

ORDINANCE NO. 16 - ____

An Ordinance Of The City Council Of The City Of Emeryville Repealing Chapters 1, 1A, 2, 3, 4, 5, 7, 8, And 19 Of Title 8 Of The Emeryville Municipal Code, Renumbering Chapters 9 Through 22 Of Title 8 Of The Emeryville Municipal Code, Renumbering And Amending Chapter 6 Of Title 8 Of The Emeryville Municipal Code, And Adopting New Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9 And 10 Of Title 8 Of The Emeryville Municipal Code, Entitled “Building Regulations”, And Making Required Findings Relating To The Adoption And Amendment Of The California Building Standards Code; CEQA Determination: Exempt Pursuant to CEQA Guidelines 15061(b)(3) and 15378(b)(2)

WHEREAS, the City of Emeryville’s Building Regulations are codified in Title 8 of the Emeryville Municipal Code and were last updated in 2013; and

WHEREAS, it is the desire and intent of the City Council of the City of Emeryville to provide the public with the greatest degree of fire, life, health and structural safety in buildings in the most effective manner by adopting the most current body of regulations; and

WHEREAS, on January 1, 2016, the California Building Standards Commission adopted the 2015 International Building Code, 2015 International Residential Code, 2016 California Existing Building Code, 2016 California Historical Building Code, 2015 International Property Maintenance Code, 2016 California Green Building Standards Code, 2015 Uniform Mechanical Code, 2015 Uniform Plumbing Code, 2014 National Electrical Code, and the 2015 International Energy Conservation Code as the 2016 California Building Standards Code collectively; and

WHEREAS, State law requires local jurisdictions to enforce the 2016 California Building Standards Code beginning January 1, 2017; and

WHEREAS, California Health and Safety Codes Sections 13143.5, 17958.5, 17958.7, and 18941.5 allow the City, by ordinance, to make modifications or changes to the California Building Standards Code and other regulations adopted pursuant to Health and Safety Code Section 17922 when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions, and where such amendments establish requirements more stringent than those provided in the state code; and

WHEREAS, amendments are necessary because of the climatic, geographical or topographical conditions unique to the City of Emeryville; and

WHEREAS, the Health and Safety Code requires that the City Council, before making any modifications and changes, makes an express finding that each modification or change is needed; and

WHEREAS, the City Council determines that the proposed ordinance establishes requirements equal to or greater than those set forth in the 2016 California Building Standards Code, Title 24, parts 2, 2.5, 3, 4, 5, 6, 8, 9, 10 and 11 of the California Code

of Regulations, as adopted by the City of Emeryville and set forth in the Emeryville Municipal Code;

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

SECTION ONE. PURPOSE AND INTENT

The purpose and intent of this Ordinance is to repeal Chapters 1, 1A, 2, 3, 4, 5, 7, 8, and 19 of Title 8 of the Emeryville Municipal Code, to renumber and amend Chapter 6 of Title 8 of the Emeryville Municipal Code, to renumber Chapters 9 through 22 of Title 8 of the Emeryville Municipal Code, and to adopt new Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9 and 10 of Title 8 of the Emeryville Municipal Code.

SECTION TWO. REQUIRED FINDINGS

Pursuant to Sections 13143.5, 17958.5, 17958.7, and 18941.5 of the California Health and Safety Code, a local jurisdiction may adopt amendments to the State Building Code when such amendments are reasonably necessary because of local climatic, geological, or topographical conditions. In adopting amendments to the State Building Code, the City Council finds that such local conditions exist in the City of Emeryville as follows:

1. Emeryville is located between 2 and 4 kilometers from the North Hayward fault, considered to be an active earthquake fault, and in seismic design category (SDC) D, a very high-risk earthquake area. Buildings and other structures in SDC D can experience seismic damage which could have an adverse impact on Fire protection. Any earth movement which causes buildings to move creates cracking and warping of fire walls, smoke barriers, door frames etc., thereby negating the effectiveness of these structural elements which are intended to prevent fire and smoke from spreading within the building. In the event of a fire in a large building, fire and smoke conditions can reach a magnitude which is beyond control capabilities of the fire department, thus resulting in major fire damage.
2. Emeryville is bisected topographically by Interstates 80 and 580. As a result, the City is divided into discrete districts. To travel between districts emergency vehicles must travel under and over vehicular bridges. Heavy traffic congestion on the City's surface streets and overpasses could act as a barrier for timely arrival of emergency vehicles. In the event of an accident or overpass failure due to an earthquake, sections of the City may become isolated or response time from first responders may be significantly slowed so as to increase the risk or severity of injury or property damage.

3. The amendments related to automatic fire extinguishing system (i.e. sprinklers) are more restrictive than the provisions in the State Building Code in that they require such systems in certain circumstances in which they are not required by the State Building Code. These amendments are necessary for the reasons cited above.

SECTION THREE. REPEALING CHAPTERS 1, 1A, 2, 3, 4, 5, 7, 8, AND 19 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapters 1, 1A, 2, 3, 4, 5, 7, 8, and 19 of Title 8 of the Emeryville Municipal Code are hereby repealed in their entirety.

SECTION FOUR. RENUMBERING CHAPTERS 9 THROUGH 22 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapters 9 through 22 of Title 8 of the Emeryville Municipal Code are hereby renumbered as follows, and all sections within them and references to them are correspondingly renumbered:

Chapter 9, "Building Official", is hereby renumbered as Chapter 12.

Chapter 10, "Fire Zones", is hereby renumbered as Chapter 13.

Chapter 11, "Sandblasting", is hereby renumbered as Chapter 14.

Chapter 12, "Signs Adjacent to Landscaped Freeways", is hereby renumbered as Chapter 15.

Chapter 12A, "Board of Appeals", is hereby renumbered as Chapter 16.

Chapter 13, "Housing Advisory and Appeals Board", is hereby renumbered as Chapter 17.

Chapter 15, "Seismic Hazard Identification and Mitigation Program for Unreinforced Masonry Buildings", is hereby renumbered as Chapter 18.

Chapter 16, "Regulations for the Conversion of Commercial/Industrial Buildings to Live/Work Occupancies", is hereby renumbered as Chapter 19.

Chapter 18, "Building Permit Fees for the Installation of Photovoltaic Solar Panels", is hereby renumbered as Chapter 20.

Chapter 20, "Floodplain Management", is hereby renumbered as Chapter 21.

Chapter 21, "Safety Assessment Placards", is hereby renumbered as Chapter 22.

Chapter 22, "Small Residential Rooftop Solar Energy Systems", is hereby renumbered as Chapter 23.

SECTION FIVE. RENUMBERING AND AMENDING CHAPTER 6 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 6 of Title 8 of the Emeryville Municipal Code, "Dangerous Buildings Code", is hereby renumbered as Chapter 11 of Title 8 of the Emeryville Municipal Code, all sections within it and references to it are correspondingly renumbered, and it is amended to read as follows (deletions are shown in ~~strike-through type~~ and additions are shown in double underlined type):

CHAPTER 611. DANGEROUS BUILDINGS CODE

Sections:

8-611.01 Adoption of the 1997 Uniform Code for the Abatement of Dangerous Buildings

8-611.01 Adoption of the 1997 Uniform Code for the Abatement of Dangerous Buildings.

For the purpose of providing minimum standards to safeguard life, limb, health, property, and the public welfare, ~~that certain Code designated as the "1997 Uniform Code for the Abatement of Dangerous Buildings Code, 1994 Edition,"~~ including its appendices, as published by the International Conference of Building Officials, ~~two (2) copies~~ a copy of which ~~are~~ is on file in the Office of the Building Official for public record and inspection, is hereby adopted and incorporated by reference as though set forth in this chapter in full, ~~subject, however, to any amendments, additions, and deletions set forth in this chapter,~~ and said Code shall be known as the "Abatement of Dangerous Buildings Code of the City of Emeryville."

SECTION SIX. ADOPTING CHAPTER 1 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 1 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 1. BUILDING CODE

Sections:

8-1.1 Title.
8-1.2 Adoption.
8-1.3 Applicability of California Building Code Appendix Chapters
8-1.4 Amendments to California Building Code Volume 1

8-1.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Building Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-1.2 Adoption.

The following documents are hereby collectively adopted as the Building Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2015 International Building Code (IBC) Volume 1, as amended by the state and known as the 2016 California Building Code (CBC) Volume 1 (California Code of Regulations, Title 24, Part 2, Volume 1), as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by this Chapter; and
- B. The 2015 International Building Code (IBC) Volume 2, as amended by the state and known as the 2016 California Building Code (CBC) Volume 2 (California Code of Regulations, Title 24, Part 2, Volume 2), as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

8-1.3 Applicability of California Building Code Appendix Chapters

Wherever in the California Building Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Employee Qualifications	Not Applicable / Not Adopted
B	Board of Appeals	Not Applicable / Not Adopted
C	Group U Agricultural Buildings	Not Applicable / Not Adopted
D	Fire Districts	Not Applicable / Not Adopted
E	Reserved	Not Applicable / Not Adopted
F	Rodent Proofing	Not Applicable / Not Adopted
G	Flood Resistant Construction	Not Applicable / Not Adopted
H	Signs	Not Applicable / Not Adopted
I	Patio Covers	Not Applicable / Not Adopted
J	Grading	Not Applicable / Not Adopted

K	Group R-3; R-3.1 Central Valley Flood Protection Plan	Not Applicable / Not Adopted
L	Earthquake Recording Instrumentation	Not Applicable / Not Adopted
M	Tsunami-Generated Flood Hazard	Not Applicable / Not Adopted

8-1.4 Amendments to California Building Code Volume 1

Volume 1 of the 2016 California Building Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

101.1 Title. The California Building Code, as amended by this Chapter, shall be known as the Building Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Building Code, are referred to hereafter as “these regulations” or “these building standards” or “this code.”

(b) Section 101.4.4 is amended to read as follows:

101.4.4 Property maintenance. The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(c) Section 101.4.5 is amended to read as follows:

101.4.5 Fire prevention. The provisions of the California Fire Code as amended by the City of Emeryville shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(d) Section 102.6 is repealed.

(e) Section 103.1 is amended to read as follows:

103.1 Creation of Enforcement Agency. The Building Division of the City of Emeryville Community Development Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(f) Section 104.7 is amended to read as follows:

104.7 Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, and notices

and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

(g) Section 105.1 is amended to read as follows:

105.1 Permits. Re-stripping, re-surfacing or re-configuration of parking lots containing disabled access parking requires a building permit.

(h) Section 105.1.1 **Annual Permits** is deleted.

(i) Section 105.1.2 **Annual Permit Records** is deleted.

(j) Section 105.1.3 is added to read as follows:

105.1.3 City Council Approval Required to Demolish Residential Structure.

The Building Official shall not issue a building permit to demolish a residential structure, as such terms are defined in Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code, except upon the approval of the City Council in conformance with Section 9-5.1209 of Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code.

(k) Section 105.1.4 is added to read as follows:

105.1.4 City Council Approval Required to Demolish Significant Structure.

The Building Official shall not issue a building permit to demolish a significant structure, as such terms are defined in Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code, except upon the approval of the City Council in conformance with Section 9-5.1209 of Article 12 of Chapter 5 of Title 9 of the Emeryville Municipal Code.

(l) Section 105.1.5 is reserved.

(m) Section 105.1.6 is added to read as follows:

105.1.6 Unsafe or Dangerous Conditions. Nothing in this section 105.1 shall prevent any measures of demolition necessary to correct unsafe or dangerous conditions of any building or part thereof, where the condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal and where the proposed measures have been declared necessary on an urgency basis by the official to correct the condition; provided however that the Building Official or Fire Marshal shall first provide written notice to the City Council and only such work as is absolutely necessary to correct the immediate danger is permitted and is done with due regard for the preservation of the appearance of the structure.

(n) Sub-sections 6 and 7 of Section 105.2 are amended, with added te to read as follows:

6. Sidewalks, decks, and driveways not more than 30 inches (762 mm) above adjacent grade, are not attached, and not over any basement or story below and are not part of an accessible route.

7. Painting, papering, tiling, carpeting, resurfacing cabinets, resurfacing counter tops and similar finish work.

(o) Section 105.5 is amended to read as follows:

105.5 Expiration. With the following exceptions, every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within one year from the date of issuance:

1. The Building Official shall have the authority to authorize longer time periods for specific projects.

2. Whenever a permit is issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or

rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building, structure or equipment, or to otherwise abate a nuisance, the Building Official shall establish a specific time period for the completion of the work.

3. The extension shall be requested in writing and justifiable cause demonstrated.

(p) Section 105.5.1 is added and amended to read as follows:

105.5.1 Renewal permit. In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 109.2 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above the Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(q) Section 107.3.3 is amended to read as follows:

107.3.3 Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code and or approved by City departments. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operations and without assurance that a permit for the entire structure will be granted. A licensed design professional or agent authorized by the Building Official shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, construction coordination for compatibility with the design of the building for the duration of construction. Additional fees shall be assessed for any phase request and for each subsequent phase requests in accordance with the City of Emeryville Master Fee Schedule.

(r) Section 107.3.4.1 is added to read as follows:

107.3.4.1 Deferred submittals. Deferred submittals shall not be considered as Phased approval request.

(s) Section 109.1.1 is added to read as follows:

109.1.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the addition fee, if any, has been paid in accordance to the City of Emeryville Master Fee Schedule.

(t) Section 109.1.2 is added to read as follows:

109.1.2 Plan Review Fees. When submittal documents are required by Section 107.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in the Section 109.1.1 of this Chapter. This review fee shall cover both the initial review of the submitted plans and second re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, revisions after permit issuance, the additional plan review fee shall be charged as specified in said fee schedule.

(u) Section 109.1.3 is repealed.

(v) Section 109.2 is amended to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(w) Section 109.3 is amended to read as follows:

109.3 Building Permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including, but not limited to, materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems, bonds, insurance, costs associated with abatement and remedial work, fees for permits issued by other jurisdictions, all equipment attached to the building, all equipment used in restaurant facilities, all permanently attached items such as shelving racks and other storage devices, all overhead profits, and other soft costs. Permit valuations shall not include the value of land, design costs such as architect and engineer costs, and the costs for obtaining a City of Emeryville business tax certificate. A minimum valuation established by the Building Official or the declared valuation, whichever is higher, shall be used to calculate the permit and plan check fees in accordance with the City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

(x) Section 109.4 is amended to read as follows:

109.4 Work commencing before a permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

(y) Section 109.6 is amended to read as follows:

109.6 Fee Refunds. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee or applicant. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the

refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

(z) Section 111.2 is amended to read as follows:

Section 111.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the City of Emeryville, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.
9. The type of construction as defined in Chapter 6 of the California Building Code.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.
13. Prior to the issuance of the certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(aa) Section 111.3 is amended to read as follows:

Section 111.3 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(bb) Section 111.5 is added to read as follows:

Section 111.5 Abandonment of Legal Occupancy. Whenever the legal occupancy or use of a building or structure, other than a 1 or 2 family dwelling, is abandoned continuously for a period of one (1) year or more, the said building or structure shall be considered to have no legal occupancy and shall be so declared by the Building Official. When this building or structure is next occupied or used after such declaration, it may be necessary to fully comply with the requirements for the new occupancy or use per the requirements of this code.

(cc) Section 111.6 is Repealed:

(dd) Section 114.1.1 is added to read as follows:

Section 114.1.1 Occupancy violations. Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

(ee) Section 903.2.1 is amended to read as follows:

Section 903.2.1 Group A Occupancies. As required by Emeryville Municipal Code Title 4 Chapter 5.

(ff) Section 903.2.7 is amended to read as follows:

Section 903.2.7 Group M Occupancies. As required by Emeryville Municipal Code Title 4 Chapter 5.

(gg) Section 903.2.11.6.1 is added to read as follows:

Section 903.2.11.6.1 Other required suppression systems. As required by Emeryville Municipal Code Title 4 Chapter 5.

(hh) Section 903.12.20 is added to read as follows:

Section 903.2.20 Renovations. As required by Emeryville Municipal Code Title 4 Chapter 5

(ii) Section 903.6.1 is hereby deleted.

SECTION SEVEN. ADOPTING CHAPTER 2 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 2 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 2 HISTORICAL BUILDING CODE

Sections:

- | | |
|--------------|------------------|
| 8-2.1 | Title. |
| 8-2.2 | Adoption. |

8-2.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Historical Building Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-2.2 Adoption.

The following documents are hereby collectively adopted as the Historical Building Code of the City of Emeryville:

- A. The 2016 California Historical Building Code (CHBC) (California Code of Regulations, Title 24, Part 8), as published by the International Code Council (ICC) and the California Building Standards Commission.

A copy of this code is on file in the office of the Building Official.

SECTION EIGHT. ADOPTING CHAPTER 3 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 3 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 3 EXISTING BUILDING CODE

Sections:

- | | |
|--------------|------------------|
| 8-3.1 | Title. |
| 8-3.2 | Adoption. |

8-3.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Existing Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-3.2 Adoption.

The following documents are hereby collectively adopted as the Existing Building Code of the City of Emeryville:

- A. The 2016 California Existing Building Code (CEBC) (California Code of Regulations, Title 24, Part 10), as published by the International Code Council (ICC) and the California Building Standards Commission.

A copy of this code is on file in the office of the Building Official.

SECTION NINE. ADOPTING CHAPTER 4 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 4 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 4 RESIDENTIAL CODE

Sections:

- 8-4.1 Title.**
- 8-4.2 Adoption.**
- 8-4.3 Applicability of California Residential Code Appendix Chapters**
- 8-4.4 Amendments to California Residential Code**

8-4.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Residential Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-4.2 Adoption.

The following documents are hereby collectively adopted as the Residential Code for the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

- A. The 2015 International Residential Code (IRC) as amended by the state and known as the 2016 California Residential Code (CRC) as published by the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

8-4.3 Applicability of California Residential Code Appendix Chapters

Wherever in the California Residential Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Sizing and Capacities of Gas Piping	Not Applicable / Not Adopted
B	Sizing of Venting Systems Serving Appliances equipped with Draft Hoods, Cat I Appliances, and Appliances listed for use with Type B Vents	Not Applicable / Not Adopted
C	Exit Terminals of Mechanical Draft and Direct-Vent Venting Systems	Not Applicable / Not Adopted
D	Recommended Procedure for Safety Inspection of an Existing Appliance Installation	Not Applicable / Not Adopted
E	Manufactured Housing used as Dwellings	Not Applicable / Not Adopted
F	Radon Control Methods	Not Applicable / Not Adopted
G	Piping Standards for Various Applications	Not Applicable / Not Adopted
H	Patio Covers	Not Applicable / Not Adopted
I	Private Sewer Disposal	Not Applicable / Not Adopted
J	Existing Building and Structures	Not Applicable / Not Adopted
K	Sound Transmission	Not Applicable / Not Adopted
L	Permit Fees	Not Applicable / Not Adopted
M	Home Day Care; R-3 Occupancy	Not Applicable / Not Adopted
N	Venting Methods	Not Applicable / Not Adopted
O	Automobile Vehicular Gates	Not Applicable / Not Adopted
P	Sizing of Water Piping System	Not Applicable / Not Adopted
Q	Reserved	Not Applicable / Not Adopted
R	Light Straw-Clay Construction	Not Applicable / Not Adopted
S	Straw bale Construction	Not Applicable / Not Adopted
T	Procedure Testing of Atmospheric Venting	Not Applicable / Not Adopted
U	Solar Ready Provisions Detached R3 and Townhouses	Not Applicable / Not Adopted
V	Swimming Pool Safety Act	Not Applicable / Not Adopted
W	Areas Protected Facilities of Central Valley Flood Protection	Not Applicable / Not Adopted

8-4.4 Amendments to California Residential Code.

The 2016 California Residential Code is hereby amended as follows:

(a) Section R101.1 is amended to read as follows:

R101.1 Title. The California Residential Code, as amended by this Chapter, shall be known as the Residential Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Residential Code, are referred to hereafter as “these regulations” or “these building standards” or “this code.”

(b) Section R101.4 is added to read as follows:

R101.4 Property maintenance. The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(c) Section R101.5 is added to read as follows:

R101.5 Fire prevention. The provisions of the California Fire Code as amended by the City of Emeryville shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(d) Section R103.1 is amended to read as follows:

R103.1 Creation of Enforcement Agency. The Building Division of the City of Emeryville Community Development Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(e) Section R104.12 is added to read as follows:

Unsafe or Dangerous Conditions. Nothing in this section shall prevent any measures of demolition necessary to correct unsafe or dangerous conditions of any building or part thereof, where the condition has been declared unsafe or dangerous by the Building Official or the Fire Marshal and where the proposed measures have been declared necessary on an urgency basis by the official to correct the condition; provided however that the Building Official or Fire Marshal shall first provide written notice to the City Council and only such work as is absolutely necessary to correct the immediate danger is permitted and is done with due regard for the preservation of the appearance of the structure.

(f) Subsections 5, 6 and 10 of Section R105.2 are amended as follows:

R105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in

any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

5. Sidewalks, decks, and driveways not more than 30 inches (762 mm) above adjacent grade, are not attached, and not over any basement or story below and are not part of an accessible route.
6. Painting, papering, tiling, carpeting, resurfacing cabinets, resurfacing counter tops and similar finish work.
10. Decks, not more than 30 inches (762 mm) above adjacent grade, that are not attached and not over any basement or story below and are not part of an accessible route.

(g) Section R105.5 is amended to read as follows:

R105.5 Expiration. With the following exceptions, every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit has not commenced within one (1) year from the date of issuance:

1. The Building Official shall have the authority to authorize longer time periods for specific projects.
2. Whenever a permit is issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building, structure or equipment, or to otherwise abate a nuisance, the Building Official shall establish a specific time period for the completion of the work.
3. The extension shall be requested in writing and justifiable cause demonstrated.

(h) Section 105.5.1 is added and amended to read as follows:

105.5.1 Renewal permits. In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section R108.1 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above the Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(h) Section R105.5.2 is added to read as follows:

R105.5.2 Completion permits. In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal

of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section R108.1 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

- (i) Section R106.3.3 is amended to read as follows.

R106.3.3 Phased approval. The Building Official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code and or approved by City departments. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operations and without assurance that a permit for the entire structure will be granted. A licensed design professional or agent authorized by the Building Official shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, construction coordination for compatibility with the design of the building for the duration of construction. Additional fees shall be assessed for any phase request and for each subsequent phase requests in accordance with the City of Emeryville Master Fee Schedule.

- (j) Section R108.1 is amended to read as follows:

R108.1 Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the addition fee, if any, has been paid in accordance with the City of Emeryville Master Fee Schedule.

- (k) Section R108.1.1 is added to read as follows:

R108.1.1 Plan Review Fees. When submittal documents are required by Section R106.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this section is separate from and in addition to the permit fee specified in Section R108.1 of this Chapter. This review fee shall cover both the initial review of the submitted plans and second re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in the City of Emeryville Master Fee Schedule; moreover, when submittal documents are incomplete or changed so as to require additional plan

review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

(l) Section R108.1.2 is Repealed.

(m) Section R108.2 is amended to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(n) Section R108.3 is amended to read as follows:

R108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including, but not limited to, materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems, bonds, insurance, costs associated with abatement and remedial work, fees for permits issued by other jurisdictions, all equipment attached to the building, all equipment used in restaurant facilities, all permanently attached items such as shelving racks and other storage devices, all overhead profits, and other soft costs. Permit valuations shall not include the value of land, design costs such as architect and engineer costs, and the costs for obtaining a City of Emeryville business tax certificate. A minimum valuation established by the Building Official or the declared valuation, whichever is higher, shall be used to calculate the permit and plan check fees in accordance with City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

(o) Section R108.5 is amended to read as follows:

R108.5 Fee Refunds. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee or applicant. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

(p) Section R108.6 is amended to read as follows:

R108.6 Work commencing before a permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

(q) Section R110.3 is amended to read as follows:

R110.3 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the City of Emeryville, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or owner's authorized agent.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. If an automatic sprinkler system is provided, whether the sprinkler system is required.
9. Any special stipulations and conditions of the building permit.
10. Prior to the issuance of the certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(r) Section R110.4 is amended to read as follows:

R110.4 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(s) Section R110.6 is added to read as follows:

R110.6 Notice of violation. Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

SECTION TEN. ADOPTING CHAPTER 5 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 5 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 5. MECHANICAL CODE

Sections:

- 8-5.1 Title.**
- 8-5.2 Adoption.**
- 8-5.3 Applicability of California Mechanical Code Appendix Chapters**
- 8-5.4 Amendments to California Mechanical Code**

8-5.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Mechanical Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-5.2 Adoption.

The following documents are hereby collectively adopted as the Mechanical Code for the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2015 Uniform Mechanical Code (UMC) as amended by the state and known as the 2016 California Mechanical Code (CMC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

8-5.3 Applicability of California Mechanical Code Appendix Chapters.

Wherever in the California Mechanical Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Residential Plan Examiner Review Form for HVAC System Design	Not Applicable / Not Adopted
B	Procedures to be followed to place Gas Equipment in Operation	Not Applicable / Not Adopted

C	Installation and Testing of Oil (Liquid) Fuel-Fired Equipment.	Not Applicable / Not Adopted
D	Unit Conversion Tables	Not Applicable / Not Adopted
E	Sustainable Practices	Not Applicable / Not Adopted
F	Sizing of Venting Systems Serving Appliances Equipped with Draft Hoods, Category I Appliances, and Appliances Listed for Use with Type B Vents	Not Applicable / Not Adopted
G	Example Calculation of Outdoor Air Rate	Not Applicable / Not Adopted

8-5.4 Amendments to California Mechanical Code.

The 2016 California Mechanical Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

101.1 Title. The California Mechanical Code, as amended by this Chapter, shall be known as the Mechanical Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Mechanical Code are referred to hereafter as “these regulations” or “these standards” or “this code.”

(b) Section 103.0 is added to read as follows:

103.0 Duties and Powers of the Authority Having Jurisdiction. The Building Division of the City of Emeryville Community Development Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(c) Section 104.4.4 is added and amended to read as follows:

104.4.4.1 Renewal Permit. In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit. The payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed

pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(d) Section 104.5 is amended to read as follows:

104.5 Permit Fees. The fee for each permit shall be as set forth in accordance with the City of Emeryville Master Fee Schedule.

(f) Section 104.5.3 added to read as follows:

104.5.3 Fee Refunds. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee or applicant. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

(e) Section 104.5.4 is added to read as follows:

104.5.4 Plan Review Fees. When submittal documents are required by Section 103.3 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in City of Emeryville Master Fee Schedule. This review fee shall cover both the initial review of the submitted plans and second re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the City of Emeryville Master Fee Schedule described in; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

SECTION ELEVEN. ADOPTING CHAPTER 6 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 6 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 6. PLUMBING CODE

Sections:

8-6.1	Title.
8-6.2	Adoption.
8-6.3	Applicability of California Plumbing Code Appendix Chapters
8-6.4	Amendments to California Plumbing Code

8-6.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Plumbing Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-6.2 Adoption.

The following documents are hereby collectively adopted as the Plumbing Code of the City of Emeryville:

- A. The 2015 Uniform Plumbing Code (UPC) as amended by the state and known as the 2016 California Plumbing Code (CPC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

8-6.3 Applicability of California Plumbing Code Appendix Chapters.

Wherever in the California Plumbing Code reference is made to an appendix Chapter, the provisions of said appendix Chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
A	Recommended Rules for Sizing the Water Supply System	Not Applicable / Not Adopted
B	Explanatory Notes on Combination Waste and Vent Systems	Not Applicable / Not Adopted
C	Alternate Plumbing Systems	Not Applicable / Not Adopted
D	Sizing Storm Water Drainage Systems	Not Applicable / Not Adopted
E	Manufactured/Mobile Home Parks and Recreational Vehicle Parks	Not Applicable / Not Adopted
F	Firefighter Breathing Air Replenishment Systems	Not Applicable / Not Adopted
G	Sizing of Venting Systems	Not Applicable / Not Adopted
H	Private Sewage Disposal Systems	Not Applicable / Not Adopted
I	Installation Standards for Pex Tubing Systems	Not Applicable / Not Adopted

J	Combination of Indoor and Outdoor Combustion and Ventilation Opening Design	Not Applicable / Not Adopted
K	Potable Rainwater Catchment Systems	Not Applicable / Not Adopted
L	Sustainable Practices	Not Applicable / Not Adopted

8-6.4 Amendments to California Plumbing Code.

The 2016 California Plumbing Code is hereby amended as follows:

(a) Section 101.1 is amended to read as follows:

101.1 Title. The Uniform Plumbing Code, as amended by this Chapter, shall be known as the Plumbing Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Plumbing Code, are referred to hereafter as “these regulations” or “these standards” or “this code.”

(b) Section 103.0 is amended to read as follows:

103.0 Duties and Powers of the Authority Having Jurisdiction. The Building Division of the City of Emeryville Community Development Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(c) Section 104.3.2 is amended to read as follows:

104.3.2 Plan Review Fees. When submittal documents are required by Section 103.3 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in City of Emeryville Master Fee Schedule. This review fee shall cover both the initial review of the submitted plans and a second re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the City of Emeryville Master Fee Schedule described in; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

(d) Section 104.4.3.1 is added to read as follows:

104.4.3.1 Renewal Permit. In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a “completion” permit. The payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation

of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within one (1) year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(e) Section 104.5 is amended to read as follows:

104.5 Permit Fees. The fee for each plumbing permit shall be as set forth in accordance with the City of Emeryville Master Fee Schedule.

(f) Section 104.5.3 amended to read as follows:

104.5.3 Fee Refunds. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee or applicant. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within one (1) year following the permit expiration; after one (1) year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

SECTION TWELVE. ADOPTING CHAPTER 7 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 7 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 7. ELECTRICAL CODE

Sections:

8-7.1	Title.
8-7.2	Adoption.

8-7.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Electrical Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-7.2 Adoption.

The following documents are hereby collectively adopted as the Electrical Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2014 National Electrical Code (NEC) as amended by the state and known as the 2016 California Electrical Code (CEC) as published by the National Fire Protection Association (NFPA) and the California Building Standards Commission. (California Code of Regulations, Title 24, Part 3.)

A copy of this code is on file in the office of the Building Official.

SECTION THIRTEEN. ADOPTING CHAPTER 8 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 8 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 8. GREEN BUILDING STANDARDS CODE

Sections:

- | | |
|--------------|------------------|
| 8-8.1 | Title. |
| 8-8.2 | Adoption. |

8-8.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Green Building Standards Code of the City of Emeryville or the CALGreen Code and will be referred to in this Chapter as “this code”.

8-8.2 Adoption.

The following documents are hereby collectively adopted as the Green Building Standards Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2016 Green Building Standards Code (CALGreen Code) as promulgated by the California Building Standards Commission (CBSC).

A copy of this code is on file in the office of the Building Official.

SECTION FOURTEEN. ADOPTING CHAPTER 9 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 9 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 9. PROPERTY MAINTENANCE CODE

Sections:

- | | |
|--------------|------------------|
| 8-9.1 | Title. |
| 8-9.2 | Adoption. |

8-9.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Property Maintenance Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-9.2 Adoption.

The following documents are hereby collectively adopted as the Property Maintenance Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2015 International Property Maintenance Code (IPMC) as promulgated by the International Code Council (ICC).

A copy of this code is on file in the office of the Building Official.

SECTION FIFTEEN. ADOPTING CHAPTER 10 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 10 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 10. ENERGY CODE

Sections:

- | | |
|---------------|------------------|
| 8-10.1 | Title. |
| 8-10.2 | Adoption. |

8-10.1 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Energy Code of the City of Emeryville and will be referred to in this Chapter as “this code.”

8-10.2 Adoption.

The following documents are hereby collectively adopted as the Energy Code of the City of Emeryville, pursuant to the provisions of Section 50020 et seq. of the Government Code of the state:

- A. The 2016 California Energy Code (CEC) as promulgated by the California Building Standards Commission (CBSC).

A copy of this code is on file in the office of the Building Official.

SECTION SIXTEEN. CEQA DETERMINATION

The City Council finds, pursuant to Title 14 of the California Administrative Code, Section 15061(b)(3) that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in Section 15378(b)(2) in that it concerns general policy and procedure making.

SECTION SEVENTEEN. SEVERABILITY

Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, clauses, or phrases.

SECTION EIGHTEEN. EFFECTIVE DATE

The Chief Building Official is directed to file a copy of this Ordinance with the California Building Standards Commission. Upon such filing with the California Building Standards Commission, this Ordinance shall take effect on January 1, 2017. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code Section 33633.

SECTION NINETEEN. CODIFICATION

Sections Three, Four, Five, Six, Seven, Eight, Nine, Ten, Eleven, Twelve, Thirteen, Fourteen, and Fifteen of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Two, Sixteen, Seventeen, Eighteen, and Nineteen shall not be so codified.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, November 1, 2016 and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, November 15, 2016 by the following vote:

AYES: _____

NOES: _____

ABSTAIN: _____

ABSENT: _____

MAYOR

ATTEST:

APPROVED AS TO FORM:

CITY CLERK

CITY ATTORNEY