system resulting in an alarm and emergency dispatch of the Fire Department will be subject to a “false alarm” fee as established by resolution of the City Council.

**907.10.2.** During the thirty days following any new alarm installation, the Fire Code Official shall determine if the false alarms emanating from such new installation are excessive.

**907.10.3.** After the initial thirty day period following a new alarm installation, more than three false alarms within a calendar year are excessive and will be charged as false alarms.

- G. Chapter 56 is amended by replacing it in its entirety with the following:

**SECTION 5601 - GENERAL**

**5601.1 Scope.** For explosives requirements see California Code of Regulations, Title 19, Division 1,

Chapter 10. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
5. Items preempted by federal regulations.

**5601.1.1 Explosives.** The possession, manufacture, storage, sale handling, and use of explosives are prohibited

EXCEPTION: Possession, storage, handling, and use of explosives for test and research purposes are allowed when approved by the fire code official.

## **5602 Fireworks**

**5602.1 Definitions.** For the purpose of this Chapter the phrases “fireworks,” “dangerous fireworks,” and “safe and sane fireworks” shall have the meanings ascribed to them in Sections 12511, 12505, and 12529 of the Health and Safety Code of the state of California.

### **5602.2 Storage of safe and sane fireworks:**

**5602.2.1** Safe and sane fireworks in excess of five pounds shall not be stored at any one location in the City of Newark.

EXCEPTIONS:

1. A maximum of one day’s sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Article.
2. If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.
3. Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.
4. The Fire Code Official shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not harmonious with, or are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

### **5602.3 Prohibition**

**5602.3.1** The manufacture, sale, or discharge of safe and sane fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.

EXCEPTIONS

1. A permit is not required for the discharge of safe and sane fireworks as described in Section 12529 of the Health and Safety Code.
2. Nothing in this section shall be construed to prohibit the discharge of safe and sane fireworks

by railroads or other transportation agencies for signal purposes of illumination, or discharge of blank cartridges for a show or theater, or for use by military organizations.

#### **5602.4 Sale of safe and sane fireworks**

**5602.4.1** Annual permit required: any organization desiring to sell or to offer for sale safe and sane fireworks shall annually make application to the Fire Code Official for a permit to sell safe and sane fireworks.

#### **5602.4.2 Application for Permit:**

1. Shall be made in writing at the office of the Fire Marshal of the City of Newark, accompanied by the permit fee.
2. Shall be made during regular office hours, between the fifteenth day of April and the fifteenth day of May of each year.
3. Shall set forth the proposed location of the safe and sane fireworks stand applied for.
4. Shall be accompanied by an assurance that if the permit is issued to the applicant, applicant shall, at the time of receipt of such permit, deliver to the Fire Code Official a general liability insurance policy or endorsement adding or specifying the City, its officers, employees, and volunteers as “insureds” and within the scope and limits as set by the Fire Chief.

**5602.5 Annual Permit.** An annual permit shall only be issued to any organization meeting the following requirements:

**5602.5.1** Nonprofit organization organized primarily for veteran, patriotic, welfare, youth activity, civic betterment, or charitable purpose within the City of Newark.

**5602.5.2** The organization shall have its principal place of business and permanent meeting place within the City limits of the City of Newark.

**5602.5.3** The organization shall have been organized for a minimum of one (1) year continuously preceding the filing of the application for the permit.

**5602.5.4** The organization shall have at least twenty (20) regular and active participants, volunteers, or members with a minimum of fifty percent (50%) of those regular and active participants, volunteers, or members being bona fide residents of the City of Newark. For purposes of this section, a “member” need not be a “member” as defined by California Corporations Code Section 5056.

**5602.5.5** The organization shall obtain a business license from the City of Newark.

#### **5602.6 Operation of Stand**

**5602.6.1** No person other than the permittee organization shall operate the stand for which the permit is issued, or share or otherwise participate in the profits of the operation of such stand.

**5602.6.2** No person other than individuals who are members, regular and active participants, volunteers, or other persons supportive of the activities of the permittee organizations, or a spouse or adult child of such a person, shall sell or otherwise participate in the sale of safe and sane fireworks at such stand.

**5602.6.3** No person shall be paid any money or other consideration for selling or otherwise participating in the sale of safe and sane fireworks at such stand.

**5602.6.4** All retail sales of safe and sane fireworks shall be permitted only from within a temporary safe and sane fireworks stand. The sale from any other building or structure is hereby prohibited.

### **5602.7 Temporary Safe and Sane fireworks Stands**

**5602.7.1** No safe and sane fireworks stand shall be located within 25 feet of another building or within 100 feet of any flammable liquid or gas storage or dispensing unit.

**5602.7.2** All safe and sane fireworks stands shall be erected in a manner approved by the Fire Marshal in order to reasonably ensure the safety of attendants and patrons.

**5607.3** No stand shall have a floor area in excess of 300 square feet.

**5602.7.4** Each stand shall have at least two remote exits three feet in width and not less than six feet eight inches in height. All doors shall swing out.

**5602.7.5** Each stand shall be provided with two 2-A rated fire extinguishers bearing a valid inspection tag and in good working order. Extinguishers shall be easily accessible for use in case of fire.

**5602.7.6** “No smoking” signs shall be conspicuously posted at the stand.

**5602.7.7** Merchandise shall be displayed in such a manner that it cannot be handled by patrons reaching over the selling counter or through other openings in the stand.

**5602.7.8** All electrical wiring will require a permit from the City Building Inspection Division prior to any installation.

**5602.7.9** Decorative material, canvas tops, screening, etc., shall be flame retardant or rendered to the satisfaction of the Fire Code Official.

**5602.7.10** All weeds and combustible material shall be cleared from within a 25 foot minimum area surrounding the stand.

**5602.7.11** Each stand shall be located only at those locations in compliance with the City Zoning Ordinance.

**5602.7.12** A maximum of one day’s sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Chapter.

**5602.7.13** If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.

**5602.7.14** Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.

**5602.7.15** The Fire Code Official shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not harmonious with, or are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

### **5602.8 General Requirements**

**5602.8.1** The sale of safe and sane fireworks shall be from 12:00 noon to 9:00 p.m. on the 28th day of June and 8:00 a.m. to 9:00 p.m. June 29 through July 4. The use of safe and sane fireworks shall be from midnight June 30 to midnight July 4.

**5602.8.2** All unsold stock and accompanying litter shall be removed from the location by 12 Noon on the sixth day of July.

**5602.8.3** The safe and sane fireworks stand shall be removed from the location by the twelfth of July.

**5602.8.4** The sale of safe and sane fireworks shall not be made to any person or persons under the age of 18.

**5602.8.5** Prior to the sale, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), the permittee shall require the prospective purchaser to show proof of age by displaying a motor vehicle operator's license, a registration certificate issued by the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or a similar document bearing the picture or likeness of the purchaser. Any permittee that sells safe and sane fireworks to any person under the age of 18 or, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), fails to require the prospective purchaser to show proof of age as required herein, shall be guilty of an infraction. Pursuant to Title 7 of the Newark Municipal Code, an Administrative Citation may be issued for the violation. Each sale to any person under the age of 18 shall be deemed a separate violation. In addition the sale of safe and sane fireworks to any person under the age of 18 is declared a public nuisance subject to abatement pursuant to Title 7 of this Code subjecting the permittee to administrative penalties up to \$1,000 per day per violation to a maximum of \$100,000, and to recovery of all costs of abatement and enforcement as provided in Title 7.

**5602.8.6** In addition to the foregoing, in the event of multiple violations or other evidence of a course of conduct in conscious or reckless disregard of the requirements of this section, the permittee may be deemed ineligible for a safe and sane fireworks booth permit in subsequent years. The Fire Code Official shall make the decision of ineligibility. The permittee may appeal that decision by requesting an administrative hearing to be held by the City Manager's designated Hearing Officer. The hearing shall be conducted pursuant to the rules of procedure set forth in Chapter 7.22 of the Newark Municipal Code. The Hearing Officer's decision shall be the final decision of the City of Newark.

#### **H. SECTION 5608 – FIREWORKS DISPLAY**

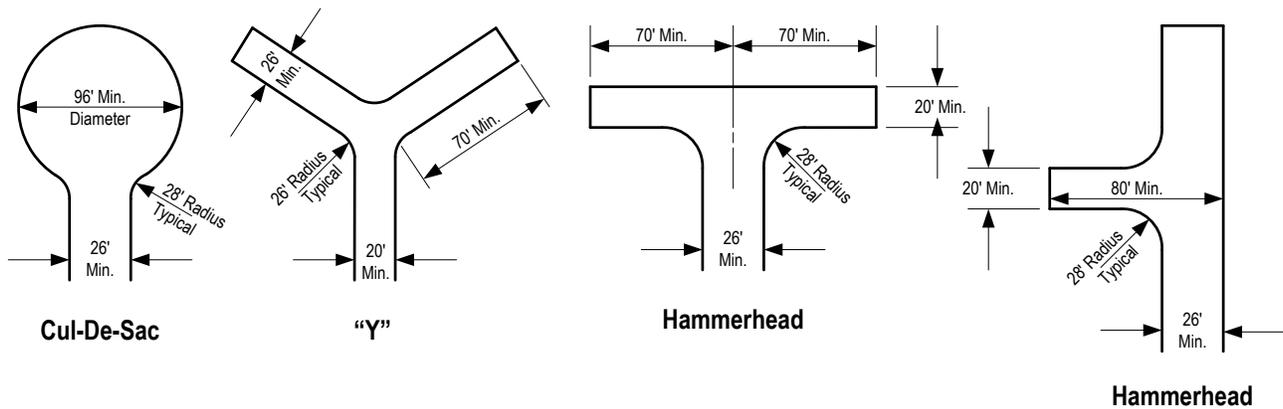
**5608.1 General.** Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in theatrical and group entertainment productions shall comply with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

**5608.1.1 Scope.** Fireworks and temporary storage, use, and handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

**5608.2 Permits Required.** The permittee shall furnish a general liability insurance policy of endorsement adding the City, its officers, employees, and volunteers as "insureds" and within the scope and limits as set by the Fire Code Official. Said policy is to cover payments for all damages, which may be caused to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors.

#### **I. Appendix D – Fire apparatus access roads.**

Appendix D, Figure D103.1 dealing with dead-end fire apparatus access road turnarounds is amended by changing the 60 foot dimensions on the 60' "Y" and 120' Hammerhead diagrams to 70 feet and changing the 70 foot dimension on the "Acceptable Alternative" diagram to 80 feet.



**J. Fireworks other than safe and sane fireworks prohibited.**

Except as provided in this section, it is unlawful for any person, corporation, or entity to possess, store, offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode any fireworks except "safe and sane fireworks" as described in Section 12529 of the Health and Safety Code. Violation of this section is punishable as an infraction.