

ORDINANCE 1038 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES; REPEALING, AMENDING, AND RESTATING CHAPTERS 17.04 AND 17.18 OF TITLE 17 OF THE MUNICIPAL CODE (BUILDINGS AND CONSTRUCTION); AND ADOPTING BY REFERENCE THE 2016 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24); INCORPORATING THE 2016 CALIFORNIA ADMINISTRATIVE CODE; 2016 CALIFORNIA BUILDING CODE, 2016 CALIFORNIA RESIDENTIAL CODE, 2016 CALIFORNIA ELECTRICAL CODE, 2016 CALIFORNIA MECHANICAL CODE, 2016 CALIFORNIA PLUMBING CODE, 2016 CALIFORNIA ENERGY CODE, 2016 CALIFORNIA HISTORICAL BUILDING CODE, 2016 CALIFORNIA FIRE CODE, 2016 CALIFORNIA EXISTING BUILDING CODE, 2016 CALIFORNIA REFERENCED STANDARDS CODE, 1997 UNIFORM HOUSING CODE, AND THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

WHEREAS, pursuant to California Government Code Section 50022.1 *et seq.* the City of El Paso de Robles may adopt by reference the California Building Standards Code, 2016 Edition as provided in Title 24 of the California Code of Regulations and other model codes; and

WHEREAS, the California Building Standards Commission ("Commission") recently adopted the 2016 Edition of the California Building Standards Code; and

WHEREAS, California Health and Safety Code Section 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the City desires to adopt the California Building Standards Code and other model codes with the necessary amendments to assure these codes are tailored to the particular safety needs of the City as required by its unique climatic, geological and topographical conditions; and

WHEREAS, the Building Official has recommended that changes and modifications be made to the California Building Standards Code, and have advised that certain changes and modifications to said code are reasonably necessary due to local conditions within the City, and have further advised that the remainder of the said changes and modifications are of an administrative or procedural nature, or concern themselves with subjects not covered by the code, or are reasonably necessary to safeguard life and property within the City; and

WHEREAS, the Building Official has also recommended that changes and modifications be made to the California Building Standards Code, which are necessary for administrative clarification and to establish administrative standards for the effective enforcement of the building standards of the City and do not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5; and

WHEREAS, the City held a public workshop on October 17, 2016 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City held a public hearing on November 1, 2016 and November 15, 2016 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein; and

WHEREAS, the City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on October 21, 2016 and November 4, 2016;

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

**NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1. Purpose.** The purpose of this ordinance is to adopt by reference the latest edition of the 2016 California Administrative Code; the 2016 California Building Code, which incorporates and amends the 2015 International Building Code; the 2016 California Residential Code, which incorporates and amends the 2015 International Residential Code; the 2016 California Electrical Code, which incorporates and amends the 2014 National Electrical Code; the 2016 California Mechanical Code, which incorporates and amends the 2015 Uniform Mechanical Code; the 2016 California Plumbing Code, which incorporates and amends the 2015 Uniform Plumbing Code; the 2016 California Energy Code; the 2016 California Historical Building Code; the 2016 California Fire Code, which incorporates and amends the 2015 International Fire Code; the 2016 California Existing Building Code, which incorporates and amends the 2015 International Existing Building Code; the 2016 California Green Building Standards Code; the 2016 California Referenced Standards Code;

the Uniform Housing Code, 1997 Edition as published by International Conference of Building Officials; and the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by International Conference of Building Officials.

**SECTION 2. Authority.** Pursuant to Government Code section 50022.2, the City Council adopts this ordinance adopting by reference the California Building Standards Code (California Code of Regulations, Title 24) as required and/or permitted by state statutes, including Health and Safety Code sections 17922, 18938 and 18941.5.

**SECTION 3. Findings.** The City Council hereby finds that the proposed amendments to the Codes are reasonably necessary because of local climatic, geologic or topographic conditions. This finding is supported and based upon the following express findings and determinations, followed by the applicable amendments. If an amendment requires a finding and is not expressly identified below, it shall be justified based on all findings.

- (a) The City lies within close proximity of the San Andreas Fault and is located over lesser known local fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. (Sections 903.2, 1807.1.7, 1808.8.3.1, 1808.8.3.2, 3103.1, and 3105.3 of the California Building Code; Sections 507.2.3, 903.2 and 903.3.7 of the California Fire Code; Section 230.70.1 of the California Electrical Code; Sections 314.4.1 and 403.9 of the California Plumbing Code)
- (b) The City is subject to climatic extremes with high winds associated with winter storms. The City is subject to climatic extremes where temperatures drop well below freezing at night during the winter months. The City is subject to climatic extremes where high winds can be experienced in both winter and summer months. The high winds can have adverse effects on structures by displacing the structure putting occupants in unsafe conditions and would accelerate burning rates. The City is subject to climatic conditions that produce thick dense fog, particularly in the winter reducing visibility particularly at night. (Sections 903.2, 1507.8.1.2, 1507.9.1.2, 3103.1, and 3105.3 of the California Building Code; Sections 311.1.3, 505.1, 505.1.1, 903.2, 903.3.7, and 5608.2 of the California Fire Code; Section 230.70.1 of the California Electrical Code; Sections 312.6 and 403.9 of the California Plumbing Code)
- (c) The City of Paso Robles has large land areas where construction of residential building occurs in steep terrain. As a result of the grades found on building sites, retaining walls are incorporated in front yard areas where there may be access to public and emergency personnel. Public traversing on the open yards may encounter abrupt changes in the grade causing physical harm. During emergency operations the abrupt changes in elevations created by retaining walls may cause physical harm to emergency personnel. The City, due to geographic and topographic conditions, does not utilize surface water reservoirs but relies on underground aquifers for potable water supplies. Buildings can be located on higher grades up to several hundred feet above the grade of water supply lines. (Sections 1015.1 and 1015.2 of the California Building Code; Sections 603.13.10, 603.3.11 and 608.2.1 of the California Plumbing Code)
- (d) The City is divided by a major highway, rail line and river. Access from the West side to the East side of the City is accomplished by bridge crossings that may be subject to damage or collapse during a seismic event or high flood conditions. Emergency response from the City Main Fire Station on the West side of the City to emergencies could be impeded due to bridge crossing failures. (Section 3103.1 of the California Building Code; Sections 903.2 and 903.3.7 of the California Fire Code)

**SECTION 4. Amendment.** Chapters 17.04 and 17.18 of the Paso Robles Municipal Code is hereby amended and reinstated in their entirety to read as follows:

Chapter 17.04 - UNIFORM CODES

17.04.010 - Technical building codes adopted—Copies on file.

The fourteen documents and their respective appendices as outlined herein, one copy of each of which are on file in the office of the city clerk in the city of El Paso de Robles, being marked and designated as the:

- A. 2016 California Administrative Code
- B. 2016 California Building Code, including Chapter 1
- C. 2016 California Residential Code, including Appendix H- Patio Covers

- D. 2016 California Electrical Code
- E. 2016 California Mechanical Code
- F. 2016 California Plumbing Code
- G. 2016 California Energy Code
- H. 2016 California Historical Building Code
- I. 2016 California Fire Code, including Chapter 1 and Appendix D- Fire Apparatus Access Roads
- J. 2016 California Existing Building Code
- K. 2016 California Green Building Standards Code
- L. 2016 California Referenced Standards Code
- M. Uniform Housing Code, 1997 Edition as published by International Conference of Building Officials.
- N. Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by International Conference of Building Officials.

17.04.020 - Changes or additions to the California Building Code.

- A. Section 105, Permits, is amended and subsections added as follows:

**105.1.3 Start of Construction:**

For the purpose of enforcement of this code, it shall be interpreted that any movement of soil or preparation for installation of foundation or utilities, other than that allowed under the jurisdiction of an approved grading permit shall signify the start of construction. Prior to start of construction, a valid building permit shall be secured.

**105.1.4 Permit Issuance:**

Should a permit be secured by check, later to be returned for insufficient funds or closed account, that this shall show just cause for revocation of any permits and posting of a Stop Work Order. In conjunction with posting of a Stop Work Order, the site shall be noticed for abatement.

**105.1.5 Street Dedication as a Condition of Issuance of a Building Permit:**

No Building Permit shall be issued for the construction, reconstruction or relocation of any building or structure abutting upon a street having a lesser width than that established by resolution of the City Council unless the following requirements are complied with:

**105.1.6 Dedication of Street Right-of-Way:**

The owner of the lot shall make a perpetual and irrevocable offer of dedication to the City for public street purposes, and all uses appurtenant thereto, of a depth determined by the City Engineer based upon the Circulation Element of the General Plan and Official Plan Lines adopted by the City Council. It shall be the responsibility of the City Engineer to confirm that the required dedication(s) has/have been provided.

**105.1.7 Setbacks:**

The required setback shall be maintained for all buildings, structures and improvements, including off-street parking, as measured from the right-of-way width. It shall be the responsibility of the Building Official to confirm that the required setbacks have been provided, based on property monuments established by a licensed surveyor.

- B. Section 110, Inspections, is amended and subsections added as follows:

An inspection may be refused if:

**110.1.1** The project address is not conspicuously posted on site.

**110.1.2** A trash container or enclosure capable of retaining debris associated with construction process is not available on site, or an existing container is not regularly emptied or maintained.

**110.1.3** Portable sanitary facilities are not located within reasonable walking distance of the site (75 yards). There shall be not less than one approved type of water closet for each twenty (20) employees or a fractional part thereof, at start of construction.

### **111.3 Temporary Occupancy:**

The exception will be those buildings given prior administrative approval to be erected and used as models of typical construction in conformity with 110.1 above. Upon administrative approval utilities could be established. The required Certificate of Occupancy will be deferred until such time as a request for permanent occupancy is made.

- C. Section 113, Board of Appeals, is amended and subsections added as follows:

**113.1.1** In order to provide for interpretations of steps necessary to implement the Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, and those Chapters of Municipal Code where the Board is specifically noted as being the entity responsible for the hearing of appeals, there is hereby established a City of Paso Robles Housing Advisory and Disabled Access Board of Appeals, (hereinafter sometimes collectively referred to as "Board of Appeals" or "Board").

The Board shall serve as the "local appeals board" specified in sections 19957.5 of the California Health and Safety Code, in appeals relating to accommodations for the physically disabled.

**113.2.1** The Board of Appeals shall function as the "Local Appeals Board" and "Housing Appeals Board" and "Disabled Appeals Board" as specified in Sections 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The Board shall have no authority relative to interpretation of the administrative provisions of the codes adopted by the City, nor shall the Board be empowered to waive requirements of any code adopted by the City.

The authority of the Board shall consist of the ability to consider appeals filed pursuant to this Chapter and give reasonable interpretations of the Chapter and the technical codes. When required to do so, the Board will conduct hearings regarding appeals of notices and/or orders relative to unsafe buildings.

**113.3.1 Board of Appeals.** The Housing Advisory and Board of Appeals (hereinafter sometimes referred to as "Board of Housing Appeals") shall consist of five members and two (2) alternates; the Disabled Access Board of Appeals shall consist of the five members of the Board of Housing Appeals (two of the members of the board must work in construction as required by Health & Safety Code § 19957.5) and shall be supplemented by two (2) additional members, both of whom shall be physically disabled as defined in section 2-417, Title 24, Part 2 of the California Code of Regulations when the appeal pertains to disabled access.

Members selected to hear an appeal shall reflect an area of expertise reflective of the appeal being heard.

Members of the Board of Appeals shall be qualified by experience and training to pass judgment upon matters pertaining to building construction and/or disabled access, as appropriate. Members of the Board of Appeals shall be appointed by, and serve at the pleasure of the City Council. Each member of the Board shall comply with applicable provisions of the Political Reform Act of 1974, California Government Code Section 8100 et seq. The Building Official shall be an ex officio member of the Board and shall act as secretary to said Board, but shall have no vote upon any matter before the Board.

### **113.4 Eligibility.**

Any individual meeting those criteria as set forth in sub-section 112.3.1 above shall be eligible to serve on the Board of Appeals.

### **Exception:**

Employees of the City shall not be eligible to serve on the Board of Appeals.

### **113.5 Term.**

Terms of initial appointment shall be for a term of two (2) years for two (2) members and four (4) years for three (3) members. Subsequent appointments shall be for a term of four (4) years.

Terms for initial appointment of disabled members for the Disabled Access Appeals shall be two (2) years for one member and four (4) years for the second. Subsequent appointments shall be for a term of four (4) years.

### **113.6 Rules and Regulations.**

The Board of Appeals shall adopt reasonable rules and regulations, subject to approval by the City Council, for conducting its business. The Board shall render all decisions in writing.

### **113.7 Appeals Procedure.**

Any person aggrieved by a decision of the Building Official for the City pertaining to orders, decisions, or determinations relative to the application and interpretations of the Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, shall have the right to appeal the decision as provided for under this chapter.

Decisions and actions regarding the enforcement of the requirements of Division 13, Part 5.5 of the California Health and Safety Code may be appealed by any person to the Appeals Board for Disabled Access as provided for under this chapter.

**113.8 Appeal Hearing Fee.**

A fee, as provided for under this sub-section, shall accompany an application for a hearing before any Housing Advisory or Board of Appeals. The purpose of the fee shall be to cover those costs incurred by the City to provide for the appeals process.

Appeal Fees shall be set by resolution, subject to review by City Council. Appeal fees will be reviewed periodically to ensure that the fees charged cover the costs associated with the appeals process.

**113.9 Timing and form of appeal.**

An appeal shall be filed with the Secretary of the Board of Appeals or Appeals Board for Disabled Access (as applicable) within fifteen (15) working days (holidays observed by the City are not working days) after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing in a form to be supplied by the secretary in addition to any other supporting materials the appellant may wish to furnish, setting forth the reasons for the appeal.

Any written reports to be made to the Board shall be filed with the Secretary of the Board and shall be made available to the Board and to the public no less than five (5) working days prior to the date set for the hearing. Any City of Paso Robles Department Manager or designee shall have the right to be heard on any matter coming before the Board.

**113.10 Hearing and decision.**

The Secretary of the Board shall set the time and place for a hearing the appeal, and a notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Paso Robles, and notice shall also be given to the appellant by mailing, postage prepaid, at the address provided by the appellant in the letter of appeal at least ten (10) working days before the hearing date.

- D. Section 903, Automatic Sprinkler Systems, is amended as follows:

**903.2 Where required.**

Unless required by the Code for a lesser square footage, approved automatic sprinkler systems shall be provided in all new buildings and structures where the total combination of both usable and unusable floor area exceeds 5,000 square feet.

- E. Section 1015, Guards, is amended as follows:

**1015.1 General.** Man-made changes in grade such as retaining walls, garden walls, abrupt changes in elevation in excess of 30 inches, sloped grades in excess of one (1) foot vertical to two feet horizontal, or other gradient conditions, which in the opinion of City Health and Safety Officials, may constitute potential hazard should they be left accessible to the public, shall be protected by a suitable fence or guardrail, meeting those height and spacing requirements as noted in the California Building Code.

**1015.2 Where required.**

**Exceptions, added as follows:**

- 8. Landscape or garden terracing, rendered non-accessible to the public by the means of existing perimeter fencing or when protected by the landscape elements (Example: hedge rows).
- 9. Topographical or Geographical conditions inherent to the property, lying outside that area normally frequented by individuals.

- F. Section 1507.8 Wood Shingles, and Section 1507.9 Wood Shakes, are amended with subsections as follows:

**1507.8.1.2 & 1507.9.1.2**

The installation of Wood Shingles and Wood Shakes shall comply with the provisions of Section 1505.7, Special purpose roofs. The completed roof assembly shall be such that it shall have a Class A rating.

- G. Section 1807, Foundations Walls, Retaining Walls and Embedded Posts and Poles, is amended with subsections as follows:

**1807.1.7** There shall be no stacking of concrete for foundations, piers or stem walls. All foundations, piers or stem walls shall be formed on both sides (inside and out) when exceeding six inches (6") above lowest adjacent grade.

- H. Section 3103, Temporary Structures, is adopted and amended as follows:

### **3103.1 General.**

The provisions of this section shall apply to structures erected for a period of less than 90 (ninety) days. Tents and other membrane structures erected for a period of less than 90 days shall comply with the California Fire Code. Those erected for a longer period of time shall comply with applicable sections of this code. Fences used for the protection of the public around and in conjunction with construction work may be erected by approval of a building permit from the Building Official that is valid for only a limited period of time. Said limited time period is to be ninety (90) days or until a valid permit has expired, has been suspended or revoked. Any extensions of that time period must be approved by City Council. All other buildings shall be termed as "permanent" buildings and required to meet all applicable codes.

Temporary buildings or structures shall be completely removed upon the expiration of the time period specified in the permit. Failure to remove the buildings or structures will result in abatement proceedings and misdemeanor citation as prescribed under Municipal Code.

- I. Section 3105, Awnings and Canopies, is adopted and amended as follows:

#### **3105.3 Design and Construction.**

Awnings and canopies shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures of loads. Awnings and Canopies shall have frames of noncombustible material. Awning frames may be rigid, except when in the opinion of the Fire Chief, emergency access to upper floors will be impeded by the installation of rigid frame awnings. Should this be the case, awnings and canopies shall be collapsible, retractable or capable of being folded against the face of the supporting building. When collapsed, retracted or folded, the design shall be such that the awning or canopy does not block any required exit.

- J. Section 1808.8.3, Placement of concrete, is amended and subsection added as follows:

**1808.8.3.1** There shall be no stacking of concrete for foundations, piers or stem walls. All foundations, piers or stem walls shall be formed on both sides (inside and out) when exceeding six inches (6") above lowest adjacent grade.

17.04.030 - Changes or additions to the California Fire Code.

- A. Section 311, Vacant Premises, is amended as follows:

#### **311.1.3 Securing Premises.**

The owner, occupant or other persons having under their control of any property, or materials on property, damaged by fire, when access by the public is possible, shall secure the property either by boarding up all openings, fencing, barricading or other appropriate measures as directed by the Fire Chief within 24 hours of the incident.

- B. Section 505, Premises Identification, is amended as follows:

#### **505.1.1 Address Identification.**

When the building or group of buildings (five units or more) is served by an alley or interior driveway, the numbers or alphabetical designation shall be displayed on a directory or annunciator board, approved by the Fire Chief, at each driveway or alley entrance. Senior Housing, Retirement Villas, Hotel and Motel annunciator boards shall be of a Graphic type. The property owner, Homeowner's Association or individual in charge of the property shall be responsible for maintaining the directory.

#### **505.1.2 Rear Door Address Numbers.**

All buildings with access via an alley or other similar roadways shall have the address number provide on the rear door of the building or tenant space.

- C. Section 507, Fire Protection Water Supplies, is amended with subsection added as follows:

#### **507.2.3 Installation Requirements.**

Private fire service mains and water tank installation plans shall be reviewed and approved by the Fire Department prior to installation. The Fire Code Official shall conduct field verification for compliance with approved plans prior to the issuance of a Certificate of Occupancy.

- D. Section 903, Automatic Sprinkler Systems, is amended as follows:

#### **903.2 Where required. Sections 903.2.1 through 903.2.12**

Unless required by the Code for a lesser square footage, approved automatic sprinkler systems shall be provided in all new buildings and structures where the total combination of both usable and unusable floor area exceeds 5,000 square feet.

Exceptions:

1. Group R Occupancies per Section 903.2.8 "Exceptions:"

New Construction:

1. The area of mezzanines and additional stories above and below the ground floor shall be included in determining the areas where sprinklers are required. This requirement shall not preclude the installation of any separation walls required by other sections of the Code.
2. The square footage of a building shall be computed using a combination of both usable and unusable floor area. Vent shafts and concealed spaces shall be considered when computing building area. Areas of buildings may not be reduced, subdivided, or compartmentalized into areas less than 5,000 square feet by the installation of separation walls. Courts meeting the requirements of Section 1206 of the California Building Code shall not be included in the calculation.
3. Plans for Fire Sprinkler systems shall be submitted for review prior to inspection of the structural frame.
4. Occupancies within Commercial Zones, in which the type of tenant is not known at the time of permit (i.e. Shell Buildings), shall have the sprinkler system hydraulically designed to a minimum standard of N.F.P.A. #13, Ordinary Hazard Group III.
5. Occupancies within Industrial or Manufacturing Zones, when the type of tenant is not known at the of construction, shall have the sprinkler system hydraulically designed to a minimum standard N.F.P.A. hazard group, as determined by the Code Official.

Existing Construction:

An automatic fire sprinkler system shall be installed in all rooms, buildings or structures when the following conditions are determined to exist:

1. In conjunction with any change in the occupancy group assigned the structure under the California Building Code, and the floor area exceeds 5,000 square feet.
2. The area of mezzanines shall be included in determining the areas where sprinklers are required. This requirement shall not preclude the installation of any separation walls required by the Code.
3. The square footage of a building shall be computed using outside wall areas. Vent shafts and concealed spaces shall be considered when computing building area. Areas of buildings may not be reduced, subdivided, or compartmentalized into areas less than 5,000 square feet by the installation of separation walls. Courts meeting the requirements of Section 1206 of the California Building Code shall not be included in the calculation.

**903.3.7 Fire department connections.**

Connections shall be located on the addressed side of the building and within 150 feet of a fire hydrant, with the exact location to be specified by the Fire Code Official.

Exceptions:

1. The Fire Code Official may require locations other than the addressed side when impractical due to response needs or unusual building configuration.

E. Section 103.2, Appointment, is hereby deleted in its entirety without replacement.

F. Section 108, Board of Appeals, is amended and restated in its entirety as follows:

**108.1 Board of Appeals.**

Any appeal of orders, decisions or determinations made hereunder relative to the application and interpretation of this code shall be made to the board of appeals established pursuant to Section 17.04.020(C) of the Paso Robles Municipal Code and in accordance with the procedure stated therein.

G. Section 109, Violations, is amended as follows:

**109.4 Violation Penalties**

Any person, firm or corporation violating any of the provisions of the code adopted by reference in this chapter is guilty of a misdemeanor and, upon conviction, shall be punished as provided in Paso Robles Municipal Code Chapter 1.02.

H. Section 5608, Fireworks Display, is amended with subsection added as follows:

**5608.2 Fireworks Prohibited.**

No person shall sell, display for sale, possess, store, or manufacture, use, light, fire, discharge, explode or set off any fireworks, including "Safe and Sane" fireworks anywhere within the city, except as allowed by the Fire Code Official.

17.04.040 - Changes or additions to the California Electrical Code.

Changes or additions to the California Electrical Code, referenced to in Section 17.04.010 of this chapter are as follows:

- A. Article 230.70, Service Equipment-Disconnecting Means, General, is amended with subsection as follows:

**230.70.1** All electric services shall have a single main disconnect to disconnect all conductors in a building or structure. In all new construction and remodels involving fifty percent or more of the total square footage of the building, when the required disconnect is located within the building or in an area not readily accessible, an emergency disconnect shall be provided in a readily accessible location on the exterior of the building as designated by the fire chief. The disconnecting device shall be located within an approved security enclosure (such as a Knox Box) and a key provided the fire department.

17.04.050 - Changes or additions to the California Plumbing Code.

Changes or additions to the California Plumbing Code referred to in Section 17.04.010 of this chapter are as follows:

- A. Section 312.0, Protection of Piping, Materials and Structures, is amended with subsection as follows:

**312.6** No water, soil, or waste pipe shall be installed or permitted outside of a building, in attics or crawl spaces, or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing. Potable water piping located on outside of a building, in attic spaces, exterior walls and underfloor areas shall be covered with insulation providing a minimum resistance factor of R-3 or greater. The R-3 insulation shall be in addition to any wall or attic insulation required by California Energy Standards. Insulation must completely cover all portions of water piping with no gaps or openings.

A dedicated 20 amp, 120-volt receptacle, capable of supporting the loads associated with commercially available heat tapes shall be located within five feet of any backflow/check valve assembly associated with a fire suppression system.

Commercial and residential fire suppression systems shall be provided with an insulation cover providing a minimum resistance factor of R-3. The insulation used must be of a minimum Class III flame spread index, with a smoke density no greater than 450.

- B. Section 314.0, Trenching, Excavation, and Backfill, is amended with subsection as follows:

**3314.1.1** Plumbing trenches under buildings or concrete work shall be backfilled with sand unless native material is approved by Administrative Authority.

- C. Section 401.3, Water-Conserving Fixtures and Fittings, is amended with subsections as follows:

**4401.3.1** Equipment installed in automatic and coin operated car washes shall be capable of recycling a minimum of fifty percent (50%) of the water required for their daily operation.

- D. Section 603.3, Backflow Prevention Devices, Assemblies, and Methods, is amended with subsections as follows:

**603.3.10** All new Commercial, Industrial, and Multi-family developments (two units or more) shall protect the city water supply through the installation of a Backflow - Reduced Pressure Device Prevention Device. Approval of the type and location of the device shall be the responsibility of the City Public Works Department.

**603.3.11** Existing Commercial, Industrial, and Multi-family developments (two units or more) originally constructed without backflow - reduced pressure devices, shall retrofit and install a backflow - reduced pressure device in conjunction with the issuance of any building or plumbing permit when the value of the work associated with the permit exceeds \$2500.00. Approval of the type and location of the device shall be the responsibility of the City Public Works Department.

- E. Section 608.2, Excessive Water Pressure, is amended with subsection as follows:

**608.2.1** For potable water services up to and including one and one half (1-1/2) inch (38.1 mm) regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Approved regulators with integral by-passes are acceptable.

As a result of excessive water pressures found within the City of El Paso de Robles, pressure regulators complying with 608.2 above shall be installed on all new construction, and on all remodels consisting of changes to, or increases of the floor space in excess of 50% of the existing gross square footage.

- F. Section 612.0, Residential Fire Sprinkler Systems, is amended with subsection as follows:

**612.1.2** Passive purge fire sprinkler systems are a type of residential fire sprinkler system that serves a single toilet in addition to the fire sprinklers. The toilet shall be on a remote portion of the sprinkler system or the system shall be designed as a loop so that the water moves through a majority of the fire sprinkler system piping when the toilet is flushed. Passive purge system non-

metallic pipe and fittings shall be designed to withstand a working pressure of not less than 130 psi (8.9 bar) at 120 degrees (49C).]

#### 17.04.060 - Building Permit Fees.

Building Permit Fees shall be as established in the City Master Fee Schedule, as adopted by the City Council.

#### 17.04.070 - Penalty for violation.

Any person who violates any of the provisions of this chapter, or fails to comply with any order made thereunder, shall severally for each and every violation and noncompliance, respectively, be guilty of a misdemeanor.

### Chapter 17.18 - AMENDMENTS TO THE CALIFORNIA EXISTING BUILDING CODE, APPENDIX A, CHAPTER A1

#### **Sections:**

#### 17.18.010 - California Existing Building Code.

The California Existing Building Code, Appendix A, Chapter A1 entitled Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings, with the amendments set forth in this chapter, is adopted.

#### 17.18.020 - Scope.

Chapter section A102 entitled "Scope" is amended to read as follows:

##### Section A102 Scope

**A102.1 General.** The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1 -A. Except as provided herein, all other provisions of the California Building Code shall apply.

**A102.3 Exceptions.** The provisions of this chapter shall not apply to detached one-or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

#### 17.18.030 - Definitions.

Chapter section A103 entitled "Definitions" is amended to include the following additional definitions:

- A. "Qualified Historical Building" means any structure included on the National Register of Historic Buildings or the state list of Significant Historic Buildings.
- B. "Qualified Zones" means that zone or geographic area referenced under the State [California] Building Code establishing the potential earthquake hazard of a given area.
- C. "Seismic Retrofit" means all work necessary to comply with the requirements of this chapter.

The above definitions shall be in addition to those contained in the California Building Code and the International Existing Building Code Section A103.

#### 17.18.040 - Administrative provisions.

New chapter section A115 entitled "Administrative Provisions" is added to read as follows:

##### Section A115 Administrative provisions

##### **A115.1 Compliance requirements.**

**A115.1.1 Structural analysis.** The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.

**A115.1.2** Twelve-month compliance requirements. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this chapter shall obtain one of the following from the Building Official:

1. A building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the building to comply with this chapter; or
2. A letter from the Building Official stating that he or she concurs with a structural analysis, which demonstrates that the building meets the minimum requirements of this chapter and therefore does not require seismic retrofitting; or
3. A permit for the demolition of the building. Issuance of a permit for demolition of a building shall be subject to compliance with the provisions of Chapter 17.16 (Demolition of Buildings and Structures) of the Municipal Code.

In order to meet the deadline set forth above, owners of buildings within the scope of this chapter must submit structural analyses, plans for structural alteration of the building, and/or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this chapter.

**A115.1.3** Thirty-month compliance requirements. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this chapter shall complete construction of structural alterations or complete demolition of the building, as applicable.

**A115.2** Historical buildings. Alterations or repairs to qualified historical buildings shall comply with the State Historical Building Code (Title 24, Building Standards, Part 8), in addition to this chapter.

**A115.3** Order.

**A115.3.1** Service. The building official shall issue an order as provided in this section to the owner of each building within the scope of this chapter. The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this chapter and, therefore, is required to meet the minimum seismic standards of this chapter. The order shall be accompanied by a copy of Section A115.1, which sets forth time limits for compliance.

**A115.4** Recordation.

1. At the time that the Building Official serves the order as provided in Subsection A115.3.1, the Building Official shall also file with the San Luis Obispo County Clerk-Recorder's Office a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this chapter has not been demonstrated.
2. If the building is either 1) demolished, 2) found not to be within the scope of this chapter or 3) is structurally capable of resisting minimum seismic forces required by this chapter as a result of structural alterations or an analysis, the Building Official shall file with the San Luis Obispo County Clerk-Recorder's Office a form terminating the status of the subject building as being classified within the scope of this chapter.

**A115.5** Appeal. Appeals or requests for modifications from any determinations, actions, or orders by the Building Official pursuant to this chapter shall be made to the City Council. Such appeal shall be filed with the City Council within sixty (60) days of the rendering of the decision being appealed. Such appeal shall be made in writing on appropriate forms provided therefore by the Building Official and the grounds thereof shall be stated clearly and concisely.

**A115.6** Enforcement.

1. If the owner in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Chapter within the time limits set forth in Section A115.1, the Building Official shall verify that the recorded owner of this building has been properly served.
- B. If the order has been served on the record owner, then the Building Official may order that the entire building, or any portion thereof, be vacated and that the building, or any portion thereof, remain vacated until such order has been complied with.
- C. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted, the building is hereby declared a public nuisance, The Building Official shall order abatement of the building.
- D. Any person who violates any provision of this chapter is guilty of a misdemeanor and is subject to the penalty as provided for in Section 1.02.010 of the Municipal Code.

- E. Appeals or requests for modifications from any determinations, actions, or orders by the Building Official pursuant to this Subsection shall be handled in the manner set forth in Section A115.5.

**A115.7** Full strengthening required prior to time frames set forth in section A115.1. The Building Official shall require full compliance with the minimum seismic standards contained within this chapter before the time frames set forth in Section A115.1 upon the occurrence of any one of the following conditions:

1. Any change or conversion of an unreinforced masonry structure from its existing use to that of a more intensive use;
2. The remodel of a structure covered by this chapter, in an amount equaling fifty percent of the structure's value as determined using the latest edition of the Building Standards Valuation, published by the International Conference of Building Officials; and/or
3. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this chapter prior to the normal service date for such building.

**A115.8** Certificate of compliance.

1. In accordance with Chapter 3, Section 70(d)(3) of the Revenue and Taxation Code, the Building Division shall, upon the completion of a seismic retrofit, file a certificate of compliance with the County Assessor's Office on or before the following April 15th.
2. The certificate of compliance shall establish that the work associated with the seismic retrofit was the result of a local ordinance related to seismic safety, and therefore shall not add value to the assessment role.

**A115.9** Requirements for structural alteration plans - structural engineering.

The following construction information shall be included in the structural alteration plans submitted to the Building Official pursuant to Section A115.1 of this chapter:

1. Dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing member and sheathing materials. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned or drawn to scale on the plans;
2. Dimensioned wall elevations showing openings, thicknesses, heights, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry;
3. The extent and type of existing wall anchorage to floors and roof when used in the design;
4. The extent and type of parapet corrections which were previously performed, if any; and
5. Repair details, if any, of cracked or damaged unreinforced masonry walls.

**A115.10** Material requirements.

**A115.10.1** General. All materials permitted by this chapter, including their appropriate allowable design values substantiated by testing, may be utilized to meet the requirements of this chapter.

**A115.10.2** Existing materials. All existing materials utilized as part of the required vertical load-carrying or lateral force-resisting system shall be tested or shall be repaired or removed and replaced with new materials.

**A115.11** Upgrade design—requirements for expanded or continued use of a structure.

1. Except as modified herein, the analysis and design relating to the alteration of, or addition to, an existing building shall be in accordance with the California Building Code.
2. Contractors providing structural upgrades shall be licensed by the State of California in the trade(s) being performed to accomplish the upgrade.
3. Design documents and specifications pertaining to structural upgrades shall be prepared by an architect, structural engineer or civil engineer specializing in structural work, licensed by the State of California to practice as such.
4. Design documents and specifications shall comply with this chapter.

**A115.12** Special requirements for qualified historical buildings.

**A115.12.1** Purpose and Intent of this Section A115.11. The purpose and intent of this Section A115.11 shall be to minimize the effects of seismic strengthening on the exterior appearance of qualified historical buildings.

**A115.12.2** Review by Development Review Committee. Plans for seismic upgrading of qualified historical buildings shall be reviewed by the Development Review Committee. The basis of review shall be the design guidelines established by this chapter and the Secretary of the Interior's Standards for

Rehabilitation and Guidelines for Rehabilitation of Historic Properties, with the following special requirements:

1. Features of architectural or historical significance shall be retained and reattached, braced or stabilized, as required by applicable codes and/or the Building Official.
2. In-wall anchors shall be used on qualified historical buildings instead of through-wall anchors, especially on the principal facade.
3. Through-wall anchors on other facades may be permitted, provided that their locations and treatment are approved by the Development Review Committee.
4. Closure of historic openings on the principal facade shall not be permitted and shall be discouraged on secondary facades. If closure of such openings on secondary facades is unavoidable, the materials used shall be compatible with the existing exterior materials of the secondary facade wall.
5. Historic parapets shall be braced rather than removed.
6. Historic architectural veneer posing a safety hazard shall be stabilized and re-anchored to the building.

**A115.12.3 Building Exterior.**

1. In order to minimize the effect on the exterior appearance of a qualified historical building, plans showing proposed shear-test locations shall be submitted for review and approval by the Community Development Director or his or her designee, prior to any testing of the structure taking place.
2. Repairs after testing shall match the original adjacent existing building facade materials.

**A115.13 Buildings with brick veneers, cornice work and/or parapets.**

**A115.13.1 Buildings constructed prior to 1972.** The owner of each building constructed prior to 1972 with a brick veneer shall, upon service of an order and within the time limits set forth in this chapter, cause an analysis to be made of the veneer by an engineer or architect licensed by the state to practice as such and have such veneer examined to determine if it is anchored to the building structure in a manner consistent with the anchorage requirements contained in this chapter.

1. The owners of buildings within the scope of this Subsection shall be served written orders in the manner set forth in Sections A115.3 informing them of the requirements of this Subsection.
2. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer to comply with this Subsection.
3. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Subsection shall complete anchoring of the brick veneer to meet the anchoring requirements of this chapter.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses and plans for structural alteration of the building, and/or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this Chapter.

**A115.13.2 Buildings from which brick veneers, cornice work, and/or parapets were removed as a result of the December 22, 2003 earthquake.** Each owner of a building from which brick veneers, cornice work and/or parapets were removed as a result of the December 22, 2003 earthquake shall replace said veneers, cornices, and/or parapets.

1. The owners of buildings within the scope of this Subsection shall be served written orders in the manner set forth in Sections A115.3 informing them of the requirement to replace said veneers, cornices, and/or parapets. Said order shall inform building owners that veneers, cornice work and/or parapets shall be replaced with materials providing the same architectural/historical features originally removed.
2. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer, cornice, and/or parapet to comply with this Subsection.
3. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Subsection shall complete all replacement work.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses and plans for structural alteration of the building and/or

applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this Chapter.

**A115.13.3 Appeals.** Appeals of orders specified in this Section A115.12 shall be handled in the manner set forth in Section A115.5.

**A115.14 Report to City Council.** Within thirty (30) days of the deadlines established in Sections A115.1 and A115.12, the Building Official shall make a written report to the City Council explaining the status of compliance for each building served notice as set forth in Section A115.3.

5. **Conflicting Ordinances Repealed.** All former ordinances or parts conflicting or inconsistent with the provisions of this ordinance or of the codes adopted by this ordinance and any other ordinance in conflict herewith are hereby repealed.

6. **Severability.** The provisions of this ordinance are severable, and the invalidity, unenforceability or unconstitutionality of any section, portion or part of this ordinance shall not affect the validity of the remainder of the ordinance.

7. **CEQA.** The City Council hereby finds and determines that it can be seen with certainty that there is no possibility that this ordinance may have a significant adverse effect on the environment, since it adopts updated building and safety standards, which the City had previously adopted in substantial form. Thus, the adoption of this ordinance is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to Section 15061(b)(3) of the CEQA Guidelines.

8. **Publication.** The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published in a newspaper of general circulation at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933.

9. **Effective Date.** This ordinance shall take effect upon the later of thirty (30) days after its adoption or January 1, 2017.

Introduced at a regular meeting of the City Council held on November 01, 2016, and passed and adopted by the City Council of the City of El Paso de Robles on the 15<sup>th</sup> day of November, 2016 by the following roll call vote:

AYES: Strong, Hamon, Gregory, Reed, Martin  
NOES:  
ABSTAIN:  
ABSENT:

  
\_\_\_\_\_  
STEVEN W. MARTIN, MAYOR

  
\_\_\_\_\_  
KRISTEN L. BUXKEMPER, DEPUTY CITY CLERK