



Agenda Date: 12/13/2016

Agenda Item: 3.3

STAFF REPORT

Date: November 14, 2016
To: Mayor and City Councilmembers
From: William R. Galstan, Special Counsel *William R. Galstan*
Cc: Louis Kidwell, Building Official
Subject: Ordinance Updating the Various Uniform Building Codes

FOR CONSIDERATION AT THE CITY COUNCIL MEETING ON DECEMBER 13, 2016

Summary and Recommendation

Staff recommends that the City Council adopt the attached ordinance as an urgency measure (4/5th vote required).

Fiscal Impact

None perceived.

Background and Analysis

Every two years, the various Uniform Building Codes (Building, Electrical, Plumbing, etc.) are updated by the California Building Standards Commission. These codes then become the uniform codes within the various cities and counties throughout California. Local governments are allowed to make amendments only when justified by some unique local factor.

The attached ordinance updates the various building codes. Because it is desired to have these codes become effective on January 1, and because there was insufficient time to have a "regular" ordinance take effect due to our holiday schedule, the ordinance is drafted as an urgency ordinance, to take effect immediately. It therefore requires at least four affirmative votes to be adopted.

The ordinance makes no changes to the uniform codes, it simply adopts the updates for the next two years. Also, because these ordinances are technical in nature and can become quite voluminous and labor-intensive to retype many unchanged provisions, this ordinance simply adopts the new versions of the uniform codes as they are adopted by the State. This should make future update ordinances much simpler, or perhaps unnecessary as this ordinance adopts the new codes as they are promulgated.

Conclusion

This ordinance is necessary to keep Oakley up-to-date with the newest versions of the uniform building codes.

Attachment

- A) Urgency Ordinance dealing with Title 7 of the Oakley Municipal Code, Building and Housing Regulations

ORDINANCE NO. _____

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
OAKLEY RESCINDING OR AMENDING PORTIONS OF TITLE 7 OF THE
OAKLEY MUNICIPAL CODE, DEALING WITH BUILDING
AND HOUSING REGULATIONS**

The City Council of the City of Oakley does ordain as follows:

Section 1. Chapter 1 of Title 7 of the Oakley Municipal Code is hereby amended to read as follows:

CHAPTER 1 CODE ADOPTIONS

7.1.102 Adoption by reference.

The following publications, including the specified appendices thereto, are hereby adopted by reference and incorporated into this Code as they are adopted, published and promulgated from time to time by the International Code Council, and as adopted by the California Building Standards Commission in the California Code of Regulations:

- A) The California Building Code, Volumes 1 and 2, including Appendix Chapters: C – Group U Agricultural Buildings, H – Signs, I – Patio Covers.
- B) The California Residential Code, including Appendix Chapters: G – Swimming Pools, Spas and Hot Tubs, and H – Patio Covers.
- C) The California Electrical Code, incorporating the National Electrical Code.
- D) The California Mechanical Code, incorporating the Uniform Mechanical Code, excluding Appendix Chapters.
- E) The California Plumbing Code, incorporating the Uniform Plumbing Code.
- F) The California Energy Code, including Appendix Chapter 1-A – Standards and Documents Referenced in the Energy Efficiency Regulations.
- G) The California Historical Building Code, including Appendix Chapter A.
- H) The California Existing Building Code.
- I) The California Green Building Code.

J) The California Reference Standards.

K) The International Property Maintenance Code, including Appendix A – Boarding Standard.

Section 2. The first paragraph of Section 7.2.102 of the Oakley Municipal Code is hereby amended to read as follows, the remaining portions of that section remaining unchanged:

“The California Building Code (“CBC”), Volumes 1 and 2, are amended by the changes, additions and deletions set forth in this Chapter.”

Section 3. The first paragraph of Section 7.2.104 of the Oakley Municipal Code is amended to read as follows, the remaining portions of that section remaining unchanged:

“The California Residential Code (“CRC”) is amended by the changes, additions and deletions set forth in this Chapter.”

Section 4. Section 7.2.106 of the Oakley Municipal Code is hereby amended to read as follows:

7.2.106. Amendments to the California Electrical Code. The California Electrical Code (“CEC”) is amended as follows: Administrative provisions, as amended and adopted by the City of Oakley, prescribed in the Building Code of the City of Oakley, shall be used for the administration of this Code.

Section 5. Section 7.2.108 of the Oakley Municipal Code is hereby amended to read as follows:

7.2.108. Amendments to the California Mechanical Code. The California Mechanical Code (“CMC”) is amended by the changes, additions, and deletions set forth in this Chapter.

(a) CMC Chapter 1 – Administration, Division II – Administration, Part 1 – General, is amended as follows”

(1) Section 102 Title, Applicability, subsection 102.1, Conflicts between codes is amended in its entirety to read as follows:

Section 201.2 Conflicts Between Codes. Where, in a specific case, different sections of this code or referenced standards specify different materials, methods of construction, or other requirements, the most restrictive shall govern as determined by the authority having jurisdiction. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall prevail

When conflicts occur between the administrative provisions of this code and the adopted provisions of CBC Chapter 1 – Scope and Administration, Division II – Administration, the provisions which have greater specificity shall apply.

Where conflicts occur between the provisions of this code and referenced codes and standards, the provisions of this code shall apply.

(b) CMC Chapter 1 – Administration, Division II – Administration, Part III – Permits and Inspections, is amended as follows:

- (1) Section 104 Fees, subsection 104.3.2 – Plan Review Fees and subsection 104.5 – Permit Fees is amended in its entirety to read as follows:

Section 104.3.2. Plan Review Fees. Where plans or other data are required to be submitted in accordance with section 112.2 – Plans and Specifications, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be in accordance with the most current fee schedule as adopted by the Council.

Section 104.5 – Permit Fees. The fee for each permit shall be as set forth in the most current fee schedule as adopted by the Council.

Section 6. Section 7.2.110 of the Oakley Municipal Code is hereby amended to read as follows:

7.2.110. Amendments to the California Plumbing Code. The California Plumbing Code (“CPC”) is amended by the changes, additions, and deletions set forth in this Chapter.

(a) CPC Chapter 1 – Administration, Division II – Administration is amended as follows:

- (1) Section 102, Applicability, subsection 102.41 Conflicts Between Codes is amended in its entirety to read as follows:

Section 102.41 Conflicts between codes. Where the requirements within the jurisdiction of this plumbing code conflict with the requirements of the mechanical code, this code shall prevail. In instances where the code, applicable standards, or the manufacturer’s installation instructions conflict, the more stringent provisions shall prevail. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall prevail.

When conflicts occur between the administrative provisions of this code and the adopted provisions of CBC Chapter 1 – Scope and Administration, Division II – Administration, the provisions which have greater specificity shall apply.

When conflicts occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

- (2) Section 104 – Permits and Inspections, subsection 104.3.2 Plan Review Fees and subsection 104.5 – Fees is amended in its entirety to read as follows:

Section 104.3.2 Plan Review Fees. Where plans or other data are required to be submitted by either section 104.3.1 – Construction Documents, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be in accordance with the most current fee schedule as adopted by the Council.

Section 104.45 Fees. The fee for each permit shall be as set forth in the most current fee schedule as adopted by the Council.

Section 7. The first paragraph of Section 7.2.112 of the Oakley Municipal Code is amended to read as follows, the remaining portions of that section remaining unchanged:

“The International Property Maintenance Code (“IPMC”) is amended by the changes, additions and deletions set forth in this Chapter.”

Section 8. Severability.

In the event that any section or portion of this ordinance shall be determined to be invalid or unconstitutional, such section or portions shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.

Section 9. California Environmental Quality Act (“CEQA”) finding.

This ordinance is exempt from CEQA pursuant to CEQA Guidelines Section 15061(b)(3), Review for Exemption, because it can be seen with certainty that this ordinance will not have a significant effect on the environment; therefore it is not subject to CEQA.

Section 10. Effective Date:

This ordinance is hereby declared to be an urgency measure. The building codes are intended to protect the public health, safety and welfare, and in order for the updated codes to become effective, they must take effect immediately. Therefore, this ordinance shall become effective immediately upon its adoption by an affirmative vote of at least four-fifths (4/5ths) of the members of the City Council. The City Clerk is directed to publish a copy of this ordinance in accordance with state law.

The foregoing ordinance was adopted with the reading waived at a regular meeting of the Oakley City Council on December 13, 2016 by the following vote:

AYES:

NOES:

ABSTENTIONS:

ABSENT:

APPROVED:

Sue Higgins, Mayor

ATTEST:

Libby Vreonis, City Clerk

Date