

## **Title 13**

### **PUBLIC SERVICES**

#### **Chapters:**

- |              |   |
|--------------|---|
| <b>13.02</b> | <b>Sewer System</b>   |
| <b>13.04</b> | <b>Sewer System Funding</b>   |
| <b>13.08</b> | <b>Building Sewers</b>  |
| <b>13.12</b> | <b>Underground Utility Districts Designated</b>                           |
| <b>13.14</b> | <b>Storm Drainage Standards</b>   |
| <b>13.16</b> | <b>Creek Protection, Storm Water<br/>Management and Discharge Control</b> |



## **Chapter 13.02**

### **SEWER SYSTEM**

**Sections:**

- 13.02.010      Definitions.**
- 13.02.020      Purpose.**
- 13.02.030      Responsibility.**

construction, and abandonment of the sewer system (except for building sewers) and for updating the standards from time to time. Such standards shall apply to all sewers regardless of whether they are public sewers or private sewers.

The Director of Public Works shall be responsible for operation and maintenance of the public sewer system. (Ord. 12886 § 1 (part), 2008)

**13.02.010      Definitions.**

As used in this chapter:

“Building sewer” means the sewer or sewers defined and described in Chapter 13.08.

“City” means the city of Oakland.

“Engineer” means the professional civil engineer, licensed to practice engineering by the State of California, designated by the City Administrator to manage the city’s sewer system.

“Private sewer” means a pipe, conduit or channel, not maintained by the city, used to carry sewage.

“Public sewer” means a pipe, conduit or channel, maintained by the city and used to carry sewage.

“Sanitary sewer” means any building sewer, private sewer or public sewer used to carry sewage.

“Sewage” means water carrying waste from residences, commercial and industrial establishments, or any combination of such wastes, but excluding storm water when conveyed in a separate storm water system.

“Sewer System” means either the entire network or a portion of that network of publicly and privately maintained pipes, conduits, channels, manholes, pump stations and all appurtenances thereto, under the jurisdiction of the city, used to collect, store and transport sewage. (Ord. 12886 § 1 (part), 2008)

**13.02.020      Purpose.**

The purpose of this chapter is to regulate the design, construction, operation, maintenance, and abandonment of the sewer system (except building sewers). (Ord. 12886 § 1 (part), 2008)

**13.02.030      Responsibilities.**

The Engineer shall be responsible for developing, publishing and enforcing standards for the design,



## Chapter 13.04

### SEWER SYSTEM FUNDING

#### **Sections:**

**13.04.010 Definitions.**

**13.04.020 Imposition of sewer service charge.**

**13.04.030 When due.**

**13.04.040 Imposition of lien.**

**13.04.050 Remedies.**

**13.04.060 Sewer service charge fund.**

**13.04.070 Payment, enforcement.**

**13.04.010 Definitions.**

As used in this chapter:

"City" means the city of Oakland.

"District" means the East Bay municipal utility district.

"Person" means and includes any person, firm, association, organization, partnership, corporation, public corporation, political subdivision, (including the city of Oakland and the Port of Oakland), county, district, the state of California, or the United States of America, or any department or agency thereof.

"Sewer facilities" means and includes both the sanitary sewer collection system and the storm sewer collection system. For purposes of this chapter, storm drain system shall have the same meaning as storm sewer system.

(Ord. 11801 § 2, 1995; prior code § 6-7.01)

**13.04.020 Imposition of sewer service charge.**

Every party in whose name sewage disposal service of the East Bay Municipal Utility District (District) is granted shall pay a sewer service charge according to the rates as follows, beginning with the first billing period following January 1, 2011:

A. A monthly charge of \$25.80 is established and assessed for the use of sewer facilities for every single-family residence as defined by the District's Business Classification Code 8800, Private Residence.

B. For multiple-family dwellings, as defined by the District's Business Classification Code 6513, Multiple Dwelling, the following monthly charges are established and assessed for the use of sewer facilities:

1. Duplexes: \$28.95 per month;
2. Triples: \$43.43 per month;
3. Fourplexes: \$57.92 per month.

C. For residential premises not included in Sub-sections A. or B., a charge based upon the cubic feet of water used on the premises will be made for the use of sewer facilities, which charge shall be computed and levied as follows:

1. \$1.76 per 100 cubic feet per month.

In no case shall the total monthly charge be less than \$25.80.

D. For premises in the district's "commercial," "industrial," and "public authority" business certifications, a charge based on cubic feet of water used upon the premises will be made for the use of sewer facilities, which charge shall be computed and levied as specified below:

1. Industrial accounts: \$1.60 per 100 cubic feet per month;
2. Commercial accounts: \$1.76 per 100 cubic feet per month;
3. Restaurants/hotels: \$1.82 per 100 cubic feet per month;
4. Hospitals: \$1.96 per 100 cubic feet per month;
5. Laundromats/car washes: \$2.06 per 100 cubic feet per month.

In no case shall the total monthly charge be less than \$25.80.

E. For premises with a sewage meter for measuring actual sewage flow from such premises, a charge based on cubic feet of measured sewage flow from the premises, and applicable to all buildings for water consumption cycles commencing on and after January 1, 2011, will be made for the use of sewer facilities, which charge shall be computed and levied as follows:

1. \$2.13 per 100 cubic feet of sewage flow per month.

In no case shall the total monthly charge be less than \$25.80.

F. The sewer service charges established and assessed in Subsections C. and D. shall be applicable to premises where no meter is installed or available in said premises for measuring the volume of sewage from such premises into sewers. The sewer service charge for these premises shall be based upon the total amount of water used from all sources, as ascertained by the district, for sewage disposal service charges imposed by such district within the City.

G. The sewer service charge established and assessed in Subsection E. shall be applicable to premises where a portion of the water received from any source does not flow into sewers because of manufacturing or removal by other means and a meter is installed or available in said premises for measuring the volume of sewage from such premises into sewers. The sewer service charge for these premises shall be based upon the volume of sewage discharging from such premises into the sewers, as ascertained by the district for sewage disposal service charges imposed by the district within the City.

H. The charges established and assessed in Subsections A. through E. shall become due and payable on receipt of bill therefore. Such charges shall be paid directly to the City or to the district, as directed upon the bill.

I. Beginning with annual billing period that begins on or after January 1, 2012, the sewer service charge rates established above shall be increased by 16 percent annually through the annual billing period that begins on or after January 1, 2013.

J. For the annual billing period that begins on or after January 1, 2014, the sewer service charge rates shall be increased at an annual rate equal to but not to exceed the prior years percentage change in the Consumer Price Index for the San Francisco Bay Area, compiled by the United States Department of Labor, Bureau of Labor Statistics, or successor thereto, between such Index as of June in the year prior to the year in which rates are

being increased and June 12 months earlier, as provided for the use of sewer facilities owned and operated by the City.

(Ord. No. 13035, § 1, 7-27-2010; Ord. 12540 § 1, 2003; Ord. 11801 § 1 Attachment A, 1995: prior code § 6-7.02)

**ATTACHMENT A**  
**SEWER SERVICE CHARGE VOLUME RATES BASED ON WATER CONSUMPTION**  
**EFFECTIVE JANUARY 01, 2004**

BCC <sup>(1)</sup>	Description	Metered Rate Per ccf <sup>(2)</sup>	BCC <sup>(1)</sup>	Description	Metered Rate Per ccf <sup>(2)</sup>
0100	Agriculture	\$0.82	3400	Metal Prod Fabrication	\$0.82
0700	Veterinarian Services	\$0.90	3410	Drum & Barrels Mfg.	\$0.82
1200	Mining and Quarrying	\$0.82	3470	Metal Finishing	\$0.82
1500	Construction	\$0.82	3500	Machinery Mfg.	\$0.82
2010	Meat Products/Process/Packaging	\$0.82	3590	Machine Shop Repair	\$0.82
2020	Dairy Product Processing	\$0.82	3600	Electric Machine Mfg.	\$0.82
2030	Fruit & Vegetable Canning	\$0.82	3700	Trans Equip Mfg.	\$0.82
2040	Grain Mills	\$0.82	3730	Shipbuilding	\$0.82
2050	Bakeries (including pastries)	\$0.82	3800	Precision Equip Mfg.	\$0.82
2051	Bakeries –Bread Only	\$0.82	3900	Miscellaneous Mfg.	\$0.82
2060	Sugar Processing	\$0.82	4000	Railroad Transportation	\$0.82
2070	Fats and Oils	\$0.82	4100	Local/Suburb Transportation	\$0.82
2077	Rendering Tallow	\$0.82	4200	Warehousing	\$0.82
2080	Beverage Mfg.	\$0.82	4400	Water Transportation	\$0.82
2090	Specialty Food Mfg.	\$0.82	4500	Air Transportation	\$0.82
2091	Seafood Processing	\$0.82	4700	Transportation Services	\$0.82
2300	Textile Goods Mfg.	\$0.82	4800	Elect Communications	\$0.82
2400	Lumber & Wood Mfg.	\$0.82	4900	Elec., Steam, Nat Gas	\$0.82
2500	Furniture	\$0.82	4950	Sanitary Collection & Disposal	\$0.82
2600	Pulp & Paper Prod Mfg	\$0.82	5000	Wholesale Trade	\$0.90
2700	Printing Publishing	\$0.82	5300	Retail Trade	\$0.90
2810	Inorganic Chemicals Mfg.	\$0.82	5400	Food Sales	\$0.90
2820	Synthetic Material Mfg.	\$0.82	5540	Gas/Oil Dealers	\$0.90
2830	Drugs Mfg.	\$0.82	5811	Restaurant—Fast Food	\$0.94
2840	Clean & Sanitary Prod Mfg.	\$0.82	5812	Restaurant	\$0.94
2850	Paint Mfg.	\$0.82	5813	Drinking Bar/Club	\$0.94
2860	Organic Chemicals Mfg.	\$0.82	6500	Cemeteries	\$0.90
2870	Agricultural & Chemical Mfg.	\$0.82	6513	Apt Bldg—5 or More	\$0.90
2891	Adhesive & Gelatin Mfg.	\$0.82	6800	Offices	\$0.90
2893	Ink & Pigment Mfg.	\$0.82	7000	Hotels with Food	\$0.94
2900	Petroleum Prod Mfg.	\$0.82	7001	Hotels without Food	\$0.94
3000	Rubber Products	\$0.82	7020	Boarding Houses	\$0.94
3110	Leather Tanning	\$0.82	7200	Personal Services	\$0.90
3200	Earthenware Mfg.	\$0.82	7210	Commercial Laundries	\$1.05
3300	Primary Metals Mfg.	\$0.82	7215	Coin Laundromats	\$1.05

BCC <sup>(1)</sup>	Description	Metered Rate Per ccf <sup>(2)</sup>	BCC <sup>(1)</sup>	Description	Metered Rate Per ccf <sup>(2)</sup>
7216	Clean & Dye Fabrics	\$1.05	7699	Septic Tank Cleaning	\$0.90
7218	Industrial Laundries	\$1.05	7900	Amusement Services	\$0.90
7260	Crematory, Funeral Homes	\$0.90	7940	Equestrian Activities	\$0.90
7300	Laboratories	\$0.90	7950	Irrigation Use Only	Exempt
7342	Fumigating	\$0.90	7990	Parks and Gardens	\$0.90
7500	Automobile Repair Services	\$0.90	8000	Health Services	\$0.90
7539	Battery Services	\$0.90	8060	Hospitals	\$1.00
7542	Auto Laundries	\$1.05	8200	Schools	\$0.90
7600	Misc. Repair Services	\$0.90	8600	Non-Profit Organizations	\$0.90

(1) EBMUD's Business Classification Cost Number

(2) Hundred cubic feet

#### 13.04.030 When due.

Upon the expiration of fifteen (15) days after billing for sewer service charges as herein provided, the charges shall become delinquent if the bill, or that portion thereof which is not in bona fide dispute, remains unpaid.

(Prior code § 6-7.03)

#### 13.04.040 Imposition of lien.

Delinquent sewer service charges which are payable directly to the city are made a lien upon the real property served by a connection to the city sewer system and such lien shall continue until the charges thereon are fully paid.

(Prior code § 6-7.04)

#### 13.04.050 Remedies.

In addition to other remedies provided by law including the discontinuance of water service in accordance with district procedure, an action may be brought in the name of the city in any court of competent jurisdiction for the collection of delinquent charges and to enforce the lien of the charges thereon. The remedies herein established shall be cumulative and in addition to any or all other remedies available to the city for the collection of said charges.

(Prior code § 6-7.05)

#### 13.04.060 Sewer service charge fund.

A. The fund theretofore established and known as the "sewer service charge fund" is continued. All moneys received from the charges established by this chapter shall be deposited in such fund. The moneys in this fund shall be used only for the payment of the costs in connection with acquisition, construction, reconstruction, relocation, maintenance, operation, and repair of the sewer facilities of the city and for the administration of this chapter; provided, however, that the moneys in said fund shall not be used for the acquisition or construction of new sewer facilities in unsewered areas.

B. The moneys received from the charges established by this chapter, after deposit in the sewer service charge fund, shall be distributed as follows:

At least ninety-five (95) percent shall be for the sanitary sewer system; and, up to five percent shall be for the storm sewer system.

The intent of this provision is to have the distribution made on the basis of the amount collected. For accounting purposes, the division of moneys collected may occur at the time that such moneys are deposited in said fund. However, the establishment of separate funds or accounts shall not be required.

(Prior code § 6-7.06)

**13.04.070 Payment, enforcement.**

The sewer service charges herein established shall be paid to the Treasurer of the city or to any other person authorized by the Council to receive payment thereof. It shall be the duty of the Treasurer to enforce collection of said sewer service charges, and to act as the representative of the city for liaison with the district in the disposition of disputed accounts and other matters relating to billing and collecting the sewer service charge by district.

(Prior code § 6-7.07)

**Chapter 13.08****BUILDING SEWERS****Sections:**

- 13.08.010 Purpose.**
- 13.08.020 Definitions.**
- 13.08.030 Application.**
- 13.08.040 Building sewers and building sewer connections—Permit required, to whom issued, exceptions.**
- 13.08.050 Form and conditions of the permit.**
- 13.08.060 Notice of commencement of work.**
- 13.08.070 Emergency work.**
- 13.08.080 Authority of the Director of Public Works.**
- 13.08.090 Revocation of permit.**
- 13.08.100 Emergency abatement, dangerous condition.**
- 13.08.110 Reimbursement to city—Responsibility determined after repairs made.**
- 13.08.120 Responsibility of property owner.**
- 13.08.130 Use of public sanitary sewers.**
- 13.08.140 Prohibited use of public sanitary sewers and any private sanitary sewer or building sewer discharging, directly or indirectly, into said public sanitary sewers.**
- 13.08.150 Prohibited uses generally—Wastewater.**
- 13.08.160 Additional prohibited uses—Waters and wastes.**
- 13.08.170 Additional prohibited uses—Excessive volume.**
- 13.08.180 Additional prohibited uses—Radioactive wastes.**
- 13.08.190 Special agreements.**
- 13.08.200 The right to limit discharge.**

- 13.08.210 Sampling structures.**
- 13.08.220 Right of entry—Suspected dangerous and insanitary condition.**
- 13.08.230 Right of entry—Inflow/infiltration correction program.**
- 13.08.240 Dangerous and insanitary sewer conditions—Order to abate—Sewers not subject to the inflow/infiltration correction program.**
- 13.08.250 Dangerous and insanitary sewer conditions—Order to abate—Sewers subject to inflow/infiltration correction program.**
- 13.08.260 Dangerous and insanitary sewer condition—Notice of hearing, hearing, and appeal.**
- 13.08.270 Notice and hearing of dangerous and insanitary sewer condition—Confirmation of proceedings, abatement, prospective notice of lien.**
- 13.08.280 Expense of mandatory abatement against property.**
- 13.08.290 Notice of lien—Mandatory agreement.**
- 13.08.300 Expense of voluntary abatement.**
- 13.08.310 Notice of lien—Voluntary abatement.**
- 13.08.320 Failure to make payments.**
- 13.08.330 Notice of lien—Emergency work.**
- 13.08.340 Connection to public sanitary sewer required.**
- 13.08.350 Repair of lower lateral required—Right of the city to construct private laterals at city's expense—Inflow/infiltration correction program only.**

- 13.08.360 Two-way cleanout required—Point of discharge in public right-of-way.**
- 13.08.370 Test-wye required—Point of discharge in easement.**
- 13.08.380 Two-way cleanout test-wye not required.**
- 13.08.390 Two-way cleanout required—Reduction in size of building sewer.**
- 13.08.400 Two-way cleanout required—Replacement of existing building sewers or portion(s) thereof.**
- 13.08.410 Two-way cleanout required—Rehabilitation of existing building sewers or portion(s) thereof.**
- 13.08.420 Connections to public or common private sewers to be made in presence of Director of Public Works.**
- 13.08.430 Manholes required.**
- 13.08.440 Common private sanitary sewer.**
- 13.08.450 Each building to have its own sanitary sewer—Exception.**
- 13.08.460 Temporary building sewer connection—Revocation.**
- 13.08.470 Permission to use existing building sewers—Uncovering for inspection purposes.**
- 13.08.480 Damaging existing building sewer—Authority of Director of Public Works.**
- 13.08.490 Abandonment of existing building sewers and sewage disposal facilities—Exception.**
- 13.08.500 Inspection and testing—Building sewer permits.**
- 13.08.510 Inspection and testing—Inflow/infiltration correction program—Building sewer laterals and common private sewers.**
- 13.08.520 Requirement for standard cleanout fitting, exterior riser, and sewage overflow device adjacent to building—Inflow/infiltration correction program.**
- 13.08.522 Installation and maintenance of sewage overflow devices.**
- 13.08.530 Standards of quality of materials and methods of construction.**
- 13.08.540 Emergency work by city—Notice—Liability for cost of work.**
- 13.08.550 Pressurized building sewer or common pressurized common sanitary sewer.**
- 13.08.560 Rehabilitation of damaged or defective building sewer by sliplining—Exceptions.**
- 13.08.570 Rehabilitation of damaged or defective building sewer by sliplining—Standards and quality of materials and method of construction—Exceptions.**
- 13.08.580 Violations—A continuing infraction.**
- 13.08.590 Enforcement of East Bay Municipal Utility District (EBMUD) Ordinance No. 311, Title VIII, Regulation of Private Sewer Laterals.**
- 13.08.600 Building sewer inspection, replacement, compliance with EBMUD Regional PSL Ordinance, and compliance certificates.**
- 13.08.610 Responsibility and standards for maintenance of upper and lower building sewer laterals.**
- 13.08.620 Adoption of the EBMUD Regional PSL Ordinance by reference.**

**13.08.010 Purpose.**

The purpose of this chapter is to regulate the size, extent, use, construction, maintenance, and abandonment of building sewers, sometimes referred to elsewhere in this code and other codes and ordinances of the city as "building sewer," "house sewer," "side sewer," "sewer lateral," or "building sewer lateral," and to provide for the administration of such regulations by the Director of Public Works.

(Prior code § 6-6.020)

**13.08.020 Definitions.**

The following words and phrases, wherever used in this Chapter, shall be construed as defined in this Section unless otherwise required by the context. The singular shall be taken to mean the plural and the plural shall mean the singular when required by the context of this Chapter. The following definitions will not necessarily apply to other Chapters of this Code:

"Building sewer" means that particular sanitary sewer which lies between a point two feet from the building or structure it serves, to and including its connection with the sewer system or other point of discharge and which carries sewage and liquid wastes from public or private premises to a public or private sewer system, individual sewage disposal system or other point of discharge or point of disposal.

"Common private sewer" means any privately-owned and maintained sewer which serves as the disposal point for two or more building sewers. A common private sewer is either a sanitary sewer or a storm water sewer, but it cannot be used as a combination of both.

"Compliance certificate" means a certificate issued by EBMUD indicating that a building sewer (upper building sewer lateral and lower building sewer lateral) complies with the requirements as set forth in the EBMUD Regional PSL Ordinance, Title VIII and this chapter.

"EBMUD" means the East Bay Municipal Utility District, Special District No. 1.

"EBMUD Regional PSL Ordinance" means the East Bay Municipal Utility District Ordinance 311, Title VIII, Regulation of Upper Sewer Laterals, its implementation and any future amendments or modifications thereto.

"Exemption certificate" means a certificate issued by EBMUD to property owners who can demonstrate that work on the lateral has been completed in accordance with local ordinance requirements within ten years of the period of time set forth in the EBMUD Regional PSL Ordinance.

"Inflow/infiltration correction program" (also called "I/I correction program" and "infiltration/inflow correction program") means those particular projects being designed, or designed and being constructed, constructed or proposed to be constructed by the City and/or its agents for the purpose of complying with the requirements of that certain order issued by the California Regional Water Quality Control Board and being Order No. 84-67 and any other state, federal, or local legislation related thereto.

"Lower building sewer lateral" means all that portion of the building sewer lateral which lies within a public right-of-way or lies within an easement granted for the purpose of constructing or maintaining a sanitary sewer or some such other similar purpose.

"Manhole" means an underground structure large enough to be physically entered by a person for the purpose of inspecting and maintaining a sewer or a portion thereof.

"New sewer connection" means a connection to a public sewer or common private sewer which has not previously existed. This does not include reconnection, repair, or replacement of an existing sewer lateral either at the same or at a different location. An existing sewer lateral which would be going to a higher use (such as an increased number of dwelling units) would be subject to an increased sewer service charge and/or sewer connection fee for the increase in use.

"Point of discharge" (also called "discharge point") means that point at which the materials conveyed by a sewer leave a specific section or length of sewer (by design or inadvertently).

"Point of disposal" (also called "disposal point") means the point at which any material conveyed by a sewer enters any facility for treatment or processing or otherwise leaves the sewer system by design.

"Point of origin" means that particular point on a building sewer which lies closest to the building or other structure which it serves.

"Project" means any portion of work including, but not limited to, the repair, construction and/or replacement of parts of the sewer system subject to the inflow/infiltration correction program which are accomplished under a specific project number issued by the City.

"Sanitary sewer" means any public or private sewer designed and/or constructed for the purpose of conveying sewage or other liquid waste from a building sewer to or toward a point of disposal or discharge.

"Sewage" means all liquid effluent, including any suspended solids therein, which is conveyed from all types of premises through a sewer system, for treatment and/or disposal, excepting flow from natural drainage and rainfall.

"Sewer" means any pipe conduit or channel, being either open or closed, the purpose of which is to convey sewage, liquid waste, other liquids or water from a collection point to or toward discharge point.

"Sewer main" (also commonly called "main sewer") means any public sewer or portion thereof which conveys sewage between the point of discharge of a building sewer and the point of disposal of said public sewer.

"Sewage overflow device" means an approved plumbing fitting that is installed at the top of an exterior cleanout riser for a sanitary sewer lateral and is activated by the hydraulic pressure of sewage and allows back flowing sewage to discharge

over the ground surface and prevents the intrusion of rodents and other vector into the sewer piping system.

"Sewer system" means either the entire network or a portion of that network of sewers under the jurisdiction of the City and all the appurtenances thereto. This shall include both conveyances for sanitary flow and storm water and other liquid waste flows.

"Shall/will" means a determinative directive, which includes the ordinary accepted meaning of the word "must."

"Storm sewer" (also commonly called "storm drain" or "storm water conduit") means any public or private sewer designed and/or constructed for the purpose of conveying rainwater or other waters deposited by natural causes, but not including sewage and wastewater.

"Upper building sewer lateral" means all that portion of the building sewer as herein above defined which lies within the privately owned property abutting a public right-of-way or easement. (Ord. No. 13080, § 1, 7-19-2011; Ord. No. 12993, § 3, 2-2-2010; Ord. 12886 § 1 (part), 2008; prior code § 6-6.030)

### **13.08.030 Application.**

The provisions of this chapter shall supersede all conflicting provisions of this code and other codes in effect and shall apply to all building sewers existing or hereafter constructed.

(Prior code § 6-6.040)

### **13.08.040 Building sewers and building sewer connections—Permit required, to whom issued, exceptions.**

It is unlawful for any person to make, cause or permit to be made, any work required for the construction, reconstruction, repair or abandonment of any building sewers or any portion thereof or for the re-use of existing building sewers or any building sewer connection, for the purpose of discharging sewage into the city's sewer system without first obtaining from the Director of Public

## **13.08.040**

Works a written permit to do such work and paying the fee required by this chapter. Provided, however, that:

A. No building sewer permit shall be required for the clearance of sewer stoppages which do not involve excavation in the street.

B. Provided further, however, that permits for building sewer work regulated by this chapter shall be issued only to persons entitled thereto under state law.

(Prior code § 6-6.050)

### **13.08.050 Form and conditions of the permit.**

The permit, when signed by the Director of Public Works or his or her authorized representative, shall constitute permission to do the work.

The permit shall be void if the work is not commenced and completed within the period specified on the permit unless an extension of time is granted in writing by the Director of Public Works.

Permit shall not be transferable.

(Prior code § 6-6.060)

### **13.08.060 Notice of commencement of work.**

At least forty-eight (48) hours before the work is started, the permittee shall give notice of time of commencement of the work to the Director of Public Works. Similar notice shall be given to the Police Department, Fire Department, and utility companies if required on the permit.

(Prior code § 6-6.070)

### **13.08.070 Emergency work.**

Nothing in Section 13.08.060, or elsewhere in this chapter, shall prevent any responsible person from doing such work and making such excavation as may be necessary for the preservation of life or property when such necessity arises; provided, however, that the person doing such work or excavations shall make application to obtain a permit therefor on the next working day.

(Prior code § 6-6.080)

**13.08.080    Authority of the Director of Public Works.**

The Director of Public Works is authorized to enforce the provisions of this chapter and to approve deviations consistent with good practice under unusual circumstances where standard requirements are impractical in his or her opinion.

(Prior code § 6-6.090)

**13.08.090    Revocation of permit.**

Any permit granted hereunder may be revoked by the Director of Public Works for noncompliance with any applicable laws or regulations.

(Prior code § 6-6.100)

**13.08.100    Emergency abatement, dangerous condition.**

A. Order of Abatement. If after issuance of sewer permit an emergency condition exists or could develop because of the connection of a private sewer lateral to the public sewer, the Director of Public Works, or his or her designee, is authorized to order the separation of any lateral determined dangerous, or likely to become dangerous if not disconnected, from any public sewer main or from any private common sewer. An "emergency condition" is defined, for the purposes of this section, as any event, act, or occurrence, either natural or otherwise, which is contributory to, or could contribute to, a land stability problem or is an eminent threat to the public health, welfare, and safety. If circumstances permit, the Director's order of separation shall be delivered either personally or by certified mail, postage pre-paid to the property owner. Where the order is delivered to the property owner, the latter must comply with the order within the period established by the Director. If the property owner does not comply, the Director, or his or her designee, is authorized to have the work done at the expense of the property owner. Also, the work of emergency abatement shall be done at the property owner's expense, where circumstances do not permit prior notice.

B. Confirmation Hearing. The Director or his or her designee shall keep an itemized account of the costs of the abatement work. A report of the costs shall be submitted to the Council for confirmation. The property owner shall be given written notice of the confirmation hearing in the manner provided in Section 13.08.270.

Upon the date and at the place and hour fixed for the confirmation hearing, the Council of the city shall receive the report and hear such evidence as may be presented by the property owner, including evidence that no emergency existed. Such hearing may be continued from time to time by the City Council. Upon completion of such hearing, the City Council shall either overrule the Director's report or shall confirm it; provided that the City Council, if good cause exists, may adjust downward the costs of abatement. After the assessment is made and confirmed, it shall be a lien on the said real property.

Such lien attaches upon recordation in the Office of the County Recorder, Alameda County, by certified copy of the resolution of the confirmation. After confirmation of the report, a certified copy shall be filed with the County Auditor, Alameda County, on or before August 10th. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes.

(Prior code § 6-6.110)

**13.08.110    Reimbursement to city—  
Responsibility determined after  
repairs made.**

Whenever the location of a malfunction in a building sewer and the responsibility for the protection, repair, and/or reconstruction thereof shall

be the subject of dispute between the city and a property owner or owners, the city may proceed to expose such parts of said building sewer as shall be necessary to determine the cause of said malfunction, and said city shall perform all necessary work thereon, and shall thereupon determine the person or persons responsible for said malfunction which said person or persons shall be liable, or jointly liable, respectively, for all costs necessarily incurred by the city in the performance of the work. Provided, however, that before the city undertakes the work herein mentioned, it shall give notice in writing to all persons concerned of its intentions. Provided, further, that the remedy provided in this section shall be independent of and shall not supersede those provisions in this chapter relating to dangerous and unsanitary conditions and to emergency work by the city.

(Prior code § 6-6.130)

#### **13.08.120 Responsibility of property owner.**

The size, extent, construction, installation, operation, use, maintenance, and abandonment of building sewers, common private sewers, two-way and standard cleanout fittings and exterior risers, sewage overflow devices, and the connections thereto shall be in accordance with the provisions of this Chapter and shall be the responsibility of the owner of the property served or servable by the sewer system. All devices shall be maintained and repaired by the property owner and provide for their uninterrupted function and purpose for which they were designed.

(Ord. No. 12993, § 3, 2-2-2010; Prior code § 6-6.140)

#### **13.08.130 Use of public sanitary sewers.**

Use of the sanitary sewer system is limited to the discharge of sewage and/or industrial wastes in such a quantity and of such a quality as shall not endanger the condition, operation, or capacity of the system.

(Prior code § 6-6.150)

#### **13.08.140 Prohibited use of public sanitary sewers and any private sanitary sewer or building sewer discharging, directly or indirectly, into said public sanitary sewers.**

A. **Illegal Connections.** It shall be illegal for any person to discharge or permit the discharge of any storm water, surface water, ground water, roof runoff, yard drainage, or subsurface drainage into any building sewer, private sanitary sewer, or public sanitary sewer by either direct or indirect means.

B. **Notification of Illegal Connection.** When a connection permitting illegal discharge as defined in subsection A of this section has been detected and confirmed, the Director of Public Works or his or her authorized agent shall notify the owner of the property from which the discharge occurs to remove the connection within thirty days of said notification. Notification shall proceed in accordance with the provisions of Section 13.08.240.

C. **Abatement of Illegal Connection.** The illegal connection shall be abated in accordance with the published standards and specifications in this code for the plugging and abandoning of a sewer line with the work to be accomplished under the proper permit and subject to the inspection and approval of the city prior to the filling of the trench containing the exposed pipe(s).

D. **No New Illegal Connections.** No new connections shall be made to any public sanitary sewer which shall discharge, directly or indirectly, any effluent prohibited by federal, state or local statutes.

(Prior code § 6-6.160)

#### **13.08.150 Prohibited uses generally—Wastewater.**

No person shall discharge, deposit, throw, or cause, allow, or permit to be discharged, deposited, or thrown, into a building sewer or the sanitary sewer system, any substance of any kind whatsoever which shall cause or tend to cause an obstruction or damages to the sewer system, or which shall cause or tend to cause a nuisance or hazard, or which will in any manner obstruct or

tend to obstruct the efficient operation or maintenance of the sewer system. Wastewater may not be discharged to the collection system that would cause a violation of the water quality limitations or preclude the selection of the most cost-effective alternative for wastewater treatment and sludge disposal.

Federal and state statutes governing wastewater and water discharges into the collection system supersede all requirements and provisions of this section and Sections 13.08.160 through 13.08.180, therefore, the Director of Public Works shall neither approve nor permit any wastewater discharges into the collection systems that are in violation of these statutes, notwithstanding any provisions in this chapter to the contrary.

(Prior code § 6-6.170)

**13.08.160     Additional prohibited uses—Waters and wastes.**

No person shall discharge, or permit the discharge of, any of the following waters or wastes into a building sewer or the sanitary sewer system without prior written approval of the Director of Public Works:

- A. Any unpolluted industrial process water;
- B. Any liquid or vapor having a temperature detrimental to the sewer system;
- C. Any gasoline, benzine, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas;
- D. Any water or waste which contains excessive amounts of grease, oil, or fats as hereinafter defined by this code;



E. Any garbage, except garbage from dwellings and establishments where food is prepared and consumed on the premises, and which has been ground to such a degree that all particles will be carried freely under the flow conditions prevailing in the public sewers. No particle shall in any event be greater than three-eighths inch in any dimension;

F. Any sand, cement, lime, plaster, cinders, ashes, metal, glass, or other heavy solids; any straw, shavings, animal hair, feathers, paunch manure, or other fibrous matter; any tar, asphalt, resins, plastics or other viscous substance; or any other matter of such a nature as to obstruct the flow in sewers or cause other interference with the proper operations of the sewer system;

G. Any water or waste containing excessive amounts of acid, alkali, or dissolved sulfide, or having any other corrosive property capable of causing damage or hazard to structures, equipment or personnel;

H. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewer treatment process, to constitute a hazard to humans, animals, or fish, or to create a hazard in the waters receiving effluent from the sewage treatment plant;

I. Any waters or wastes containing suspended solids or dissolved matter of such character and quantity that unusual attention or expense is required to handle such materials in the sewer or at the sewage treatment plant;

J. Any noxious or malodorous gas or substance capable of creating a public nuisance;

K. Any radioactive wastes, except as hereinafter provided. (Prior code § 6-6.171)

per day and having any of the following characteristics:

A. Temperature in excess of one hundred fifty (150) degrees Fahrenheit;

B. Suspended solids, or matter which upon dilution with water or sewage results in the formation of suspended solids, in excess of five hundred (500) milligrams per liter and which adversely affects any part of the sewer system;

C. Biochemical Oxygen Demand in excess of four hundred (400) milligrams per liter;

D. Oils and greases of animal, vegetable, or mineral origin floating, dispersed, or emulsified in excess of one hundred (100) milligrams per liter or in any amount as to adversely affect any part of the sewer system;

E. A pH of less than five and five-tenths (5.5) or more than ten and five-tenths (10.5);

F. Dissolved sulfides in excess of one milligram per liter. (Prior code § 6-6.172)

#### **13.08.180 Additional prohibited uses— Radioactive wastes.**

A. **Liability.** No person shall discharge, or permit the discharge of, any radioactive wastes into the sewer system or appurtenances thereof, except where:

1. The waste is discharged in strict conformity with current Nuclear Regulatory Commission recommendations for safe disposal of radio-active wastes; and

2. The person discharging the radioactive wastes shall assume all liability for any injury to personnel or damage to the sewer system that may result from such discharge.

B. **Reports.** Any person discharging, or permitting the discharge of, a radioactive waste into the sewer system in accordance with the provisions of subsection A of this section shall submit such reports as the Director of Public Works may deem necessary. In the event of an accidental spilling or depositing of any radioactive material into the sewer system, the person who causes such occurrence, or who is responsible therefor, shall:

#### **13.08.170 Additional prohibited uses— Excessive volume.**

No person shall discharge, or permit the discharge into a building sewer or the sanitary sewer system, without prior written approval of the Director of Public Works, and the agency providing sewage treatment facilities, any waters or wastes having an average daily flow greater than 0.75 million gallons

1. Immediately notify the Director of Public Works; and

2. Render such technical or other assistance as may be required to avoid any hazard from the radioactivity. (Prior code §§ 6-6.173, 6-6.174)

**13.08.190 Special agreements.**

Notwithstanding any provision of this chapter to the contrary, the city, the agency providing sewage treatment facilities, and any individual or industrial concern discharging any water or waste of unusual strength, character, composition, or volume into the sanitary sewers may enter into a contract permitting such discharge. In the event that any such discharge shall involve additional or extraordinary expenses to the city, such individual or industrial concern shall be required to reimburse the city therefor and shall be required to post with the city a bond or other guarantee in a form satisfactory to the City Attorney. Such agreements or contracts shall not be made when the provisions thereof would allow inflow sources or be in violation of state or federal categorical pretreatment standards. (Prior code § 6-6.180)

**13.08.200 The right to limit discharge.**

The Director of Public Works shall have the right to limit the rate of discharge of sewage from any premises into the sewer system when required for the protection of public or private property and to provide for the public health and safety. (Prior code § 6-6.190)

**13.08.210 Sampling structures.**

The City Council by resolution upon the recommendation of the Director of Public Works shall have the right to require any property owner to construct and maintain, at his or her own expense, a sampling structure in an accessible location for the purpose of sampling sewage or industrial wastes. The structure shall have a minimum diameter of 10," and shall be acceptable to the Director of Public Works. (Prior code § 6-6.200)

**13.08.220 Right of entry—Suspected dangerous and insanitary condition.**

Whenever the Director of Public Works shall have reasonable cause to believe that conditions which do not conform to this chapter exist in a particular building, structure or premises, or whenever the Director of Public Works authorizes and directs the inspection of all buildings, structures or premises subject to the provisions of this chapter in a defined area of the city, or whenever said Director of Public Works shall authorize and direct inspections of buildings, structures or premises as a part of a routine spot check, duly authorized representatives of the Director of Public Works of the city may enter and inspect any such building, structure or premises to secure compliance with, or prevent a violation of, any provision of this chapter.

No premises shall be inspected until a reasonable notice is given to the owner or occupant, or to the agent of either.

The owner or authorized agent of the owner of any building structure or premises may enter the building, structure or premises whenever necessary to carry out any instructions or perform any work required to be done pursuant to this chapter.

No person authorized by this section to enter and inspect any building, structure, or premises shall enter any dwelling unit between the hours of five p.m. of any day and eight-thirty a.m. of the succeeding day without the consent of the owner or the occupants of the dwelling unit or enter any dwelling unit in the absence of the occupants, except when the structure is in such condition as to place in jeopardy the life or limb of the public, in which case entry may be made at any time.

If entry is refused, the Director of Public Works or such duly authorized representative of the Director of Public Works of the city shall have recourse to every remedy provided by law to secure entry. (Prior code § 6-6.210)

**13.08.230 Right of entry—Inflow/infiltration correction program.**

Whenever a building sewer lateral or common private sewer has a point of discharge into a public sanitary sewer which has undergone, is undergoing or will undergo rehabilitation or replacement pursuant to the requirements of the inflow/infiltration correction program, it may be tested, including the portions of the sewer or private property, without prior notice to the property owner or other persons having rights to the property, when such tests can be conducted solely from the public right-of-way without disturbance to persons having the right to enjoy the premises.

The tests conducted shall be standard tests adopted by the Office of Public Works specifically for testing with regard to the I/I correction program and the procedures and the record of tests shall be kept on file at said office. (Prior code § 6-6.211)

**13.08.240 Dangerous and insanitary sewer conditions—Order to abate—Sewers not subject to the inflow/infiltration correction program.**

The Director of Public Works or the Alameda County Health Officer, or their designee, shall investigate, or cause to be investigated, all dangerous and insanitary conditions existing in or about building sewers or connections thereto. If such a condition is a menace to life, health, safety, or property, or is in violation of law, the Director of Public Works or the Alameda County Health Officer shall, in writing, order the owner of the premises upon which said condition exists to discontinue the use of said sewer, or, when appropriate under the circumstances, to discontinue all construction work with respect thereto, and to abate said condition in such manner as shall comply with the law. Any stoppage in the building sewer or break in the watertight integrity of the building sewer shall be conclusively presumed to be a menace to life, health, safety or property for purposes of requiring abatement of such a condition. The order shall specify the dangerous and insanitary condition, the manner in which the

same shall be abated, and the period within which such abatement shall be accomplished. In determining said period within which said owner shall abate said dangerous and insanitary condition, the Director of Public Works or the Alameda County Health Officer shall consider the nature of said condition and its effect on life, health, safety, and property, together with the time reasonably required by said owner to comply with such order of the Director of Public Works or the Alameda County Health Officer. It is unlawful for any owner to fail or neglect to comply with such order of the Director of Public Works or the Alameda County Health Officer. In the event the owner shall not promptly proceed to abate said dangerous and insanitary condition, as ordered by the Director of Public Works or the Alameda County Health Officer, the following abatement procedures will be undertaken. (Prior code § 6-6.220)

**13.08.250 Dangerous and insanitary sewer conditions—Order to abate—Sewers subject to inflow/infiltration correction program.**

Any building sewer or common private sanitary sewer found to have an existing dangerous or insanitary condition as a result of the testing performed as a part of the inflow/infiltration correction program shall be abated according to the order and procedure established by the Director of Public Works; provided that:

A. The property owner shall be notified in writing, by the Director of Public Works or his or her duly authorized representative of the existing condition and of the method by which the city determined that condition.

B. The written notification shall further state that the owner has eighteen (18) months to abate the problem which is existing on the upper lateral portion of the building sewer at his or her own expense.

C. The notification shall also make reference to financing methods and availability of same to low income property owners.

D. The notice shall contain such other information deemed necessary by the Director of Public Works or his or her duly authorized representative to fully inform the property owner of his or her rights and obligations. (Prior code § 6-6.221)

**13.08.260 Dangerous and insanitary sewer condition—Notice of hearing, hearing, and appeal.**

A. Notice of Hearing. The Director of Public Works or the Alameda County Health Officer, upon the failure of the owner to promptly proceed to abate said dangerous and insanitary condition as ordered, may forthwith fix a time and place for an administrative hearing of the matter. In all such cases, the Director of Public Works or the Alameda County Health Officer shall serve, or cause to be served, notice of said hearing upon the person in possession of such premises, or upon the owner thereof, not less than five days prior to the time fixed for such hearing. The notice shall specify the hour, date and place of the hearing and the dangerous and insanitary condition that is the subject of the hearing. Service of said notice may be made by delivery to the owner or person in possession personally or by enclosing the same in a sealed envelope, postage prepaid, addressed to the occupant at such premises, or to the owner at his or her last known address as the same appears on the last equalized assessment rolls of the city, and depositing same in the United States mail. Service shall be deemed complete at the time of the deposit in the United States mail.

B. Hearing. At the time and place set for the hearing, the Director of Public works or the Alameda County Health Officer, or a designee, shall hear such evidence as may be presented by said owner, person in possession or their representative. Such hearing may be continued from time to time by the Director of the Public Works or the Alameda County Health Officer, provided that notice is given to said owner or person in possession in the manner described in Section subsection A of this section. The findings of the Director of Public Works or the Alameda County Health Officer, or the designee,

shall be rendered at the time of such hearing and thereupon shall be announced to such owner, person in possession or their representative, provided that such person(s) appears at the hearing.

C. Appeal. Within three days of hearing, the announced findings of the Director of Public Works or the Alameda County Health Officer or a designee, said owner or person in possession may notify the Director of Public Works that he or she wishes to appeal such findings to the City Council. Failure to give the required notice within the three-day period or failure to appear at the administrative hearing shall constitute, unless good cause is shown, a waiver of the right to appeal to the City Council. Upon timely receipt of notice of an intent to appeal, the Director of Public Works or Alameda County Health Officer shall give the appellant not less than three days' prior written notice of the date, place and hour of the appeal to the City Council. Service shall be made in the manner described in subsection A of this section.

The foregoing items apply except where they conflict with requirements for sewers subject to the inflow/infiltration correction program. In those instances, any requirements imposed by the I/I correction program supersede all other requirements, except those imposed by the code for public health and safety. (Prior code § 6-6.222)

**13.08.270 Notice and hearing of dangerous and insanitary sewer condition—Confirmation of proceedings, abatement, prospective notice of lien.**

A. Nonappearance and Untimely Appeals. In those cases where the owner or person in possession either does not appear for the administrative hearing or appears for the hearing but does not give timely notice of an intent to appeal, and there is no good cause shown, the Director of Public Works or the Alameda County Public Health Officer may present his or her report and findings to the City Council for confirmation at the earliest available City Council meeting after the date for the administrative hearing. Said reports and findings shall be placed on

the City Council's Consent Calendar and be confirmed or overruled by the Council. If the reports and findings are confirmed, the City Council shall direct that the dangerous and insanitary condition be abated.

Thereafter the Director of Public Works or Alameda County Public Health Officer shall forthwith give or cause to be given, written notice in the manner provided in Section 13.08.260A, to the owner or person in possession of said premises to abate the condition. If such abatement is not commenced within five days thereafter, and diligently prosecuted to completion, the Director of Public Works or Alameda County Public Health Officer shall, at the owner's expense, cause the same to be abated.

**B. Hearing of Appeal.** Upon the date and at the place and hour fixed for the hearing of appeal and findings of the Director of Public Works or Alameda County Public Health Officer, the Council of the city shall hear such evidence as may be presented by said owner, person in possession or other representative. Such hearing may be continued from time to time by the City Council. Upon the completion of such hearing, the City Council shall either overrule the findings or shall direct that the dangerous and insanitary condition be abated.

The Director of Public Works shall give written notice, in the manner provided in Section 13.08.260A, to the owner or person in possession of said premises to abate such condition forthwith. If such abatement is not commenced within five days thereafter and diligently prosecuted to completion, the Director of Public Works shall at the owner's expense, cause the same to be abated.

**C. Abatement.** The Council shall order to be paid by the owner of said premises all sums which may be necessarily expended by the Director of Public Works in abating such condition. Said sums shall be in accordance with the master fee schedule. Prior to the commencement of said work by the city, a prospective notice of lien may be filed by the Director of Public Works with the Alameda County Recorder against the property. In lieu of employing a contractor or other person to abate such condition,

the Director of Public Works may call upon the maintenance services or other departments of the city to abate such condition.

**D. Prospective Notice of Lien.** The prospective notice of lien referenced in subsection C of this section shall take the following form:

#### **PROSPECTIVE NOTICE OF LIEN**

Pursuant to Chapter 13.08 of the Oakland Municipal Code, I caused a notice to repair a dangerous and insanitary sewer condition to be personally delivered or mailed to the subject property owner notifying the property owner of their responsibility to repair a dangerous and insanitary sewer. The owner of said property has failed to diligently and without interruption prosecute same to completion, nor has the property owner entered into an Agreement to allow the City and for its contractor to perform the necessary work. The estimated cost of said repairs, including collection costs, is \$\_\_\_\_\_ and said amount has not been paid. The City of Oakland does hereby give public notice of its claim in said amount against subject property and of pending City action to record a lien against said property when the repairs have been completed. The real property herein referenced and upon which a prospective notice of lien is claimed, is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows, to-wit:

(insert Description of Property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

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Director of Public Works  
City of Oakland  
(Prior code § 6-6.223)

**13.08.280      Expense of mandatory abatement against property.**

The costs outlined in Section 13.08.270 shall

constitute a special assessment against that real property abated. The Director of Public Works shall cause a copy of the report of assessment to be served upon the owner of said property not less than five days prior to the time fixed for confirmation of said assessment; service may be by enclosing a copy of the report of assessment in a sealed envelope, postage prepaid, addressed to the owner at his or her last known address as the same appears on the last equalized assessment rolls of the city, and depositing the same in the United States mail; and service shall be deemed completed at the time of deposit in the United States mail.

A copy of the report of assessment shall be posted in the Office of the City Clerk at least three days prior to the time when the report will be submitted to the City Council. After the assessment is made and confirmed, it shall be a lien on the said real property.

Such lien attaches upon recordation in the Office of the County Recorder, Alameda County, by certified copy of the resolution of confirmation. After confirmation of the report, a certified copy shall be filed with the County Auditor, Alameda County, on or before August 10th. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes. (Prior code § 6-6.224)

#### **13.08.290 Notice of lien—Mandatory agreement.**

The lien mentioned in Section 13.08.280 shall take the following form:

#### **NOTICE OF LIEN**

Pursuant to authority vested in me by Resolution No. \_\_\_\_\_ C.M.S., of the Council of the City of Oakland, passed on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, and the provisions of Chapter 13.08 of the Oakland Municipal Code, I did, on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, cause a dangerous (insanitary) condition located upon the hereinafter described real property to be abated at the expense of the owners thereof, in the amount of \$\_\_\_\_\_, and that said amount has not been paid nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter described real property in Said amount; the same shall be a lien upon the said real property until said sum with interest thereon at the legally allowable rate from the date of the recordation of this lien in the Office of the County Recorder of the County of Alameda, State of California, has been paid in full. The real property hereinabove mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows, to wit:

(Insert Description of Property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_.

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Director of Public Works  
CITY OF OAKLAND

(Prior code § 6-6.225)

#### **13.08.300 Expense of voluntary abatement.**

In order to fulfill the responsibility outlined in Section 13.08.270, owners may elect to have the city abate the dangerous or insanitary condition. The Director of Public Works is authorized and directed to execute an agreement on behalf of the city with such persons which would include the following conditions:

A. Agreement to allow city and/or its contractor to enter the property and perform the necessary work;

B. Agreement to pay the actual abatement cost, plus an additional charge to cover the city's cost of contract administration, engineering and inspection, plus interest; the interest rate shall be in accordance with the master fee schedule; the Director of Public Works may establish a program and eligibility requirements for low income property owners who reside at the location where the repair work is performed; the interest rate for persons qualifying for said program shall be in accordance with the master fee schedule;

C. Option to pay these costs in annual installments not to exceed five years with the ability to pay the balance at any time before the five-year period is completed;

D. A notice of lien will be filed by the Director of Public Works with the Alameda County Recorder against the property and will be released only when the charges have been paid in full. Such lien will take the form set forth herein; and

E. A waiver of all rights under Sections 13.08.240, 13.08.260 and 13.08.270. (Prior code § 6-6.226)

#### **13.08.310 Notice of lien—Voluntary abatement.**

The lien mentioned in Section 13.08.300 shall take the following form:

#### **NOTICE OF LIEN**

Pursuant to the provisions of Chapter 13.08 of the Oakland Municipal Code, I did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, cause a dangerous (insanitary) condition located upon the hereinafter described real property to be abated at the expense of the owner thereof, in the amount of \$\_\_\_\_\_ and that said amount has not been paid nor any part thereof, and the city does hereby claim a lien upon the hereinafter described real property in said amount; the same shall be a lien upon the said real property until said sum

with interest thereon at the rate of \_\_\_\_\_ per annum from the date of the recordation of this lien in the Office of the County Recorder of the County of Alameda, State of California, has been paid in full. The real property hereinabove mentioned and upon which a lien is claimed, is that certain parcel of land lying and being in the city, County of Alameda, State of California, and particularly described as follows, to wit:

(Insert Description of Property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_.

\_\_\_\_\_  
Director of Public Works  
CITY OF OAKLAND

(Prior code § 6-6.227)

#### **13.08.320 Failure to make payments.**

An owner shall be deemed to be delinquent in the payment of voluntary abatement if said owner fails to make a required payment within three months of the due date. At the time of delinquency, the Director of Public Works shall proceed pursuant to Section 13.08.280. (Prior code § 6-6.228)

#### **13.08.330 Notice of lien—Emergency work.**

The lien mentioned in Section shall take the following form:

#### **NOTICE OF LIEN**

Pursuant to authority vested in me by Section 13.08.280 of the Oakland Municipal Code, I did on \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_, cause a dangerous and insanitary condition located upon the hereinafter described real property to be abated at the expense of the owners thereof, in the amount of \$\_\_\_\_\_, and that said amount has not been paid nor any part thereof, and the City of Oakland does hereby claim a lien on the hereinafter described real property in said amount; the same shall be a lien upon the said real property until said sum with interest thereon at the legally

allowable rate from the date of the recordation of this lien in the office of the Recorder of Alameda County, State of California has been paid in full. The real property hereinabove mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows, to wit:

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Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

\_\_\_\_\_  
Director of Public Works  
CITY OF OAKLAND

(Prior code § 6-6.229)

**13.08.340 Connection to public sanitary sewer required.**

Every building in which plumbing fixtures are installed and every premises having wastewater, liquid waste, or sewage piping thereon shall have connection to a public sanitary sewer or a private common sewer which has its point of discharge in a public sanitary sewer.

Whenever a public sanitary sewer is extended to within two hundred (200) feet of any premises having a private sewage disposal system thereon, said private disposal system shall be abandoned in accordance with the requirements of this code, and the building sewer connected to the public sanitary sewer within thirty (30) days of receipt of notice from the Director of Public Works.

Where the public sanitary sewer is in a street, alley, avenue or other public right-of-way upon which a premises abuts, the building sewer shall be installed in a direct line at right angles or radial to the centerline of right-of-way from the right-of-way line to the connection with the public sanitary sewer. (Prior code § 6-6.230)

**13.08.350 Repair of lower lateral required—Right of the city to construct private laterals at city's expense—Inflow/infiltration correction program only.**

Pursuant to the requirements of the inflow/infiltration correction program and for the general public health, safety and welfare, the city is empowered to repair and/or replace for one time only and at the expense of said city, every lower building sewer lateral within the public right-of-way on any rehabilitation project performed on a public sewer main for the purpose of compliance with the requirements of the I/I Correction Program. Such repair and/or replacement and expenses shall include a two-way cleanout or test-wye as required by other sections of this code. This one-time repair in no way abrogates the property owner's responsibility for maintaining his/her building sewer lateral in the future, nor does it obligate the city to perform any future maintenance on said private laterals repaired in compliance with this code section and the hereinabove mentioned program. The hereinabove repair shall include the construction of a two-way cleanout, when required, at the location(s) specified by other sections of this code. (Prior code § 6-6.231)

**13.08.360 Two-way cleanout required—Point of discharge in public right-of-way.**

Every building sewer and every private common sewer being constructed as the initial connection to any building, structure, or premises which shall have its point of discharge within a public right-of-way shall contain a two-way cleanout. The two-way cleanout required shall be located in the vicinity of the right-of-way line adjacent to the property being improved. (Prior code § 6-6.240)

**13.08.370 Test-wye required—Point of discharge in easement.**

Every new building sewer and every new private common sanitary sewer having its point of discharge in an easement shall have a test-wye located within the easement. (Prior code § 6-6.241)

**13.08.380 Two-way cleanout test-wye not required.**

No two-way clean-out shall be required for any portion of any building sewer or any private common sanitary sewer which conveys wastes by means of a pressurized line (i.e., material is pumped rather than flowing due to the force of gravity).

The Director of Public Works or his or her duly authorized representative is authorized to delete the requirement for a two-way cleanout or test-wye when in his or her judgement no purpose would be served by the construction of same. This provision in no way affects the requirements imposed by this code for other cleanouts or other appurtenances. (Prior code § 6-6.242)

**13.08.390 Two-way cleanout required—Reduction in size of building sewer.**

Existing five-inch diameter building sewer may be reduced to four-inch diameter pipe when building sewer replacement occurs downstream and a new connection is made to the sanitary sewer main. A two-way cleanout shall be constructed between the dissimilar pipes to the specifications and standards of the city (unless this requirement is waived by the Director of Public Works or his or her authorized representative). This requirement is in addition to any other requirement for two-way cleanouts specified in this code. No two-way cleanout is required when there is an enlargement of pipe downstream for the existing building sewer. (Prior code § 6-6.243)

**13.08.400 Two-way cleanout required—Replacement of existing building sewers or portion(s) thereof.**

Whenever an existing building sewer or common private sewer with existing connection to any building, structure or premises which has its point of discharge within the public right-of-way is wholly or partially replaced, a two-way cleanout shall be constructed in the vicinity of the right-of-way line adjacent to the property wherefrom the building sewer originates.

Partial replacement under this section shall mean the replacement of either the upper or lower sewer lateral, as said upper and lower sewer laterals are defined under Section 13.08.020.

Partial replacement shall also mean the replacement of any portion(s) of the building sewer, combined length of which exceeds ten feet. (Prior code § 6-6.244)

**13.08.410 Two-way cleanout required—Rehabilitation of existing building sewers or portion(s) thereof.**

Whenever an existing building sewer or common private sewer with existing connection to any building, structure or premises which has its point or discharge within the public right-of-way is wholly or partially rehabilitated, a two-way cleanout shall be constructed in the vicinity of the right-of-way line adjacent to the property wherefrom the building sewer originates.

Partial rehabilitation under this section shall mean the rehabilitation of either the upper or lower sewer lateral, as said upper and lower sewer laterals are defined under Section 13.08.020.

Partial rehabilitation shall also mean the rehabilitation of any portion(s) of the building sewer, combined length of which exceeds ten feet. (Prior code § 6-6.245)

**13.08.420 Connections to public or common private sewers to be made in presence of Director of Public Works.**

All connections to public or common private sewers shall be made in the presence of the Director of Public Works or his or her authorized representative, and shall be made by using a Wye branch, Tee branch, or drilled tap. Other connections may be allowed or required by the Director of Public Works to meet specific conditions of a project.

The diameter of drilled taps shall not exceed two-thirds the outside diameter of the pipe tapped, except that a tap for a six-inch pipe will be permitted on an eight-inch sewer. (Prior code § 6-6.250)

**13.08.430 Manholes required.**

Manholes are required for connecting building sewers to the public or common private sewer if the building sewer has the same, or larger, diameter as the public or private sewer. (Prior code § 6-6.260)

**13.08.440 Common private sanitary sewer.**

Building sewers from a building court may be connected to a public sewer through a common private sewer, provided that such common private sewer be not less than eight inches in diameter and shall be constructed to alignment, grades, and standards satisfactory to the Director of Public Works. Building sewers connecting to common private sewers shall meet the same requirements as building sewers connecting to public sewers. A common private sewer and the use thereof shall be subject to all of the provisions of this chapter pertaining to building sewers. (Prior code § 6-6.270)

**13.08.450 Each building to have its own sanitary sewer—Exception.**

Where real property is parceled or subdivided pursuant to the provisions of the Subdivision Map Act of the state of California and local ordinances or codes applicable thereto, each parcel created shall have direct access for the connection of a sewer lateral to a public sewer or may have access to said public sewer through a public sanitary sewer easement for private purposes where approved in writing by the Director of Public Works.

**Exception.** When additional buildings are to be placed on a parcel of land that is already being served by a building sewer and when the Director of Public Works determines that the parcel of land will not or cannot be divided into separate ownerships at a later date, then the additional buildings may be sewered by connecting them to the existing building sewer at some point within the parcel of land. (Prior code § 6-6.280)

**13.08.460 Temporary building sewer connection—Revocation.**

The Director of Public Works may, upon applica-

tion containing such information as is required by him or her, issue a permit for a temporary building sewer. Said permit may be revoked by the Director of Public Works at any time upon thirty (30) days' notice posted upon the premises and mailed to the owner of the premises; and in the event said sewer is not disconnected in thirty (30) days, the Director of Public Works may disconnect the same and the owner shall be liable for the cost thereof. Such temporary permit shall contain an agreement signed by the applicant to hold the city and its officers and employees harmless from all damages caused by reason of such temporary sewer. (Prior code § 6-6.290)

**13.08.470 Permission to use existing building sewers—Uncovering for inspection purposes.**

A permit to use an existing building sewer or building sewer connection shall only be granted subject to the condition that said building sewer and building sewer connection conform to the standards of construction and quality of materials set forth in this chapter, as determined by the Director of Public Works. When required by the Director of Public Works, an existing building sewer or building sewer connection shall be exposed by the owner to permit inspection and testing of it before the re-use of said building sewer is permitted. (Prior code § 6-6.300)

**13.08.480 Damaging existing building sewer—Authority of Director of Public Works.**

Any person disturbing or damaging an existing building sewer shall protect and shall be responsible for the repair and/or reconstruction of said building sewer in the manner provided by this code. The Director of Public Works shall specify the materials, methods, and extent of such protection, repairs, and/or reconstruction. This provision shall not relieve the property owner of his or her obligations as set forth elsewhere in this chapter. (Prior code § 6-6.310)

**13.08.490 Abandonment of existing building sewers and sewage disposal facilities—Exception.**

An existing building sewer or its connection which is to be abandoned shall be sealed with a permanent, water-tight plug at the connection to the public sewer in a manner satisfactory to the Director of Public Works. All open ends of the abandoned building sewer shall also be similarly sealed.

**Exception.** Upon the approval of the Director of Public Works, an existing building sewer meeting all of the requirements of this chapter pertaining to re-use may be plugged at the property line if the size, condition, and location of said existing building sewer permit re-use.

Every cesspool, septic tank and seepage pit which has been abandoned or has been discontinued otherwise from further use or to which no waste or soil pipe from a plumbing fixture is connected shall have the sewage removed therefrom and be completely filled with earth, sand, gravel, concrete or other approved material.

The top cover or arch over the cesspool, septic tank, or seepage pit shall be removed before filling and the filling shall not extend above the top of the vertical portions of the sidewalls or above the level of any outlet pipe until inspection has been called and the cesspool, septic tank or seepage pit has been inspected. After such inspection, the cesspool, septic tank or seepage pit shall be filled to the level of the top of the ground.

No person owning or controlling any cesspool, septic tank, or seepage pit on the premises of such person or in that portion of any public street, alley or other public property abutting such premises, shall fail, refuse or neglect to comply with the provisions of this section or upon receipt of notice so to comply from the department having jurisdiction.

Where disposal facilities are abandoned consequent to connecting any premises with the public sewer, the permittee making the connection shall

fill all abandoned facilities as required by the Director of Public Works within thirty (30) days from the time of connecting to the public sewer. (Prior code § 6-6.320)

**13.08.500 Inspection and testing—Building sewer permits.**

The Director of Public Works or his or her authorized representative shall make or require such inspections and tests as he or she deems necessary to be made before granting final approval of the work authorized by the building sewer permit. The equipment, material, power, and labor necessary for inspection and test shall be furnished by the applicant.

All measurements, tests, and analyses of the characteristics of liquids to which reference is made in this chapter shall be performed and determined in accordance with the standards prescribed in the latest edition of "Standard Methods for Examination of Water and Sewage," published jointly by the American Public Health Association, the American Water Works Association, and the American Society for Testing Materials.

**Air Pressure Test.** The building sewer may be tested in its entirety or in sections. The test shall consist of measuring the time interval necessary for a loss in air pressure, through a defined range in pressures, from the building sewer. The allowable rate of pressure loss and the detailed test procedure shall be established by the Director of Public Works, and if any building sewer or part thereof shall be covered or concealed before said inspection, testing, and approval as herein prescribed, it shall be uncovered, upon request of the Director of Public Works. Before granting final approval, further inspection and testing will be made after the sewer is backfilled to ascertain all requirements of the Director of Public Works have been met.

**Water Test.** The building sewer may be tested in its entirety or in sections. The building sewer will be completely filled with water under a head of five feet at the portions being tested and maintain a constant level for fifteen (15) minutes without

further addition of water or showing of leaks. The provisions of this section are not intended to prevent the use of any other building sewer pipe test procedure not specifically prescribed in this section; provided, however, that such substitute test procedure shall be first approved by the Director of Public Works.

The testing required hereinabove shall not be applicable to laterals for which repair or replacement is required as part of the inflow/infiltration correction program which shall be subject to such testing and inspection as specifically required by that program.

(Prior code § 6-6.330)

**13.08.510     Inspection and testing—Inflow/infiltration correction program—Building sewer laterals and common private sewers.**

Inspection and testing of the upper building sewer laterals and private common sanitary sewers subject to correction under the requirements of the I/I correction program may occur at the time of, or subsequent to, each rehabilitation project. Such testing and inspection shall be standard tests approved by the Office of Public Works for said program.

(Prior code § 6-6.331)

**13.08.520     Requirement for standard cleanout fitting, exterior riser, and sewage overflow device adjacent to building—Inflow/infiltration correction program.**

When the repair/replacement of any portion of an upper building sewer lateral is necessary pursuant to the findings of testing required by Section 13.08.510, an approved standard cleanout fitting, exterior riser, and sewage overflow device shall be installed in the upper building sewer lateral in the vicinity of the building drain.

The location of the cleanout riser shall be approved by the Director of Public Works or his or her duly authorized representative. This Section

shall not apply to any building sewer or private common sanitary sewer which conveys sewage by means of a pressurized line.

(Ord. No. 12993, § 3, 2-2-2010; Prior code § 6-6.322)

**Editor's note**—Ord. No. 12993, § 3, adopted February 2, 2010, changed the title of Section 13.08.520 from "Requirement for standard cleanout adjacent to building—Inflow/infiltration correction program" to "Requirement for standard cleanout fitting, exterior riser, and sewage overflow device adjacent to building—Inflow/infiltration correction program." The historical notation has been preserved for reference purposes.

**13.08.522     Installation and maintenance of sewage overflow devices.**

Sewage overflow devices shall be installed at an elevation and subsequently adjusted to an elevation that protects the building for which it is installed from back flowing sewage. Sewage overflow devices shall be readily accessible for maintenance by the property owner.

(Ord. No. 12993, § 3, 2-2-2010)

**13.08.530     Standards of quality of materials and methods of construction.**

A. General. All materials used and all joints made in, or entering into, the construction of sewer systems or parts thereof shall be water-tight and free from defects. The materials and joints specified in this code are the minimum approved standards that shall be used. Building sewer joints shall be of such design as will permit sealing and placement without appreciable irregularities in flow lines.

The provisions of this code are not intended to prevent the use of any material not specifically prescribed by this code; provided, however, that such substitute material shall be first approved by the Director of Public Works.

B. Materials. Pipe for building sewers shall be vitrified clay, cast iron, polyvinyl chloride plastic pipe or any other material approved by the Director of Public Works.

Vitrified clay pipe and fittings shall conform to ASTM Standard Specifications for "Extra Strength Unglazed Clay Pipe," Serial Designation C-700 as amended.

Cast iron soil pipe and fittings shall conform to ASTM Standard Specifications for "Cast Iron Soil Pipe and Fittings," ASTM Designation A 74, as amended, or by the United States Department of Commerce standard for service weight "Cast Iron Soil Pipe and Fittings," Designation Commercial Standard CS 188-59, as amended.

Polyvinyl Chloride plastic pipe shall conform to all of the standards set forth in Section 207-17, POLYVINYL CHLORIDE PLASTIC PIPE, as that particular section appears in the "Standard Specifications for Public Works Construction", as adopted by the city of Oakland.

C. Size of Pipe for Building Sewers.

1. Pipe Sizes, General. Pipe sizes mentioned within this chapter refer to the interior diameters of the pipes. The sizes of any building sewer shall be at least as large as the size of the sanitary building drain to which it will connect, but in no case less than four inches. Where more than one building drain connects to the building sewer, the size of the building sewer shall be determined by the Director of Public Works.

2. Pipe Sizes, Replacement of Existing Five-Inch Diameter Building Sewer. Where any premises is served by an existing five-inch diameter building sewer, the five-inch diameter sewer may be reduced to four-inch diameter pipe when building sewer replacement occurs and a new connection is made to the sanitary sewer main. A two-way cleanout shall be required in accordance with Section 13.08.390, two-way cleanout



shall be required in accordance with Section 13.08.390, two-way cleanout required—reduction in size of building sewer, when the downstream size of the pipe is reduced.

**D. Excavation, Backfilling, and the Protection of Building Sewer Trenches.** Unless otherwise provided, the excavation, backfilling, and protection of building sewer trenches in public streets, sidewalks, alleys, or other public places shall be made in compliance with all the applicable requirements of this title.

All building sewers, other than metallic pipe, in private property shall be installed so that there will be at least twelve (12) inches of cover over the top of the pipe.

Tunneling of building sewer trenches, other than under concrete curb and gutter, will not be allowed without the prior approval of the Director of Public Works.

**E. Construction of Building Sewers and Their Connections, Bends Prohibited, Cleanouts, Passage Through or Under Walls, Corrosive Materials.** All building sewers shall be laid in a straight line with no horizontal or vertical bends. The horizontal alignment of the portion of any building sewer within a street area shall be perpendicular or radial to the centerline of the street right-of-way. Bends authorized or directed by the Director of Public Works shall be constructed as hereinafter described.

Sewer cleanouts shall be required at the connection of the building drain to the building sewer, grade changes, horizontal changes in direction in excess of twenty-two and one-half (22-1/2) degrees, and at intervals not to exceed one hundred (100) feet in straight runs. The minimum size of cleanouts shall be four inches and they shall be so placed as to be accessible at all times.

All building sewers passing through or under walls shall be protected from breakage in a manner approved by the Director of Public Works.

All building sewer pipes passing through corrosive materials shall be protected from external corrosion in a manner approved by the Director of Public Works.

Any cleanouts or other appurtenances required by this section are in addition to the two-way cleanouts required by another section in this code.

**F. Protection of Piping.** No building sewer piping other than cast iron or an approved equal shall be installed within two feet of any bearing or foundation wall. All building sewers installed below the footing of any building and paralleling the footing must be encased in concrete unless located outside the range of excessive footing pressure.

**G. Construction of Building Sewers and Their Connection, Joints, Slope, Laying in Filled Ground, Depth at Curb.** Vitrified clay or asbestos-cement pipe for building sewers shall be connected by flexible compression type joints or an approved equal.

Cast iron pipe for building sewers shall be connected only in the manner permitted for connections of case iron pipe under buildings.

The minimum slope of any building sewer shall be one-fourth inch per foot toward the public sewer or point of disposal; provided that where it is impractical due to the depth of the street sewer or to the structural features or to the arrangement of any building or structure, to obtain a slope of one-fourth of an inch per foot, any such building sewer may have a slope of not less than one-eighth of an inch per foot when approved by the Director of Public Works.

Where laid in filled ground with less than ninety (90) percent relative compaction, the building sewer shall be of cast iron or asbestos-cement; however, pipe may be of vitrified clay if approved flexible joints are used or if laid on a bed of approved material.

At the curbline, the outside top of the building sewer pipe shall be at least thirty-six (36) inches below the existing or proposed top of curb grade, whichever grade shall be lower. (Prior code §§ 6-6.340—6-6.346)

#### **13.08.540 Emergency work by city—Notice—Liability for cost of work.**

Whenever, in the opinion of the Director of Public Works, the public health, safety, or welfare shall require that repairs or protective measures to a

building sewer be made or instituted immediately, he or she is authorized to proceed with all necessary work to abate the condition and may enter upon private property for such purposes. He or she may erect and maintain all necessary barricades, warning lights, and other protective devices upon public or private property. He or she shall give the owner of the premises upon which the repairs are to be made, or the protective measures to be instituted, such notice, if any, and by such means as the circumstances shall permit.

The owner of the property upon which the condition exists and the person creating such condition shall be jointly and severally liable to the city for all costs incurred by it in abating said emergency condition and erecting and maintaining said protective devices.

The cost of abating such condition shall constitute a special assessment against that real property on which said condition was abated. The special assessment shall be made in the manner set forth in Section 13.08.280 using the notice of lien as found in Section 13.08.330. (Prior code § 6-6.360)

#### **13.08.550      Pressurized building sewer or common pressurized common sanitary sewer.**

When, in the opinion of the Director of Public Works, it shall be impossible or impractical to extend a public sewer main to provide for gravity flow service from a building sewer or common private sanitary sewer, the private sewer may be pressurized (i.e., sewage may be pumped through them to a private gravity flow sewer which will connect with the public sanitary sewer main).

The pressurized system shall conform to all requirements set forth in the appropriate section of the Plumbing Code and the gravity building sewer portion shall conform to all the requirements herein set forth for sewer laterals. (Prior code § 6-6.370)

#### **13.08.560      Rehabilitation of damaged or defective building sewer by sliplining—Exceptions.**

A. Rehabilitation of any building sewer in the

city by sliplining shall only be allowed with the prior approval of the Director of Public Works. The property owner or his or her agent, at the time of requesting said permission, shall provide the Director of Public Works with video recording(s) of a television inspection of the section of the building sewer under the improved area of the public right-of-way. The Director shall not grant such permission to slipline the building sewer if, in his or her opinion based on the aforementioned video of television inspection or visual evidence of surficial subsidence or cracks in the vicinity of the building sewer, sliplining may not properly correct the existing dangerous and insanitary condition of the building sewer or may pose future dangerous and/or insanitary condition in or about the building sewers or any property in the vicinity of the building sewer.

B. Said requirement for the provision of video recordings of the television inspection of the building sewer by the contractor/owner to the Director of Public Works may be waived if the pipe section proposed to be sliplined measures twenty (20) feet or less and can be directly inspected with the "naked eye" to detect any obstruction or defects that may exist in said pipe section. Only the Director of Public Works or his or her representatives shall have the authority to determine if a pipe section can indeed be inspected effectively with the "naked eye." (Prior code §§ 6-6.380, 6-6.381)

#### **13.08.570      Rehabilitation of damaged or defective building sewer by sliplining—Standards and quality of materials and method of construction—Exceptions.**

A. Said rehabilitation by sliplining permitted pursuant to Section 13.08.560A shall be done in accordance with Sections 207-19 and 306-8 of the current Council adopted standard specifications for public works construction, pertinent sections of the modification thereof, and the following conditions:

1. If, in the opinion of the Director of Public Works, the video of the television inspection of the building sewer reveals any damage or defects in the building sewer that cannot be sufficiently repaired

by sliplining alone or reveals any obstruction that may deter the proper installation of the liner, a point repair excavation to uncover and repair or remove said defect and obstructions, respectively, shall be made.

2. The connections at both ends of the building sewer shall be water tight and free of defects.

3. Inspections and testing as required under Section 13.08.500 shall be conducted upon the completion of the sliplining and prior to the final approval of said sliplining.

B. Contrary to the requirement under Section 306-8 of the Standard Specifications for Public Works Construction and/or its modification, the contractor/owner shall not be required to submit shop drawings of construction details to the City Engineer, prior to liner installation.

C. Materials for Sliplining Building Sewers. In addition to polyethylene (PE) wall pipe and resin impregnated polyester felt pipe liner allowed for use for sliplining by the standard specifications and its modification, polyvinyl chloride (PVC) plastic and cast iron pipes may be used for sliplining defective building sewers, when approved by the Director of Public Works.

(Prior code §§ 6-6.382—6-6.384)

#### **13.08.580 Violations—A continuing infraction.**

The failure to comply with any of the provisions of this chapter is an infraction, and each day that said failure to comply continues shall be deemed a separate offense.

(Prior code § 6-6.350)

#### **13.08.590 Enforcement of East Bay Municipal Utility District (EBMUD) Ordinance No. 311, Title VIII, Regulation of Private Sewer Laterals.**

The Building Official shall enforce the provisions of EBMUD Ordinance No. 311, Title VIII, Regulation of Private Sewer Laterals and any amendments or modifications to said ordinance, as may be adopted by the City Council. Any per-

mit issued by the Building Official that is subject to compliance with said ordinance shall not be approved or made final by the Building Official unless a certificate of compliance from EBMUD for the sewer lateral is submitted by the applicant. (Ord. No. 13026, § 1, 7-6-2010)

#### **13.08.600 Building sewer inspection, replacement, compliance with EBMUD Regional PSL Ordinance, and compliance certificates.**

The property owner shall be responsible for inspecting building sewers, obtaining all required permits, performing all necessary building sewer repair or replacement, scheduling inspections with EBMUD, passing a verification test witnessed by EBMUD, obtaining and filing with the City a compliance certificate from EBMUD as set forth in the EBMUD Regional PSL Ordinance for the entire building sewer (upper building sewer lateral and lower building sewer lateral) when one or more of the following events occurs:

A. Title Transfer. Prior to transferring title associated with the sale of any real property that contains any structure with a building sewer. Title transfer means the sale or transfer of an entire real property estate or the fee interest in that real property estate and does not include the sale or transfer of partial interest, including a leasehold. In addition, the following shall not be included: (1) transfer by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust, (2) transfers from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors, (3) transfers made by a trustor to fund an inter vivos trust, (4) transfers made to a spouse, to a registered domestic partner as defined in Section 297 of the Family Code, or to a person or persons in the lineal line of consanguinity of one or more of the transferors, (5) transfers between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, or a decree of legal separation

or from a property settlement agreement incidental to a decree, (6) transfers from property owners to any financial institution as a result of a foreclosure or similar process.

**B. Construction or Remodeling.** Whenever a property owner applies for any permit or other approval needed for construction, remodeling, modification or alteration of any structure with a building sewer where the cost of the work is estimated to exceed \$100,000.00.

**C. Change in Water Services.** Whenever a property owner applies for any permit or other approval from the EBMUD for an increase or decrease in size of the owner's water meter.

**D. An Individually-Owned Unit in a Multi-Unit Structure Served by a Common Private Sewer or Shared Laterals such as Condominium or Other Common Interest Development.** Within the period of time set forth in the EBMUD Regional Ordinance, the homeowners' association or a responsible party for this type of multi-unit structure shall determine if the sewer lateral(s) is (are) in compliance with the EBMUD Regional PSL Ordinance and perform any necessary repair or replacement work to achieve compliance. Thereafter, re-certification of the sewer lateral shall occur at 20-year intervals.

**E. Property Developments Other Than Those Specified in Subsection D Above With Sanitary Sewers Totaling Greater Than 1,000 Feet in Length.** Within the period of time set forth in the EBMUD Regional PSL Ordinance, property owners or responsible parties for property developments with sanitary sewers totaling greater than 1,000 feet in length, shall submit for EBMUD approval, a condition assessment plan with a schedule to perform testing to assess the condition of all of the sewer laterals on the property to determine compliance with the EBMUD Regional PSL Ordinance. Within the period of time specified in the EBMUD Regional PSL Ordinance, property owners or responsible parties shall complete all condition assessment testing, and submit a corrective action work plan for EBMUD approval. After the work is completed, re-certification of the sewer lateral shall occur at 20-year intervals.

**F. Exception.** A property owner with an unexpired sewer lateral compliance certificate or similar documentation from another agency, or with a dated approved building/sewer permit from a permitting authority indicating that the sewer lateral was replaced in total within ten years of the period of time set forth in the EBMUD Regional PSL Ordinance may submit the information to EBMUD along with a request for an exemption certificate. Upon review and approval, an exemption certificate will be issued by EBMUD.

**G. Dangerous and Insanitary Sewer Condition.** Whenever a dangerous or insanitary sewer condition is found as set forth by this chapter and a notice to abate is provided according to the procedure established by the Director of Public Works.

(Ord. No. 13080, § 2, 7-19-2011)

### **13.08.610      Responsibility and standards for maintenance of upper and lower building sewer laterals.**

It shall be the responsibility of the property owner to perform all required maintenance, repairs and replacement of the upper and lower building sewer lateral in accordance with EBMUD's and the City's ordinance requirements. Standards for maintenance of the upper and lower building sewer lateral are set forth below:

**A.** The upper and lower building sewer lateral shall be kept free from roots, grease deposits, and other solids, which may impede or obstruct the flow.

**B.** All joints shall be watertight and all pipes shall be sound.

**C.** The upper and lower building sewer lateral pipe shall be free of any structural defects such as fractures, cracks, breaks, openings, or missing portions.

**D.** All cleanouts shall be securely sealed with a proper cap or approved overflow device at all times.

E. There shall be no non-sanitary sewer connections to the upper or lower sewer lateral or to any plumbing that connects to the upper or lower sewer lateral.

(Ord. No. 13080, § 3, 7-19-2011)

**13.08.620 Adoption of the EBMUD Regional PSL Ordinance by reference.**

The East Bay Municipal Utility District Ordinance 311, Title VIII; Regulation of Upper Sewer Laterals is hereby adopted by reference. The City Council may adopt amendments or modifications to the ordinance thereto, as the ordinance may be amended or modified by EBMUD.

(Ord. No. 13080, § 4, 7-19-2011)

## Chapter 13.12

### UNDERGROUND UTILITY DISTRICTS DESIGNATED

Sections:

- 13.12.005** Underground utility district regulations generally.
- 13.12.010** Underground wire districts Nos. 1—7 and A—D.
- 13.12.015** Underground District No. 8.
- 13.12.020** Underground District No. 9.
- 13.12.025** Underground District No. 10.
- 13.12.030** Underground District No. 11.
- 13.12.035** Underground District No. 12.
- 13.12.040** Underground District No. 13.
- 13.12.045** Underground District No. 14.
- 13.12.050** Underground District No. 15.
- 13.12.055** Underground District No. 16.
- 13.12.060** Underground District No. 17.
- 13.12.065** Underground District No. 18.
- 13.12.070** Underground District No. 19.
- 13.12.075** Underground District No. 20.
- 13.12.080** Underground District No. 21.
- 13.12.085** Underground District No. 22.
- 13.12.090** Underground District No. 23.
- 13.12.095** Underground District No. 24.
- 13.12.100** Underground District No. 25.
- 13.12.105** Underground District No. 26.
- 13.12.110** Underground District No. 27.
- 13.12.115** Underground District No. 28.
- 13.12.120** Underground District No. 29.
- 13.12.125** Underground District No. 30.
- 13.12.130** Underground District No. 31.
- 13.12.135** Underground District No. 32.
- 13.12.140** Underground District No. 33.
- 13.12.145** Underground District No. 34.
- 13.12.150** Underground District No. 35.
- 13.12.155** Underground District No. 36.

- 13.12.160** Underground District No. 37.
- 13.12.165** Underground District No. 38.
- 13.12.170** Underground District No. 39.
- 13.12.175** Underground District No. 40.
- 13.12.180** Underground District No. 41.
- 13.12.185** Underground District No. 42.
- 13.12.190** Underground District No. 43.
- 13.12.195** Underground District No. 44.
- 13.12.200** Underground District No. 45.
- 13.12.205** Underground District No. 46.
- 13.12.210** Underground District No. 47.
- 13.12.215** Underground District No. 48.
- 13.12.220** Underground District No. 49.
- 13.12.225** Underground District No. 50.
- 13.12.230** Underground District No. 51.
- 13.12.235** Underground District No. 52.
- 13.12.240** Underground District No. 53.
- 13.12.245** Underground District No. 54.
- 13.12.250** Underground District No. 55.
- 13.12.255** Underground District No. 56.
- 13.12.260** Underground District No. 57.
- 13.12.265** Underground District No. 58.
- 13.12.270** Underground District No. 59.
- 13.12.275** Underground District No. 60.
- 13.12.280** Underground District No. 61.
- 13.12.285** Underground District No. 62.
- 13.12.290** Underground District No. 63.
- 13.12.295** Underground District No. 64.
- 13.12.300** Underground District No. 65.
- 13.12.305** Underground District No. 66.
- 13.12.310** Underground District No. 67.
- 13.12.315** Underground District No. 68.
- 13.12.320** Underground District No. 69.
- 13.12.325** Underground District No. 70.
- 13.12.330** Underground District No. 71.
- 13.12.335** Underground District No. 72.
- 13.12.340** Underground District No. 73.
- 13.12.345** Underground District No. 74.

- 13.12.350 Underground District No. 75.**
- 13.12.355 Underground District No. 76.**
- 13.12.360 Underground District No. 77.**
- 13.12.365 Underground District No. 78.**
- 13.12.370 Underground District No. 79.**
- 13.12.375 Underground District No. 80.**
- 13.12.380 Underground District No. 81.**
- 13.12.385 Underground District No. 82.**
- 13.12.390 Underground District No. 83.**
- 13.12.395 Underground District No. 84.**
- 13.12.400 Underground District No. 85.**



**13.12.405** Underground District No. 86.  
**13.12.410** Underground District No. 87.  
**13.12.415** Underground District No. 88.  
**13.12.420** Underground District No. 89.  
**13.12.425** Underground District No. 90.  
**13.12.430** Underground District No. 91.  
**13.12.435** Underground District No. 92.  
**13.12.440** Underground District No. 93.  
**13.12.445** Underground District No. 94.  
**13.12.450** Underground District No. 95.  
**13.12.455** Underground District No. 96.  
**13.12.460** Underground District No. 97.  
**13.12.465** Underground District No. 98.  
**13.12.470** Underground District No. 99.  
**13.12.475** Underground District No. 100.  
**13.12.480** Underground District No. 101.  
**13.12.485** Underground District No. 102.  
**13.12.490** Underground District No. 103.  
**13.12.495** Underground District No. 104.  
**13.12.500** Underground District No. 105.  
**13.12.505** Underground District No. 106.  
**13.12.510** Underground District No. 107.  
**13.12.515** Underground District No. 108.  
**13.12.520** Underground District No. 109.  
**13.12.525** Underground District No. 110.  
**13.12.530** Underground District No. 111.  
**13.12.535** Underground District No. 112.  
**13.12.540** Underground District No. 113.  
**13.12.545** Underground District No. 114.  
**13.12.550** Underground District No. 115.  
**13.12.555** Underground District No. 116.  
**13.12.560** Underground District No. 117.  
**13.12.565** Underground District No. 118.  
**13.12.570** Underground District No. 119.  
**13.12.575** Underground District No. 120.  
**13.12.580** Underground District No. 121.  
**13.12.585** Underground District No. 122.  
**13.12.590** Underground District No. 123.  
**13.12.595** Underground District No. 124.  
**13.12.600** Underground District No. 125.  
**13.12.605** Underground District No. 126.  
**13.12.610** Underground District No. 127.  
**13.12.615** Underground District No. 128.  
**13.12.620** Underground District No. 129.

**13.12.625** Underground District No. 130.  
**13.12.630** Underground District No. 131.  
**13.12.635** Underground District No. 132.

**13.12.005      Underground utility district regulations generally.**

A. Erection of Poles, Wires or Other Overhead Structures. It is unlawful for any person to erect any pole, wire or other overhead structure, except as provided in this chapter, for the transmission of electricity, within any portion of the city designated as an underground district by any section of this chapter.

B. Maintenance of Poles, Wires or Other Overhead Structures. It is unlawful for any person to maintain any pole, wire or other overhead structure, except as provided in this chapter for the transmission of electricity, within any portion of the city, designated as an underground district, after the date when the same is required to be removed by any section of this chapter.

C. Exception by Special Permission. The Council may grant special permission in cases of emergency, or upon some unusual special occasion, without discrimination to any person to erect, construct, install, maintain, use or operate, poles, wires and other overhead structures for a period not exceeding sixty (60) days in each case notwithstanding any other provision of this chapter relating to underground districts. (Prior code §§ 6-2.45, 6-2.451, 6-2.452)

**13.12.010      Underground wire districts Nos. 1—7 and A—D.**

A. Defined. For the purpose of removing poles and overhead wires and placing all electrical wires and conductors underground, the following districts are designated as underground districts and described as follows:

**UNDERGROUND DISTRICT NO. 1**

Bounded as follows: Commencing at the northwest corner of Washington and Eleventh Street, and thence northerly along the west side of

Washington Street to the north side of Fourteenth Street, and thence along the north side of Fourteenth Street to the center line of Franklin Street; thence along the center line of Franklin Street to the center line of Eleventh Street, and thence along the center line of Eleventh Street, to the western line of Washington Street, thence northerly to the point of beginning.

#### **UNDERGROUND DISTRICT NO. 2**

Bounded as follows: Commencing at the northwest corner of San Pablo Avenue and Fourteenth Street, thence along the west side of San Pablo Avenue to north side of Seventeenth Street, thence along the north side of Seventeenth Street to east side of Telegraph Avenue, thence along the north side of Seventeenth Street to east side of Broadway Street, thence along the east side of Broadway Street to the north side of Fourteenth Street, thence westerly along the north side of Fourteenth Street to point of beginning.

#### **UNDERGROUND DISTRICT NO. 3**

Bounded as follows: Commencing at the intersection of the center line of Eleventh Street and western line of Washington Street, thence along the center line of Eleventh Street to the east side of Broadway Street, thence along the east side of Broadway Street to the southeast corner of Broadway and Seventh Streets, thence from the southeast corner of Broadway and Seventh Streets along the south side of Seventh Street to west side of Washington Street, thence along the west side of Washington Street to the point of beginning.

#### **UNDERGROUND DISTRICT NO. 4**

Bounded as follows: All those portions of the following described streets: Franklin Street from the south property line of Seventh Street to the north property line of Fourteenth Street, except such

portion of said street as is already included in Underground District No. 1. Seventh, Eighth, Ninth, Tenth and Eleventh Streets from the west line of Franklin Street to the east property line of Broadway; except that portion of Eleventh Street that is already included in Underground District No. 1. Twelfth Street from the east line of Franklin Street to the east line of First Avenue and Lakeside Boulevard, from the north line of Twelfth Street to the west line of First Avenue. Eleventh Street and Thirteenth Street from the east line of Franklin Street to the west line of Webster Street.

#### **UNDERGROUND DISTRICT NO. 5**

Bounded as follows: All those portions of the following described streets: Clay Street from the south line of Seventh Street to the southwesterly property line of San Pablo Avenue; Seventh, Eighth, Ninth, Tenth and Eleventh Streets from the east line of Clay Street to the west line of Washington Street. Twelfth, Thirteenth and Fourteenth Streets from the east line of Jefferson Street to the west line of Clay Street; and from the east line of Clay Street to the west line of Washington Street; Fifteenth Street and Sixteenth Street from the east line of Clay Street to the southwesterly line of San Pablo Avenue.

#### **UNDERGROUND DISTRICT NO. 6**

Bounded as follows: All those portions of the following described streets: San Pablo Avenue, Telegraph Avenue and Broadway from the north property line of Seventeenth Street to the south property line of Twentieth Street; Eighteenth Street and Nineteenth Street from the west property line of Telegraph Avenue to the northeasterly line of San Pablo Avenue.

#### **UNDERGROUND DISTRICT NO. 7**

Bounded as follows: All those portions of the following described streets: Broadway and Wash-

ton Streets from the south line of Seventh Street to the north line of Third Street, Fourth Street, Fifth Street and Sixth Street from the east line of Clay Street to the west line of Washington Street and from the east line of Washington Street to the west line of Broadway, and from the east line of Broadway to the west line of Franklin Street.

#### **UNDERGROUND DISTRICT "A"**

Thirteenth Street from the west line of Webster Street to the east line of Alice Street.

Fourteenth Street from the east line of Franklin Street to its intersection with the north line of Twelfth Street.

Fifteenth Street from the east line of Jefferson Street to the west line of Clay Street and from the east line of Broadway Street to the west line of Franklin Street and from the west line of Franklin Street to the west line of Harrison Street when so and as extended.

Sixteenth Street from the east line of Jefferson Street to the west line of Clay Street.

Seventeenth Street from the east line of Broadway Street to the west line of Franklin Street and from the west line of Franklin Street to the west line of Harrison Street when so and as extended.

Nineteenth Street from the east line of Telegraph Avenue to the east line of Broadway Street.

William Street from the east line of San Pablo Avenue to the west line of Telegraph Avenue.

Broadway Street from the south line of Twentieth Street to the south line of Hawthorne Avenue.

Franklin Street from the north line of Fourteenth Street to the south line of Nineteenth Street.

Webster Street from the north line of Twelfth Street to the north line of Seventeenth Street as such line of Seventeenth Street will be when extended.

Oak Street from the north line of Twelfth Street to the south line of Lake Street.

Fallon Street from the north line of Twelfth Street to its intersection with Fourteenth Street.

Boulevard along the westerly shore of Lake Merritt from Lake Street to Harrison Boulevard.

Harrison Boulevard from the north line of Twentieth Street to the south line of Twenty-third Street.

Lakeshore Boulevard from the west line of First Avenue to the west line of Wayne Avenue.

#### **UNDERGROUND DISTRICT "B"**

Jefferson Street from the north line of 13th Street to the west line of San Pablo Avenue.

Nineteenth Street from the east line of Broadway to the west line of Webster Street.

Hobart Street from the east line of Broadway to the west line of Webster Street.

Franklin Street from the south line of Nineteenth Street to the south line of Twenty-first Street and from the south line of Twenty-first Street to the east line of Broadway when so extended.

Twenty-first Street from the east line of Broadway to the west line of Webster Street.

Grand Avenue from the east line of Broadway to the west line of Webster Street.

Twentieth Street from the east line of San Pablo Avenue to the west line of Webster Street.

**UNDERGROUND DISTRICT "C"**

Webster Street from the south line of Seventeenth Street to the south line of Twentieth Street.

**UNDERGROUND DISTRICT "D"**

Lakeshore Avenue from the southern line of Mandana Boulevard to the southern line of Lake Park Avenue as said southern line exists east of Lake Shore Avenue.

Lake Park Avenue from the eastern line of Grand Avenue to the center line of Lakeshore Avenue.

Harrison Street from the north line of Twelfth Street to the north line of Twentieth Street.

Thirteenth Street from the east line of Alice Street to its intersection with Fourteenth Street.

**B. Poles and Overhead Wires Prohibited.** It is unlawful in any underground district defined in subsection A of this section except District No. 7 for any person to erect, maintain, continue, use, operate, or employ, over or upon the streets or alleys in any of said underground districts, except District No. 7 any overhead wires, overhead cable, device or apparatus by, through, over or by means of which electricity is, has been or may be in any manner transmitted, conducted or conveyed for electric light, heat, power, telegraph, telephone, signaling or other purpose, or pole or other structure supporting the same, or to keep, continue, maintain, use, operate or employ any such pole or any such overhead wire, cable, device or apparatus, and all such poles, overhead wires, cables, devices or apparatus shall be deemed a public nuisance; provided, however, that it shall be lawful to continue the maintenance of a four-span lead for local distribution in the block from San Pablo Avenue to Telegraph Avenue, on Twentieth Street.

It is unlawful in District No. 7 as defined in subsection A of this section, for any person owning or making use of wires for the transmission of sig-

nals or intelligence to erect, maintain, continue, use, operate or employ any pole, overhead wire, overhead cable or device over or upon the streets in said District No. 7, by, through, over or by means of which signals, or intelligence is transmitted. Except that such person may employ distributing poles with their wires, upon or over Fourth, Fifth and Sixth Streets, providing drop wires do not cross Broadway or Washington Streets. A distributing pole is defined to be a pole having one or more passageways connecting it with an underground conduit, and said pole being used for purposes of distribution to consumer's premises only and not having an overhead connection by means of overhead wires with any other pole or fixture.

It is unlawful in said District No. 7 for any person to erect, maintain, continue, use, operate or employ any pole or overhead wire, cable or device over or upon the streets of said District No. 7, by, through or by means of which electricity is or has been or may be transmitted, conducted or conveyed for the purpose of electric light, heat or power; except that such person may employ a two-span lead with their wires over or upon Fourth, Fifth or Sixth Streets, providing drop wires or line wires do not cross Broadway or Washington Streets overhead. A two-span lead is defined to be a lead of three poles, one of which has connection of one or more passageways connecting it with an underground conduit system or has not more than two wires connecting said lead with any other pole lead. The latter part of the above definition is understood as an extension of the general meaning of the term "two-span lead" put in only to apply to District No. 7.

It is unlawful in said District No. 7 for any person to keep, continue, maintain, use, operate or employ any such pole or any such overhead wire, cable, device or apparatus except as herein provided, and all such poles, and all such overhead wires, cables, devices, and apparatus as aforesaid, shall be deemed public nuisances except such as are herein exempted from the provisions of this chapter. (Prior code §§ 6-2.43, 6-2.44)

**13.12.015 Underground District No. 8.**

The following described area in the city is designated as an underground district:

Grand Avenue from the eastern line of Webster Street to the southerly line of Mandana Boulevard.

Perkins Street from the southern line of Grand Avenue to the northern line of Bellevue Avenue.

Ellita Avenue from the southern line of Grand Avenue to the northern line of Bellevue Avenue.

Staten Avenue from the southern line of Grand Avenue to the northern line of Bellevue Avenue.

Bellevue Avenue from the southern termination of Perkins Street to the southern line of Grand Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described Underground district, except as provided in this chapter, is required to remove the same, and to install an underground system for the transmission of electricity, as required by this chapter, on or before the 1st day of May, 1941. (Prior code § 6-2.441)

**13.12.020 Underground District No. 9.**

The following described area in the city is designated as an underground district:

Webster Street from the northern line of 20th Street to the southeastern line of Broadway.

Every person maintaining any pole, wire or other overhead structure in the above described underground district, except as provided in this chapter, is required to remove the same, and to install an underground system for the transmission of electricity, as required by this chapter, on or before the 1st day of May, 1941. (Prior code § 6-2.442)

**13.12.025 Underground District No. 10.**

The following described area in the city is designated as an underground district:

Park Boulevard from the southerly production of the center line of Greenwood Avenue to the westerly production of the center line of El Centro Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described underground district, except as provided in this chapter, is required to remove the same, and to install an underground system for the transmission of electricity, as required by this chapter, on or before the 1st day of June, 1949. (Prior code § 6-2.443)

**13.12.030 Underground District No. 11.**

The following described area in the city is designated as an underground district:

Harrison Street from the northern line of Grand Avenue, to a line parallel with and distant 50 feet northeasterly from the center line of 26th Street and Bay Place;

Twenty-sixth Street from Broadway to a line parallel with and distant 60 feet easterly from the center line of Harrison Street as Harrison Street now exists;

And also in that certain proposed street one hundred and twelve feet in width lying northerly of Twenty-sixth Street and extending from Broadway southeasterly to the intersection of Twenty-sixth Street and Valdez Street.

Every person maintaining any pole, wire or other overhead structure in the above described underground district, except as provided in this chapter, is required to remove the same, and to install an underground system for the transmission of electricity, as required by this chapter, on or before the 1st day of March, 1949. (Prior code § 6-2.444)

**13.12.035 Underground District No. 12.**

The following described area in the city is designated as an underground district:

College Avenue from the southerly boundary line of the city of Berkeley southerly to the northwesterly line of Broadway.

Every person maintaining any pole, wire or other overhead structure in the above described underground district, except as provided in this chapter, is required to remove the same, and to install an underground system for the transmission of electricity, as required by this chapter, on or before the 31st day of December, 1950. (Prior code § 6-2.445)

**13.12.040 Underground District No. 13.**

The following described area in the city is designated as an underground district:

Madison Street from the south line of 13th Street to the north line of 14th Street.

Every person maintaining any pole, wire, or other overhead structure in the above described underground district, except as provided in this chapter, is required to remove the same and to install an underground system for the transmission of electricity, as required by this chapter, on or before the 1st day of March, 1950. (Prior code § 6-2.446)

**13.12.045 Underground District No. 14.**

The following described area in the city is designated as an underground district:

Broadway from the south line of Hawthorne Avenue to the south line of MacArthur Blvd.

Every person maintaining any pole, wire, or other overhead structure in the above described underground district, except as provided in this chapter, is required to remove the same and to install an underground system for the transmission of electricity, as required by this chapter, on or before the 30th day of April, 1950. (Prior code § 6-2.447)

**13.12.050 Underground District No. 15.**

The following described area in the city is designated as an underground district:

Broadway from the south line of MacArthur Blvd. to the north line of Clifton Street.

Every person maintaining any pole, wire or other overhead structure in the above described underground district, except as provided in this chapter, is required to remove the same and to install an underground system for the transmission of electricity, as required by this chapter, on or before the 30th day of June, 1951. (Prior code § 6-2.448)

**13.12.055 Underground District No. 16.**

The following described area in the city is designated as an underground district:

Bay Place from the east line of Harrison Street to the north line of Grand Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity, as required by this chapter, on or before the 15th day of May, 1951. (Prior code § 6-2.449)

**13.12.060 Underground District No. 17.**

The following described area in the city is designated as an underground district:

First Avenue from a line parallel with and distant 100 feet northeasterly from the northerly line of East Eleventh Street to the northerly line of East Fourteenth Street. East Fourteenth Street from the easterly line of First Avenue to the easterly line of Second Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system

for the transmission of electricity, as required by this chapter, on or before the 1st day of September, 1951. (Prior code § 6-2.450)

#### **13.12.065 Underground District No. 18.**

The following described area in the city is designated as an underground district:

East 14th Street from the east line of 13th Avenue to the east line of 22nd Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity, as required by this chapter, on or before the 1st day of March, 1952. (Prior code § 6-2.4501)

#### **13.12.070 Underground District No. 19.**

The following described area in the city is designated as an underground district:

A portion of the area known as Jack London Square, bounded on the North by the northerly line of First Street, on the West by the westerly line of Broadway, on the East by the easterly line of Franklin Street, and on the South by the northerly United States Pierhead Line of the Oakland Inner Harbor.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity, as required by this chapter, on or before the 1st day of May, 1952. (Prior code § 6-2.4502)

#### **13.12.075 Underground District No. 20.**

The following described area in the city is designated as an underground district:

Market Street from the north line of 57th Street northerly to the southerly boundary line of the City of Berkeley.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity, as required by this chapter, on or before the 1st day of January, 1952. (Prior code § 6-2.4503)

#### **13.12.080 Underground District No. 21.**

The following described area in the city is designated as an underground district:

First Avenue from the northerly line of East 14th Street northerly to the northerly line of East 16th Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity, as required by this chapter, on or before the 15th day of April, 1953. (Prior code § 6-2.4504)

#### **13.12.085 Underground District No. 22.**

The following described area in the city is designated as an underground district:

East 14th Street from the easterly line of 2nd Avenue easterly to the easterly line of 13th Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 15th day of June, 1953. (Prior code § 6-2.4505)

**13.12.090 Underground District No. 23.**

The following described area in the city is designated as an underground district:

Park Blvd. from the southerly production of the center line of Greenwood Avenue, westerly to the southerly production of the east property line of Grosvenor Place. Kingsley Street from the northerly production of the east property line of Emerson Street easterly to the west property line of Park Blvd.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of December, 1953. (Prior code § 6-2.4506)

**13.12.095 Underground District No. 24.**

The following described area in the city is designated as an underground district:

Park Blvd. from the center line of El Centro Avenue northerly to the south property line of Leimert Boulevard.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of June, 1954. (Prior code § 6-2.4507)

**13.12.100 Underground District No. 25.**

The following described area in the city is designated as an underground district:

East 14th Street between the easterly property line of High Street and the westerly property line of 57th Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 15th day of September, 1954. (Prior code § 6-2.4508)

**13.12.105 Underground District No. 26.**

The following described area in the city is designated as an underground district:

27th Street from the westerly line of Broadway, westerly to the easterly line of Telegraph Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of August, 1955. (Prior code § 6-2.4509)

**13.12.110 Underground District No. 27.**

The following described area in the city is designated as an underground district:

McAdam Street from the easterly property line of Broadway to the westerly property line of Montgomery Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before November 15, 1955. (Prior code § 6-2.4510)

**13.12.115 Underground District No. 28.**

The following described area in the city is designated as an underground district:

East 14th Street between the westerly property line of 57th Avenue and easterly property line of the west leg of 83rd Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of March, 1956. (Prior code § 6-2.4511)

#### **13.12.120 Underground District No. 29.**

The following described area in the city is designated as an underground district:

Seminary Avenue from the westerly extension of the northerly property line of MacArthur Boulevard to the northerly extension of the westerly property line of Overdale Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of July, 1956. (Prior code § 6-2.4512)

#### **13.12.125 Underground District No. 30.**

The following described area in the city is designated as an underground district:

27th Street from the westerly property line of Grove Street to the easterly property line of San Pablo Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of September, 1956. (Prior code § 6-2.4513)

#### **13.12.130 Underground District No. 31.**

The following described area in the city is designated as an underground district:

East 14th Street between the easterly property line of the west leg of 83rd Avenue and the easterly City Line.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of July, 1957. (Prior code § 6-2.4514)

#### **13.12.135 Underground District No. 32.**

The following described area in the city is designated as an underground district:

Bancroft Avenue between the westerly property line of 90th Avenue and the easterly property line of Parker Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of September, 1957. (Prior code § 6-2.4515)

#### **13.12.140 Underground District No. 33.**

The following described area in the city is designated as an underground district:

Water Street from the westerly property line of Broadway to the westerly property line of Washington Street and Washington Street from the southerly property line of Water Street to the southerly property line of First Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to re-

## **13.12.140**

move the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of July, 1958. (Prior code § 6-2.4516)

### **13.12.145 Underground District No. 34.**

The following described area in the city is designated as an underground district:

MacArthur Boulevard from the westerly property line of Boston Avenue westerly to and including the intersection of MacArthur boulevard, Excelsior Avenue, East 38th Street and Adell Court. Fruitvale Avenue from the extension of the northerly property line of Coloma Avenue southerly to the northerly property line of the southerly leg of Montana Street. Champion Street from the southerly line of MacArthur Boulevard southeasterly to a point 112 feet therefrom measured along the southwesterly property line of Champion Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of July, 1958. (Prior code § 6-2.4517)

### **13.12.150 Underground District No. 35.**

The following described area in the city is designated as an underground district:

27th Street from the westerly line of Telegraph Avenue to the easterly line of Grove Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of July, 1958. (Prior code § 6-2.4518)

### **13.12.155 Underground District No. 36.**

The following described area in the city is designated as an underground district:

West Grand Avenue between the westerly property line of Telegraph Avenue and the easterly property line of Brush Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of July, 1958. (Prior code § 6-2.4519)

### **13.12.160 Underground District No. 37.**

The following described area in the city is designated as an underground district:

Bancroft Avenue between the easterly property line of Parker Avenue and the easterly property line of the easterly leg of Havenscourt Boulevard extended. Havenscourt Boulevard from the northerly property line of Bancroft Avenue to the southerly property line of Foothill Boulevard.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of March, 1960. (Prior code § 6-2.45190)

### **13.12.165 Underground District No. 38.**

The following described area in the city is designated as an underground district:

Fontaine Street from the southerly property line of Fontaine Court extended, southerly and southwesterly a distance of three thousand two hundred feet (3,200') measured along the center line of the street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of March, 1959. (Prior code § 6-2.45191)

#### **13.12.170 Underground District No. 39.**

The following described area in the city is designated as an underground district:

Beaumont Avenue between the southerly property line of East 38th Street and the northerly property line of Excelsior Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 15th day of March, 1959. (Prior code § 6-2.45192)

#### **13.12.175 Underground District No. 40.**

The following described area in the city is designated as an underground district:

East 14th Street between the easterly property line of the southerly leg of 36th Avenue extended and the westerly property line of High Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of September, 1959. (Prior code § 6-2.45193)

#### **13.12.180 Underground District No. 41.**

The following described area in the city is designated as an underground district:

21st Street between the westerly property line of Harrison Street and the easterly property line of Webster Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of October, 1959. (Prior code § 6-2.45194)

#### **13.12.185 Underground District No. 42.**

The following described area in the city is designated as an underground district:

Beck Street between the easterly property line of the easterly leg of Havenscourt Boulevard extended and the westerly property line of the southerly leg of 64th Avenue extended.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of November, 1959. (Prior code § 6-2.45195)

#### **13.12.190 Underground District No. 43.**

The following described area in the city is designated as an underground district:

Bond Street between the easterly property line of Seminary Avenue and the westerly property line of Fremont Way extended.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of July, 1960. (Prior code § 6-2.45196)

**13.12.195 Underground District No. 44.**

The following described area in the city is designated as an underground district:

West Grand Avenue between the easterly property line of Brush Street and the westerly property line of Myrtle Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of November, 1960. (Prior code § 6-2.45197)

**13.12.200 Underground District No. 45.**

The following described area in the city is designated as an underground district:

East 18th Street between the easterly property line of Park Boulevard and the westerly property line of 14th Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of January, 1961. (Prior code § 6-2.45198)

**13.12.205 Underground District No. 46.**

The following described area in the city is designated as an underground district:

40th Street from the easterly property line of Broadway to the westerly property line of Howe Street.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this

chapter, on or before the 1st day of September, 1960. (Prior code § 6-2.45199)

**13.12.210 Underground District No. 47.**

The following described area in the city is designated as an underground district:

Keller Avenue from the northeasterly property line of Sanford Street to northeasterly property line of Rilea Way, extended.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of September 1960. (Prior code § 6-2.45200)

**13.12.215 Underground District No. 48.**

The following described area in the city is designated as an underground district:

Bond Street from the westerly property line of the southerly leg of 64th Avenue extended to the easterly property line of Seminary Avenue.

Every person maintaining any pole, wire or other overhead structure in the above described district, except as provided in this chapter, is required to remove the same and install an underground system for the transmission of electricity as required by this chapter, on or before the 1st day of January, 1961. (Prior code § 6-2.45201)

**13.12.220 Underground District No. 49.**

The following described area in the city is designated as an underground district:

A portion of the area known as Jack London Square bounded on the north by the northerly property line of First Street, on the west by the easterly property line of Franklin Street, on the east by the easterly property line of Webster

Street, and on the south by the northerly United States Pierhead Line of Oakland Inner Harbor.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1961. (Amended during 1997 codification; prior code § 6-2.45202)

#### **13.12.225 Underground District No. 50.**

The following described area in the city is designated as an underground district:

Redwood Road from the southwesterly property line of Skyline Boulevard to the northeasterly property line of Warren Freeway.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1965. (Amended during 1997 codification; prior code § 6-2.45203)

#### **13.12.230 Underground District No. 51.**

The following described area in the city is designated as an underground district:

West Grand Avenue from the westerly property line of Myrtle Street to the easterly property line of Cypress Street.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1961. (Amended during 1997 codification; prior code § 6-2.45204)

#### **13.12.235 Underground District No. 52.**

The following described area in the city is designated as an underground district:

Foothill Boulevard between the easterly property line of Lakeshore Avenue and the westerly property line of 14th Avenue; Foothill Place between the easterly property line of 13th Avenue and the westerly property line of 14th Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1961. (Amended during 1997 codification; prior code § 6-2.45205)

#### **13.12.240 Underground District No. 53.**

The following described area in the city is designated as an underground district:

East 18th Street between the easterly property line of Park Boulevard and the easterly property line of Lakeshore Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1961. (Amended during 1997 codification; prior code § 6-2.45206)

#### **13.12.245 Underground District No. 54.**

The following described area in the city is designated as an underground district:

East 15th Street between the easterly property line of 1st Avenue and the westerly property line of 14th Avenue, 1st Avenue Place between the easterly property line of 1st Avenue and the southerly property line of East 15th Street; 9th Avenue and 11th Avenue between the northerly property line of East 15th Street and the southerly property line of Foothill Boulevard.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1962. (Amended during 1997 codification; prior code § 6-2.45207)

#### **13.12.250 Underground District No. 55.**

The following described area in the city is designated as an underground district:

Harrison Street between the northerly property line of Bay Place and the southerly property line of 29th Street; Oakland Avenue between the southerly property line of Fairmount Avenue extended and the southerly property line of 29th

Street extended; Orange Street between the northerly property line of Hamilton Place and the northerly property line of Fairmount Avenue extended.

The removal of all poles and wires and the underground installations shall be completed on or before June 1, 1961. (Amended during 1997 codification; prior code § 6-2.45208)

**13.12.255 Underground District No. 56.**

The following described area in the city is designated as an underground district:

Reata Place from the northerly property line of Chabot Road northeasterly for its entire length.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1961. (Amended during 1997 codification; prior code § 6-2.45209)

**13.12.260 Underground District No. 57.**

The following described area in the city is designated as an underground district:

Those dedicated portions of Tartan Way, Shawnee Court and Balmoral Drive lying within the boundaries of Tract Number 2149 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45210)

**13.12.265 Underground District No. 58.**

The following described area in the city is designated as an underground district:

Those dedicated portions of North Hill Court, South Hill Court, and Hiller Drive lying within the boundaries of Tract 2085 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45211)

**13.12.270 Underground District No. 59.**

The following described area in the city is designated as an underground district:

Joaquin Miller Road from a point 350 feet northerly of the northerly line of Robinson Drive to Skyline Boulevard, and Skyline Boulevard from Joaquin Miller Road to the westerly line of Rishell Drive.

(Prior code § 6-2.45212)

**13.12.275 Underground District No. 60.**

The following described area in the city is designated as an underground district:

Skyline Boulevard between the westerly line of Rishell Drive and the easterly line of Bacon Road.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1965. (Amended during 1997 codification; prior code § 6-2.45213)

**13.12.280 Underground District No. 61.**

The following described area in the city is designated as an underground district:

Fallon Street between the northerly line of 8th Street and the southerly line of 13th Street; Oak Street between the northerly line of 10th Street and the southerly line of 12th Street; Madison Street between the northerly line of 10th Street and the southerly line of 13th Street; Jackson Street between the northerly line of 10th Street and the southerly line of 14th Street; Alice Street between the northerly line of 10th Street and the southerly line of 14th Street; 10th Street between the westerly line of Fallon Street and the easterly line of Harrison Street; and 11th Street between the westerly line of Fallon Street and the easterly line of Harrison Street.

The removal of all poles and wires and the underground installations shall be completed on or before

September 1, 1962. (Amended during 1997 codification; prior code § 6-2.45214)

**13.12.285 Underground District No. 62.**

The following described area in the city is designated as an underground district:

Bond Street between the easterly property line of 42nd Avenue and the westerly property line of Fremont Way; Bond Way between the northerly property line of East 14th Street and the westerly property line of Fremont Way; and East 16th Street between the easterly property line of 42nd Avenue and the easterly property line of 47th Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before October 1, 1962. (Amended during 1997 codification; prior code § 6-2.45215)

**13.12.290 Underground District No. 63.**

The following described area in the city is designated as an underground district:

Mather Street and Pleasant Valley Avenue between the westerly property line of Montgomery Street and the Piedmont City Line.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1962. (Amended during 1997 codification; prior code § 6-2.45216)

**13.12.295 Underground District No. 64.**

The following described area in the city is designated as an underground district:

Hegenberger Road between the northerly property line of Nimitz Freeway and the northerly property line of Doolittle Drive.

The removal of all poles and wires and the underground installations shall be completed on or before

September 1, 1962. (Amended during 1997 codification; prior code § 6-2.45217)

**13.12.300 Underground District No. 65.**

The following described area in the city is designated as an underground district:

Fontaine Street between the southerly boundary of Underground District No. 38 (3200 feet southwesterly of Fontaine Court) and the northerly property line of Golf Links Road.

The removal of all poles and wires and the underground installations shall be completed on or before December 1, 1962. (Amended during 1997 codification; prior code § 6-2.45218)

**13.12.305 Underground District No. 66.**

The following described area in the city is designated as an underground district:

That portion of Enterprise Way lying within the boundaries of Tract Number 2347 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45219)

**13.12.310 Underground District No. 67.**

The following described area in the city is designated as an underground district:

That portion of Camelia Place lying within the boundaries of Tract Number 2291 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45220)

**13.12.315 Underground District No. 68.**

The following described area in the city is designated as an underground district:

Those portions of Elysian Fields Drive, Riviera Court, Pebble Beach Drive and Fox Hills Court

**13.12.315**

lying within the boundaries of Tract Number 2378 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45221)

**13.12.320 Underground District No. 69.**

The following described area in the city is designated as an underground district:

Broadway between the southerly line of 1st Street and the northerly line of 3rd Street; Jackson Street between the northerly line of 14th Street and the southerly line of 17th Street; Madison Street between the northerly line of 14th Street and the southerly line of 17th Street; Webster Street from the northerly line of Nimitz Freeway to the southerly line of 12th Street; Harrison Street from the northerly line of Nimitz Freeway to the southerly line of 12th Street.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1963. (Amended during 1997 codification; prior code § 6-2.45222)

**13.12.325 Underground District No. 70.**

The following described area in the city is designated as an underground district:

22nd Avenue between the northerly line of East 12th Street and the southerly line of Foothill Boulevard.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1963. (Amended during 1997 codification; prior code § 6-2.45223)

**13.12.330 Underground District No. 71.**

The following described area in the city is designated as an underground district:

That portion of Melvin Court lying within the boundaries of Tract Number 2410 as shown on

the official map of said tract recorded in the Office of the County Recorder of Alameda County.

(Prior code § 6-2.45224)

**13.12.335 Underground District No. 72.**

The following described area in the city is designated as an underground district:

Those portions of Parkridge Drive, Brookpark Road, Parkhurst Drive, Saddlebrook Drive and Saddlebrook Court lying within the boundaries of Tract Number 2230 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45225)

**13.12.340 Underground District No. 73.**

The following described area in the city is designated as an underground district:

Beaumont Avenue between the northerly line of MacArthur Boulevard and the northerly line of Excelsior Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1963. (Amended during 1997 codification; prior code § 6-2.45226)

**13.12.345 Underground District No. 74.**

The following described area in the city is designated as an underground district:

Valdez Street from the northerly line of 21st Street to the southerly line of Grand Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before September 1, 1963. (Amended during 1997 codification; prior code § 6-2.45227)

**13.12.350 Underground District No. 75.**

The following described area in the city is designated as an underground district:

Fontaine Street between the southerly line of Fontaine Court extended and the southerly line of Keller Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before September 1, 1963. (Amended during 1997 codification; prior code § 6-2.45228)

**13.12.355 Underground District No. 76.**

The following described area in the city is designated as an underground district:

Skyline Boulevard between the easterly line of Bacon Road and the easterly line of Skyway Lane.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1966. (Amended during 1997 codification; prior code § 6-2.45229)

**13.12.360 Underground District No. 77.**

The following described area in the city is designated as an underground district:

Those portions of Balmoral Drive and Bell Waver Way lying within the boundaries of Tract Number 2307 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45230)

**13.12.365 Underground District No. 78.**

The following described area in the city is designated as an underground district:

That portion of Calvert Court lying within the boundaries of Tract No. 2474 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45231)

**13.12.370 Underground District No. 79.**

The following described area in the city is designated as an underground district:

That portion of Montwood Way lying within the boundaries of Tract Number 2445 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45232)

**13.12.375 Underground District No. 80.**

The following described area in the city is designated as an underground district:

Market Street from the northerly line of Third Street to the northerly line of 11th Street.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1964. (Amended during 1997 codification; prior code § 6-2.45233)

**13.12.380 Underground District No. 81.**

The following described area in the city is designated as an underground district:

Mountain Boulevard from the northerly extension of the westerly property line of Overdale Avenue to the westerly right of way line of MacArthur Freeway.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1965. (Amended during 1997 codification; prior code § 6-2.45234)

**13.12.385 Underground District No. 82.**

The following described area in the city is designated as an underground district:

Keller Avenue from the southerly line of Fontaine Street to the northeasterly line of Sanford Street.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1965. (Amended during 1997 codification; prior code § 6-2.45235)

**13.12.390 Underground District No. 83.**

The following described area in the city is designated as an underground district:

Those portions of Fairlane Drive, Swainland Road and Pinewood Road lying within the boundaries of Tract No. 2379 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.  
(Prior code § 6-2.45236)

**13.12.395 Underground District No. 84.**

The following described area in the city is designated as an underground district:

Those portions of Surrey Lane, Hansom Drive, Shay Drive, Phaeton Drive, Coach Drive and Keller Avenue lying within the boundaries of Tract Number 2429 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.  
(Prior code § 6-2.45237)

**13.12.400 Underground District No. 85.**

The following described area in the city is designated as an underground district:

Piedmont Avenue from the easterly property line of Broadway to the westerly property line of MacArthur Boulevard.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1965. (Amended during 1997 codification; prior code § 6-2.45238)

**13.12.405 Underground District No. 86.**

The following described area in the city is designated as an underground district:

Valdez Street from the northerly property line of Grand Avenue to the southerly property line of 27th Street.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1965. (Amended during 1997 codification; prior code § 6-2.45239)

**13.12.410 Underground District No. 87.**

The following described area in the city is designated as an underground district:

10th Street from the easterly property line of Franklin Street to the westerly property line of Harrison Street and 11th Street from the easterly property line of Webster Street to the westerly property line of Harrison Street.

The removal of all poles and wires and the underground installations shall be completed on or before September 1, 1964. (Amended during 1997 codification; prior code § 6-2.45240)

**13.12.415 Underground District No. 88.**

The following described area in the city is designated as an underground district:

Those portions of Surrey Lane, Hansom Drive, Avonoak Court, Pinecrest Drive and Chariot Lane lying within the boundaries of Tract Number 2615 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.  
(Prior code § 6-2.45241)

**13.12.420 Underground District No. 89.**

The following described area in the city is designated as an underground district:

Those portions of Hansom Drive and Chariot Lane laying within the boundaries of Tract Number 2606 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45242)

**13.12.425 Underground District No. 90.**

The following described area in the city is designated as an underground district:

Telegraph Avenue from the northerly property line of Twentieth Street to the Southerly property line of Fortieth Street.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1965. (Amended during 1997 codification; prior code § 6-2.45243)

**13.12.430 Underground District No. 91.**

The following described area in the city is designated as an underground district:

That portion of Johnston Drive lying within the boundaries of Tract Number 2697 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45244)

**13.12.435 Underground District No. 92.**

The following described area in the city is designated as an underground district:

West Grand Avenue from the westerly line of Cypress Street to the easterly line of Wood Street.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1965. (Amended during 1997 codification; prior code § 6-2.45245)

**13.12.440 Underground District No. 93.**

The following described area in the city is designated as an underground district:

Those portions of Balmoral Drive and Blythen Way lying within the boundaries of Tract 2602

as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45246)

**13.12.445 Underground District No. 94.**

The following described area in the city is designated as an underground district:

Those portions of Hiller Drive, Charing Cross Road and Grandview Drive lying within the boundaries of Tract Number 2765 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45247)

**13.12.450 Underground District No. 95.**

The following described area in the city is designated as an underground district:

Those portions of Elysian Fields Drive, Tamarisk Drive and Englewood Drive lying within the boundaries of Tract Number 2766 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45248)

**13.12.455 Underground District No. 96.**

The following described area in the city is designated as an underground district:

MacArthur Boulevard between the Emeryville city line and the easterly line of Harrison Street.

(Prior code § 6-2.45249)

**13.12.460 Underground District No. 97.**

The following described area in the city is designated as an underground district:

Lakeshore Avenue between the southerly line of Lake Park Avenue and the southerly line of Wayne Avenue.

(Prior code § 6-2.45250)

**13.12.465 Underground District No. 98.**

The following described area in the city is designated as an underground district:

16th Street and 17th Street between the westerly line of Jefferson Street and the easterly line of Grove Street.

(Prior code § 6-2.45251)

**13.12.470 Underground District No. 99.**

The following described area in the city is designated as an underground district:

Ross Street and Ivanhoe Road between the southerly line of Chabot Road and the northerly line of Shafter Avenue.

(Prior code § 6-2.45252)

**13.12.475 Underground District No. 100.**

The following described area in the city is designated as an underground district:

MacArthur Boulevard between the easterly line of Grand Avenue and the westerly line of Lakeshore Avenue.

(Prior code § 6-2.45253)

**13.12.480 Underground District No. 101.**

The following described area in the city is designated as an underground district:

Skyline Boulevard between the westerly line of Grass Valley Road and a point on Skyline Boulevard 7,500 feet westerly therefrom.

(Prior code § 6-2.45254)

**13.12.485 Underground District No. 102.**

The following described area in the city is designated as an underground district:

19th Street between the easterly line of Franklin Street and the westerly line of Lakeside Drive; 17th Street between the easterly line of Harrison Street and the westerly line of Lakeside Drive

and Alice Street between the northerly line of 14th Street and the southerly line of 19th Street.  
(Prior code § 6-2.45255)

**13.12.490 Underground District No. 103.**

The following described area in the city is designated as an underground district:

Those portions of Margarido Drive, Country Club Drive, Glenbrook Drive, Yorkshire Drive, Acacia Avenue, Beechwood Drive, Bowling Drive, Lincolnshire Drive, Westminster Drive, Romany Road and Broadway Terrace lying within the boundaries of the Claremont Pines Tract as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45256)

**13.12.495 Underground District No. 104.**

The following described area in the city is designated as an underground district:

57th Street and Aileen Street between the westerly line of Telegraph Avenue and the easterly line of Shattuck Avenue and Carberry Avenue between the southerly line of 58th Street and the northerly line of 56th Street.

(Prior code § 6-2.45257)

**13.12.500 Underground District No. 105.**

The following described area in the city is designated as an underground district:

Hillgirt Circle between the westerly line of Kenwynn Road and the easterly line of Wesley Avenue; Prospect Avenue between the westerly line of Athol Avenue and the easterly line of Kenwyn Road; Kenwyn Road and Haddon Road between the southerly line of Hillgirt Circle and the northerly line of Cleveland Avenue and Radnor Road between the southerly line of Prospect Circle and the northerly line of Cleveland Avenue.

(Prior code § 6-2.45258)

**13.12.505 Underground District No. 106.**

The following described area in the city is designated as an underground district:

East 10th Street between the easterly line of Fallon Street and the easterly line of the easterly leg of Auditorium Drive.

(Prior code § 6-2.45259)

**13.12.510 Underground District No. 107.**

The following described area in the city is designated as an underground district:

Chadbourne Way between the easterly line of Crestmont Drive and the westerly line of Rishell Drive.

(Prior code § 6-2.45260)

**13.12.515 Underground District No. 108.**

The following described area in the city is designated as an underground district:

Grove Street from the southerly line of 47th Street to the Berkeley City Line.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45261)

**13.12.520 Underground District No. 109.**

The following described area in the city is designated as an underground district:

East 8th Street from the westerly line of 7th Avenue to the westerly line of 14th Avenue and East 12th Street from the westerly line of 13th Avenue to the westerly line of 14th Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45262)

**13.12.525 Underground District No. 110.**

The following described area in the city is designated as an underground district:

East 12th Street from the westerly line of 14th Avenue to the easterly line of Fruitvale Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45263)

**13.12.530 Underground District No. 111.**

The following described area in the city is designated as an underground district:

East 12th Street from the easterly line of Fruitvale Avenue to the easterly line of 37th Avenue and 35th Avenue from the northerly line of East 12th Street to the northerly line of San Leandro Street.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45264)

**13.12.535 Underground District No. 112.**

The following described area in the city is designated as an underground district:

San Leandro Street from the westerly line of 73rd Avenue to the easterly line of 75th Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45265)

**13.12.540 Underground District No. 113.**

The following described area in the city is designated as an underground district:

Those portions of Rilea Way lying within the boundaries of Tract Number 2812 as shown on

**13.12.540**

the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45266)

**13.12.545 Underground District No. 114.**

The following described area in the city is designated as an underground district:

That area enclosed by the boundary lines of Tract Number 2805 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County and that portion of Clarewood Drive between the southerly extension of the westerly boundary line of Tract 2805 and the southerly extension of the easterly boundary line of Tract 2805.

(Prior code § 6-2.45267)

**13.12.550 Underground District No. 115.**

The following described area in the city is designated as an underground district:

Hegenberger Road from the southerly line of Nimitz Freeway to the southerly line of San Leandro Street and Baldwin Street from the easterly line of Hegenberger Road to a point 300 feet easterly therefrom.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45268)

**13.12.555 Underground District No. 116.**

The following described area in the city is designated as an underground district:

That area enclosed by the boundary lines of Tract Number 2783 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45269)

**13.12.560 Underground District No. 117.**

The following described area in the city is designated as an underground district:

51st Street from the westerly line of Telegraph Avenue to the easterly line of Shattuck Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45270)

**13.12.565 Underground District No. 118.**

The following described area in the city is designated as an underground district:

Collins Drive from the westerly line of Hegenberger Road westerly to its terminus.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45271)

**13.12.570 Underground District No. 119.**

The following described area in the city is designated as an underground district:

Piedmont Avenue from the northerly line of MacArthur Boulevard to the northerly line of Pleasant Valley Avenue.

The removal of all poles and wires, and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45272)

**13.12.575 Underground District No. 120.**

The following described area in the city is designated as an underground district:

33rd Avenue, 34th Avenue, 35th Avenue and 36th Avenue from the southerly line of East 12th Street.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1967. (Amended during 1997 codification; prior code § 6-2.45273)

**13.12.580 Underground District No. 121.**

The following described area in the city is designated as an underground district:

7th Street from the easterly line of Cypress Street to the westerly line of Bay Street.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1968. (Amended during 1997 codification; prior code § 6-2.45274)

**13.12.585 Underground District No. 122.**

The following described area in the city is designated as an underground district:

That area enclosed by the boundary lines of Tract Number 2804 as shown on the official map of said tract recorded in the office of the County Recorder of Alameda County.

(Prior code § 6-2.45275)

**13.12.590 Underground District No. 123.**

The following described area in the city is designated as an underground district:

29th Avenue from the northerly line of East 14th Street to the southerly line of East 12th Street.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1967. (Amended during 1997 codification; prior code § 6-2.45276)

**13.12.595 Underground District No. 124.**

The following described area in the city is designated as an underground district:

El Embarcadero from the northerly line of Grand Avenue to the southerly line of Lakeshore Avenue.

Jackson Street and Madison Street from the northerly line of 17th Street to the southerly line of Lakeside Drive.

Lake Park Way from the easterly line of Lake Park Avenue to the southerly line of Grand Avenue.

San Pablo Avenue from the southerly line of 20th Street to the northerly line of West Grand Avenue.

Washington Street from the northerly line of 14th Street to the westerly line of San Pablo Avenue.

West Grand Avenue from the westerly line of Broadway to the easterly line of Telegraph Avenue.

East 12th Street from the westerly line of 1st Avenue to the easterly line of 13th Avenue.

East 14th Street from the westerly line of 22nd Avenue to the easterly line of 36th Avenue.

15th Street from the westerly line of Madison Street to the easterly line of Jackson Street.

17th Street and 18th Street from the easterly line of Jefferson Street to the westerly line of San Pablo Avenue.

20th Street from the easterly line of Webster Street to the westerly line of Harrison Street.

Those portions of 64th Avenue and Fenham Street lying within the boundaries of Palo Vista Gardens Public Housing Project.

Those portions of Brentford Street and Olmstead Street lying within the boundaries of San Antonio Villa Public Housing Project.

Those portions of Eastlawn Street and 65th Avenue lying within the boundaries of Lockwood Gardens Public Housing Project.

That portion of 84th Avenue lying within the boundaries of Tassafaronga Village Public Housing Project.

(Prior code § 6-2.45277)

**13.12.600 Underground District No. 125.**

The following described area in the city is designated as an underground district:

Keller Avenue from the northerly line of Rilea Way to the southerly line of Hansom Drive.

The removal of all poles and wires and the underground installations shall be completed on or before January 1, 1968. (Amended during 1997 codification; prior code § 6-2.45278)

**13.12.605 Underground District No. 126.**

The following described area in the city is designated as an underground district:

Adeline Street from the northerly line of Nimitz Freeway to the southerly line of 10th Street.

The removal of all poles and wires and the underground installations shall be completed on or before October 1, 1967. (Amended during 1997 codification; prior code § 6-2.45279)

**13.12.610 Underground District No. 127.**

The following described area in the city is designated as an underground district:

Park Boulevard from the northerly line of East 18th Street to the northerly line of Excelsior Avenue.

The removal of all poles and wires and the underground installations shall be completed on or before September 1, 1968. (Amended during 1997 codification; prior code § 6-2.45280)

**13.12.615 Underground District No. 128.**

The following described area in the city is designated as an underground district:

8th Street from the westerly line of Brush Street to the easterly line of Cypress Street and Filbert, Chestnut, and Union Streets, 100 feet northerly and southerly of the respective northerly and southerly lines of 8th Street.

The removal of all poles and wires and the underground installations shall be completed on or before March 1, 1968. (Amended during 1997 codification; prior code § 6-2.45281)

**13.12.620 Underground District No. 129.**

The following described area in the city is designated as an underground district:

Joaquin Miller Road from the southerly line of Warren Freeway to a point 350 feet northerly of the northerly line of Robinson Drive.

The removal of all poles and wires and the underground installations shall be completed on or before October 1, 1969. (Amended during 1997 codification; prior code § 6-2.45282)

**13.12.625 Underground District No. 130.**

The following described area in the city is designated as an underground district:

Piedmont Avenue from the northerly line of Pleasant Valley Avenue to the southerly line of Mountain View Cemetery.

The removal of all poles and wires and the underground installations shall be completed on or before October 1, 1968. (Amended during 1997 codification; prior code § 6-2.45283)

**13.12.630 Underground District No. 131.**

The following described area in the city is designated as an underground district:

East 31st Street from the westerly line of 14th Avenue to the easterly line of Vallecito Place.

The removal of all poles and wires and the underground installations shall be completed on or before July 1, 1968.

(Amended during 1997 codification; prior code § 6-2.45284)

**13.12.635 Underground District No. 132.**

The following described area in the city is designated as an underground district:

52nd Street from the easterly line of Shattuck Avenue to the westerly line of Grove-Shafter Freeway.

The removal of all poles and wires and the underground installations shall be completed on or before April 1, 1968.

(Amended during 1997 codification; prior code § 6-2.45285)

## Chapter 13.14

### STORM DRAINAGE STANDARDS

#### Sections:

**13.14.010 Definitions.**

**13.14.020 Purpose.**

**13.14.030 Responsibilities.**

**13.14.040 Construction and application.**

**13.14.050 Severability.**

**13.14.060 Effective date.**

**13.14.010 Definitions.**

"City" means the City of Oakland.

"City storm drain system" means and includes, but is not limited to, those structures within the City right-of-way or easement by which stormwater maybe stored or conveyed to receiving waters including any private storm drain system, roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, which does not convey water to a Publicly owned treatment works (POTW) as defined by 40 CFR Section 122.2.

"Engineer" means the professional civil engineer, licensed to practice engineering by the State of California, designated by the City Administrator to manage the City's storm drain system.

"Private storm drainage facility" means any pipe, conduit, channel, or structure, not maintained by the City, used to store or carry stormwater.

"Public storm drainage facility" means any pipe, conduit, channel, or structure, maintained by the City, used to store or carry stormwater.

"Stormwater" means water or rain runoff, snow melt runoff and surface runoff and drainage.

(Ord. No. 12916, § 1, 2-17-2009)

**13.14.020 Purpose.**

The purpose of this chapter is to provide standards for the design of the City storm drain system.

(Ord. No. 12916, § 1, 2-17-2009)

**13.14.030 Responsibilities.**

The Engineer shall be responsible for developing, enforcing and making available to the public through the City website and upon request, the standards for the design and construction of public and private storm drainage facilities and for updating the standards from time to time. Such standards shall fully comply with stormwater quality regulations and shall apply to all storm drainage facilities regardless of whether they are public storm drainage facilities or private storm drainage facilities.

The Director of Public Works shall be responsible for operation and maintenance of public storm drainage facilities.

(Ord. No. 12916, § 1, 2-17-2009)

**13.14.040 Construction and application.**

This section shall be construed as consistent with the requirements of the Federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and National Pollutant Discharge Elimination System Permit No. CA0029831 and any amendment, revision or reissuance thereof. If there is any inconsistency between this section and any other ordinance or regulation of the City, the more stringent provisions shall apply.

(Ord. No. 12916, § 1, 2-17-2009)

**13.14.050 Severability.**

If any article, section, subsection, clause or phrase of this chapter is held to be invalid or unconstitutional, the offending portion shall be severed and shall not affect the validity of remaining portions which shall remain in full force and effect.

(Ord. No. 12916, § 1, 2-17-2009)

**13.14.060 Effective date.**

This chapter shall become effective immediately on final adoption if it receives six or more affirmative votes; otherwise it shall become effective upon the seventh day after final adoption.

(Ord. No. 12916, § 1, 2-17-2009)

## Chapter 13.16

### **CREEK PROTECTION, STORM WATER MANAGEMENT AND DISCHARGE CONTROL**

**Sections:**

#### **Article I.**

##### **Title, Purpose and General Provisions**

- 13.16.010 Title.**
- 13.16.020 Purpose and intent.**
- 13.16.030 Definitions.**
- 13.16.040 Responsibility for administration.**
- 13.16.050 Construction and application.**
- 13.16.060 Severability and validity.**

#### **Article II.**

##### **Discharge Regulations and Requirements**

- 13.16.070 Discharge of pollutants.**
- 13.16.080 Discharge in violation of permit.**
- 13.16.090 Illicit discharge and illicit connections.**
- 13.16.100 Reduction of pollutants in storm water.**
- 13.16.110 Watercourse protection.**
- 13.16.120 Creek protection permit requirements.**
- 13.16.130 Determination of permit category.**
- 13.16.140 Creek protection permit submittal requirements and CEQA.**
- 13.16.150 Creek protection plan.**
- 13.16.160 Hydrology report—When required.**
- 13.16.170 Hydrology report requirements.**
- 13.16.180 Notice.**
- 13.16.190 Creek protection permit—Conditions for issuance.**
- 13.16.200 Criteria for permit approval.**
- 13.16.210 Decision on application.**

#### **Article III.**

##### **Inspection and Enforcement**

- 13.16.220 Authority to inspect.**
- 13.16.230 Violations constituting infractions.**
- 13.16.240 Penalty for violation.**
- 13.16.250 Continuing violation.**
- 13.16.260 Concealment.**
- 13.16.270 Acts potentially resulting in violation of federal Clean Water Act and/or Porter-Cologne Act.**
- 13.16.280 Violations deemed a public nuisance.**
- 13.16.290 Order to abate.**
- 13.16.300 Notice of administrative hearing, administrative hearing and appeal.**
- 13.16.310 Abatement procedure.**
- 13.16.320 Expense of abatement against property.**
- 13.16.330 Emergency work by the city.**
- 13.16.340 Notice of special assessment lien.**
- 13.16.350 Civil actions.**
- 13.16.360 Administrative enforcement powers.**
- 13.16.370 Administrative civil penalties.**
- 13.16.380 Administrative citations.**
- 13.16.390 Property use limitation.**
- 13.16.400 Reinspection fees.**
- 13.16.410 Authority to issue citations.**
- 13.16.420 Remedies not exclusive.**
- 13.16.430 Joint and several liability.**

#### **Article IV.**

##### **Coordination with Other Programs**

- 13.16.440 Coordination with hazardous materials inventory and response program.**

**Article V.  
Appeals and Fees**

**13.16.450 Appeal to the city Planning  
Commission.**

**13.16.460 Appeal to Director of PWA.**

**13.16.470 Fee schedule.**

## **Article I. Title, Purpose and General Provisions**

### **13.16.010 Title.**

This chapter shall be known as the “city of Oakland creek protection, storm water management and discharge control ordinance” and may be so cited. (Ord. 12024 § 1 (part), 1997)

### **13.16.020 Purpose and intent.**

The purpose of this chapter is to ensure the future health, safety, and general welfare of city citizens by:

- A. Eliminating non-storm-water discharges to the municipal separate storm sewer;
- B. Controlling the discharge to municipal separate storm sewers from spills, dumping or disposal of materials other than storm water;
- C. Reducing pollutants in storm water discharges to the maximum extent practicable;
- D. Safeguarding and preserving creeks and riparian corridors in a natural state;
- E. Preserving and enhancing creekside vegetation and wildlife;
- F. Preventing activities that would contribute significantly to flooding, erosion or sedimentation, or that would destroy riparian areas or would inhibit their restoration;
- G. Enhancing recreational and beneficial uses of creeks;
- H. Controlling erosion and sedimentation;
- I. Protecting drainage facilities; and
- J. Protecting the public health and safety, and public and private property.

The intent of this chapter is to protect and enhance the water quality of our watercourses, water bodies, and wetlands in a manner pursuant to and consistent with the federal Clean Water Act. (Ord. 12024 § 1 (part), 1997)

### **13.16.030 Definitions.**

- A. Any terms defined in the federal Clean Water Act and acts amendatory thereof or supplementary thereto, and/or defined in the regulations for the storm water discharge permitting program issued by

the U.S. Environmental Protection Agency on November 16, 1990 (as may from time to time be amended) as used in this chapter shall have the same meaning as in that statute or regulations. Specifically, the definition of the following terms included in that statute or regulations are incorporated by reference, as now applicable or as may hereafter be amended: illicit discharge, waters of the United States and storm water. These terms presently are defined as follows:

“Illicit discharge” means any discharge to the city storm sewer system or to any watercourse that is not composed entirely of storm water except discharges pursuant to a NPDES permit and discharges resulting from firefighting activities.

“Storm water” means storm water runoff, snow melt runoff, and surface runoff and drainage.

“Waters of the United States” means:

- 1. All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of tide;
- 2. All interstate waters including interstate wetlands;
- 3. All other waters, such as intra-state lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation, or destruction of which would or could affect interstate or foreign commerce including any such waters:
  - a. Which are or could be used by interstate or foreign travelers for recreational or other purposes, or
  - b. From which fish or shellfish are or could be taken and sold in interstate or foreign commerce, or
  - c. Which are used or could be used for industrial purposes by industries in interstate commerce;
- 4. All impoundments of waters otherwise defined as waters of the United States under this definition;
- 5. Tributaries of waters identified in subsections 1—4 of this definition;
- 6. The territorial sea; and

7. Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in subsections 1—6 of this definition.

Waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of the Act (other than cooling ponds as defined in 40 CFR 123.11(m) which also meet the criteria of this definition) are not waters of the United States.

B. When used in this chapter, the following words shall have the meanings ascribed to them in this section:

**Authorized Enforcement Official or Enforcement Official.** The following city employees are designated authorized enforcement official or enforcement official: Principal Civil Engineer, Supervising Civil Engineer, Civil Engineer, Assistant Engineer I, Assistant Engineer II, Supervisor, Senior Construction Inspector, Construction Inspector, Senior Engineering Technician, Supervising Planning Investigator, Planning Investigator, Design Review Planning Investigator, Supervising Building Inspector, Senior Building Inspector, and Building Inspector, Intermediate Engineering Technician, Creek Protection Specialist, Hazardous Materials Supervisor, Senior Hazardous Materials Program Inspector, Hazardous Materials Inspector I, Hazardous Materials Inspector II, and Fire Prevention Inspector.

In addition to the employees mentioned above, the City Manager shall have the power to designate, by written order, that particular officers or employees shall also be authorized to enforce particular provisions of this chapter. Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions.

**“Bank”** means any embankment, dike, levee, wall or similar feature of natural or man-made origin which adjoins or parallels any watercourse and which has as a function the confinement of the water of said watercourse.

**“Best management practices (BMPs)”** means schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention practices, maintenance of watercourse procedures, and other management practices to prevent or reduce the discharge of pollutants directly

or indirectly to waters of the United States. BMPs also include storm water treatment requirements, operating procedures, and practices to control site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

**“Chief of Building Services”** means the Chief of Building Services, Community and Economic Development Agency, City of Oakland or his or her designee.

**“City”** means the city of Oakland, a municipal corporation, including any subsequently annexed geographic portion thereof.

**“City storm sewer system”** means and includes but is not limited to those structures within the city right-of-way or easement by which storm water may be conveyed to waters of the United States, including any roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels or storm drains, which does not convey water to a publicly owned treatment works (POTW) as defined at 40 CFR Section 122.2.

**“County”** means Alameda County.

**“Creek”** means a watercourse that is a naturally occurring swale or depression, or engineered channel which carries fresh or estuarine water either seasonally or year round within the city boundaries, as identified on the “Watershed Map of Oakland and Berkeley Area” and the “Creek and Watershed Map of Hayward and San Leandro,” published by the Oakland Museum of California and as modified by the city and/or any area identified through field investigation by the Environmental Services Manager as meeting the above criteria.

**“Creekside property”** means those properties located in Oakland, as identified by the Environmental Services Manager, as having a creek or riparian corridor crossing the property and/or are contiguous to a creek or riparian corridor.

**“Creek protection permit”** means a permit that must be obtained from the city, Community and Economic Development Agency (CEDA), prior to development or work on a creekside property.

**Creek Protection Plan.** A “creek protection plan” is required for a creek protection permit when the work falls within Categories III and IV, as defined

in Section 13.16.130 of this chapter. The creek protection plan outlines measures, including BMPs, to be taken to protect the creek during development or work.

“Development or work” means any act of filling, depositing, clearing, grubbing, mining, drilling, paving or earthwork, or removing any natural material, or constructing, reconstructing, repairing or enlarging any structure, or any activity that requires a building, plumbing, electrical, mechanical or demolition permit.

“Director” means the Director, Public Works Agency or his or her designee.

“Earthwork” means movement, stockpiling, importing, excavation, fill or removal of three cubic yards of material (dirt, earth, cement, asphalt, rocks, gravel, sand) or more.

“Environmental Services Manager” means the Manager of Environmental Services Division, Public Works Agency, or his or her designee.

“Estuarine water” means water at, or upstream from the mouth of a creek which consists of a mixture of ocean water from the San Francisco Bay and fresh water that has drained from the surrounding upland.

“Facility” means residential, commercial or industrial processes within a property boundary discharging storm water associated with residential, commercial, industrial or construction activities.

“Floodway” means a channel of a watercourse and adjacent land areas that must be reserved in order to convey flood flows as determined by the Environmental Services Division. Where shown on a Flood Boundary and Flood Map of the National Flood Insurance Program, “floodway” means the area so designated on said map.

“Flowline” means the lowest point of the watercourse.

“Hearing Officer” means the Director, Public Works Agency or his or her designee.

Hydrology Report. A “hydrology report” is prepared by a licensed engineer, and includes information as outlined in Section 13.16.170. The purpose of the report is to provide information about the development’s or work’s impact to the creek.

“Illicit connection” means a pipe or any other type of connection to the city storm sewer system or to a watercourse conveying a discharge that is not composed entirely of storm water, except discharges in compliance with a NPDES permit issued to the discharger and discharges in accordance with Section 13.16.070B of this chapter.

“Increase in flow” means any increment of increase in the total volume or rate of storm water runoff, as determined by the Environmental Services Manager or Chief of Building Services, resulting from any activity or development occurring after the effective date of the ordinance codified in this chapter.

“Maintenance” means the desilting, pruning or removal of overgrown vegetation, the removal of trash and debris, the removal of algae, water treatment, mosquito abatement activities, repair, planting of riparian vegetation or any other work required to maintain or improve conveyance or storage capacities of watercourses or creeks (as appropriate) or purity and quality of water, or to safeguard public health and safety.

“Non-storm-water discharge” means any discharge that is not entirely composed of storm water and/or containing pollutants.

“Person” means any individual, firm, organization, corporation, partnership, or other public or private entity.

“Pollutant” means dredged soil, solid waste, incinerator residue, sewage, garbage, litter, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, petroleum products, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial, municipal, and agricultural waste discharge into water. A pollutant shall also include any increment of increase in the total volume or rate of storm water runoff resulting from any activity or development occurring after the effective date of the ordinance codified in this chapter. (This definition includes, as now applicable or as may hereafter be amended, the meaning of pollutant as defined in the federal Clean Water Act and acts supplementary thereto, and/or defined in the regulations for the storm water discharge permitting program issued by

the U.S. Environmental Protection Agency on November 16, 1990.)

“Premises” means any building, lot parcel, real estate, or land or portion of land, whether improved or unimproved, including adjacent sidewalks and parking strips.

“Riparian corridor” means whichever of the following covers the larger area:

(1) A watercourse together with its bank and its setback; or

(2) A watercourse together with an area of adjacent riparian vegetation which may be identified through field investigation.

“Riparian vegetation” means plant species typically native to riparian corridors or salt marshes.

“Setback” means an area adjacent to a watercourse that is the larger of the following:

(1) A portion of any floodway that is adjacent to a watercourse; or

(2) The area between the top of bank and a point twenty (20) feet further from the watercourse than the top of bank.

“Structure” means any works or constructions of any kind, including those of earth or rock, permanent or temporary, and including but not limited to fences, patios, swimming pools, decks, poles, buildings, pavings, inlets, levees, tide gates, spillways, drop structures, retaining walls, erosion control devices and similar facilities.

“Toe of bank” means the point at which the bank slope intersects the bottom of the watercourse nearest the side of the proposed development.

“Top of bank” means the point at which a line projected from the toe of the bank toward the top of the bank at a slope of two (horizontal) to one (vertical), or twenty-six and one-half (26 1/2) degrees from horizontal, intersects surrounding level ground, unless such a line does not intersect surrounding level ground at all, the top of bank shall be determined at the discretion of the Chief of Building Services or his or her designee as the point at which the slope of the bank begins most closely to approximate the horizontal.

“Watercourse” means any conduit or natural or man-made channel through which water flows con-

tinuously or intermittently in a definite direction and course or alternating directions and course under the influence of tides or any appurtenant structure thereof which is used for the holding, delay or storage of water, except enclosed public water delivery and storm sewer system conduits. (Ord. 12024 § 1 (part), 1997)

#### **13.16.040 Responsibility for administration.**

This chapter shall be administered and interpreted for the city by the Environmental Services Manager except where the Chief of Building Services for the Community and Economic Development Agency (CEDA) has the responsibility to implement certain provisions of this chapter, in which case the Chief of Building Services shall administer and interpret those provisions. Where the storm drain systems and/or watercourses are owned or have been accepted for maintenance of watercourse by the Alameda County Flood Control and Water Conservation District (ACFCWCD) or other public agency legally responsible for certain watercourses, then the responsibility for enforcing the provisions of this chapter may be assigned to such agency (through contract or written agreement executed by the city and such agency) with respect to those watercourses which they own or for which they have accepted maintenance of watercourse. In addition, the city may assign responsibility for enforcing certain provisions to another public agency (through contract or written agreement executed by the city and such agency). (Ord. 12024 § 1 (part), 1997)

#### **13.16.050 Construction and application.**

This chapter shall be construed as consistent with the requirements of the federal Clean Water Act and acts amendatory thereof or supplementary thereto, applicable implementing regulations, and NPDES Permit No. CA0029831 and any amendment, revision or reissuance thereof. If there is any inconsistency between this chapter and any other ordinance or regulation of the city, the more stringent provisions shall apply. (Ord. 12024 § 1 (part), 1997)

**13.16.060 Severability and validity.**

If any portion of this chapter or the application thereof to any person or circumstances is declared invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this chapter and the application of such portions to other persons or circumstances are to be considered valid. (Ord. 12024 § 1 (part), 1997)

## **Article II. Discharge Regulations and Requirements**

**13.16.070 Discharge of pollutants.**

A. Non-storm-water discharges or increase in flow to the city storm sewer system is prohibited. All discharges of material other than storm water must be in compliance with a NPDES permit issued for the discharge (other than NPDES Permit No. CA0029831).

B. The following non-storm-water discharges are exempt from the prohibition set forth in subsection A of this section:

1. Non-storm-water discharges regulated under an NPDES permit issued to the discharger and administered by the state of California under authority of the U.S. Environmental Protection Agency; provided, that the discharger is in full compliance with all requirements of the permit and other applicable laws or regulations.

2. Non-storm-water discharges from the following activities will not be considered a source of pollutants to waters of the United States when properly managed: water line flushing and other discharges from potable water sources, landscape irrigation and lawn watering, irrigation water, diverted stream flows, rising ground waters, infiltration to separate storm drains, less than one thousand (1,000) gallons per day of uncontaminated pumped ground water, foundation and footing drains, water from crawl space pumps, air conditioning condensation, springs, individual residential car washings, flows from riparian habitats and wetlands, dechlorinated swimming pool discharges or flows from fire fighting, and accordingly are not subject to the prohibi-

tion on non-storm-water discharges. (Ord. 12024 § 1 (part), 1997)

**13.16.080 Discharge in violation of permit.**

Any non-storm-water discharge or increase in flow that would result in or contribute to a violation of NPDES Permit No. CA0029831, and any amendment, revision or reissuance thereof, either separately considered or when combined with other non-storm-water discharges, is prohibited. A copy of said NPDES permit is on file in the Office of the City Clerk. Liability for any such discharge or increase in flow shall be the responsibility of the person(s) causing or responsible for such discharge or increase in flow, and such person(s) shall defend, indemnify and hold harmless the city, its Councilmembers, directors, officers, agents, and/or employees from any and all claims, losses, actions, causes of actions, judgments, penalties, fines, liabilities and expenses (including reasonable attorney's fees), including damage of property or injury to or death of persons occurring or resulting from such violation, in any administrative or judicial action relating to such discharge or increase in flow. (Ord. 12024 § 1 (part), 1997)

**13.16.090 Illicit discharge and illicit connections.**

It is prohibited to establish, use, maintain, or continue illicit drainage connections to the city storm sewer system or to a watercourse, and to commence or continue any illicit discharges to the city storm sewer system or to a watercourse. This prohibition is expressly retroactive and applies to connections made in the past, regardless of whether made under a permit or other authorization or whether permissible under the law or practices applicable or prevailing at the time of the connection. (Ord. 12024 § 1 (part), 1997)

**13.16.100 Reduction of pollutants in storm water.**

Any person engaged in activities which will or may result in pollutants entering the city storm sewer system shall eliminate such pollutants to the

maximum extent practicable. Examples of such activities include, but are not limited to ownership and operation of leaking vehicles and ownership and use of facilities which may be a source of pollutants such as parking lots, gasoline stations, industrial facilities, commercial facilities, stores fronting city streets, etc. The following minimal requirements shall apply:

A. **Littering.** No person shall throw, deposit, leave, maintain, keep, or permit to be thrown, deposited, placed, left or maintained, any refuse, rubbish, garbage, or other discarded or abandoned objects, articles, and accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin, conduit or other drainage structure, business place, or upon any public or private lot of land in the city, so that the same might be or become a pollutant, except in lawfully established garbage containers or in lawfully established dumping grounds.

The occupant or tenant, or in the absence of occupant or tenant, the owner, lessee, or proprietor of any real property in the city in front of which there is a paved sidewalk shall maintain said sidewalk free of dirt or litter to the maximum extent practicable. Sweepings from said sidewalk shall not be swept or otherwise made or allowed to go into the gutter or roadway, but shall be disposed of in receptacles maintained on said real property as required for the disposal of garbage.

No person shall throw or deposit litter in any fountain, pond, lake, creek or any other body of water in a park or elsewhere within the city.

B. **Standard for Parking Lots and Similar Structures.** Persons owning or operating a parking lot, gas station pavement or similar structure shall clean those structures as frequently and thoroughly as practicable in a manner that does not result in discharge of pollutants to the city storm sewer system.

C. **Best Management Practices for New Developments and Redevelopments.** Any person or construction contractor performing work in the city shall, at a minimum, provide filter materials at the catch basin to prevent any debris and dirt from flowing into the city's storm sewer system. In addition, any

person or construction contractor performing work in the city is subject to all the provisions of Ordinance No. 10446 C.M.S., entitled "Ordinance for Erosion and Sedimentation Control to Supplement Ordinance No. 10312 C.M.S. (Section 15.04.780 of the Oakland Municipal Code) dated January 18, 1983" and to any amendment or revision thereof.

The Chief of Building Services or his or her designee may establish controls on the volume and rate of storm water runoff from new developments and redevelopments as may be appropriate to minimize the discharge and transport of pollutants. The Chief of Building Services or his or her designee may require as a condition of development or redevelopment implementation of continuous or post construction best management practices such as good housekeeping practices or storm water treatment systems.

When required by the Chief of Building Services or his or her designee, best management practices shall be incorporated into required grading plans, erosion and sedimentation control plans, private improvement plans, plans associated with a building permit and subdivision development.

Any person or construction contractor performing work in the city shall ensure that best management practices required by the Chief of Building Services or his or her designee are properly maintained at all times during construction. Best management practices shall be employed as shown on said plans approved by the city, as required on the conditions on a permit, or as directed by the city's field representative.

Where continuous or post construction best management practices or storm water treatment systems have been required by the Chief of Building Services or his or her designee, proper maintenance of watercourse of said continuous or post construction best management practices or said treatment systems employed on a site shall be the responsibility of the property owner or, when applicable, the local homeowner association.

D. **Notification of Intent and Compliance with General Permits.** Each industrial discharger, discharger associated with construction activity, or

other discharger, described in any general storm water permit addressing such non-storm-water discharges or increase in flow, as may be adopted by the U.S. Environmental Protection Agency, the State Water Resources Control Board, or the California Regional Water Quality Control Board, San Francisco Bay Region, shall provide notice of intent, comply with, and undertake all other activities required by any general storm water permit applicable to such non-storm-water discharges or increase in flow.

Each discharger identified in an individual NPDES permit relating to non-storm-water discharges or increase in flow shall comply with and undertake all activities required by such permit.

**E. Compliance with Best Management Practices.** Where best management practices guidelines or requirements have been adopted by any federal, state of California, regional, and/or city agency with jurisdiction for such adoption, for any activity, operation, or facility which may cause or contribute to storm water pollution or contamination, increase of flow, illicit discharge, and/or discharge of non-storm water to the storm water system, or watercourses, every person undertaking such activity or operation, or owning or operating such facility shall comply with such guidelines or requirements as such compliance is identified by the Environmental Services Manager. (Ord. 12024 § 1 (part), 1997)

### **13.16.110 Watercourse protection.**

Every person owning property through which a watercourse passes, or such person's lessee or tenant, shall keep and maintain in a manner satisfactory to the Environmental Services Manager that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles which would pollute, contaminate, or significantly retard the flow of water through the watercourse; shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse; and shall not remove healthy riparian vegetation beyond that actually necessary for said maintenance of watercourse, nor remove said vegetation

in such a manner as to increase the vulnerability of the watercourse to erosion.

No person shall place any loose or unconsolidated material along the side of or within a watercourse or so close to the side as to cause a diversion of the flow, or to cause a probability of such material being carried away by storm waters passing through such watercourse.

No person shall commit or cause to be committed any of the following acts, unless a written permit has first been obtained from the Environmental Services Manager. (Acts or work that is covered under a private job permit obtained in accordance with the procedures and requirements of Section 12.16.040, Section 12.16.050 and Section 12.20.020 of this code and acts or work covered under a valid creek protection permit and/or valid grading permit shall not be subject to aforementioned separate permit):

A. Discharge concentrated storm water into or connect any storm water pipe or storm water channel to a watercourse;

B. Modify the natural flow of water in a watercourse;

C. Carry out development within a watercourse floodway; or within twenty (20) feet from the top of bank of a watercourse;

D. Deposit in, or remove any material from a watercourse including its banks, except as required for necessary maintenance of watercourse; or

E. Construct, alter, enlarge, connect to, change, or remove any structure, or alter the stream course or profile in a watercourse.

In addition to the provisions stated herein, every person owning a property through which a watercourse passes, or such person's lessee or tenant, shall be subject to the provisions of Section 9.16.040, Watercourses, of this code and to any amendment or revision thereof, except if a private job permit is obtained in accordance with the procedures and requirements of Section 12.16.040, Section 12.16.050 and Section 12.20.020 of this code or for acts or work covered under a valid creek protection permit and/or valid grading permit. (Ord. 12024 § 1 (part), 1997)

**13.16.120 Creek protection permit requirements.**

No person shall commit or cause development or work within the boundaries of a creekside property, or within the public right-of-way fronting a creekside property, unless a creek protection permit has first been obtained from the Chief of Building Services. (Ord. 12024 § 1 (part), 1997)

**13.16.130 Determination of permit category.**

Depending on the type and location of development or work, a creek protection permit may fall into the following categories.

A. Category I. Any indoor development or work. Although development or work indoors should not affect the quality of the creek environment, this is an opportunity for the city to distribute brochures regarding creek protection and overall quality of water that drains to the bay. Best management practices recommended in those brochures to protect water quality must be followed.

B. Category II. Any exterior development or work that does not include earthwork, and is more than one hundred (100) feet from the center line of the creek to the location of the development or work. Category II provides the city with an opportunity to educate residents about creek protection and overall quality of water that drains to the bay. Best management practices recommended in those brochures to protect water quality must be followed.

C. Category III. Any exterior development or work that may adversely impact the creek, beyond the twenty (20) foot setback from the top of bank of the creek, and is within one hundred (100) feet of the center line of the creek, that may or may not require any other development related permit, including without limitation: landscape walls, fences, patios, decks, private drainage improvements, irrigation systems, or trenching work. Additionally, any work or development that includes earthwork beyond the twenty (20) foot setback from the top of the bank of the creek.

D. Category IV. Any exterior development or work that is conducted from the center line of the

creek to the twenty (20) foot setback from the top of bank of the creek, that may or may not require any other development related permits including without limitation: earthwork, landscape walls, fences, patios, decks, private drainage improvements, irrigation systems, or trenching work.

E. Reclassification of Category. The Chief of Building Services may, in order to further the purpose and intent of the chapter, reclassify an application in accordance with the following:

1. If the Chief of Building Services reasonably believes that there are unusual circumstances that warrant the applicant providing further information, the Chief of Building Services may reclassify an application for Categories II, III or IV.

2. If the applicant can demonstrate to the reasonable satisfaction of the Chief of Building Services that development or work shall not cause adverse impacts to the creek (including without limitation: erosion, bank failure, increased runoff, sediment loading, transfer or pollutants, or damage to the natural habitat, riparian vegetation or wildlife), then an application for Categories II, III or IV may be reclassified.

F. Emergency Work. Work to abate an imminent threat to the public's health, safety or property may be undertaken prior to the issuance of a creek protection permit. Such emergency work shall be limited to the abatement of the imminent threat. An application for a creek protection permit shall be initiated as soon as practical, but in no event later than fourteen (14) calendar days after the commencement of the emergency work, and said application shall be diligently pursued by the applicant. (Ord. 12024 § 1 (part), 1997)

**13.16.140 Creek protection permit submittal requirements and CEQA.**

The application for a creek protection permit shall include the following information for the categories indicated:

A. Category I. No submittals from the applicant are required to obtain a creek protection permit for this category of development or work, except for

normal submittal requirements related to other permits that must be obtained.

B. Category II. In addition to normal submittal requirements related to other permits that must be obtained, a simple site plan must be submitted that shows the relationship and distance between the development or work to be conducted and the top of bank of the creek. Staff shall confirm the location of the creek by methods such as field inspections, reviewing aerial photographs of the property overlain by contour lines that are part of the city's Geographic Information System (GIS).

C. Category III. In addition to normal submittal requirements related to other permits that must be obtained, a site plan must be submitted that shows the relationship and distances between the development or work to be conducted and the top of bank of the creek. In addition, a creek protection plan must be submitted for review and approval that describes the best management practices that will be employed to assure construction activity will not adversely impact creek bank, riparian corridor or water quality.

D. Category IV. In addition to normal submittal requirements related to other permits that must be obtained, a site plan must be submitted that shows the relationship between the development or work to be conducted and the top of bank of the creek. A creek protection plan must be submitted for review and approval that describes the best management practices that will be employed to assure construction activity will not adversely impact creek bank, riparian corridor, or water quality. A hydrology report must be submitted for review and approval pursuant to Section 13.16.170.

Categories I and II are ministerial actions and therefore exempt from CEQA. Categories III and IV are discretionary actions and therefore subject to CEQA review. Reclassification by the Chief of Building Services is discretionary and therefore subject to CEQA review. (Ord. 12024 § 1 (part), 1997)

#### **13.16.150 Creek protection plan.**

When required, a creek protection plan, including

creek protection measures, shall be submitted prior to the issuance of a creek protection permit. The purpose of the creek protection plan is to protect the creek, its banks, the riparian vegetation, wildlife, surrounding habitat and the creek's natural appearance. The following are the minimum elements that must be addressed in a creek protection plan that is to be prepared by the applicant and submitted for city review and approval prior to the issuance of a creek protection permit for development or work that is determined by the city to fall into Categories III or IV as described above. (The Chief of Building Services may require additional reasonable information due to special circumstances):

- A. Property identification;
- B. Name of the property owner;
- C. Name of the general contractor;
- D. Name of subcontractors;
- E. Telephone numbers of primary contact people;
- F. List of informational material related to creek protection, provided to workers on the site;
- G. Litter prevention measures;
- H. Dust control measures;
- I. Methods of cleaning tools and equipment;
- J. Construction site fencing;
- K. Erosion control protection;
- L. Future and ongoing siltation and erosion control;
- M. Wet weather protection;
- N. Stockpile locations;
- O. Special circumstances/additional information; and
- P. Emergency preparations for construction related spills. (Ord. 12024 § 1 (part), 1997)

#### **13.16.160 Hydrology report—When required.**

A hydrology report is required to meet the standards of, and requirements established by the Chief of Building Services, if the proposed construction activity falls into Category IV of a creek protection permit or if the proposed activity has the potential to:

- A. Discharge concentrated stormwater into or connect any stormwater pipe or stormwater channel to a creek;
- B. Modify the natural flow of water in a creek;
- C. Cause development within a creek floodway, riparian corridor, or within twenty (20) feet from the top of bank of a creek.
- D. Deposit in, plant non-native vegetation in, or remove any material from a creek including its banks, except as required for necessary maintenance of creeks; or
- E. Construct, alter, enlarge, connect to, change, or remove any structure in a creek. (Ord. 12024 § 1 (part), 1997)
- K. Profile of stream bed across the property and upstream and downstream one hundred (100) feet in each direction;
- L. Cross sections at fifty (50) foot intervals (or as determined to be necessary by the Chief of Building Services);
- M. Proposed improvements to the creek, including any vegetative or other natural screening enhancements utilized;
- N. Impacts of proposed project on existing vegetation or wildlife within the affected riparian corridor; and
- O. Special circumstances/additional information. (Ord. 12024 § 1 (part), 1997)

#### **13.16.170 Hydrology report requirements.**

The following are the minimum elements that must be addressed in a hydrology report that is to be prepared by a licensed civil engineer with creek hydrology expertise and submitted for city review and approval prior to the issuance of a creek protection permit for development or work that is described in Section 13.16.160. (The Chief of Building Services may require additional reasonable information due to special circumstances):

- A. Property identification;
- B. Name of the property owner;
- C. California Department of Fish and Game approval, if appropriate;
- D. Alameda County Flood Control and Water Conservation District approval, if appropriate;
- E. Five year, ten year, twenty-five (25) year and one hundred (100) year flows and water surface levels;
- F. How future development in the area (unrelated to the proposed work) may impact flows;
- G. Creek bank stability, before and after the project;
- H. Impact of proposed work with regard to direction, as well as quantity of flow in the creek;
- I. Upstream and downstream conditions, before and after project construction;
- J. Location of major drainage facilities (e.g. trash racks, culverts, discharge points, etc.);

#### **13.16.180 Notice.**

Notices shall be provided in accordance with the following procedures for all applications initially classified, or subsequently reclassified by the Chief of Building Services in accordance with Section 13.16.130, as Categories III and IV:

- A. 1. Category III. The applicant shall be required to post notices of the application (provided by the city) in clear public view on the subject property and within a three hundred (300) foot radius of the subject property. The Chief of Building Services may determine that the applicant shall also be required to mail a public notice, provided by the city, to all property owners of record within a three hundred (300) foot radius of the subject property. The determination of the Chief of Building Services to require mail notice is within his or her absolute discretion and is not appealable. One factor the Chief of Building Services may consider is whether the mailed notice is, or will be, already provided due to other permit application. If mailing is required, the list of property owners shall be provided by the city. The applicant shall provide an affidavit of mailing.

- 2. Category IV. The applicant shall be required to post notices of the application (provided by the city) in clear public view on the subject property and within a three hundred (300) foot radius of the subject property. The applicant shall also be required to mail a public notice, provided by the city,

to all property owners of record within a three hundred (300) foot radius of the subject property. The list of property owners shall be provided by the city. The applicant shall provide an affidavit of mailing.

B. Notices shall be provided ten calendar days before a decision is made on the application.

C. Notice by mail is deemed given on the date the notice is placed into the U.S. mail system. (Ord. 12024 § 1 (part), 1997)

#### **13.16.190 Creek protection permit— Conditions for issuance.**

In granting a creek protection permit, the Chief of Building Services may attach such conditions thereto as he/she deems reasonably necessary to carry out the purposes and intent of this chapter, including without limitations, protecting the creek, the riparian corridor and vegetation, safeguarding life, public and private property, and to assure all development or work is carried out in an orderly manner in conformance with all regulations and without creating a public nuisance; and he/she may add to, remove, or change such conditions from time to time during the duration of the permit as deemed reasonably necessary as a result of changed conditions or otherwise.

At the discretion of the Chief of Building Services, a permit may be withheld until the applicant has posted security in an amount satisfactory to the Chief of Building Services for either the faithful performance of the development or work or the cost of removing the development or work or otherwise reconstructing or restoring a creek to conditions existing prior to such development or work in the event of default on the part of the permittee. Said security shall be in the form of cash, a certified or cashier's check, performance bond, or an irrevocable letter of credit. (Ord. 12024 § 1 (part), 1997)

#### **13.16.200 Criteria for permit approval.**

A creek protection permit shall be granted if the applicant demonstrates to the satisfaction of the Chief of Building Services that all the following criteria are met:

A. The proposed activity (during construction and after project is complete) will not (directly or indirectly) adversely affect the creek. In determining whether the creek would be adversely impacted, the Chief of Building Services shall, at a minimum, consider the following factors:

1. Whether the proposed activity may discharge pollutants into the creek;

2. Whether the proposed activity may result in modifications to the natural flow of water in the creek;

3. Whether the proposed activity may deposit new material into the creek or cause bank erosion or instability;

4. Whether the proposed activity may result in alteration of the capacity of the creek; and

5. Such other factors as the Chief of Building Services deems appropriate.

B. The proposed activity will not adversely affect the riparian corridor, including riparian vegetation, animal wildlife or result in loss of wildlife habitat;

C. The proposed activity will not degrade the visual quality and natural appearance of the riparian corridor;

D. The proposed activity is consistent with the intent and purposes of this chapter;

E. The proposed activity will not endanger public or private property; and

F. The proposed activity will not (directly or indirectly) threaten the public's health or safety.

If in the opinion of the Chief of Building Services the above findings can be met with imposition of Conditions For Issuance, pursuant to Section 13.16.190, the Chief of Building Services may grant the permit upon imposition of such conditions. (Ord. 12024 § 1 (part), 1997)

#### **13.16.210 Decision on application.**

The Chief of Building Services shall issue a written decision granting or denying each application for a creek protection permit, (Categories III and IV initially classified, or subsequently reclassified by the Chief of Building Services as Categories III or IV). The decision shall contain findings as to

the conformity of the proposed development project with each of the criteria for permit approval specified in Section 13.16.200A through E, and the determination of permit category specified in Section 13.16.130. The decision shall be mailed to the applicant and to each person who commented on the application and who has provided a self-addressed, stamped envelope to the Chief of Building Services. (Ord. 12024 § 1 (part), 1997)

### **Article III. Inspection and Enforcement**

#### **13.16.220 Authority to inspect.**

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the authorized enforcement official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the enforcement official may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the enforcement official by this chapter; provided that (i) if such building or premises be occupied, he or she shall first present proper credentials and request entry; and (ii) if such building or premises be unoccupied, he or she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry.

Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant by a duly authorized judicial officer. In the event the owner and/or occupant refuses entry after such request has been made, the enforcement official is empowered to request such inspection warrant from any court of competent jurisdiction to obtain such entry.

Routine or area inspections shall be based upon such reasonable selection processes as may be deemed necessary to carry out the objectives of this chapter, including but not limited to dye testing to determine illicit connections, random sampling

and/or sampling or metering in areas with evidence of storm water contamination, illicit discharges, increase in flow, discharge of non-storm water to the storm water system, or similar factors.

Notwithstanding the above, in exigent circumstances, where there is an imminent threat to the public's health or safety, the emergency procedures outlined in Section 13.16.330, Emergency work by the city, shall be followed.

**A. Authority to Sample and Establish Sampling Devices.** The city shall have the right to establish on any property such devices as are necessary to conduct sampling or metering operations. During all inspections as provided herein, the authorized enforcement official may take any samples deemed necessary to aid in the pursuit of the inquiry or in the recordation of the activities onsite.

**B. Notification of Spills.** As soon as any person in charge of a facility or responsible for emergency response for a facility has knowledge of any confirmed or unconfirmed release of materials, pollutants or waste which may result in pollutants or non-storm-water discharges entering the city storm sewer system, such person shall take all necessary steps to ensure the discovery and containment and cleanup of such release and shall contact the appropriate state and local regulatory agencies which have jurisdiction. If hazardous materials are involved, the person in charge of a facility or responsible for emergency response for a facility shall contact immediately, as a minimum, the Oakland Fire Department and Alameda County Hazardous Materials Division and other state and local agencies.

In addition, any person with confirmed or unconfirmed knowledge of release of materials which may result in non-storm-water discharges entering the city storm system shall notify the city of the occurrence by telephoning the Environmental Services Manager and confirming the notification by written correspondence to the Environmental Services Manager within twenty-four (24) hours of said occurrence. During non-business hours, such person shall notify the city of the occurrence by contacting the Oakland Fire Department.

**C. Requirement to Test or Monitor or Provide Reports.** Any authorized enforcement official may request that any person engaged in any activity and/or owning or operating any facility which may cause or contribute to storm water pollution or contamination, illicit discharges, increase in flow, and/or discharge of non-storm water to the storm water system, undertake, at that person's own cost and expense, such monitoring or testing activities and/or analyses and/or furnish such reports and/or documentation as the official may specify. Such reports and/or documentation may include but are not limited to: interpretation of the results of such monitoring activities or tests; description and/or design data or as-built plans for the facility's storm water conveyance system; and/or the facility's waste disposal documentation or records. The burden, including costs, of these activities, analyses and reports shall bear a reasonable relationship to the need for the monitoring, analyses and reports and the benefits to be obtained. The recipient of such request shall undertake and provide the monitoring, analyses, reports and/or documentation requested. Failure to undertake and provide such monitoring, analyses, reports and/or documentation may result in the city undertaking such and assessing a lien against the property as described in Sections 13.16.300, 13.16.310, 13.16.320 and 13.16.340, in addition to other penalties described in this chapter. (Ord. 12024 § 1 (part), 1997)

#### **13.16.230 Violations constituting infractions.**

Any person violating or failing to comply with any of the provisions of this chapter may be guilty of an infraction. (Ord. 12024 § 1 (part), 1997)

#### **13.16.240 Penalty for violation.**

Any person convicted of an infraction under the provision of this chapter may be punished upon a first conviction by a fine of not more than one hundred dollars (\$100.00) and, for a second conviction within a period of one year, by a fine of not more than two hundred dollars (\$200.00) and, for a third or any subsequent conviction within a one-year period, by a fine of not more than five hundred

dollars (\$500.00). Any violation beyond the third conviction within a one-year period may be charged by the City Attorney or the District Attorney as a misdemeanor and the penalty for conviction of the same may be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for a period of not more than six months or by both. (Ord. 12024 § 1 (part), 1997)

#### **13.16.250 Continuing violation.**

Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this chapter is committed, continued or permitted by the person and shall be punishable accordingly as herein provided. (Ord. 12024 § 1 (part), 1997)

#### **13.16.260 Concealment.**

Causing, permitting, aiding, abetting or concealing a violation of any provision of this chapter shall constitute a violation of such provision. (Ord. 12024 § 1 (part), 1997)

#### **13.16.270 Acts potentially resulting in violation of federal Clean Water Act and/or Porter-Cologne Act.**

Any person who violates any provision of this chapter, any provision of any permit issued pursuant to this chapter, or who discharges waste or wastewater which causes pollution, or who violates any cease and desist order, prohibition, or effluent limitation, may also be in violation of the federal Clean Water Act and/or Porter-Cologne Act and may be subject to the sanctions of those Acts including civil and criminal penalty. Any enforcement action authorized under this article may also include notice to the violator of such potential liability. (Ord. 12024 § 1 (part), 1997)

#### **13.16.280 Violations deemed a public nuisance.**

In addition to the penalties herein provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat

to the public health, safety and welfare, and is declared and deemed to be a dangerous condition and a nuisance, and may be summarily abated and/or restored by any authorized enforcement official pursuant to the provisions of Section 13.16.290 et. seq. In addition to or in lieu of the abatement procedures authorized by the enforcement official, civil action to abate, enjoin or otherwise compel the cessation of such nuisance may be taken by the city attorney.

If any violation of this chapter constitutes a seasonal and recurrent nuisance, the City Council shall so declare. Thereafter, such seasonal and recurrent nuisance shall be abated every year without the necessity of any further hearing. (Ord. 12024 § 1 (part), 1997)

### **13.16.290 Order to abate.**

A. When an authorized enforcement official finds that a non-storm-water discharge or increase in flow has taken place or is likely to take place in violation of this chapter, and/or when an authorized enforcement official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind in or upon any parcel of land or grounds, which may result in an increase in pollutants entering the city storm sewer system in violation of this chapter, the enforcement official may declare and deem the violation a nuisance and issue an order to abate such discharge, or practice, or operation, or condition likely to cause such discharge or increase in flow, or result in an increase in pollutants entering the storm drain system and direct that those persons not complying shall:

1. Comply with the requirement;
2. Comply with a time schedule for compliance; and/or
3. Take appropriate remedial or preventive action to prevent the violation from recurring.

B. Upon declaring and deeming a violation of this chapter a nuisance, an authorized enforcement official shall send a notice of abatement to the property owner and to the business owner/operator. The notice of abatement shall contain the following:

1. The street address and a legal description of the property sufficient for identification of the premises or property upon which the nuisance is located.

2. A statement that the enforcement official has determined pursuant to this article that the property owner and the business owner/operator of the subject property are in violation of this chapter.

3. A statement specifying the dangerous condition.

4. A statement ordering the property owner and the business owner/operator to abate the dangerous condition, and specifying the manner in which the same shall be abated, and the period within which such abatement shall be accomplished. (In determining said period within which said property owner and said business owner/operator shall abate said dangerous condition, the enforcement official shall consider the nature of said condition and its effect on life, safety, and property together with the time reasonably required by said property owner and said business owner/operator to comply with said order.)

C. Service of said notice may be made by delivery to the property owner and to the business owner/operator or person in possession personally or by enclosing the same in a sealed envelope, addressed to the occupant at such premises, or to the property owner at his/her last known address as the same appears on the last equalized assessment rolls of the county, postage prepaid, registered or certified mail, return receipt requested, and depositing same in the United States mail. Service shall be deemed complete at the time of the deposit in the United States mail.

D. It is unlawful for the property owner and/or business owner/operator to fail or neglect to comply with such order or notice of abatement. In the event that the property owner and/or the business owner/operator shall not promptly proceed to abate said dangerous condition, as ordered by the enforcement official, the following abatement procedure may be undertaken. (Ord. 12024 § 1 (part), 1997)

**13.16.300 Notice of administrative hearing, administrative hearing and appeal.**

A. Notice of Administrative Hearing. The enforcement official, upon failure of the property owner and/or the business owner/operator to promptly proceed to abate said dangerous condition as ordered and/or upon receipt of a written notice from the subject property owner and/or the business owner/operator stating that they wish to appeal the enforcement official's violation determination, may forthwith fix a time and place for an administrative hearing of the matter. In all such cases, the enforcement official shall serve, or cause to be served, notice of said hearing upon the person in possession of such premises, upon the property owner and the business owner/operator thereof, not less than seven days prior to the time fixed for such hearing. The notice shall specify the hour, date and place of the hearing and the dangerous condition that is the subject of the hearing. Service of said notice may be made by delivery to the property owner and to the business owner/operator or person in possession personally or by enclosing the same in a sealed envelope, addressed to the occupant at such premises, or to the property owner at his last known address as the same appears on the last equalized assessment rolls of the county, postage prepaid, registered or certified mail, return receipt requested, and depositing same in the United States mail. Service shall be deemed complete at the time of the deposit in the United States mail.

B. Administrative Hearing. At the time and place set for the hearing, the Hearing Officer shall hear such evidence as may be presented by said property owner and/or said business owner/operator, person in possession or their representative. Such hearing may be continued from time to time by the Hearing Officer, provided that notice is given in the manner provided in Section 13.16.300A to said property owner and to said business owner/operator or person in possession. Service of said notice shall be deemed complete at the time of deposit in the United States mail. The findings of the Hearing Officer shall be rendered at the time of such hearing and

thereupon shall be announced to such property owner and to such business owner/operator, person in possession or their representative, provided that such person(s) appears at the hearing. Failure to appear at the administrative hearing shall constitute, unless good cause is shown, a waiver of the right to appeal to the City Council.

C. Appeal. Within three days of the administrative hearing and the announced findings of the Hearing Officer, said property owner and/or said business owner/operator or person in possession may notify in writing the Hearing Officer that he or she wishes to appeal such findings to the City Council. Failure to give the required written notice within the three-day period or failure to appear at the administrative hearing shall constitute, unless good cause is shown, a waiver of the right to appeal to the City Council. Upon timely receipt of notice of an intent to appeal, the Hearing Officer shall give the appellant not less than seven days' prior written notice of the date, place and hour of the appeal to the City Council. Service shall be made in the manner described in Section 13.16.300A of this chapter and shall be deemed complete at the time of deposit in the United States mail. (Ord. 12024 § 1 (part), 1997)

**13.16.310 Abatement procedure.**

A. Nonappearance and Untimely Appeals. In those cases where the property owner and/or the business owner/operator or person in possession either does not appear for the administrative hearing, or appears for the administrative hearing but does not give timely notice of an intent to appeal, and there is no good cause shown, the Hearing Officer may present his report and findings to the City Council for confirmation at the earliest available City Council meeting after the date set for the administrative hearing. Said reports and findings shall be placed on the City Council's agenda and shall be confirmed or overruled by the Council. If the reports and findings are confirmed, the City Council shall direct that the dangerous condition be abated.

Thereafter the Hearing Officer shall forthwith give or cause to be given written notice, in the

manner provided in Section 13.16.300A, to the property owner and to the business owner/operator or person in possession of said premises to abate such condition forthwith. Service of said notice shall be deemed complete at the time of deposit in the United States mail. If such abatement is not commenced within seven days thereafter and diligently prosecuted to completion, the Hearing Officer shall, at the property owner's and/or business owner's/operator's expense, cause the same to be abated.

B. Hearing of Appeal. Upon the date and at the place and hour fixed for the Hearing of Appeal and findings of the Hearing Officer, the Council of the city shall hear such evidence as may be presented by the property owner and/or the business owner/operator, person in possession or other representative. Such hearing may be continued from time to time by the City Council. Upon the completion of such hearing, the City Council shall either overrule the findings or shall direct that the dangerous condition be abated.

Upon direction of the City Council to abate, the Hearing Officer shall give written notice, in the manner provided in Section 13.16.300A, to the property owner and to the business owner/operator or person in possession of said premises to abate such condition forthwith. Service of said notice shall be deemed complete at the time of deposit in the United States mail. If such abatement is not commenced within seven days thereafter and diligently prosecuted to completion, the Hearing Officer shall at the property owner's and business owner's/operator's expense cause the same to be abated.

C. Abatement. The Council shall order to be paid by the property owner and the business owner/operator of said premises all sums which may be necessarily expended by the Hearing Officer and the authorized enforcement official in abating such condition, including but not limited to the abatement work cost, abatement contract administering costs, and abatement work supervising costs. In lieu of employing a contractor or other person to abate such condition, the Hearing Officer may call upon the Public Works Agency, Maintenance Services Division, or other departments of the city to abate such

condition. Upon completion of the abatement work said abatement costs shall be secured by a special assessment lien recorded against the subject property in the office of the County Recorder, Alameda County. Said special assessment lien shall substantially comply with the form outlined in Section 13.16.340. At the time that the city elects to perform the abatement work, the Hearing Officer may record a notice of prospective special assessment lien against the subject property. Such notice shall include a description of the proposed abatement work and an estimate of its costs. The notice shall indicate that the actual costs may exceed the city's estimate. (Ord. 12024 § 1 (part), 1997)

### **13.16.320 Expense of abatement against property.**

If upon recordation of the special assessment lien the property owner and/or the business owner/operator fail to pay the abatement costs and any accrued interest, said costs and interest shall constitute a special assessment against that real property abated. The Hearing Officer shall prepare a report of assessment. Said report shall describe the work performed, the date(s) on which it was performed, the costs incurred by the city and any accrued interest. The Hearing Officer shall cause a copy of the report of assessment to be served upon the property owner and the business owner/operator of the subject property. Said report shall be accompanied by a notice of date, time and place of the confirmation hearing before the City Council. Said notice and report shall be served on the property owner and the business owner/operator of the subject property not less than five days prior to the time fixed for confirmation of said assessment, service shall be made in the manner described in Section 13.16.300A, and service shall be deemed complete at the time of deposit in the United States mail.

A copy of the report of assessment shall be posted in the office of the City Clerk at least three days prior to the time when the report will be submitted to the City Council.

At the time set forth in the notice, the City Council shall hear the matter and either modify or con-

firm the report of assessment. The Council shall confirm said report as presented by the Hearing Officer, unless the Council, after a review of the evidence in the record, finds that either the work assessed was not performed or that there was an error made in calculating the amount owed. After the assessment is made and confirmed, in addition to being a personal obligation of the property owner and the business owner/operator, it shall be a special assessment on the subject property, until said sum, with interest at the maximum legal rate per annum, has been paid in full. Interest shall begin to accrue on the date of lien recordation.

After confirmation of said report, a certified copy of the resolution of confirmation shall be filed with the County Auditor, Alameda County, on or before August 10th. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes. (Ord. 12024 § 1 (part), 1997)

### **13.16.330 Emergency work by the city.**

A. Emergency Abatement. Whenever, in the opinion of the authorized enforcement official, an imminent threat to the public's health or safety exists, the enforcement official is authorized to proceed with all necessary work to abate the condition. The official may take whatever reasonable steps are necessary to inspect or abate such imminent hazard without resort to notice, obtaining permission of entry or an inspection warrant. Such official shall, however, provide such pre-inspection or abatement notice and seek permission as appropriate in the circumstances and document the hazard and the reasons it needs to be immediately abated. A post-inspection or abatement hearing shall be held by the Hearing Officer as soon as practical thereafter.

B. Hearing. At the time and place set for the post-inspection or abatement hearing, the Hearing Officer shall hear such evidence as may be presented by said property owner and/or said business owner/operator, person in possession or their representative, including evidence that no emergency existed. Such hearing may be continued from time to time by the Hearing Officer; provided, that notice is given in the manner provided in Section 13.16.300A to said property owner and to said business owner/operator or person in possession. Service of said notice shall be deemed complete at the time of deposit in the United States mail. The findings of the Hearing Officer shall be rendered at the time of such hearing and thereupon shall be announced to such property owner and to such business owner/operator, person in possession or their representative, provided that such person(s) appears at the hearing. Failure to appear at the administrative hearing shall constitute, unless good cause is shown, a waiver of the right to appeal to the City Council.

C. Confirmation Hearing. The Hearing Officer or his or her designee shall keep an itemized account of the costs of the abatement work. A report of the costs shall be submitted to the Council for confirmation. The property owner and the business owner/operator shall be given written notice of the confirmation hearing in the manner provided in Section 13.16.300A of this chapter. Service of said notice shall be deemed complete at the time of deposit in the United States mail.

Upon the date and at the place and hour fixed for the confirmation hearing, the Council of the city shall receive said report and hear such evidence as may be presented by the property owner and/or the business owner/operator, including evidence that no emergency existed. Such hearing may be continued from time to time by the City Council. Upon completion of such hearing, the City Council shall either overrule the Hearing Officer's report or shall confirm it; provided, that the City Council, if good cause exists, may adjust downward the cost of abatement. After the abatement cost is confirmed, it shall be secured by a special assessment lien recorded against said property in the office of the

County Recorder, Alameda County, until said sum with interest at the maximum legal rate per annum has been paid. Said special assessment lien shall substantially comply with the form outlined in Section 13.16.340. Interest shall begin to accrue on the date that the special assessment lien is recorded.

If upon recordation of the lien the property owner and/or the business owner/operator fail to pay the confirmed sum and any accrued interest, said sum and interest shall constitute a special assessment against the real property abated and the Hearing Officer shall follow the procedures outlined in Section 13.16.320 to place such assessment on the county tax roll opposite said property. The amount of assessment shall be collected, and shall be subject to the same penalties and the same procedures for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes. (Ord. 12024 § 1 (part), 1997)

#### **13.16.340 Notice of special assessment lien.**

The special assessment lien mentioned in Section 13.16.330 and Section 13.16.310 shall substantially comply with the following form:

##### **Notice of Special Assessment Lien**

Pursuant to authority vested in me by Resolution No.    C.M.S., of the Council of the City of Oakland, passed on the    day of   , 19  , and the provisions of Chapter   , of the Oakland Municipal Code, I did, on the    day of   , 19  , cause a dangerous condition located upon the hereinafter described real property to be abated at the expense of the property owners thereof, in the amount of \$  , and that said amount has not been paid nor any part thereof, and the City does hereby claim a special assessment lien upon the hereinafter described real property in said amount; the same shall be a special assessment lien upon the said real property until said sum with interest thereon at the legally allowable rate from the date of the recordation of this special assessment lien in the office of the County Recorder of the County of Alameda, State of

California, has been paid in full. The real property hereinabove mentioned and upon which a special assessment lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows, to wit:

(Insert Description of Property)

Dated this    day of   , 19  .

(Title of Hearing Officer)

City of Oakland

(Ord. 12024 § 1 (part), 1997)

#### **13.16.350 Civil actions.**

In addition to any other remedies provided in this chapter, any violation of this chapter may be enforced by civil action brought by the city. In any such action, the city may seek, and the court shall grant, as appropriate, any or all of the following remedies:

- A. A temporary and/or permanent injunction.
- B. Assessment of the violator for the costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for the reasonable costs of preparing and bringing legal action under this subsection, including but not limited to attorney compensation.
- C. Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation.
- D. Compensatory damages for loss or destruction to water quality, wildlife, fish and aquatic life. Assessments under this subsection shall be paid to the city to be used exclusively for costs associated with monitoring and establishing storm water discharge pollution control systems and/or implementing or enforcing the provisions of this chapter. (Ord. 12024 § 1 (part), 1997)

#### **13.16.360 Administrative enforcement powers.**

In addition to the other enforcement powers and

remedies established by this chapter, any authorized enforcement official has the authority to utilize the following administrative remedies:

A. Cease and Desist Order. When an authorized enforcement official finds that a non-storm-water discharge has taken place or is likely to take place in violation of this chapter, the enforcement official may issue an order to cease and desist such non-storm-water discharge, or practice, or operation likely to cause such discharge, and direct that those persons not complying shall: (1) comply with the requirement; (2) comply with a time schedule for compliance; and/or (3) take appropriate remedial or preventive action to prevent the violation from recurring.

Any person failing to comply with said cease and desist order shall be guilty of an infraction and may be subject to the penalties outlined in Section 13.16.240, Penalty for violation, and to all other enforcement procedures outlined in this chapter. In addition, failure to undertake the activities described in said cease and desist order may result in the city undertaking an abatement action and assessing a lien against the property in accordance with the procedures outlined in Sections 13.16.290 through 13.16.340 of this chapter.

B. Notice to Clean. Whenever an authorized enforcement official finds any oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or any other material of any kind, in or upon the sidewalk abutting or adjoining any parcel of land, or upon any parcel of land or grounds, which may result in an increase in pollutants entering the city storm sewer system or a non-storm-water discharge to the city storm sewer system, he or she may give notice to remove such oil, earth, dirt, grass, weeds, dead trees, tin cans, rubbish, refuse, waste or other material, in any manner that he or she may reasonably provide. The recipient of such notice shall undertake the activities as described in the notice.

Any person failing to comply with said notice to clean shall be guilty of an infraction and may be subject to the penalties outlined in Section 13.16.240, Penalty for violation, and to all other enforcement procedures outlined in this chapter. In addition, fail-

ure to undertake the activities described in said notice to clean may result in the city undertaking an abatement action and assessing a lien against the property in accordance with the procedures outlined in Sections 13.16.290 through 13.16.340 of this chapter.

C. Suspension of Permits. Failure of any person engaged in an activity, development or work, and/or owning or operating any facility which may cause violations of this chapter to cease such activities or comply with corrective measures upon receipt of notice from an authorized enforcement official, shall be cause for revocation or suspension of any permit issued by the city and/or its boards, commissions, departments, officers and the City Council.

When any person is found to be in violation of this chapter, the enforcement official may request the permit issuing authority to suspend or revoke any building permit, grading permit, encroachment permit, conditional use permit and any other permit issued by the city and/or its boards, commissions, departments, officers and the city council associated with the subject property until such time that applicant is found to be in compliance with the provisions of this chapter. The procedures that govern the suspension, revocation and appeal process of the individual permit shall be followed. (Ord. 12024 § 1 (part), 1997)

### **13.16.370 Administrative civil penalties.**

When an authorized enforcement official finds that a violation of this chapter has taken place or is likely to take place, the enforcement official may assess civil penalties pursuant to the standards and procedures established in Chapter 1.08 of this code and any amendments or revisions thereto. (Ord. 12024 § 1 (part), 1997)

### **13.16.380 Administrative citations.**

When an authorized enforcement official finds that a violation of this chapter has taken place or is likely to take place, the enforcement official may issue administrative citations pursuant to the standards and procedures established in Chapter 1.12 of this code and any amendments or revisions thereto. (Ord. 12024 § 1 (part), 1997)

**13.16.390 Property use limitation.**

When an authorized enforcement official finds that a violation of this chapter has taken place or is likely to take place, the enforcement official may record a notice of violation limiting the use of the property pursuant to the standards and procedures established in Chapter 1.16 of this code and any amendments or revisions thereto. (Ord. 12024 § 1 (part), 1997)

**13.16.400 Reinspection fees.**

Whenever an authorized enforcement official determines that upon reinspection of the premises there has been a failure to comply with any orders, notices or directions of the city, the enforcement official may charge a reinspection fee. (Ord. 12024 § 1 (part), 1997)

**13.16.410 Authority to issue citations.**

Authorized enforcement officials or employees may issue a citation and notice to appear in the manner prescribed by Chapter 5c of Title 3, Part 2 of the Penal Code, including Section 853.6 (or as the same may hereafter be amended). It is the intent of the City Council that the immunities prescribed in Section 836.5 of the Penal Code be applicable to public officers or employees or employees acting in the course and scope of employment pursuant to this chapter. (Ord. 12024 § 1 (part), 1997)

**13.16.420 Remedies not exclusive.**

Remedies under this chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. The enforcement official shall have the discretion to select a particular remedy to further the purposes and intent of the chapter, depending on the particular circumstances. The enforcement official's decision to select a particular remedy is not subject to appeal. (Ord. 12024 § 1 (part), 1997)

**13.16.430 Joint and several liability.**

The property owner and the business owner/operator shall be jointly and severally liable for

violations of this chapter. (Ord. 12024 § 1 (part), 1997)

**Article IV. Coordination with Other Programs****13.16.440 Coordination with hazardous materials inventory and response program.**

The first revision of the business plan for any facility subject to the hazardous materials inventory and response program as administered by the Oakland Fire Services Agency shall include a program for compliance with this chapter, including the prohibitions on non-storm-water discharges and illicit discharges, and the requirement to reduce storm water pollutants to the maximum extent practicable. (Ord. 12024 § 1 (part), 1997)

**Article V. Appeals and Fees****13.16.450 Appeal to the city Planning Commission.**

Except as provided elsewhere in this chapter, the following appeal procedures govern. Within ten (10) calendar days after the date of a written decision by the Chief of Building Services on an application for a Creek Protection Permit, pursuant to Section 13.16.210, or within ten (10) calendar days after the date of a written decision by the Environmental Services Manager for a creek determination, pursuant to Section 13.16.030, an appeal from said decision may be taken to the City of Oakland City Planning Commission by the applicant or any other interested party. In event the last date of appeal falls on a weekend or holiday when City offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by CEDA and shall be filed with such Agency. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Chief of Building Services or wherein his/her decision is not supported by the evidence in the record. Upon receipt of the appeal, the City of Oakland City Planning Commission, shall set the date for consideration thereof and, not less than ten (10)

days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the City of Oakland City Planning Commission deems appropriate, of the date and place of the hearing on the appeal. In considering the appeal, the City of Oakland City Planning Commission shall determine whether the proposed use conforms to the permit criteria set forth in Sections 13.16.130 and 13.16.200, and may grant or deny a permit or require such changes in the Permit Category, proposed use or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The decision of the City of Oakland City Planning Commission shall be final. (Ord. 12439 § 1, 2002: Ord. 12024 § 1 (part), 1997)

#### **13.16.460      Appeal to Director of PWA.**

Except as provided elsewhere in this chapter (including without limitation, Orders to Abate, Emergency Work, Administrative Citations and Penalties, Creek Determination, and Creek Protection Permit), the following appeal procedures govern. Within ten (10) calendar days after the date of a written decision by the Environmental Services Manager, an appeal from said decision may be taken to the Director by the applicant or any other interested party. In event the last date of appeal falls on a weekend or holiday when city offices are closed, the next date such offices are open for business shall be the last date of appeal. Such appeal shall be made on a form prescribed by the Public Works Agency (PWA) and shall be filed with such Agency. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Environmental Services Manager or wherein his/her decision is not supported by the evidence in the record. Upon receipt of the appeal, the Director shall set the date for consideration thereof and, not less than ten (10) days prior thereto, give written notice to: the applicant; the appellant in those cases where the applicant is not the

appellant; adverse party or parties, or to the attorney, spokesperson, or representative of such party or parties; other interested groups and neighborhood associations who have requested notification; and to similar groups and individuals as the Director or his or her designee, deems appropriate, of the date and place of the hearing on the appeal. Upon receipt of the appeal, the Director shall consider the purposes and intent, as well as the letter, of the pertinent provisions of the chapter, and shall affirm, modify or reverse the Environmental Services Manager's written decision. The decision of the Director shall be final. (Ord. 12439 § 2, 2002: Ord. 12024 § 1 (part), 1997)

#### **13.16.470      Fee schedule.**

Fees, and regulations pertaining to fees, for filing of applications, written decisions and appeals shall be in accordance with the city Master Fee Schedule. (Ord. 12024 § 1 (part), 1997)



**Title 14**

**SIGNS**

**Chapters:**

**14.04 Oakland Sign Code**



**Chapter 14.04**

**OAKLAND SIGN CODE**

**Sections:**

- 14.04.010 Title—Uniform Sign Code.**
- 14.04.020 Changes, additions and deletions.**
- 14.04.030 Section 101 amended.**
- 14.04.040 Section 102 amended.**
- 14.04.050 Section 103(c) amended.**
- 14.04.060 Section 103(d) amended.**
- 14.04.070 Section 202 amended.**
- 14.04.080 Section 206.1 added.**
- 14.04.090 Section 207.1 added.**
- 14.04.100 Section 212 amended.**
- 14.04.110 Section 215 amended.**
- 14.04.120 Section 304 amended.**
- 14.04.130 Section 307 added.**
- 14.04.140 Section 401(c) amended.**
- 14.04.150 Section 402(a) amended.**
- 14.04.160 Section 402(c) amended.**
- 14.04.170 Section 403(a) amended.**
- 14.04.180 Section 403(d) amended.**
- 14.04.190 Section 503(b) amended.**
- 14.04.200 Section 803(b) amended.**
- 14.04.210 Section 903 amended.**
- 14.04.220 Section 1003(b) amended.**
- 14.04.230 Section 1103(b) amended.**
- 14.04.240 Table 4-B amended.**
- 14.04.250 Table 4-C deleted.**
- 14.04.260 Section 1302 amended.**
- 14.04.270 Chapter 15 added.**
- 14.04.280 Chapter 16 added.**
- 14.04.290 Violations and penalties.**

**14.04.010 Title—Uniform Sign Code.**

- A. This title shall be known as the "Oakland Sign Code," may be cited as such, and will be referred to herein as "this title" or "this code."
- B. The Uniform Sign Code, Copyright 1976 by International Conference of Building Officials, copies of which have been placed on file with the City Clerk for use and examination by the public and by Resolution No. 56311 C.M.S. declared to be public

records, as the Uniform Sign Code has been deleted, changed and supplemented with approval of this Council, and each and all of the regulations, provisions, conditions, requirements and terms thereof are adopted as Oakland sign code for regulating the design, quality of materials, construction, location, electrification, and maintenance of all sign and sign structures not located within a building in the city of Oakland, and by this reference is incorporated herein and made a part hereof to the same effect as though set forth herein in full. (Ord. 9468 § 1, 1977)

**14.04.020 Changes, additions and deletions.**

The changes, additions and deletions in the copies of the Uniform Sign Code placed on file with the City Clerk, hereinafter set forth and designated, are approved and adopted. (Ord. 9468 § 2 (part), 1977)

**14.04.030 Section 101 amended.**

Section 101 is changed to read as follows:

Sec. 101. This Ordinance shall be known as the Oakland Sign Code, may be cited as such, and will be referred to herein as "this Ordinance" or "this Code." Where reference is made to the Uniform Building Code, it shall mean the Oakland Building Code.

(Ord. 9468 § 2 (part), 1977)

**14.04.040 Section 102 amended.**

The third paragraph of Section 102 is amended to read as follows:

The regulations of this Code are not intended to permit any violation of the provisions of any other lawful City ordinance, or State or Federal law.

(Ord. 9468 § 2 (part), 1977)

**14.04.050 Section 103(c) amended.**

Section 103(c) is changed to read as follows:

Sec. 103(c). Appeals. The Board of Examiners and Appeals created by virtue of Section 204

of the Oakland Building Code shall have the same powers and exercise the same function with respect to the Oakland Sign Code as it presently has and exercises with respect to the Oakland Building Code.

(Ord. 9468 § 2 (part), 1977)

#### **14.04.060    Section 103(d) amended.**

Section 103(d) is changed to read as follows:

#### **SECTION 103(d). VIOLATIONS AND PENALTIES**

a. It shall be unlawful for any person, firm or corporation to construct, locate, electrify, or maintain any sign or sign structure in the City or cause the same to be done contrary to or in violation of any of the provisions of this code.

b. Any person, firm or corporation violating any provisions of this code shall be deemed guilty of an infraction unless otherwise provided in this Code.

c. Each, person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of this code is committed, continued or permitted by such person and shall be punishable accordingly.

d. In addition to the penalties here and above provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be by the City of Oakland summarily abated as such.

e. Any person convicted of an infraction under the provisions of this code shall be punishable upon a first conviction of a fine of not more than \$50.00, and for a second conviction within a period of one year by a fine of not more than \$100.00, and for a third or any subsequent conviction within a one year period by a fine of not

more than \$250.00. Any violation beyond the third conviction within a one year period may be charged by the City Attorney or the District Attorney as a misdemeanor and the penalty for conviction of the same shall be punishable by a fine of not more than \$500.00 or by imprisonment in the county jail for a period of not more than six months or by both.

f. In addition to the punishment provided by law, a violator is liable for such costs, expenses and disbursements paid or incurred by the City or any of its contractors in correction, abatement and prosecution of the violation.

g. Pursuant to section 836.5 of the California Penal Code, the Chief Building Inspector or his authorized representatives are hereby authorized to enforce this Code and arrest violators thereof.

h. The City Manager shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this code in addition to those officers enumerated in subsection g. Officers or employees so designated shall have the authority to arrest persons who violate any of said provisions.

(Ord. 10443 § B, 1984: Ord. 9468 § 2 (part), 1977)

#### **14.04.070    Section 202 amended.**

Section 202 is changed to read as follows:

Sec. 202. ADVERTISING SIGN is any sign, poster, placard, device, graphic display, or any other form of advertising promoting the sale of a commodity which is not sold, produced, conducted, or offered by any activity on the same lot.

(Ord. 12085 § 1, 1998: Ord. 12025 § 2, 1997)

#### **14.04.080    Section 206.1 added.**

Section 206.1 is added to read as follows:

Sec. 206.1. Freeway. The term "Freeway" shall be deemed to mean a highway in respect to which the owners of abutting lands have no right or easement of access to or from their abutting lands or in respect to which such owners have only limited or restricted right or easement of access, and which is declared to be such in compliance with the Streets and Highways Code of the State of California.

(Ord. 9468 § 2 (part), 1977)

#### **14.04.090 Section 207.1 added.**

Section 207.1 is added to read as follows:

Fire-Retardant Treated Wood is lumber or plywood impregnated with chemicals and when tested in accordance with U.B.C. Standard No. 42-1 for a period of 30 minutes, shall have a flame spread of not over 25 and show no evidence of progressive combustion. Materials which may be exposed to the weather shall maintain this fire-retardant classification when tested in accordance with the rain and weathering tests of U.B.C. Standard No. 32-7.

All materials shall bear identification showing the fire performance rating thereof and, if intended for exterior use, shall be further identified to indicate suitability for exposure to the weather. Such identifications shall be issued by an approved agency having a service for inspection of materials at the factory.

(Ord. 9468 § 2 (part), 1977)

#### **14.04.100 Section 212 amended.**

Section 212 is amended to add:

PERSON is any individual, firm, organization, corporation, partnership, cooperative, association, receiver, trustee, assigns, public or private entity, or other legal entity.

PUBLICLY VISIBLE LOCATION is any location that is open to or visible to the public from any street, sidewalk, or other public thoroughfare, and shall include the placement of

outdoor signs such as billboards, signs attached to the sides of buildings, signs attached to poles, posts or other figures, and freestanding signboards on the sidewalk.

(Ord. 12025 § 3, 1997)

#### **14.04.110 Section 215 amended.**

Section 215 is amended to add:

Sec. 215. TOBACCO PRODUCTS are any substance containing tobacco leaf, including but not limited to cigarettes, cigars, pipes, tobacco, snuff, chewing tobacco and dipping tobacco; cigarette papers; or any other instrument or paraphernalia that is designed for the smoking or ingestion of tobacco, products prepared from tobacco, or any controlled substance.

(Ord. 12025 § 4, 1997)

#### **14.04.120 Section 304 amended.**

Section 304 is changed to read as follows:

Sec. 304. Checking Fees and Permit Fees. A checking fee and permit fee for each sign permit shall be paid to the Building Official. Such fees shall be established by the Master Fee Schedule.

A determination of valuation under any of the provisions of this Code shall be made by the Building Official.

Where work for which a permit is required by this Code is started or proceeded with prior to obtaining said permit, the fees established by the Master Fee Schedule shall be doubled, but the payment of such double fee shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

(Ord. 9468 § 2 (part), 1977)

#### **14.04.130 Section 307 added.**

Section 307 is added to read as follows:

Sec. 307. Expiration. Every sign 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 commenced within 120 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 120 days. Before such work can be recommenced, a new permit shall first be obtained so to do and the fee therefor shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided, further, that such suspension or abandonment has not exceeded one year.

(Ord. 9468 § 2 (part), 1977)

**14.04.140 Section 401(c) amended.**

The title and first paragraph of Section 401(e) are changed to read as follows:

Sec. 401(e). Allowable Stresses; Structural Design. Structural design shall conform to the requirements of the Oakland Building Code.  
(Ord. 9468 § 2 (part), 1977)

**14.04.150 Section 402(a) amended.**

Section 402(a) is amended to add:

Lights used for illuminating signs not herein classified as electric signs may extend over the sidewalk for a distance not to exceed four (4) feet beyond the property line, provided such lights are installed with a vertical clearance of at least ten (10) feet above the sidewalk.  
(Ord. 9468 § 2 (part), 1977)

**14.04.160 Section 402(c) amended.**

Section 402(c) is changed to read as follows:

Sec. 402(c). Restrictions on Combustible Materials. All signs and sign structures erected in Fire Zone No. 1 shall have structural members of non-combustible material.

Ground signs may be constructed of any material meeting the requirements of this Code, except as provided above.

Combination signs, roof signs, wall signs more than sixteen (16) square feet, and signs on marquees shall be constructed of noncombustible materials, except as provided in subsection (d) of this Section. No combustible materials other than approved plastics shall be used in the construction of electric signs.

**EXCEPTION:** Use of fire-retardant treated wood or other alternate methods or materials may be substituted for non-combustible materials in non-electric signs only, when approved by Building Official and Fire Marshal.

(Ord. 9468 § 2 (part), 1977)

**14.04.170 Section 403(a) amended.**

Section 403(a) is changed by deletion of the words "and No. 4-C."

(Ord. 9468 § 2 (part), 1977)

**14.04.180 Section 403(d) amended.**

Section 403(d) is changed to read as follows:

Sec. 403(d). Obstruction of Openings. No sign shall obstruct any opening to such an extent that light or ventilation is reduced to a point below that required by any law or ordinance.  
(Ord. 9468 § 2 (part), 1977)

**14.04.190 Section 503(b) amended.**

Section 503(b) is changed to read as follows:

Sec. 503(b). Thickness. The thickness of that portion of a fin sign which projects over public property shall not exceed a maximum of three feet (3 ).

(Ord. 9468 § 2 (part), 1977)

#### **14.04.200 Section 803(b) amended.**

Section 803(b) is changed to read as follows:

Sec. 803(b). Clearance and Access. Roof signs exceeding five feet (5 ) in height shall have vertical clearance above the roof directly beneath not less than five feet (5 ) with vertical supports at least six feet (6 ) apart. No less than fifty percent (50%) of the spaces so defined shall be and remain clear of obstruction. The face of such sign shall be set back at least three feet (3 ) from the inside of the parapet, or wall adjacent thereto, and the ends of the sign shall be not less than one foot (1 ) inside the inside face of the parapet or wall adjacent to such end.

(Ord. 9468 § 2 (part), 1977)

#### **14.04.210 Section 903 amended.**

Section 903 is changed to read as follows:

Sec. 903. No wall sign shall have a projection over public property greater than the distances set forth in Table No. 4-B, except that working platforms for the servicing and maintenance of such signs may extend a distance not to exceed thirty-six (36 ) inches if not less than fourteen feet (14 ) above the sidewalk.

Wall signs not exceeding one-third (1/3) the length of the wall on which attached may extend a maximum of six feet (6 ) above the top of the wall.

(Ord. 9468 § 2 (part), 1977)

#### **14.04.220 Section 1003(b) amended.**

Section 1003(b) is changed to read as follows:

Sec. 1003(b). Thickness. The thickness of a projecting sign shall not exceed three feet (3 ).

(Ord. 9468 § 2 (part), 1977)

#### **14.04.230 Section 1103(b) amended.**

Section 1103(b) is changed to read as follows:

Sec. 1103(b). Thickness. The thickness of that portion of a combination sign which projects over public property shall not exceed a maximum of three feet (3 ).

(Ord. 9468 § 2 (part), 1977)

#### **14.04.240 Table 4-B amended.**

Table 4-B, Projection of signs, is changed to read as follows:

TABLE 4-B - PROJECTION OF SIGNS

CLEARANCE	MAXIMUM PROJECTION
Less than 7	Not permitted
7 to 9	1
9 to 10	2 (Maximum for all wall signs)
Over 10	8

(Ord. 9468 § 2 (part), 1977)

#### **14.04.250 Table 4-C deleted.**

Table 4-C, Thickness of projecting sign, is deleted.

(Ord. 9468 § 2 (part), 1977)

#### **14.04.260 Section 1302 amended.**

Section 1302 is changed to read as follows:

Sec. 1302(a). Construction and Installation. Electric signs shall be constructed and installed in accordance with the requirements of the Electrical Ordinance of the City of Oakland (Chapter 9 of the Oakland Municipal Code) and the rules and regulations prescribed and established pursuant thereto (Electrical Code).

(b). Erector's Name. Every electric sign shall have placed within easy view the following information:

1. Name of sign erector

2. Date of erection
3. Electrical power consumption (in amperes)
4. Lamp complement

Such information shall be in sufficient size and contrast to be readable from a reasonable distance. Failure to provide such information shall be grounds for rejection of the sign by the Building Official.

(Ord. 9468 § 2 (part), 1977)

5. New, relocated or wholly reconstructed advertising signs in the M-40 Heavy Industrial Zone as part of a billboard relocation agreement authorized by the City of Oakland or Oakland Redevelopment Agency prior to November 18, 1997 provided further that the restrictions contained in Ordinance No. 12025 C.M.S., as amended by Ordinance No. 12085 C.M.S., shall apply so that there shall be no increase in the number of billboard faces allowed to promote the sale of Tobacco Products or Alcoholic Beverages, regardless of the location of said billboard faces.

#### **14.04.270 Chapter 15 added.**

Chapter 15 is added to read as follows:

### CHAPTER 15

#### SIGNS ADJACENT TO FREEWAYS

Sec. 1501. Signs Prohibited Adjacent to Freeways. No sign shall be erected, constructed, relocated or maintained in the City of Oakland if such sign is designed to have or has the advertising thereon maintained primarily to be viewed from a freeway, provided that the provisions of this section shall not apply to any sign constructed, painted or maintained on which the advertising is limited to one or all of the following:

1. The name of the person, firm or corporation occupying the premises and the type of business conducted by such person, firm or corporation.
2. The name of the product manufactured on the premises.
3. A sign not exceeding six square feet in area appertaining only to the lease, hire, sale, or display of the building or premises.
4. Time and temperature units.

6. Relocated or wholly reconstructed advertising signs pursuant to a franchise agreement or relocation agreement authorized by the City Council, which expressly allows advertising signs and then only under the terms and conditions of such agreements.

Sec. 1502. Existing Signs Not Conforming to Sec. 1501. Any sign which does not conform to the provisions of Sec. 1501, but which conformed to the rules and regulations in effect at the time of its erection, shall be deemed a nonconforming sign and may exist, except that:

(a) Within three years from the effective date of the rule or regulation rendering such sign illegal; or within three years from the date of a freeway, or portion thereof, is opened to public travel; or, as to any such sign which is being maintained pursuant to the terms of a written lease with a sign company, within the term of said lease or within five years from the vacation or change of occupancy of the premises upon which said sign is located, whichever date shall occur first; all such nonconforming signs shall be removed, or shall be rearranged or relocated so as to eliminate any conflict with the provisions of said section; provided, however, that any existing sign which has been permitted by a variance granted by the City Council, prior to the adoption of these provisions, shall not be required to be so removed, rearranged, or relocated until within three years from the date of

a freeway, or portion thereof, from which such sign is viewed, has been landscaped. For the purposes of this section, a landscaped freeway shall be deemed to mean a section or sections of a freeway which has or have been improved by the planting, on at least one side of the freeway right-of-way, of lawns, trees, shrubs, flowers, or other ornamental vegetation which shall require reasonable maintenance. Planting for the purpose of soil erosion control, traffic safety requirements, reduction of fire hazards, or traffic noise abatement, shall not change the character of a freeway to a landscaped free-way. The Building Official and Director of City Planning and Traffic Engineer shall determine by a majority decision whether any sign is nonconforming as herein provided.

(b) No such nonconforming sign shall be altered, reconstructed, or relocated unless the same when so altered, reconstructed or relocated will not be in conflict with any of the provisions and will conform with all the requirements of Section 1501.

For the purposes of this section only, the terms "altered", "reconstructed" or "maintained" shall not include normal maintenance; changing of the surface sign space, ornamental moulding, pilasters or ornamental features below the base line; or the addition, construction, installation or changing of electrical wiring or electrical devices, backgrounds, letters, figures, characters, or representation in cutout or irregular form.

**Sec. 1503. Signs Constituting Hazard to Freeway Traffic.** No sign constructed, painted or maintained on any building which is permitted by Sections 1501 and 1502 of this Code shall be permitted in any event if it, because of its location, size, nature or type constitutes or tends to constitute a hazard to the safe and efficient operation of vehicles upon a freeway, or creates a condition which endangers the safety of persons or property thereon.

**Sec. 1504. Statement in Application.** Every application for a sign shall contain a statement by the applicant that said sign is not designed to have or has the advertising thereon maintained primarily to be viewed from a freeway, or that if said sign is so designed it falls within one or more of the exceptions provided for in Section 1501.

**Sec. 1505. Consideration of Application by Building Official, Traffic Engineer and Director of City Planning.** Every application for a sign shall be considered by the Building Official, Traffic Engineer and Director of City Planning for the purpose of determining whether or not the proposed sign falls within the prohibitions of Section 1501 or Section 1503. This determination shall be by a majority decision.

**Sec. 1506. Appeal to City Council.** Any person aggrieved by the decision of the Building Official, Traffic Engineer and Director of City Planning made pursuant to the provisions of Sections 1502, 1503 and 1505 may appeal to the City Council. The appeal shall be filed with the City Clerk within ten days from the date of decision. The Clerk shall, with the approval of the Council, set the time and place of hearing, and give notice thereof to all interested parties. The Council shall fully advise itself in the premises and render its decision affirming, modifying, or reversing the determination of the Building Official, Traffic Engineer, and Director of City Planning. The Council's decision shall be final.

(Ord. 12425 § 3, 2002; Ord. 12234 § 5, 2000; Ord. 9468 § 2 (part), 1977)

#### **14.04.280 Chapter 16 added.**

Chapter 16 is added to read as follows:

#### **Chapter 16**

#### **RESTRICTING THE PLACEMENT OF OUTDOOR ADVERTISEMENTS FOR ALCOHOLIC BEVERAGES AND TOBACCO**

## PRODUCTS AND ESTABLISHING ENFORCEMENT PROCESSES

### Purpose

Sec. 1601. The primary purpose of this Section is to promote the general welfare and reduce illegal consumption and purchase of Alcoholic Beverages and Tobacco Products by minors. This is accomplished by limiting the exposure of minors to Publicly Visible Advertisements of Alcoholic Beverages and Tobacco Products.

### Restrictions

Sec. 1602. Outdoor Advertising of Alcoholic Beverages or Tobacco Products. No Person may place any Advertising Sign promoting the sale of Alcoholic Beverages or Tobacco Products in Publicly Visible Locations.

### Exceptions

#### Sec. 1603. Exceptions.

(a) The provisions of Section 1602 shall not apply to:

1. Any sign located on a property designated with one of the following General Plan Land Use categories:

Business Mix

General Industrial/Transportation

Mixed Use Waterfront/Estuary Plan Area

Regional Commercial

And that portion of the Central Business District, bound by Castro Street, 11th Street, Franklin Street, 13th Street, Harrison Street, Grand Avenue, Telegraph Avenue, Broadway, 14th Street to Castro Street.

Except that no alcohol or tobacco Advertising Sign in these areas shall face into other adjoining land use designations and that no alcohol or tobacco Advertising Sign shall be placed within

1,000 ft. of schools, City-owned youth recreation centers, licensed child care facilities, places of worship, and Raimondi Field.

2. The placement of Signs: (a) inside premises that lawfully sell Alcoholic Beverages or Tobacco Products, including without limitation, any neon or electrically charged Sign that is provided as part of a promotion of a particular brand of product; (b) on commercial vehicles used for transporting Alcoholic Beverages or Tobacco Products; or (c) in conjunction with a one-day Alcoholic Beverage sales license or temporary license issued by the California Department of Alcoholic Beverage Control;

3. Any Sign that contains the name or slogan of a business that sells Alcoholic Beverages or Tobacco Products that has been placed for the purpose of identifying the business;

4. Any Advertising Sign that does not refer to a specific brand of Alcoholic Beverages or Tobacco Products;

5. Any Advertising Sign on a taxicab;

6. Any Advertising Sign adjacent to and facing an interstate highway.

(b) This section shall not be construed to permit any Advertising Sign that is otherwise restricted or prohibited by law.

### Public Service Advertising

Sec. 1604. Construction. This Chapter shall be construed to apply only to Commercial Speech.

Sec. 1605. Administrative Enforcement. Any person who violates, disobeys, omits, neglects, refuses to comply with, or resists the enforcement of any of the provisions of this ordinance shall be subject to procedures contained in the Municipal Code Chapter 1.08; Chapter 1.12; and Chapter 1.16.

**Sec. 1606. Administrative Penalties.** When an Authorized Enforcement Official finds that a violation of this Chapter has taken place or is likely to take place, the Enforcement Official may assess: a) civil penalties pursuant to the standards and procedures established in Chapter 1.08 of the Oakland Municipal Code; b) administrative citations pursuant to the standards and procedures established in Chapter 1.12 of the Oakland Municipal Code; and/or c) property use limitations pursuant to the standards and procedures established in Chapter 1.16 of the Oakland Municipal Code; and any amendments or revisions thereto.



**Sec. 1610. Civil Actions.** In addition to other remedies provided in this Chapter, any violation of this Chapter may be enforced by a civil action brought by the City. In such action, the City may seek, and the Court shall grant, as appropriate, any or all of the following remedies:

- a) A temporary and/or permanent injunction;
- b) Assessment of the violator for costs of any investigation, inspection, or monitoring survey which led to the establishment of the violation, and for reasonable costs of preparing and bringing legal action under this subsection, including but not limited to attorney compensation;
- c) Costs incurred in removing, correcting, or terminating the adverse effects resulting from the violation.

**Sec. 1611. Continuing Violation.** Unless otherwise provided, a person shall be deemed guilty of a separate offense for each and every day during any portion of which a violation of this Chapter is committed, continued or permitted by the person and shall be punishable accordingly as herein provided.

**Sec. 1612. Concealment.** Causing, permitting, aiding, abetting or concealing a violation of any provision of this Chapter shall constitute a violation of such provision.

#### Reinspection Fees

**Sec. 1613. Reinspection Fees.** Whenever an Authorized Enforcement Official determines that upon reinspection of the premises there has been a failure to comply with any orders, notices or directions of the City, the Enforcement Official may charge a reinspection fee.

#### Remedies Not Exclusive

**Sec. 1614. Remedies Not Exclusive.** Remedies under this Chapter are in addition to and do not supersede or limit any and all other remedies, civil or criminal. The remedies provided for herein shall be cumulative and not exclusive. The Enforcement Official shall have the discretion to select a particular remedy to further the purposes and intent of the Chapter, depending on the particular circumstances. The Enforcement Official's decision to select a particular remedy is not subject to appeal.

#### Joint and Several Liability

**Sec. 1615. Joint and Several Liability.** The property owner and the Advertising Sign owner/operator shall be jointly and severally liable for violations of this Chapter.

#### Disclaimers

**Sec. 1616. Disclaimers.** By prohibiting the advertising or promotion of alcoholic beverages and tobacco products in outdoor or publicly visible locations, the City of Oakland is assuming an undertaking only to promote the general welfare by discouraging and reducing the illegal purchase and consumption of alcoholic beverages and tobacco products to minors. It is not assuming, nor is it imposing on its officers and employees, an obligation for breach of which it is liable in money damages to any person who claims that such breach proximately caused injury.

#### Severability and Validity

**Sec. 1617. Severability and Validity.** If any portion of this Chapter or the application thereof to any person or circumstances is declared invalid or unenforceable by a court of competent jurisdiction, the remaining portions of this Chapter and the application of such portions to other persons or circumstances are to be considered

valid. To this end, the provisions of this Chapter are severable.

(Ord. 12085 §§ 2 — 4, 1998; Ord. 12025 § 5, 1997)

**14.04.290 Violations and penalties.**

A. It is unlawful for any person, firm or corporation to construct, locate, electrify, or maintain any sign or sign structure in the city or cause the same to be done contrary to or in violation of any of the provisions of this code.

B. Any person, firm or corporation violating any provisions of this code shall be deemed guilty of an infraction unless otherwise provided in this code.

C. Each, person, firm or corporation shall be guilty of a separate offense for each and every day during any portion of which any violation of any of any provision of this code is committed, continued or permitted by such person and shall be punishable accordingly.

D. In addition to the penalties here and above provided, any condition caused or permitted to exist in violation of any of the provisions of this code shall be deemed a public nuisance and may be by the city of Oakland summarily abated as such.

E. Any person convicted of an infraction under the provision of the code shall be punishable upon a first conviction by a fine of not more than one hundred dollars (\$100.00) and, for a second conviction within a period of one year, by a fine of not more than two hundred dollars (\$200.00) and, for a third or any subsequent conviction within a one-year period, by a fine of not more than five hundred dollars (\$500.00). Any violation beyond the third conviction within a one-year period may be charged by the City Attorney or the District Attorney as a misdemeanor and the penalty for conviction of the same shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the County Jail for a period of not more than six months or by both.

F. In addition to the punishment provided by law, a violator is liable for such costs, expenses and disbursements paid or incurred by the city or any of its contractors in correction, abatement and prosecution of the violation.

G. Pursuant to section 836.5 of the California Penal Code, the Chief Building Inspector or his authorized representatives are authorized to enforce this Code and arrest violators thereof.

H. The City Manager shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this code in addition to those officers enumerated in subsection G of this section. Officers or employees so designated shall have the authority to arrest persons who violate any of the provisions. (Ord. 11002 § 1, 1988; Ord. 10443 (part), 1984: 9468 § 5, 1977)

## Title 15

### BUILDINGS AND CONSTRUCTION

#### Chapters:

- 15.04      Oakland Amendments to the California Building, Electrical, Mechanical, and Plumbing Codes**
- 15.08      Oakland Building Maintenance Code**
- 15.10      Public Notice of City of Oakland's Intent to Construct or Install New Public Safety-Related Telecommunications Facilities on City-Owned Property**
- 15.12      Oakland Fire Code**
- 15.16      Fire-Damaged Area Protection and Improvement Regulations**
- 15.18      Fire Suppression, Prevention, And Preparedness Districts**
- 15.20      Geologic Reports**
- 15.24      Earthquake-Damaged Structures**
- 15.26      Mandatory Seismic Screening of Multiple Story Residential Buildings**
- 15.28      Unreinforced Masonry Buildings**
- 15.30      Voluntary Seismic Strengthening for Residential Buildings**
- 15.32      Dangerous Buildings and Structures**
- 15.34      Construction and Demolition Debris Waste Reduction and Recycling Requirements**
- 15.35      Green Building Requirements for City Building Projects and Traditional Public Works Projects**
- 15.36      Demolition Permits**
- 15.40      Building Numbers**
- 15.44      Moving Buildings**
- 15.48      Setback Lines**
- 15.52      Views**
- 15.56      Houseboats**
- 15.60      Code Enforcement Relocation Program**

- 15.64 Bedroom Window Security Bar and  
Smoke Detector Permit Requirements**
- 15.68 Jobs/Housing Impact Fee and Affordable  
Housing Trust Fund**

## **Chapter 15.04**

### **OAKLAND AMENDMENTS TO THE CALIFORNIA BUILDING, ELECTRICAL, MECHANICAL, AND PLUMBING CODES\*** Sections:

#### **Article I General Administrative Amendments**

- 15.04.005 Title.**
- 15.04.010 Scope.**
- 15.04.015 General Standards.**
- 15.04.020 Effect of Adoption and Repeals.**
- 15.04.025 Appeal.**
- 15.04.030 Violations.**
- 15.04.035 Application For Permit.**
- 15.04.040 Information on Submittals.**
- 15.04.045 Signing and Sealing of Plans and Other Submittal Documents.**
- 15.04.050 Persons Who May Prepare Plans.**
- 15.04.055 Expiration or Extension of Issued Permit.**
- 15.04.060 Suspension or Revocation of Issued Permit.**
- 15.04.065 Fees.**
- 15.04.070 Sanitary Accommodations for Construction Workers.**
- 15.04.075 Definitions.**
- 15.04.080 Powers and Duties of the Building Official.**

## **Article II**

### **Administrative Amendments**

#### **Part 1**

##### **Administrative Amendments to the California Building Code**

- 15.04.100 Reference to Article I.**
- 15.04.102 CBC Appendix Chapter 1 adopted.**
- 15.04.104 Section 101.2 of CBC Appendix Chapter 1 amended.**
- 15.04.106 Section 102.1 of CBC Appendix Chapter 1 deleted and replaced.**
- 15.04.108 Section 102.2 of CBC Appendix Chapter 1 deleted and replaced.**
- 15.04.110 Section 103 of CBC Appendix Chapter 1 deleted.**
- 15.04.112 Section 104 of CBC Appendix Chapter 1 deleted and replaced.**
- 15.04.114 Section 105.1 of CBC Appendix Chapter 1 amended.**
- 15.04.116 Section 105.2 of CBC Appendix Chapter 1 amended.**
- 15.04.118 Section 105.3, subparagraph 8 of CBC Appendix Chapter 1 added.**
- 15.04.120 Section 105.3, subparagraph 9 of CBC Appendix Chapter 1 added.**
- 15.04.122 Section 105.3.1 of CBC Appendix Chapter 1 deleted and replaced.**
- 15.04.124 Section 105.3.2 of CBC Appendix Chapter 1 amended.**
- 15.04.126 Section 105.5 of CBC Appendix Chapter 1 deleted and replaced.**
- 15.04.128 Section 105.6 of CBC Appendix Chapter 1 deleted and replaced.**
- 15.04.130 Section 105.7 of CBC Appendix Chapter 1 amended.**
- 15.04.132 Section 106.1, subsection 106.1.4, of CBC Appendix Chapter 1 added.**

\*Editor's note—Ord. No. 13047, §§ 1—3, passed November 9, 2010, amended the Code by repealing former Ch. 15.04, §§ 15.04.005—15.04.990, and adding a new Ch. 15.04. Former Ch. 15.04 pertained to the 2007 amendments to the various building codes, and derived from Ord. 12843 of 2007.

- 15.04.134** Section 106.1, subsection 106.1.5, of CBC Appendix Chapter 1 added.
- 15.04.136** Section 106.3.3 of CBC Appendix Chapter 1 deleted.
- 15.04.138** CBC Section 106.1 amended.
- 15.04.140** CBC Section 106.2 deleted and replaced.
- 15.04.142** Section 108.1 of CBC Appendix Chapter 1 deleted and replaced.
- 15.04.144** Section 108.4 of CBC Appendix Chapter 1 amended.
- 15.04.146** Section 108.5 of CBC Appendix Chapter 1 amended.
- 15.04.148** Section 108.6 of CBC Appendix Chapter 1 deleted.
- 15.04.150** Section 109.3.8 of CBC Appendix Chapter 1 deleted and replaced.
- 15.04.152** Section 109.3 of CBC Appendix Chapter 1 amended.
- 15.04.154** Section 109.6 of CBC Appendix Chapter 1 amended.
- 15.04.156** Section 112 of CBC Appendix Chapter 1 deleted and replaced.
- 15.04.158** CBC Section 108.8 deleted.

## Part 2

### Administrative Amendments to the California Electrical Code

- 15.04.200** Reference to Article I.
- 15.04.205** Title.
- 15.04.210** Purpose.
- 15.04.215** Scope.
- 15.04.220** Existing Electrical Systems.
- 15.04.225** Alternate Materials and Methods of Construction.
- 15.04.230** Modifications.
- 15.04.235** Tests.
- 15.04.240** Powers and Duties of the Building Official.

- 15.04.245** General standards, appeals, violations.
- 15.04.250** Application for Permit.
- 15.04.255** Submittals.
- 15.04.260** Permit Issuance.
- 15.04.265** Expiration of permit application or issued permit.
- 15.04.270** Inspections.
- 15.04.275** Connection Approval.
- 15.04.280** Definitions.
- 15.04.285** Safety.

## Part 3

### Administrative Amendments to the California Mechanical Code

- 15.04.300** Reference to Article I.
- 15.04.305** CMC Section 101 amended.
- 15.04.310** CMC Section 104.1 amended.
- 15.04.315** CMC Section 109 deleted and replaced.
- 15.04.320** CMC Section 110.1 deleted and replaced.
- 15.04.325** CMC Section 111 deleted and replaced.
- 15.04.330** CMC Section 113 amended.
- 15.04.335** CMC Section 114 amended.
- 15.04.337** CMC Section 115 amended.
- 15.04.340** CMC Section 116 amended.
- 15.04.345** CMC Table No. 1-A deleted.

## Part 4

### Administrative Amendments to the California Plumbing Code

- 15.04.400** Reference to Article I.
- 15.04.405** CPC Section 101 amended.
- 15.04.410** CPC Section 102 amended.
- 15.04.415** CPC Section 103 amended.
- 15.04.420** CPC Section 202.0 deleted and replaced.
- 15.04.425** CPC Section 301.1 amended.

**15.04.430 CPC Section 301.2 amended.**  
**15.04.435 CPC Section 301.4.5 amended.**  
**15.04.440 CPC Section 316.2.2 amended.**

#### **Part 5**

##### **Administrative Amendments to the Uniform Swimming Pool, Spa, and Hot Tub Code**

**15.04.500 Reference to Article I.**  
**15.04.505 USP Section 1.3 amended.**  
**15.04.510 USP Section 1.7 deleted and replaced.**  
**15.04.515 USP Section 1.10 amended.**  
**15.04.520 USP Section 1.11 deleted and replaced.**  
**15.04.525 USP Section 1.15 deleted and replaced.**  
**15.04.530 USP Section 1.18 deleted and replaced—Section 1.19 added.**  
**15.04.535 USP Section 102 amended.**  
**15.04.540 USP Section 310 deleted and replaced.**

#### **Part 6**

##### **Administrative Amendments to the California Residential Code**

**15.04.570 Reference to Article I.**

#### **Part 7**

##### **Administrative Amendments to the California Energy Code**

**15.04.580 Reference to Article I.**

#### **Part 8**

##### **Administrative Amendments to the California Green Building Standards Code**

**15.04.590 Reference to Article I.**

#### **Article III**

##### **Non-Administrative (Technical) Amendments**

#### **Part 1**

#### **California Building Code**

**15.04.600 CBC Section 105.2 amended.**  
**15.04.601 CBC Section 310.1 amended.**  
**15.04.602 CBC Section 406.1.4 amended.**  
**15.04.603 CBC Section 419 deleted and replaced.**  
**15.04.604 CBC Section 501.2 amended.**  
**15.04.605 CBC Section 506.4 amended.**  
**15.04.606 CBC Section 507 amended.**  
**15.04.607 CBC Section 602.1 amended.**  
**15.04.608 CBC Section 602.2 amended.**  
**15.04.609 CBC Section 501.2 amended.**  
**15.04.610 CBC Section 602.4 amended.**  
**15.04.612 CBC Section 602.5 amended.**  
**15.04.614 CBC Section 702 amended.**  
**15.04.616 CBC Section 704.6 amended.**  
**15.04.618 CBC Section 708.3 amended.**  
**15.04.622 CBC Section 716.5.3 amended.**  
**15.04.624 CBC Section 701A.3.1 amended.**  
**15.04.626 CBC Chapter 7B added.**  
**15.04.628 CBC Section 1008.1.1 amended.**  
**15.04.630 CBC Section 1008.1.1 amended.**  
**15.04.632 CBC Section 1013 amended.**  
**15.04.636 CBC Section 1027.6 amended.**  
**15.04.638 CBC Section 1029.5.2 amended.**  
**15.04.640 CBC Section 1203.4.1 amended.**  
**15.04.642 CBC Section 1505.1 amended.**  
**15.04.646 CBC Chapter 16B amended.**  
**15.04.648 CBC Section 1704.1 amended.**  
**15.04.649 CBC Section 1704.4 amended.**  
**15.04.650 CBC Section 1704.8 amended.**  
**15.04.651 CBC Section 1704.9 amended.**  
**15.04.652 CBC Section 1805.2.1 amended.**  
**15.04.653 CBC Sections 1807.1.3 and 1807.1.4 deleted.**  
**15.04.654 CBC Section 1807.1.6.1 amended.**

15.04.655 CBC Section 1809.3 amended.  
15.04.656 CBC Sections 1809.8, 1809.9.2, 1809.11, and 1809.12 deleted.  
15.04.658 CBC Section 1805.5 amended.  
15.04.660 Chapter 18B added.  
15.04.662 CBC Section 1908.1.8 amended.  
15.04.664 CBC Section 1909.2 amended.  
15.04.666 CBC Section 1909.4 amended.  
15.04.668 CBC Section 1909.6 deleted.  
15.04.669 CBC Section 2304.7.1 amended.  
15.04.670 CBC Section 2304.7.2 amended.  
15.04.671 CBC Section 2304.9.5.2 deleted.  
15.04.672 Item 5 added.  
15.04.673 CBC Section 2306.4 amended.  
15.04.674 CBC Section 2308.3.3 amended.  
15.04.676 CBC Section 2308.6 amended.  
15.04.677 CBC Section 2406.3 amended.  
15.04.678 CBC Section 2509.3 amended.  
15.04.679 CBC Section 3201.4 deleted and replaced.  
15.04.680 CBC Section 3305.1 amended.  
15.04.681 CBC Section 3307.1 amended.  
15.04.682 CBC Section 3401.2 amended.  
15.04.683 CBC Section 3401.4.3 amended.  
15.04.684 CBC Section 3403.1.1 amended.  
15.04.685 CBC Section 3404.1 amended.  
15.04.686 CBC Section 3404.1.1 amended.  
15.04.687 CBC Section 3405.1.2 amended.  
15.04.688 CBC Section 3406 amended.  
15.04.689 CBC Section 3408.1 amended.  
15.04.690 CBC Sections 3408.3 and 3412 deleted.  
15.04.691 CBC Section 3408.4 amended.  
15.04.692 CBC Section 3411.4.1 deleted and replaced.  
15.04.693 CBC Section 3411.4.2 deleted and replaced.  
15.04.694 CBC Section 3411.5 amended.

15.04.695 CBC Sections 3411.6, 3411.7, 3411.8, and 3411.9 deleted.

15.04.696 CBC Appendix I adopted.

15.04.697 Chapter 3B added.

## Part 2

### California Electrical Code

15.04.700 CEC Article 210.8 amended.

15.04.705 CEC Article 210.11 amended.

15.04.710 CEC Article 210.12 amended.

15.04.715 CEC Article 230.26 amended.

15.04.720 CEC Article 230.28 amended.

15.04.725 CEC Article 230.43 deleted and replaced.

15.04.730 CEC Article 230.44 deleted.

15.04.735 CEC Article 300.11 amended.

15.04.740 CEC Article 334.15 amended.

15.04.745 CEC Article 334.23 deleted and replaced.

15.04.750 CEC Article 358.12 amended.

15.04.755 CEC Article 410.16 amended.

15.04.760 CEC Article 600.1 amended.

15.04.765 CEC Article 695.13 amended.

15.04.770 CEC Article 760.1 amended.

15.04.775 CEC Article \_\_\_\_\_ amended.

## Part 3

### California Mechanical Code

15.04.800 Adopts CMC Appendix A.

15.04.805 Adopts CMC Appendix B, Chapters 10, 12, 14 and 15.

15.04.810 CMC 504.3.2.1 amended.

15.04.815 CMC 507.1.5—507.1.7, 510.8.3 and 516 deleted.

15.04.820 CMC 802.6.3 amended.

15.04.825 CMC 802.6.4 amended.

15.04.830 CMC 510.8.3 deleted.

## Part 4

- California Plumbing Code**
- 15.04.900 CPC 505.1.1 amended.
  - 15.04.905 CPC 505.5 amended.
  - 15.04.910 CPC 510.6.4 amended.
  - 15.04.915 CPC 510.10.3 amended.
  - 15.04.920 CPC 701.1.2 deleted and replaced.
  - 15.04.925 CPC 713 deleted and replaced.
  - 15.04.930 CPC 901.2, 908.2, and 911.0 deleted.
  - 15.04.935 CPC 1013 amended.
  - 15.04.940 CPC 1211.3.2 amended.
  - 15.04.945 CPC 1214.3 amended.
  - 15.04.950 CPC 1214.3.2 deleted and replaced.
  - 15.04.955 CPC 1214.3.3 amended.
  - 15.04.960 Adopts CPC Appendix A.
  - 15.04.965 Adopts CPC Appendix B.
  - 15.04.970 Adopts CPC Appendix D.
  - 15.04.975 CPC Appendix D amended.
  - 15.04.980 Adopts CPC Appendix E.
  - 15.04.985 Adopts CPC Appendix H.
  - 15.04.990 Adopts CPC Appendix IAPMO Installation Standards.
- 15.04.1050** Section R401.1, first paragraph, amended.
- 15.04.1060** Section R401.1, second paragraph, deleted.
- 15.04.1065** Section R402.1 deleted.
- 15.04.1070** Section R403.1 amended.
- 15.04.1075** Section R403.1.1 amended.
- 15.04.1080** Section R403.1.3 amended.
- 15.04.1085** Section R403.1.3.1 amended.
- 15.04.1090** Section R403.1.6, second paragraph, first sentence amended.
- 15.04.1095** Section R403.1.6, second paragraph, second sentence amended.
- 15.04.1100** Section R403.1.6.1 amended.
- 15.04.1115** Sections R403.2 and R403.4.1 deleted.
- 15.04.1116** Section R404.1.1.1 and Table R404.1.1(1) amended.
- 15.04.1120** Section R404.1.4.1 amended.
- 15.04.1125** Section R404.1.4.2 amended.
- 15.04.1130** Section R404.1.4.2 amended.
- 15.04.1135** Section R404.1.5.1 amended.
- 15.04.1140** Section R404.1.5.2 amended.
- 15.04.1145** Section R404.2 and Table R404.2.3 deleted.
- 15.04.1150** Section R405.2 deleted.
- 15.04.1155** Section R406.3 deleted.
- 15.04.1160** Section R408.3, item 1, amended.
- 15.04.1165** Section R606.2.4 amended.
- 15.04.1170** Section R702.3.7 amended.
- 15.04.1175** Section R702.4.2 deleted.
- 15.04.1180** Section R702.4.2 added.
- 15.04.1185** Section R802.3 amended.

## Part 5

### California Residential Code

- 15.04.1005 Section R301.1.3 amended.
- 15.04.1006 Section R302.1 amended.
- 15.04.1010 Section R302.5.1 amended.
- 15.04.1015 Section R302.7 amended.
- 15.04.1020 Section R303.1, exception 2 deleted.
- 15.04.1025 Section R303.1 amended.
- 15.04.1030 Section R303.1 amended.
- 15.04.1035 Section R308.4 amended.
- 15.04.1040 Section R311.2 amended.
- 15.04.1045 Section R311.3.2 amended.

## Part 6

### California Green Building Standards Code

- 15.04.1200 Prevailing provisions.

**Article I****General Administrative Amendments****15.04.005 Title.**

This chapter of the Oakland Municipal Code shall be known as the "Oakland Amendments Of The Current Editions Of The California Building Standards Codes, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 6 (Energy), and Part 11 (Green Building Standards)," may be cited as such, and will be referred to herein as "this chapter," "this Code," or the "Oakland Building Construction Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.010 Scope.**

Where any section of a model code recited herein is amended by this chapter, all provisions of the original section not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto. Where provisions set forth herein conflict with the provisions of Title 24 of the California Code of Regulations. Parts 2, 2.5, 3, 4, 5, 6, and 11, the enforcement of which by local jurisdictions is provided for in the Matrix Adoption Appendix, the provisions of the California Amendments shall prevail and control.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.015 General Standards.**

A. Hazards. All materials, assemblies, appliances, fixtures, equipment, and installations thereof; all arrangements of occupancies, exits, aisles, stairs, and doors; all parapet walls, cornices, spires, towers, tanks, statuary, signage, structural members, appendages, and appurtenances thereto in buildings and structures regulated by this Code shall be so arranged, assembled, installed, maintained and of sufficient size and so protected as to reduce and minimize all egress, fire, safety, and health hazards.

B. Quality. The quality of all materials, assemblies, appliances, fixtures, and equipment; methods of connection, assembly, and installation; allowable stress, strain, deflection, rate and volume and velocity of flow, pressure, temperature, and ampacity; and assumed loads and capacities to be used in the design and construction of all buildings and structures, plumbing and mechanical installations, and electrical systems shall be consistent with requirements of this Code and nationally recognized standards of quality and generally recognized and well-established methods of testing, design, installation, and construction. Testing, listing, and affixed labeling shall be *prima facie* evidence of conformity with approved standards for safety to life and limb, property, and public welfare.

C. Compliance. Failure to comply with any of the provisions of this Code, including failure to provide, obtain or maintain valid permits, certifications, tests, listings, affixed labeling, inspection approvals, or other conditions of permit; failure to repair, demolish, remove, or rehabilitate unsafe materials, appliances, fixtures, or equipment; or failure to prevent, restrain, correct, or abate conditions unsafe or hazardous for egress or fire protection or health due to inadequate maintenance, excess loading, dilapidation, or abandonment shall be and is declared to be *prima facie* evidence of an existing and continuing hazard to life or limb, property or public welfare.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.020 Effect of Adoption and Repeals.**

A. Other Codes and Ordinances. Unless expressly stated herein, this chapter is not intended to amend, repeal, or supersede provisions of any other codes, regulations or ordinances, including, but not limited to, the demolition ordinance, earthquake damage abatement ordinance, dangerous building ordinance, creek protection ordinance, foreclosed and vacant residential building ordinance, Planning Code, Building Maintenance Code, or Fire Code.

B. Conflict. In any specific section or case where there is a conflict within or between or among

provisions, the most restrictive that prescribes and establishes the higher standard of safety or public benefit shall prevail and control and where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

**C. Validity.** Neither the adoption of this Code nor the repeal by the ordinance codified in this chapter of any city ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof or be construed as a waiver of any license or penalty at said effective date due and unpaid under such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violations hereof.

Provided further, neither the adoption of this Code nor the repeal by the ordinance codified in this chapter of any City ordinance shall in any manner affect the validity of an interlocutory or final action heretofore taken by the Hearing Examiner, or the validity of any such action to be taken upon matters pending before the Hearing Examiner at the time of the adoption of the ordinance codified in this chapter, and that the provisions of this Code, insofar as they are substantially the same as existing provisions relating to the same subject matter, shall be construed as restatement and continuation thereof, and not as new enactment.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.025 Appeal.**

**A. General.** In order to hear and decide appeals of orders, decisions, or determinations made by the Building Official relative to the application and interpretation of the non-administrative (technical) requirements of this Code, the property owner may request an administrative hearing with a Hearing Examiner. The request shall be filed in writing with the Building Official and shall be accompanied with a fee as established in the Mas-

ter Fee Schedule. The request for an administrative hearing shall contain the following information:

1. A brief statement setting forth the legal interest of the party or parties in the real property identified in the order, decision or determination made by the Building Official; and
2. A brief statement in ordinary and concise language of that (those) specific order(s), decision(s) or determination(s) protested; and
3. A brief statement in ordinary and concise language contending that issuance of the order, decision or determination was a result of error or abuse of discretion together with any material facts claimed to support such contention; and
4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order, decision or determination should be reversed, modified, or otherwise set aside; and
5. The signature of the property owner, and his or her mailing address; and
6. The verification (by declaration under penalty of perjury) of at least one person requesting a hearing as to the truth of the matters stated in the request for hearing; and

The written request for an administrative hearing with the accompanying fee shall be received by the Building Official within 14 calendar days from the date of the service of such order, decision or determination of the Building Official.

**B. Scheduling and Noticing.** As soon as practicable after receiving the request for administrative hearing, the Building Official shall fix a date, time and place for the administrative hearing. Written notice of the time and place of the hearing shall be given to the appellant at least seven calendar days prior to the date of the hearing.

The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

**C. Scope of Hearing.** Only those technical matters or issues specifically raised by the appellant in the Request for Administrative Hearing shall be considered in the administrative hearing.

**D. Hearing Examiner.** The Hearing Examiner shall not be an employee of the City of Oakland and shall be qualified by experience and training to pass on building construction and other matters pertaining to this Code.

**E. Limitations of Authority.** The Hearing Examiner shall have no authority relative to interpretations of the administrative provisions of this Code and shall not be empowered to waive or otherwise set aside the non-administrative (technical) requirements of this Code.

**F. Effect of Hearing.** Decisions of the Hearing Examiner in all instances shall be final and conclusive.

**G. Review of Administrative Determination.** The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of administrative determinations made by the Building Official or the Hearing Examiner.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.030 Violations.**

**A. Scope.** It is unlawful for any person, group of persons, firm, partnership, company, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert or demolish, equip, use, occupy or maintain any building or structure, or plumbing, mechanical, or electrical system, component, or equipment in the City or cause the same to be done contrary to or in violation of any of the provisions of this Code or other relevant ordinance, rule, or regulation.

**B. Remuneration.** In addition to the penalties provided by law, a violator shall be liable for such costs, expenses, disbursements, and attorneys' fees paid or incurred by the City or any of its officials, officers, representatives, employees, agents, volunteers, vendors, or third-party contractors in the correction, abatement and prosecution of the violation.

Such fees, costs, penalties, and accruing interest shall be as established in the Master Fee Schedule of the City of Oakland and may be recovered by all appropriate legal means, including but not limited to nuisance abatement lien, prospective lien and special assessment of the general tax levy, priority lien and special assessment of the general tax levy, or civil and small claims court action brought by the City of Oakland, and combinations of such actions.

The City may recover from the property owner all costs incurred for processing and recording of such liens and special assessments authorized by this Code and for providing notice to the property owner as part of its foreclosure action or for other actions to enforce such liens and special assessments and to recover costs incurred, including attorneys' fees.

Said procedures shall be as established in section 15.08.130 of the Oakland Municipal Code.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.035 Application For Permit.**

Every permit and application for a permit shall contain the information required by California Health and Safety Code, Division 13, Part 3, Chapter 9, Section 19825.

**A. Agreement.** Every permit shall also contain an agreement as follows which shall be executed by the permit holder as a condition of issuance:

"I hereby agree to save, defend, indemnify and keep harmless the City of Oakland and its officials, officers, employees, representatives, agents, and volunteers from all actions, claims, demands, litigation, or proceedings, including those for attorneys' fees, against the City in consequence of the granting of this permit or from the use or occupancy of the public right-of-way, public easement, or any sidewalk, street or sub-sidewalk or otherwise by virtue thereof, and will in all things strictly comply with the conditions under which this permit is granted I further certify that I am the owner of the property involved in this permit or that I am fully

authorized by the owner to access the property and perform the work authorized by this permit."

**B. Contact Information.** In addition to the information required by California Health and Safety Code Division 13, Part 3, Chapter 9, Section 19825 for architects and engineers, every permit shall contain the telephone numbers for any such persons, firms or designers responsible for the work proposed under the permit or application.

**C. Electronic Submittals.** In the case of electronic submittals, signatures shall be provided as required and allowed by current California law.

**D. Peer Review.** A peer review may be required by law or other regulation. A peer review may also be required by the Building Official for the design of any element for a project requiring a permit that is based on a design methodology which is not addressed within this Code or that requires review by a registered design professional not employed by the City. The peer review shall be performed in a form and manner as directed by the Building Official. When a peer review is required, the applicant shall bear all costs associated with the peer review.

**E. Dust Control.** A statement that dust will not be generated by the work under the permit shall be placed on the permit application, if applicable. If dust will be generated by the work under the permit, then dust control measures will be required. Dust control measures shall be based on "Best Management Practices" as developed by the City Engineer or any other appropriate reference approved by the Building Official and shall be used throughout all phases of construction. This includes measures during suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City or regional air pollution control rules, regulations, ordinances, or statutes. Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall

also be abated by cleaning, vacuuming, sweeping or other means as necessary. A Dust Control Plan may be required as a condition of permit issuance or at other times as necessary to assure compliance with this section.

Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

**F. Expiration or Extension of Permit Application.** Every permit application shall expire by limitation and become null and void whenever the proposed work authorized by such permit does not receive approval for issuance or the applicant does not obtain such permit within 180 calendar days following the filing date of such permit application.

The Building Official may extend the total time for the applicant to obtain such approval or such permit for not more than one additional period of 180 calendar days (one year total time) upon payment of fees prescribed in the Master Fee Schedule and submittal before said expiration of a written request by the applicant demonstrating that circumstances beyond the applicant's control have prevented approval of or obtaining of such permit. In order to renew action on an expired permit application, the applicant shall file a new permit application, submit new plans, calculations, and required documents, and pay new fees as prescribed in the Master Fee Schedule  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.040      Information on Submittals.**

**A. Required.** When the Building Official determines that plans, diagrams, specifications, calculations, computations, reports, and other relevant data are necessary, the documents shall be submitted with the permit application for review and shall detail clearly the nature and extent of the work proposed and how it will conform to the provisions of this Code and all other relevant laws, ordinances, rules and regulations. All documents

submitted for review shall identify the building number or County Assessor's parcel number and the street name of the work and the names and addresses of the property owner and person or firm who prepared them. All conditions of approval pursuant to the Planning Code shall be shown on the plans or otherwise submitted with the permit application.

B. Content. Unless otherwise approved by the Building Official, plans shall be drawn to a minimum scale of one-fourth inch to one foot upon substantial paper or polyester based film (mylar) and shall include a floor plan and a plot plan containing the following information as a minimum:

1. Location and perimeter dimensions of the proposed and existing buildings or additions and other pertinent structures, including orthogonal measurements from property lines and between structures and elevations of finished grade, floors, and slabs; and
2. Proposed and existing site improvements, including drainage facilities, utilities, public and private easements, grading, and paving; and
3. Proposed and existing off-street parking and loading facilities, including parking stall size, angle of parking aisle width, interior circulation, and driveway elevations and proposed gradients; and
4. Location and perimeter dimensions of ground level usable open space as required by the Planning Code; and
5. Location and size of existing and proposed trees and other landscaping and screening as required by City tree ordinances and regulations and other land use provisions; and
6. Addresses of contiguous properties; and
7. Locations, types, and dimensions of foundations, framing, windows, doors, finishes, adjoining rooms and uses, fire assemblies and dampers, fixtures, appliances, equipment, and distribution systems to the extent necessary for verification of compliance with all applicable regulations.

C. Specifications. In lieu of detailed specifications, the Building Official may approve references

on the plans to a specific section or part of this Code or other laws, ordinances, rules, or regulations.

D. Supplemental Documents. Calculations, testing reports, certifications, computations, conditions of approval, conditions of compliance and other data sufficient to demonstrate the correctness of the plans shall be submitted with the permit application and when otherwise required by the Building Official.

E. Drawings. Plans shall detail clearly how required structural and fire-resistive integrity will be maintained where penetrations are made for electrical, mechanical, plumbing, fire extinguishing, or communications conduits, pipes, ducts, vents, supports and similar components or systems.

F. Dust Control Measures. A statement that dust will not be generated by the work under the permit shall be placed on the plans, if applicable. If dust will be generated by the work under the permit, then dust control measures shall be required and indicated on the plans. Dust control measures shall be based on "Best Management Practices" as developed by the City Engineer or other reference approved by the Building Official and shall be used throughout all phases of construction. This includes measures during suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City of Oakland or regional air pollution control rules, regulations, ordinances, or statutes. Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning, vacuuming, sweeping or other means as necessary.

Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.045 Signing and Sealing of Plans and Other Submittal Documents.**

A. General. Plans and other submittal documents when submitted with a permit application shall be certified pursuant to this section. If any requirement of this section is contrary to state law, the state law shall govern.

B. Nonprofessional. Plans or other submittal documents not required to be prepared by a registered design professional shall be signed by the preparer with the index sheet "wet" signed by the preparer. Name, address, telephone and facsimile number of preparer shall be typed or printed on the index sheet. If there is no index sheet then all the copies submitted shall be "wet" signed with at least one copy indicating preparer's name, etc. If a professional has prepared the calculations or a report that requires incorporation into the plans, the professional should appropriately sign the portion of the nonprofessionally prepared plans where the work for which he or she is responsible for has been shown and incorporated into the plans.

C. Registered Design Professional. Plans and other submittal documents prepared by a registered design professional (architect, civil engineer, structural engineer, mechanical engineer, electrical engineer, landscape architect, etc.) shall be signed and sealed by the professional with the index sheet "wet" signed and sealed by the professional. Name, address, telephone and facsimile number of the professional shall be typed or printed on the index sheet. If there is no index sheet then all the copies submitted shall be "wet" signed and sealed with at least one copy indicating professional's name, etc.

If the professional is responsible for only a portion of the plan sheet (such as only for certain structural items of a building), then appropriate notes on the sheet(s) shall indicate the extent of responsibility with signatures as above. Alternatively, the professional preparing the plans may note on the plans a reference to the calculations or reports prepared by other professionals that were used in preparing the plans.

D. Reports Prepared by a Registered Design Professional. Reports should have an appropriate page where "wet" seals and signatures of persons responsible for the report are displayed.

E. Calculations Prepared by a Registered Design Professional. Calculations should have an index sheet where the "wet" seal and signature of person responsible for the calculations are displayed. If there is no index sheet then all the calculation sheets require a "wet" seal and signature. If the plans for which the calculations were prepared are appropriately signed by a different professional then the plan sheets do not require the additional signature of the professional preparing the calculations. If the plans were prepared by a nonprofessional, then the plan sheets where items for which calculations were prepared should be appropriately signed by the person preparing the calculations. The professional signing the plans may note on the plans that his or her responsibility is only for the items for which he or she prepared the calculations.

F. Title 24 Energy Compliance Forms. Title 24 Energy Compliance Forms shall be shown on the plans and shall be "wet" signed by the appropriate parties.

G. Signatures on Survey and Plot Plan. Four copies shall be submitted of required boundary and topographic surveys and plot plans. The copies shall be appropriately signed with at least two copies having "wet" signatures and seals. Statements shall also be "wet" signed. The remaining copies shall be signed.

H. Signatures and Seals on Revisions. Signatures and seals on revisions to drawings submitted after permit issuance for revision plan check shall be as required for new submittals. If a revised index sheet with "wet" seal and signature is not submitted then all of the revised plan sheets submitted shall be "wet" signed and, if appropriate, sealed as required.

I. Corrections During Plan Check. Signatures and seals on revisions or corrections submitted during the plan check shall be as required for new submittals. If the appropriate signatory is not avail-

able to provide a "wet" seal and signature in person, a letter with seal and signature indicated thereon from the signatory and indicating revised or corrected drawings submitted may be by facsimile to the City and will be acceptable in order to issue permit (the original letter should be immediately mailed to the attention of the plan checker). The preparer shall provide "wet" seal and signature as soon as possible but prior to approval of a first inspection and a hold on final inspection shall be indicated until appropriate "wet" seal and signed plans are presented to the City of Oakland.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.050 Persons Who May Prepare Plans.**

- A. Definitions. See Section 15.04.085 of this chapter for definitions pertinent to this section.
- B. Limitations of Nonprofessional Designer. The following limitations apply to persons preparing plans and other documents for submittal with an application for building permit:

1. Persons not holding a valid and active engineering or architecture license issued by the State of California may design single-family dwellings and multiple residential buildings containing no more than four dwelling units and with no more than four dwelling units on any single lot. The buildings are limited to conventional wood framed construction with no more than two stories and basement in height. The structure of basement foundations, retaining walls more than four feet high from base of footing to top of wall or with surcharge loads due to vehicles or embankment on top, and/or other unconventional foundation system for these dwellings requires a registered design professional to provide a structural design and structural calculations.

2. Garages or other appurtenant structures, agricultural and ranch buildings of wood framed construction not more than two stories and basement in height.

3. Subject to Building Official's approval, tenant improvements which do not constitute a change of occupancy, and do not affect the safety of any

building or its occupants, including but not limited to exiting, fire-resistive construction, structural or seismic elements.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.055 Expiration or Extension of Issued Permit.**

Every issued permit shall expire by limitation and become null and void whenever the building or work authorized by such permit does not receive an approval of a major inspection, as further identified in Section 15.04.185 of this Chapter, within 180 calendar days following the issuance date of such permit or following the approval date of a previous major inspection or does not receive successive approvals within the time constraints identified in the conditions of compliance for the abatement of violations of this Code and other codes and ordinances requiring permits for corrective work.

The Building Official may extend the total time for the applicant to commence construction (but not re-start work once construction has commenced) for such permit for not more than one additional period of 180 calendar days (one year total time) upon payment of fees prescribed in the Master Fee Schedule and submittal before expiration of a written request by the applicant demonstrating that circumstances beyond the applicant's control have prevented approval or issuance of such permit. In order to renew action on an expired permit, the applicant shall file a new permit application, submit new plans, calculations, and required documents, and pay new fees as prescribed in the Master Fee Schedule.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.060 Suspension or Revocation of Issued Permit.**

The Building Official may suspend or revoke a permit issued under the provisions of this chapter whenever the permit is issued in error, or on the basis of incorrect or incomplete information supplied or in violation of any law, ordinance, rule, or regulation or any of the provisions of this chapter,

including failure to pay fees, or the building or site becomes or continues to be, a public nuisance as declared by the Building Official, or conditions at the site or in the building become or continue to be in violation of the provisions of this chapter, any related City of Oakland code or ordinance or any condition of the permit issued hereunder.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.065 Fees.**

A. General. Permit, plan review, processing, investigation, abatement and other relevant fees shall be established and assessed in accordance with the Master Fee Schedule and paid to the City of Oakland at time of submittal of the permit application for review or at other times as provided herein. Unpaid fees for work performed may be recovered in the manner prescribed in section 15.04.030.B of this Code.

B. Additional. Whenever plans, calculations, computations, reports, or other required data are incomplete or changed so as to require additional review and/or processing; or whenever valuation of work has changed or has been re-evaluated based upon inspection, additional fees as established in accordance with the master fee schedule ordinance shall be assessed.

#### C. Refunds.

1. The Building Official may authorize the refunding of fees erroneously assessed and paid.

2. The Building Official may authorize the refunding of not more than 80 percent of fees validly assessed and paid when no work by the City has been done either under a permit application or an issued permit. Fees designated as non-refundable shall not be refunded. Fees validly assessed and paid shall not be refunded more than 180 days after expiration of a permit application or an issued permit.

3. All requests for refunds shall be submitted on a City of Oakland form and shall be accompanied by the original receipt of payment.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.070 Sanitary Accommodations for Construction Workers.**

Every person or firm constructing or repairing any building, structure, or infrastructure on private property or public right-of-way shall provide and maintain toilet facilities for employees and other workers as follows:

A. Prior to issuance of the permit, the permit applicant shall submit evidence for approval that temporary or permanent toilet facilities are provided at or adjacent to the work site.

B. The location of temporary toilet facilities shall be approved by the Building Official. Toilet facilities shall be maintained in accordance with the Alameda County Department of Environmental Health requirements for sanitation and vector control.

C. Where work is performed in the public right-of-way, temporary toilet facilities may access a manhole directly serving a publicly maintained sewer nearest said work. Such facility shall not obstruct traffic and shall be removed immediately upon completion of said work.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.075 Definitions.**

A. Administrative Authority. Wherever reference is made in this Code to "Administrative Authority," it shall mean the Building Official, except as it relates to the regulations concerning private sewage disposal systems, where it shall mean the Alameda County Health Officer.

B. Building Department. Wherever reference is made in this Code to "Building Department," it shall mean the Building Services Division of the Community and Economic Development Agency, and its successor in title.

C. Building Official. Wherever reference is made in this Code to "Building Official," it shall mean the Deputy Director, Community and Economic Development Agency, and his or her successor in title, or his or her designated representative.

D. California Building Code. The International Building Code as amended and adopted by the State of California and is another name for the

body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

E. California Electric Code. The National Electric Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 3; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

F. California Mechanical Code. The International Mechanical Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 4; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

G. California Plumbing Code. The International Plumbing Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 5; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

H. Combination Permit. A Combination Permit allows the performance of building, electrical, plumbing, and mechanical work under a single permit and may be issued for certain types of work which the Building Official has identified as being appropriate for such consideration. Fees shall be assessed as established in the Master Fee Schedule.

I. Department Having Jurisdiction. Wherever reference is made in this Code to "Department Having Jurisdiction," it shall mean the Building

Services Division of the Community and Economic Development Agency, and its successor in title.

J. Very High Fire Hazard Severity Zone. All of that area within the City as defined by the Fire Marshall of the City of Oakland, including, but not limited to, the area north and east of the following boundaries:

BEGINNING at the MacArthur Freeway at the San Leandro boarder to Foothill Boulevard; west on Foothill Boulevard to Stanley; west on Stanley to 98th Avenue; south on 98th Avenue to Stearns Avenue; west on Stearns to Burr Street; west on Burr Street to Thermal; west on Thermal to 8500 Thermal; south at 8500 Thermal to MacArthur Boulevard; west on MacArthur Boulevard to 82nd Avenue; north on 82nd Avenue to Utah Street; west on Utah Street to Partridge Avenue; south on Partridge Avenue to Outlook Avenue; west on Outlook Avenue to Seminary Avenue; south on Seminary Avenue to MacArthur Boulevard; west on MacArthur Boulevard to Buell Street; north on Buell Street to Tompkins Avenue; west on Tompkins Avenue to End; straight line from Tompkins Avenue to Wisconsin Street; west on Wisconsin Street to Carlsen Street; west on Carlsen Street to Maple Avenue; south on Maple Avenue to Morgan Avenue; west on Morgan Avenue to Barner; south on Barner to Morgan Avenue; west on Morgan Avenue to Coolidge Avenue; North on Collidge Avenue to Alida Street; west on Alida Street to Lincoln Avenue; south on Lincoln Avenue to Tiffin Road; west on Tiffin Road to Whittle Avenue; west on Whittle Avenue to Fruitvale Avenue (Dimond Park); follow the southern and western boundary of Dimond Park to El Centro Road; west on El Centro Road to Dolores; west on Dolores to Park Boulevard; north on Park Boulevard to Piedmont boundary; Piedmont boundary to Mt. View Cemetery; northern boundary of Mt. View Cemetery to Clarewood Drive; west on Clarewood Drive to Broadway Terrace; south on Broadway Terrace to Margarido Drive; west on Margarido Drive to Lawton; west on Lawton to Broadway; north on Broadway to Keith

Avenue; west on Keith Avenue to College Avenue; and north on College Avenue to the corporate limits of the City of Berkeley.

K. Index Sheet. A sheet located within the first or second sheet of the plan set that lists all drawings and sheet numbers and a description of each drawing that are part of the plan set or other submittal document.

L. Non-Professional. A person that is not licensed or certified by the State of California, but is not prohibited by state law from providing a certain service to others or performing certain work for oneself.

M. Oakland Building Construction Code. The Oakland Building Construction Code is the compiled editions of the California Building Standards Codes, California Code Of Regulations (CCR), Title 24, Part 2 (Building), Part 2.5 (Residential), Part 3 (Electrical), Part 4 (Mechanical), Part 5 (Plumbing), Part 6 (Energy), Part 11 (Green Building Standards), and the Uniform Swimming Pool Spa and Hot Tub Code, with local amendments thereto as adopted by the Council of the City of Oakland.

N. Readily Accessible. As defined in the California Plumbing and Mechanical Codes.

O. Sealed (Stamped). Indicates the plan(s) is/are sealed, as required by California Business & Professions Code Sections 5536.1 and 5536.2, with originally applied ink applied to the print or copy of the plans or other submittal documents submitted with an application for permit. Information provided on the seal (stamp) shall be in accordance with California Business & Professions Code Section 5536.1 and Title 16, Section 136 of the California Code of Regulations.

P. Signed. Indicates the originals of the indicated plan(s) have been "wet" signed (and sealed) and the image of such signing is apparent on the copies of the originals submitted for permit. Also refer to the definition of "wet signed."

Q. Surveyor in Responsible Charge. A person who is actively licensed by the State of California to perform boundary and topographic surveys in

accordance with the provisions of the California Business and Professions Code, Land Surveyors Act.

R. Uniform Swimming Pool, Spa and Hot Tub Code. A compilation of minimum standards for the erection, installation, alteration, moving, repair, maintenance and use of any swimming pool, spa or hot tub plumbing system. It is published by the International Association of Plumbing and Mechanical Officials to safeguard life or limb, health, property and public welfare.

S. "Wet" Signed. Indicates the plan(s) is/are signed with originally applied ink applied to the print or copy of the plans or other submittal documents submitted with an application for permit. Also refer to the definition of "signed."

T. California Building Code. The International Residential Building Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 2.5; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

U. California Energy Code. The California Energy Code is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 6; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

V. California Green Building Standards. The California Green Building Standards is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 11 a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.080 Powers and Duties of the Building Official.**

A. The Building Official is 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 conform with the intent and purpose of this Code.

B. In accordance with the prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers, inspectors, other employees, or agents as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.

C. When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, hazardous, or dangerous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and unsecured, the Building Official shall first make a reasonable effort to locate the property owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

D. When any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done and such persons shall forthwith stop work until authorized by the Building Official to proceed with the work.

E. The Building Official or his or her authorized representative, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of Oakland because of such act or omission performed by the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of Oakland in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by the City of Oakland.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any electrical system or equipment regulated herein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or the City of Oakland be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

F. The Building Official may request, and shall receive the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this Code or other pertinent law or ordinance.

G. Pursuant to Oakland Municipal Code section 1.28.010, violations of the provisions of this Code shall be a misdemeanor. The penalty for conviction shall be punishable by the maximum fines and sentence of imprisonment in the County Jail prescribed by law.

A certified copy of each judgment imposing fine or cost or both upon any owner of any real

property for a violation of this Code pertaining to the building, structure, portion thereof, or the real property shall, upon the entry of judgment, be filed forthwith with the Alameda County Clerk-Recorder.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Article II**  
**Administrative Amendments**  
**Part 1**  
**Administrative Amendments to the California Building Code**

**15.04.100 Reference to Article I.**

Refer to Article I - General Administrative Amendments of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.102 CBC Appendix Chapter 1 adopted.**

Adopt Appendix Chapter 1 of the California Building Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.104 Section 101.2 of CBC Appendix Chapter 1 amended.**

In Section 101.2 of Appendix Chapter 1 of the California Building Code, delete the Exception and add also Section 15.04.010 of this Chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.106 Section 102.1 of CBC Appendix Chapter 1 deleted and replaced.**

In Section 102.1 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.015 of this Chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.108 Section 102.2 of CBC Appendix Chapter 1 deleted and replaced.**

In Section 102.2 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.020 of this Chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.110 Section 103 of CBC Appendix Chapter 1 deleted.**

In Section 103 of Appendix Chapter 1 of the California Building Code, delete this section in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.112 Section 104 of CBC Appendix Chapter 1 deleted and replaced.**

In Section 104 of Appendix Chapter 1 of the California Building Code, add section 15.04.030 of this Chapter as a new subsection 104.13.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.114 Section 105.1 of CBC Appendix Chapter 1 amended.**

In Section 105.1 of Appendix Chapter 1 of the California Building Code, delete sections 105.1.1 and 105.1.2 in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.116 Section 105.2 of CBC Appendix Chapter 1 amended.**

In Section 105.2 of Appendix Chapter 1 of the California Building Code, delete all references to Electrical, Gas, Mechanical, and Plumbing in their entirety, and also replace subparagraph number 2 in its entirety with the following:

"Concrete or masonry fences not over 3 feet high and fences constructed of other materials when not over 6 feet high."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.118 Section 105.3, subparagraph 8 of CBC Appendix Chapter 1 added.**

In Section 105.3 of Appendix Chapter 1 of the California Building Code, add section 15.04.035 of this Chapter as the number 8 subparagraph.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.120 Section 105.3, subparagraph 9 of CBC Appendix Chapter 1 added.**

In Section 105.3 of Appendix Chapter 1 of the California Building Code, add section 15.04.040 of this Chapter as the number 9 subparagraph.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.122    Section 105.3.1 of CBC Appendix Chapter 1 deleted and replaced.**

In Section 105.3.1 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with the following:

"When the Building Official finds that the work described in an application for a permit and the plans, specifications, and other data filed therewith conform to the requirements of this Code and other pertinent laws and ordinances and Conditions of Compliance for the abatement of violations of this code and other codes and ordinances requiring permits for corrective work, and that the fees, charges, costs, and assessments specified in the Master Fee Schedule along with all penalties have been paid, the Building Official shall issue a permit therefore to the applicant."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.124    Section 105.3.2 of CBC Appendix Chapter 1 amended.**

In Section 105.3.2 of Appendix Chapter 1 of the California Building Code, replace the phrase "... or more extensions of time for additional periods not exceed 90 days each" with "extension of time not exceeding 180 days."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.126    Section 105.5 of CBC Appendix Chapter 1 deleted and replaced.**

In Section 105.5 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.055 of this Chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.128    Section 105.6 of CBC Appendix Chapter 1 deleted and replaced.**

In Section 105.6 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.060 of this Chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.130    Section 105.7 of CBC Appendix Chapter 1 amended.**

In Section 105.7 of Appendix Chapter 1 of the California Building Code, replace the sentence in its entirety with the following:

"In addition to the building permit and the Inspection Record Card, it shall be the duty of the person requesting any inspections to have available, at the time of inspection, the following information (as applicable):

1. The approved plans and specifications, including copies of approvals of any changes.
2. Copies of all previous Correction Notices.
3. Land use approvals (variances, Conditional Use Permits, Design Review, etc.).
4. Other permits as may be required by the scope of work (excavation, encroachment, sidewalk, sewer, grading, etc.).
5. Any other documents as may be necessary for the performance of the inspection (Special Inspection Reports, equipment and appliance installation instructions, payment of accrued fees, etc.)."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.132    Section 106.1, subsection 106.1.4, of CBC Appendix Chapter 1 added.**

In Section 106.1 of Appendix Chapter 1 of the California Building Code, add section 15.04.045 as a new subsection 106.1.4.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.134    Section 106.1, subsection 106.1.5, of CBC Appendix Chapter 1 added.**

In Section 106.1 of Appendix Chapter 1 of the California Building Code, add section 15.04.050 as a new subsection 106.1.5.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.136    Section 106.3.3 of CBC Appendix Chapter 1 deleted.**

In Section 106.3 of Appendix Chapter 1 of the California Building Code, delete subsection 106.3.3 in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.138 CBC Section 106.1 amended.**

In Section 106.1 of the California Building Code, replace the phrase "... one or more sets..." in the first sentence with "three or more sets, as the Building Official may require, ...."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.140 CBC Section 106.2 deleted and replaced.**

In Section 106.2 of the California Building Code, replace this section in its entirety with the following:

**Section 106.2 Site Plan****Section 106.2.1 Boundary And Topographic Survey Maps****Section 106.2.1.1 Required Submittal**

A combined map or separate maps of a boundary survey, including easement locations, and a topographic survey shall be submitted with all applications for a building permit for a new structure and as otherwise required by the Building Official. One (1) electronic copy in an approved format and two (2) non-electronic copies of the map or maps shall be submitted on approved media (compact disk, heavy bond paper, etc.) which shall bear the seal and wet signature of the Surveyor In Responsible Charge. The surveys shall have been performed (or re-certified) not more than three (3) years prior to the date of the permit application. The surveys shall be drawn to a scale of not less than 1 inch equals 10 feet. The boundary survey shall be retracable independent of the monuments or other markers that have been set during the survey.

**Section 106.2.1.2 Required Information**

The following information shall be included on the map or maps:

1. The boundary lines of the subject property with their courses and lengths.

**EXCEPTION**

Where approved by the Building Official for large sites, the extent of the survey may be limited to a minimum of 65 feet from the exterior wall of the proposed building, provided a vicinity map is shown indicating the location of the survey as it relates to the site as a whole.

2. Identification of and ties to the local, nearby, and permanent monuments. In areas where local monuments do not exist to control local boundaries, the Surveyor In Responsible Charge may be required to install permanent monuments conforming to City standards to perpetuate any boundary lines established.
3. A Basis Of Survey statement that identifies how the boundary lines for the site have been developed (i.e.: "This survey is based on the lines and dimensions shown on Parcel Map 1234, filed June 1, 1950, ...").
4. A Basis of Bearings statement that identifies how the bearings for the boundary lines have been derived (i.e.: "The bearings of this map are based upon the monument line of Smith Street, taken as N 45° W as shown ...").
5. Identification of the locations and type of monuments or other makers set by the Surveyor In Responsible Charge with the elevations above and below City of Oakland datum or Port of Oakland datum, as applicable. A boundary survey map need not include references to elevations where shown on a separate topographic survey map. Boundary survey maps for vertical subdivisions of real property shall include references to elevations above and below City of Oakland datum or Port of Oakland datum, as applicable. Where Port of Oakland datum is used, a graphical conversion to City of Oakland datum shall be provided.

6. The record distance along the public right-of-way line from a side property line to the nearest intersecting street.
7. The distance and direction from a frontage corner of the site to the nearest existing fire hydrant.
8. Contour lines of the existing ground surface elevations with an interval spacing not more than five (5) feet. Elevations shall be referenced to City of Oakland datum or Port of Oakland datum, as applicable.

#### EXCEPTION

Where approved by the Building Official, elevations of selected points on the ground ("spot" elevations) may be provided in lieu of contour lines for sites with relatively level topography.

Where Port of Oakland datum is used, a graphical conversion to City of Oakland datum shall be provided.

9. Grades and contours shall extend to the centerline of improved streets and to the opposite side of the public right-of-way on unimproved streets and to a minimum of ten (10) feet beyond the side and rear property lines.
10. The location of all existing buildings or other pertinent structures (retaining walls, arbors, etc.) on the property.
11. The locations of existing public and private infrastructure improvements, including curbs, sidewalks, pavement, sewers, conduits, waterways, and culverts, either on or affecting the property and any proposed easements required in connection therewith.
12. The location, nature, and record information, of all public and private easements of record located on or directly affecting the site.

13. The location and width of existing driveways, referenced to any existing driveways within fifty (50) feet, with an indication of the percentage gradient of the existing driveway;
14. The location of traffic signal poles, street lighting standards, fire hydrants, sidewalk boxes, street trees, signs, pull boxes, parking meters or parking pay stations, utility poles, City Monuments and/or bench marks, and any other utilities or fixed objects within fifty (50) feet of a proposed driveway that may interfere with access to the property.
15. The location at the approximate center of the base and the diameter at breast height of all protected trees as required by Chapter 12.36 of the Oakland Municipal Code;
16. A North arrow, the date that the field survey was performed, the area of the site, the scale of the plat, and a title block which includes the legal description of the site (i.e.: "Lot 2 of Parcel Map 1234, recorded June 1, 1950, ...");
17. Existing horizontal or vertical curves within three hundred (300) feet of a proposed driveway;
18. The location of existing crosswalks and bus stops within one hundred (100) feet of a proposed driveway.
19. Any additional information necessary to obtain compliance with this Code or related State laws and local ordinances as determined by the Building Official, including, but not limited to,:
  - a. boundary closure and area calculations (2 copies, sealed and signed by the surveyor);

- b. evidence of compliance with State laws relating to mandatory filing of Corner Record(s) or a Record of Survey.
20. A statement signed by the Surveyor In Responsible Charge for the boundary survey map and/or topographic survey map as follows:
- a. For use when the boundary survey (and/or easement determination) and topographic survey are performed by, or under the responsible charge of, the same surveyor:

#### BOUNDARY AND TOPOGRAPHIC SURVEY STATEMENT

This map correctly represents a survey made by me or under my direction in conformance with the requirements of the California Land Surveyors' Act at the request of insert owner or agent's name, on date

I hereby state that all existing grades and contours are based upon City of Oakland/Port of Oakland (*select one*) datum.

I hereby further state that to the best of my knowledge all provisions of applicable state laws and local ordinances have been fully satisfied.

I hereby further state that the parcel(s) designated by my survey and shown on this map is (are) the same as that shown on (*select the applicable statement from the following*)

- that (those) certain deed(s), recorded date, insert recording information: series, O.R., etc., in the Office of the Alameda County Recorder, and identified on the current equalized assessment roll of the Alameda County Assessor as Parcel No.: insert APN
- that certain Map entitled: map name, filed on date, in Book of Maps \_\_\_\_\_, pages \_\_\_\_\_, in the Office of the Alameda County Recorder
- Parcel Map Waiver Map, recorded

date, insert recording information: series, O.R., etc., in the Office of the Alameda County Recorder

I hereby further state that in accordance with the California Land Surveyors' Act the performance of this survey (*select the applicable statement from the following choices*)

- does not require a Corner Record or Record of Survey to be filed.
- requires that a Corner Record be filed and I will file (*or have filed*) a corner record within the time limits prescribed by State Law. Once filed by the County Surveyor in official records I will provide a copy to the City Surveyor's office.
- requires that a Record of Survey be filed with the Alameda County Surveyor, and I will (*or have*) file(d) same within the time limits prescribed by State Law. If, in the course of such filing, changes are necessary to the Record of Survey that reflect upon the survey submitted to the City of Oakland, I will promptly submit a corrected copy of said survey to the City.

I hereby acknowledge that this survey shall be a public record and may be available for inspection and distribution to the general public.

signa- date, 20\_\_\_\_\_  
ture \_\_\_\_\_  
 (typed  
 name)  
 P.L.S. (or \_\_\_\_\_ Expires 20\_\_\_\_\_  
 P.E.) No. \_\_\_\_\_ date ,

- b. For use when the boundary survey (and/or easement determination) is not performed by, or under the responsible charge of, the surveyor who is responsible for the topographic survey:

#### BOUNDARY SURVEY STATEMENT

This map correctly represents a boundary survey made by me or under my direction in confor-

mance with the requirements of the California Land Surveyors' Act at the request of insert owner or agent's Name, on date

I hereby further state that, to the best of my knowledge all provisions of applicable state laws and local ordinances have been fully satisfied.

I hereby further state that in accordance with the California Land Surveyors' Act the performance of this survey (*select the applicable statement from the following choices*)

- does not require a Corner Record or Record of Survey to be filed.
- requires that a Corner Record be filed and I will file (*or have filed*) a corner record within the time limits prescribed by State Law. Once filed by the County Surveyor in official records I will provide a copy to the City Surveyor's office.
- requires that a Record of Survey be filed with the Alameda County Surveyor, and I will (*or have*) file(d) same within the time limits prescribed by State Law. If, in the course of such filing, changes are necessary to the Record of Survey that reflect upon the survey submitted to the City of Oakland, I will promptly submit a corrected copy of said survey to the City.

I hereby acknowledge that this survey shall be a public record and may be available for inspection and distribution to the general public.

signa-      date , 20\_\_\_\_\_  
ture  
 (typed  
 name)  
 P.L.S. (or      Expires      20\_\_\_\_\_  
 P.E.) No.\_\_\_\_\_date ,

- c. For use when the topographic survey is not performed by the surveyor who is responsible for the boundary survey (and/or easement determination):

#### TOPOGRAPHIC SURVEY STATEMENT

This map correctly represents a topographic survey made by me or under my direction in conformance with the requirements of the California Land Surveyors' Act at the request of insert owner or agent's name, on date

I hereby state that the property boundary shown upon this map is based upon a survey performed by insert name and license number of surveyor performing the boundary work, on date, 20\_\_\_\_\_.

I hereby state that all existing grades and contours are based upon City of Oakland/Port of Oakland (*select one*) datum.

I hereby further state that, to the best of my knowledge all provisions of applicable state laws and local ordinances have been fully satisfied.

I hereby acknowledge that this survey shall be a public record and may be available for inspection and distribution to the general public.

signa-      date , 20\_\_\_\_\_  
ture  
 (typed  
 name)  
 P.L.S. (or      Expires      20\_\_\_\_\_  
 P.E.) No.\_\_\_\_\_date ,

21. A public advisory as follows:

#### PUBLIC ADVISORY

This map is based on private surveys performed by licensed professionals and will not be updated or corrected by the City of Oakland after its filing. No warranty, either expressed or implied, is made by the City of Oakland that this map and the survey information on which it is based is correct, accurate, and current, nor that the City will retain for public inspection any related information which may be subsequently submitted to the City, including alleged or actual discrepancies, inaccuracies, deficiencies, and errors.

Section 106.2.2 Plot Plan

Section 106.2.2.1 Required Submittal

All applications for a building permit for a new building, or as otherwise required by the Building Official, shall be accompanied by a Plot Plan which has been certified within 3 years prior to date of permit application. The plot plan shall be based upon and show all information that is required to be shown upon the boundary survey and topographic survey maps of subject site. Four (4) wet signed and sealed copies of the plot plan shall be submitted with the permit application. Scale of the plot plan shall be no smaller than 1 inch equals 10 feet.

#### Section 106.2.1.2 Required Information

The following information shall be included on the Plot Plan:

1. All relevant data from boundary survey and topographic survey.
2. Locations of the proposed building and other structures and improvements with proper references to every existing building and other structure and improvement on the property. Existing buildings and other structures and improvements indicated on the survey and that will be (or have been since the survey was prepared) demolished should be indicated as such on the plot plan.
3. Design of all off-street parking and loading facilities, including parking stall size, angle of parking, aisle width, interior circulation and proposed grades. If a parking structure is being constructed, a reference to this should be made on the plot plan.
4. Location and dimensions of ground level usable open space as required by the Planning Code.
5. Indication of landscaping and screening as required by the Planning Code.
6. Indication as to which protected trees, if any,
7. The proposed street grades along the property line contiguous to the street in not less than three places, where property shown on plat abuts on an unimproved street.
8. The location, ties to boundary monuments, and elevations of all proposed improvements, including parking pads, garages, buildings, interior floors, decks, retaining walls, exterior stairways, and driveways.
9. The location of the proposed building sewer connecting the proposed improvements to the main sewer with the flow line elevation shown at the main sewer connections.
10. The location, width, and grades of proposed driveways, properly referenced to any existing driveways, poles, signs, hydrants, or any fixed objects within 50 feet, that may interfere with access to the property.
11. All proposed grades, elevations, and contours based upon City of Oakland datum or Port of Oakland datum, as applicable.
12. All proposed contour lines at not more than five foot intervals, which contours shall extend over the portion of the public right-of-way proposed to be improved.
13. Where roof rain leaders cannot drain to the street or where storm water runoff is concentrated, an acceptable drainage plan prepared by a registered design professional is required.
14. Any additional information necessary to obtain compliance with this Code or related State laws or local ordinances as determined by the Building Official.
15. A Designer's Statement:

as defined in Chapter 12.36 of the Oakland Municipal Code may be removed or damaged by proposed construction.

7. The proposed street grades along the property line contiguous to the street in not less than three places, where property shown on plat abuts on an unimproved street.
8. The location, ties to boundary monuments, and elevations of all proposed improvements, including parking pads, garages, buildings, interior floors, decks, retaining walls, exterior stairways, and driveways.
9. The location of the proposed building sewer connecting the proposed improvements to the main sewer with the flow line elevation shown at the main sewer connections.
10. The location, width, and grades of proposed driveways, properly referenced to any existing driveways, poles, signs, hydrants, or any fixed objects within 50 feet, that may interfere with access to the property.
11. All proposed grades, elevations, and contours based upon City of Oakland datum or Port of Oakland datum, as applicable.
12. All proposed contour lines at not more than five foot intervals, which contours shall extend over the portion of the public right-of-way proposed to be improved.
13. Where roof rain leaders cannot drain to the street or where storm water runoff is concentrated, an acceptable drainage plan prepared by a registered design professional is required.
14. Any additional information necessary to obtain compliance with this Code or related State laws or local ordinances as determined by the Building Official.
15. A Designer's Statement:

### DESIGNER'S STATEMENT

This plot plan correctly represents a plot plan made by me or under my direction.

I hereby state that to the best of my knowledge all provisions of applicable State laws and local ordinances have been fully satisfied.

I hereby further state that all proposed grades, elevations, and contours delineated upon this plot plan are based upon a survey by \_\_\_\_\_ (name and license no. of surveyor) \_\_\_\_\_ dated \_\_\_\_\_ (date of survey) that was indicated thereon by the surveyor thereof as being based upon City of Oakland datum.

(OR, if applicable):

I hereby further state that all proposed grades, elevations, and contours delineated upon this plot plan are based upon a boundary survey by \_\_\_\_\_ (name and license no. of surveyor) \_\_\_\_\_ dated \_\_\_\_\_ (date of survey) \_\_\_\_\_ and a topographic survey by \_\_\_\_\_ (name and license no. of surveyor) \_\_\_\_\_ dated \_\_\_\_\_ (date of survey)

that were indicated thereon by the surveyors thereof as being based upon City of Oakland/Port of Oakland (*select one*) datum.

\_\_\_\_\_, 20\_\_\_\_\_  
 (signature)      (date)  
 Title: \_\_\_\_\_ License No:  
 \_\_\_\_\_ Expires \_\_\_\_\_, 20\_\_\_\_\_

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

### 15.04.142 Section 108.1 of CBC Appendix Chapter 1 deleted and replaced.

In Section 108.1 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.065 of this Chapter.  
 (Ord. No. 13047, §§ 2, 3, 11-9-2010)

### 15.04.144 Section 108.4 of CBC Appendix Chapter 1 amended.

In Section 108.4 of Appendix Chapter 1 of the California Building Code, replace "... Building Official ..." with "as established in the Master Fee Schedule."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

### 15.04.146 Section 108.5 of CBC Appendix Chapter 1 amended.

In Section 108.5 of Appendix Chapter 1 of the California Building Code, replace "... that are prescribed by law..." with "as established in the Master Fee Schedule," and also add the following paragraph:

"Re-inspection fees may be assessed when the Inspection Record Card, Approved Plans, Correction Notices, Conditions of Approval, Conditions of Compliance, or other necessary permits or documents are not readily available to the inspector; or for failure to provide unimpeded access on the date and time for which the inspection is scheduled; or for failure to comply with a Stop Work Notice; or for deviating from Approved Plans requiring the approval of the Building Official or other City Department."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

### 15.04.148 Section 108.6 of CBC Appendix Chapter 1 deleted.

In Section 108.6 of Appendix Chapter 1 of the California Building Code, delete this section in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

### 15.04.150 Section 109.3.8 of CBC Appendix Chapter 1 deleted and replaced.

In Section 109.3.8 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with the following:

"In addition to the scheduled inspections specified above, the Building Official may make investigations, re-inspections, or compliance monitoring inspections, or require other inspections of any construction work to ascertain compliance

with the provisions of this code and Conditions of Compliance and other laws which are enforced by the City and assess fees as established in the Master Fee Schedule."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.152    Section 109.3 of CBC Appendix Chapter 1 amended.**

In Section 109.3 of Appendix Chapter 1 of the California Building Code, add the new subsection:

##### **109.3.11 Re-inspections**

To obtain a re-inspection, the applicant shall first pay the re-inspection fee as established in the Master Fee Schedule and then schedule a re-inspection.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.154    Section 109.6 of CBC Appendix Chapter 1 amended.**

In Section 109.6 of Appendix Chapter 1 of the California Building Code, add the following subsections:

##### **109.6.1 Major Inspection - Foundation**

Before concrete or grout is placed, approval of a Foundation Inspection shall be contingent upon receipt and approval of required certifications, tests, and reports; receipt of fees, including investigation, re-inspection, compliance monitoring, and increased valuation of work; receipt of required City and outside agency approvals; removal of vegetation and completion of excavations for footings; installation and approval of required forms, reinforcing and prestressing steel, and structural embedments; and installation and approval of required electrical, mechanical, plumbing, fire extinguishing, and communication conduits, pipes, ducts, inserts, embedments, and similar systems, components, or ancillary equipment items.

Where inspection is performed under the requirements of California Building Code Chapter 17 (Special Inspections), receipt of certifica-

tions, tests and reports resulting from such inspection shall be received prior to approval or partial approval of any Major Inspection. All materials for the foundation not otherwise required to be secured in place shall be on the jobsite, except for concrete which is ready mixed in accordance with CBC Standard No. 19-3.

#### **109.6.2 Major Inspection - Concrete Slab or Under Floor**

Before concrete is placed or floor sheathing is installed, including subfloor, approval of a Concrete Slab or Under Floor Inspection shall be contingent upon receipt and approval of required certifications, tests, and reports; receipt of fees, including investigation, re-inspection, compliance monitoring, and increased valuation of work; receipt of required City and outside agency approvals; installation and approval of required forms, reinforcing and prestressing steel, and structural embedments; and installation and approval of required in-slab or under-floor required electrical, mechanical, plumbing, fire extinguishing, and communications conduits, pipes, ducts, vents, vapor barriers, insulation, and similar systems, components, or ancillary equipment items.

Where inspection is performed under the requirements of California Building Code Chapter 17 (Special Inspections) of the California Building Code, receipt of certifications, tests and reports resulting from such inspection shall be received and approved prior to approval or partial approval of any Major Inspection.

Where under-floor conditions and clearances are determined to be readily accessible as defined herein, the Building Official may authorize and approve the installation of sub-floor/floor sheathing prior to the satisfaction of all conditions specified in paragraph one of this section. All documents related to off-site manufacture, third party approval/inspection of ma-

terials or workmanship must be received and approved by the Building Official prior to approval or partial approval of any subsequent work which is supported by the concrete slab or foundation and sub-floor assembly.

#### 109.6.3 Major Inspection - Frame

Approval of a Frame (Rough) Inspection shall be contingent upon receipt and approval of required certifications, tests, and reports; receipt of fees, including investigation, re-inspection, compliance monitoring, and increased valuation of work; receipt of required City and outside agency approvals, including off-site fabrication of components; installation and approval of weatherproofing for the roofing system, all framing, fire blocking, draft stopping, and bracing; installation of noise and energy-saving insulating materials; installation and approval of chimneys; and installation and approval of required electrical, mechanical, plumbing, fire extinguishing, and communication conduits, pipes, ducts, inserts, embedments, and similar systems, components, or ancillary equipment items. Additionally, approval of the Frame inspection shall be contingent upon approval of the lath or gypsum wallboard inspection. No work shall be concealed until specific approval has been given (framing, etc.).

#### 109.6.4 Major Inspection - Final

Approval of a Final Inspection shall be contingent upon approval of all other required inspections; receipt and approval of required certifications, tests, and reports; receipt of fees; receipt of required City and outside agency approvals; completion and approval of finish grading and all public and site improvements; installation and approval of all electrical, mechanical, plumbing, fire extinguishing, and communication conduits, pipes, ducts, vents, insulation, vapor barriers, and similar systems,

components, or ancillary equipment; and the building being completed and ready for occupancy.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.156 Section 112 of CBC Appendix Chapter 1 deleted and replaced.**

In Section 112 of Appendix Chapter 1 of the California Building Code, replace this section in its entirety with section 15.04.025 of this Chapter. (Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.158 CBC Section 108.8 deleted.**

In Section 108.8 of the California Building Code, delete this section in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

### **Part 2**

#### **Administrative Amendments to the California Electrical Code**

#### **15.04.200 Reference to Article I.**

Refer to Article I - General Administrative Amendments of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.205 Title.**

These regulations shall be known as the "Oakland Amendments Of The California Electrical Code," may be cited as such, and will be referred to herein as "this chapter," "this Code," or "the Oakland Building Construction Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.210 Purpose.**

A. The purpose of this Code is to provide minimum standards to safeguard life or limb, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation, maintenance and use of electrical systems, equipment, machinery, fixtures, and appliances within this jurisdiction.

B. The purpose of this Code is not to create or otherwise establish or designate any particular class

or group of people who will or should be especially protected or benefited by the terms of this Code.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.215 Scope.**

A. The provisions of this Code shall apply to the installation, alteration, repair, relocation, replacement, addition, use, or maintenance of electrical systems, equipment, machinery, fixtures and appliances. Additions, alterations, repairs and replacement of electrical systems or equipment shall comply with the provisions for new equipment and systems.

B. Where, in any specific case, different sections of this Code specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.220 Existing Electrical Systems.**

A. Additions, alterations, replacements, or repairs may be made to any electrical system without requiring existing electrical system to comply with all the requirements of this Code, provided the addition, alteration, replacement, or repair conform to the requirements for a new electrical system or equipment. Additions, alterations, replacements, or repairs shall not cause an existing system to become dangerous, hazardous, or otherwise unsafe.

B. Electrical systems and equipment lawfully in existence at the time of the adoption of this Code may have their use, maintenance or repair continued if the use, maintenance or repair is in accordance with the original design and location and no hazard to life or limb, property, or public welfare has been created by such electrical system.

C. Electrical systems and equipment which are a part of any building or structure undergoing a change in use or occupancy, as defined in the

California Building Code, shall comply will all requirements of this Code which may be applicable to the new use or occupancy.

D. All electrical systems, equipment, materials and appurtenances, both existing and new, and all parts thereof shall be maintained in proper operating condition. All devices or safeguards which are required by this Code shall be maintained in conformance with the code edition under which installed. The property owner or designated agent shall be responsible for maintenance of electrical systems and equipment. To determine compliance with this subsection, the Building Official may cause an electrical system or equipment to be inspected.

E. Electrical systems or equipment which are a part of buildings or structures moved into or within this jurisdiction shall comply with the provisions of this Code for new installations.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.225 Alternate Materials and Methods of Construction.**

A. The provisions of this Code are not intended to prevent the use of any material or method of construction not specifically prescribed by this Code provided any such alternate has been approved and the use authorized by the Building Official.

B. The Building Official may authorize may alternate, provided the Building Official finds the proposed design is satisfactory for the intended use and complies with the provisions of this Code and that the material, method or work offered is for the purpose intended, at least equivalent to that prescribed by this Code in suitability, strength, effectiveness, fire resistivity, durability, ampacity, and safety.

C. The Building Official shall require sufficient evidence or proof be submitted to substantiate claims made regarding the use of alternates. The details of any approval actions for an alternate shall be retained by the Building Official for the period required for retention of public records.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.230 Modifications.**

Whenever there are practical difficulties involved in carrying out the provisions of this Code, the Building Official may grant modifications for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of this Code impractical and the modification does not lessen health life and fire safety requirements. The details of actions granting modifications shall be recorded and shall be retained by the Building Official for the period required for retention of public records.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.235 Tests.**

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code or in order to substantiate claims for alternate materials or methods, the Building Official may require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall specify the testing procedures. All tests shall be performed by an approved agency. Reports of tests shall be retained by the Building Official for the period required for retention of public records.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.240 Powers and Duties of the Building Official.**

A. The Building Official is 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 conform with the intent and purpose of this Code.

B. In accordance with the prescribed procedures and with the approval of the appointing authority, the Building Official may appoint such number of technical officers, inspectors, other employees, or agents as shall be authorized from time to time. The Building Official may deputize such inspectors or employees as may be necessary to carry out the functions of the Code Enforcement Agency.

C. When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official has reasonable cause to believe that there exists in a building or upon a premises a condition which is contrary to or in violation of this Code which makes the building or premises unsafe, hazardous, or dangerous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and unsecured, the Building Official shall first make a reasonable effort to locate the property owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building Official shall have recourse to the remedies provided by law to secure entry.

D. When any work is being done contrary to the provisions of this Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done and such persons shall forthwith stop work until authorized by the Building Official to proceed with the work.

E. The Building Official shall have the authority to disconnect electrical utility service or energy supplies to a building, structure, premises, or equipment regulated by this Code in case of emergency where necessary to eliminate an immediate hazard to life or limb, property, or public welfare. The Building Official shall, whenever possible, notify the serving utility, the property owner and occupant of the building, structure or premises of the decision to disconnect prior to taking such action,

and shall notify such serving utility, property owner and occupant for the building, structure or premises in writing of such disconnection immediately thereafter.

F. When the Building Official determines that any equipment, or portion thereof, regulated by this Code has become unsafe, hazardous, or dangerous to life or limb, property, or public welfare, the Building Official shall order in writing that the equipment either be removed or restored to a safe condition, as appropriate, within a fixed time. Persons shall not use or maintain defective equipment after receiving a notice. When an electrical system or equipment is to be disconnected, written notice indicating the causes therefore shall be given within 24 hours to the serving utility, the property owner and occupant of the building, structure or premises. When any electrical equipment or system is maintained in violation of this Code, and in violation of a notice issued as provided in this section, the Building Official shall institute an appropriate action to prevent, restrain, correct or abate the violation.

G. Persons shall not make connections from an energy or power supply nor supply energy or power to any equipment regulated by this Code which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of such equipment.

H. The Building Official or his or her authorized representative, charged with the enforcement of this Code, acting in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance shall not thereby be rendered personally liable for damages that may accrue to persons or property as a result of an act or by reason of an act or omission in the discharge of such duties. A suit brought against the Building Official or another employee, representative, official, officer, agent, or volunteer of the City of Oakland because of such act or omission performed by the Building Official or another employee, representative, official, officer,

agent, or volunteer of the City of Oakland in the enforcement of any provision of such codes or other pertinent laws or ordinances implemented through the enforcement of this Code or enforced by the Code Enforcement Agency shall be defended by this jurisdiction until final termination of such proceedings, and any judgment resulting there from shall be assumed by the City of Oakland.

This Code shall not be construed to relieve from or lessen the responsibility of any person owning, operating or controlling any electrical system or equipment regulated herein for damages to persons or property caused by defects, nor shall the Code Enforcement Agency or the City of Oakland be held as assuming any such liability by reason of the inspections authorized by this Code or any permits or certificates issued under this Code.

I. The Building Official may request, and shall receive the assistance and cooperation of other officials of this jurisdiction so far as is required in the discharge of the duties required by this Code or other pertinent law or ordinance.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.245 General standards, appeals, violations.**

A. General Standards. Refer to Section 15.04.015 of this chapter.

B. Appeals. Refer to Section 15.04.025 of this chapter.

C. Violations. Refer to Section 15.04.030 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.250 Application for Permit.**

A. Refer to Section 15.04.035 of this chapter.

B. Except as permitted in subsection C of this section, no electrical system or equipment regulated by this Code shall be installed, altered, repaired, replaced or remodeled unless a separate electrical permit or "Combination Permit" has been obtained from the Building Official for each separate building or structure.

C. Refer to National Electrical Code (NEC) Article 90-2(a).

D. Exemption from the permit requirements of this Code shall not be deemed to grant authorization for work to be done in violation of the provisions of this Code or other laws or ordinances of this jurisdiction.

E. A plant permit may be issued by the Building Official to a person not holding a California State Electrical Contractor License but who is regularly employed as an electrician in a plant or business. The permit shall be issued upon written application from the owner or manager of the plant or business in which the person is employed. The application shall certify that the proposed permittee is competent to perform the electrical work and shall certify that all work will be performed under the requirements of this chapter.

All electrical work shall be done under the direction and supervision of the permittee. All electrical work, excepting the maintenance and repair of existing electrical installation and repair, shall be done only under permits issued as otherwise required under this article. The owner or manager of any plant or business employing the permittee shall immediately notify the Building Official in writing upon termination of the permittee and such notification shall cancel the plant permit.

Evidence of any electrical work being done under the plant permit that is in violation of any provisions of this chapter shall be grounds for immediate suspension or cancellation of the permit by the Building Official. The plant permit is renewable on an annual basis from the date of issuance for a fee established by the master fee schedule.

F. A meter reset permit shall be issued by the Building Official to any person for the purpose of reconnecting a supply of service or reinstalling a meter whenever the serving utility shall disconnect electrical service supply or remove any electrical meter to a structure or building for a period of 90 days or more in a residential occupancy or 30 days or more in a commercial or industrial occupancy. An inspection of the occupancy and other pertinent facilities is required. The serving utility will be authorized by the Building Official to reconnect the supply of service or reinstall any meter upon the condition that the occupancy is found to be void of hazardous or unsafe conditions.

Any hazardous or unsafe conditions found will require that an electrical permit (or combination permit) be obtained, as elsewhere contained in this chapter, to correct those same conditions. The meter reset permit does not cover electrical work as elsewhere contained in this chapter. Meter reset permit fee is established by the master fee schedule.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.255 Submittals.**

A. Information on Submittals. Refer to Section 15.04.040 of this chapter.

B. Signing and Sealing of Plans and Other Submittal Documents. Refer to Section 15.04.045 of this chapter.

C. Persons Who May Prepare Plans. Refer to Section 15.04.050 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.260 Permit Issuance.**

A. The application, plans, diagrams, calculations, specifications, computations and other data filed by an applicant for permit shall be reviewed by the Building Official. Such data may be reviewed by other departments of this and other jurisdictions to verify compliance with applicable laws under their jurisdiction. When the Building Official finds that the work described in an application for a permit and the plans, diagrams, computations, calculations, specifications and other data filed therewith conform to the requirements of this Code and other pertinent laws, ordinances and conditions of compliance for the abatement of violations of this Code and other codes and ordinances and that the fees, charges, costs and assessments specified in the master fee schedule, as well as all penalties, have been paid, the Building Official shall issue a permit therefore to the applicant.

When issuing a permit where plans are required, the Building Official shall endorse in writing or stamp the plans as provided in the California Building Code. Such approved plans shall not be changed, modified or altered without authorization from the Building Official, and all work regulated by this Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of a part of an electrical system before the entire plans and specifications for the whole system have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this Code. The holder of a partial permit may proceed without assurance that the permit for the entire building, structure or electrical system will be granted.

B. One set of reviewed plans, diagrams, calculations, specifications and computations shall be retained by the Building Official until final approval of the work covered therein. One set of approved plans and specifications shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

C. The issuance of a permit or approval of plans, calculations, specifications, diagrams, and computations shall not be construed to be a permit for, or an approval of any violation of any of the provisions of this Code or of other ordinances, rules, or regulations of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this Code or of other ordinances, rules, or regulations of the jurisdiction shall not be valid.

The issuance of a permit based upon plans, calculations, specifications, computations and other data shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, calculations, computations, specifications, and other data or from preventing building

operations being carried on there under when in violation of this Code or of other ordinances of this jurisdiction.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.265 Expiration of permit application or issued permit.**

A. Expiration of Permit Application or Issued Permit. Refer to Section 15.04.055 of this chapter.

B. Suspension or Revocation of Issued Permit. Refer to Section 15.04.060 of this chapter.

C. Fees. Refer to Section 15.04.065 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.270 Inspections.**

A. Electrical equipment and systems for which permits are required by this Code shall be subject to inspection by the Building Official and such electrical equipment and systems shall remain accessible and exposed for inspection purposes until approved by the Building Official. It shall be the duty of the permit applicant to cause the electrical equipment and systems to remain accessible and exposed for inspection purposes. Neither the Building Official nor the City of Oakland shall be liable for expense entailed in the removal or replacement of any material required to permit inspection. When the installation of an electrical system or equipment is complete, an additional and final inspection shall be made. Electrical systems and equipment regulated by this Code shall not be connected to the energy supply lines until authorized by the Building Official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this Code or of other ordinances, rules, or regulations of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this Code or of other ordinances of the City of Oakland shall not be valid.

B. The requirements of this section shall not be considered to prohibit the operation of mechanical systems installed to replace existing equip-

ment or fixtures serving an occupied portion of the building in the event a request for inspection of such equipment or fixture has been filed with the Building Official not more than 48 hours after such replacement work is completed, and before any portion of such electrical system is concealed by any permanent portion of the building.

C. It shall be the duty of the person doing the work authorized by a permit to notify the Building Official that such work is ready for inspection. Every request for inspection shall be filed at least one working day before such inspection is desired. Such request may be in writing or by telephone at the option of the Building Official. It shall be the duty of the person requesting inspections required by this Code to provide access to and means for inspection of such work.

D. In addition to the called inspections required by this Code, the Building Official may make or require other inspections of electrical work to ascertain compliance with the provisions of this Code and other laws which are enforced by the Code Enforcement Agency.

E. A re-inspection fee may be assessed for each inspection or re-inspection when such portion of work for which inspection is requested is not complete or when required corrections have not been made. This provision is not to be interpreted as requiring re-inspection fees the first time a job is rejected for failure to comply with the requirements of this Code, but as controlling the practice of calling for inspections before the job is ready for inspection or re-inspection.

Re-inspection fees may be assessed, when the approved plans are not readily available to the inspector for failure to provide access on the date for which inspection is requested or for deviating from plans requiring the approval of the Building Official. Re-inspection fees shall be established and assessed in accordance with the master fee schedule ordinance. In instances where re-inspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

F. In addition to the inspections identified in this section, the Building Official may allow inspection by others in accordance with Section 15.04.055 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.275 Connection Approval.**

A. No person shall make connections from a source of energy to any electrical system or equipment regulated by this Code and for which a permit is required until approved by the Building Official.

B. Whenever any person engaged in the distribution or sale of electrical energy shall set or install, or reset or reinstall, in, or about any building any meter for the measurement of electrical energy; or shall connect or reconnect supply or service to any installation of electrical equipment in, on, or about any building; or shall change the nominal voltage of supply for service to any installation of electrical equipment, in, on, or about any building; or shall change any such supply for service from two-wire to three-wire or vice versa, or from single phase to polyphase or vice versa, or from direct current to alternating current or vice versa, said person shall receive written authorization from the Building Official or the Building Official's designated representative, which authorization shall specify the location and address of the installation affected, provided, however, that said authorization need not be received with respect to any such meter installation or reinstallation or any such supply or service connection or reconnection, authorized by the Building Official or the Building Official's designated representative within 30 days or more in residential occupancies or 90 days or more in other occupancies of previous authorization; provided further that the Building Official may, at his or her discretion, waive temporarily or permanently any or all requirements of this section by giving written notice of such waiver to all persons engaged in the distribution or sale of electrical energy; and said Building Official may likewise at any time revoke such waiver by written notice to all such persons.

C. The Building Official may authorize temporary connection of the electrical equipment to the source of energy for the purpose of testing the equipment, or for use under a temporary certificate of occupancy.

D. Provisions shall not be made for installing more than a single utility meter in the service equipment for a single-family dwelling, including other structures on the same property, without written authorization by the Building Official prior to their installation.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.280 Definitions.**

In Article 100 - Part A of the California Electrical Code, add the following definitions:

A. Multiple Family Dwelling. Occupancies shall include Group R, Division 2 and Group I, Division 2, as defined and used in the California Building Code.

B. Family Room. A room or area in a dwelling unit separate from and contiguous to a kitchen and not used for eating, sleeping or sanitation purposes.

C. Recreation Room. Refer to Family Room.

D. Show Window. Applicability shall further include all occupancies engaged in public commerce, including banking and real estate.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.285 Safety.**

In Article 110 of the California Electrical Code, add the following new article:

#### **Article 110-35 SAFETY**

Electrical equipment and systems shall be constructed, installed, operated, and maintained safely and potentially free from electrical shock or fire hazard.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

## **Part 3**

### **Administrative Amendments to the California Mechanical Code**

#### **15.04.300 Reference to Article I.**

Refer to Article I — General Administrative Amendments of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.305 CMC Section 101 amended.**

In Section 101 of the California Mechanical Code, replace "Uniform Mechanical Code" with "Oakland Amendments of the California Mechanical Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.310 CMC Section 104.1 amended.**

In Section 104.1 of the California Mechanical Code, at the end of the first sentence add "...unless superseded by California or Federal law."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.315 CMC Section 109 deleted and replaced.**

In Section 109 of the California Mechanical Code, replace this section in its entirety with Section 15.04.15 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.320 CMC Section 110.1 deleted and replaced.**

In Section 110.1 of the California Mechanical Code, replace this section in its entirety with Section 15.04.025 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.325 CMC Section 111 deleted and replaced.**

In Section 111 of the California Mechanical Code, replace this section in its entirety with Section 15.04.030 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.330 CMC Section 113 amended.**

A. In Section 113.1 of the California Mechanical Code, add Section 15.04.035 of this chapter as the number 7 subparagraph.

B. In Section 113.2 of the California Mechanical Code, replace "one" in "... one or more sets..." in the first sentence with "three (3)."

C. In Section 113.3 of the California Mechanical Code, replace this section in its entirety with Section 15.04.040 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.335 CMC Section 114 amended.**

A. In Section 114.4.1 of the California Mechanical Code, replace the first sentence of the first paragraph with Section 15.04.055 of this chapter.

B. In Section 114.5 of the California Mechanical Code, replace this section in its entirety with Section 15.04.060 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.337 CMC Section 115 amended.**

A. In Sections 115.1, 115.2, and 115.3 of the California Mechanical Code, replace these sections in their entirety with Sections 15.04.065 and 15.04.070 of this chapter.

B. In Section 115.5 of the California Mechanical Code, replace the second sentence in the number 2 subparagraph beginning "...The investigation fee shall..." with Section 15.04.075 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.340 CMC Section 116 amended.**

In Section 116.6 of the California Mechanical Code, replace the fourth paragraph beginning "To obtain a re-inspection,..." with Section 15.04.200B of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.345 CMC Table No. 1-A deleted.**

In Table No. 1-A of the California Mechanical Code, delete this table in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Part 4****Administrative Amendments to the California Plumbing Code****15.04.400 Reference to Article I.**

Refer to Article I — General Administrative Amendments of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.405 CPC Section 101 amended.**

A. In Section 101.1 of the California Plumbing Code, replace "Uniform Plumbing Code" with "Oakland Amendments of the California Plumbing Code."

B. In Section 101.5.3 of the California Plumbing Code, add the following to the end of the first sentence "...unless superseded by California or Federal law."

C. In Section 101.5.6 of the California Plumbing Code, add "or within" between "... moved into" and "this jurisdiction..."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.410 CPC Section 102 amended.**

A. In Section 102.2 of the California Plumbing Code, add Section 15.04.025 of this chapter as a new subsection 102.2.7.

B. In Sections 102.3.1 and 102.3.2 of the California Plumbing Code, replace these sections in their entirety with Section 15.04.030 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.415 CPC Section 103 amended.**

A. In Section 103.2.1 of the California Plumbing Code, add Section 15.04.035 of this chapter as a new section 103.2.1.7.

B. In Section 103.2.2 of the California Plumbing Code, replace "one" in "...one or more sets..." in the first sentence of the first paragraph with "three (3)."

C. In Section 103.2.3 of the California Plumbing Code, replace this section in its entirety with Section 15.04.040 of this chapter.

D. In Section 103.3.4 of the California Plumbing Code, replace the first sentence of the first paragraph with Section 15.04.055 of this chapter.

E. In Section 103.3.5 of the California Plumbing Code, replace this section in its entirety with Section 15.04.060 of this chapter.

F. In Sections 103.4.1 and 103.4.2 of the California Plumbing Code, replace these sections in their entirety with Sections 15.04.065 and 15.04.070 of this chapter.

G. In Section 103.4.4 of the California Plumbing Code, replace the second sentence in the subparagraph beginning "The investigation fee shall..." with Section 15.04.160 of this chapter.

H. In Section 103.5.6 of the California Plumbing Code, replace the fourth paragraph beginning "To obtain a re-inspection,..." in its entirety with Section 15.04.205B of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.420 CPC Section 202.0 deleted and replaced.**

A. In Section 202.0 of the California Plumbing Code, replace "Administrative Authority" in its entirety with Section 15.04.075(A) of this chapter.

B. In Section 202.0 of the California Plumbing Code, replace "Department Having Jurisdiction" in its entirety with Section 15.04.075(I) of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.425 CPC Section 301.1 amended.**

In Section 301.1 of the California Plumbing Code, add Section 15.04.015 of this chapter as a new section 301.1.5.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.430 CPC Section 301.2 amended.**

In Section 301.2 of the California Plumbing Code, replace the last sentence in the first paragraph with the following:

"The Building Official may approve the system, method, or device when determined to be equivalent or superior."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.435 CPC Section 301.4.5 amended.**

In Section 301.4.5 of the California Plumbing Code, replace the first sentence in its entirety with the following:

"The Building Official may approve an alternative engineered design of a plumbing system when determined to conform with the intent of this Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.440 CPC Section 316.2.2 amended.**

In Section 316.2.2 of the California Plumbing Code, delete the phrase beginning with "... and in gas piping ..." and also add the following sentence at the end of the paragraph:

"See section 1211.3 for gas piping joints."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

### **Part 5**

#### **Administrative Amendments to the Uniform Swimming Pool, Spa, and Hot Tub Code**

#### **15.04.500 Reference to Article I.**

Refer to Article I - General Administrative Amendments of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.505 USP Section 1.3 amended.**

In Section 1.3(a) of the Uniform Swimming Pool, Spa, And Hot Tub Code, at the end of the first sentence add "...unless superseded by California or Federal law."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.510 USP Section 1.7 deleted and replaced.**

In Section 1.7 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace this section in its entirety with Section 15.04.030 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.515 USP Section 1.10 amended.**

A. In Section 1.10 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace "in dupli-

cate" in "...accompanied by plans in duplicate..." in the first sentence of the first paragraph with "in three (3) sets" in lieu thereof.

B. In Section 1.10 of the Uniform Swimming Pool, Spa, And Hot Tub Code, add Section 15.04.035 of this chapter as the fourth major subdivision lettered "(d)."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.520 USP Section 1.11 deleted and replaced.**

In Section 1.11 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace Section 1.11 in its entirety with Sections 15.04.065, 15.04.070, and 15.04.075 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.525 USP Section 1.15 deleted and replaced.**

In Section 1.15 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace this section in its entirety with Section 15.04.060 of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.530 USP Section 1.18 deleted and replaced—Section 1.19 added.**

A. In Section 1.18 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace this section in its entirety with Section 15.04.025 of this chapter.

B. After Section 1.18 of the Uniform Swimming Pool, Spa, And Hot Tub Code, add Section 15.04.055 of this chapter as a new section 1.19.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.535 USP Section 102 amended.**

In Section 102 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace the definition of "Administrative Authority" in its entirety with Section 15.04.075(A) of this chapter.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.540 USP Section 310 deleted and replaced.**

In Section 310 of the Uniform Swimming Pool, Spa, And Hot Tub Code, replace this section in its entirety with the following:

**Section 310 - WASTE WATER DISPOSAL.**

(a) Waste water shall not be disposed of through any storm drain, seepage pit, underground leaching pit, or subsoil drainage line, and any line connected to a swimming pool, spa or hot tub.

(b) Waste water shall be disposed of as herein-after set forth in this section and the type of disposal proposed shall be approved by the Administrative Authority prior to the commencement of any work. A means of disposal of the total contents of the pool (periodic emptying) without surface runoff shall be as follows:

Waste water shall be disposed of to the Sanitary Sewer through a minimum three (3) inch P trap. The tailpiece from the trap shall extend a minimum of three (3) inches above finished grade and below finished floor grade. Traps need not be vented when located on the exterior of the building. The connection between the filter waste discharge piping and the P trap shall be made by means of an air gap.

Plans and specifications for any deviation from the above manner of installation shall be approved by the Administrative Authority before any portion of any such system is installed.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Part 6****Administrative Amendments to the California Residential Code****15.04.570 Reference to Article I.**

Wherever the provisions of the California Residential Code conflict with the provisions Article I — General Administrative Amendments of this chapter, the provisions of Article I shall prevail.  
 (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Part 7****Administrative Amendments to the California Energy Code****15.04.580 Reference to Article I.**

Wherever the provisions of the California Energy Code conflict with the provisions Article I — General Administrative Amendments of this chapter, the provisions of Article I shall prevail.  
 (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Part 8****Administrative Amendments to the California Green Building Standards Code****15.04.590 Reference to Article I.**

Wherever the provisions of the California Green Building Standards Code conflict with the provisions Article I — General Administrative Amendments of this chapter, the provisions of Article I shall prevail.  
 (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Article III****Non-administrative (Technical) Amendments****Part 1****California Building Code****15.04.600 CBC Section 105.2 amended.**

In Section 105.2 of the California Building Code, modify the beginning of item 6 to read "Platforms, sidewalks, and driveways not more than ...."  
 (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.601 CBC Section 310.1 amended.**

In Section 310.1 of the California Building Code, remove Live/Work units from the R-2 listing, and refer to section 15.04.696 of this Code.  
 (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.602 CBC Section 406.1.4 amended.**

In Section 406.1.4 of the California Building Code, replace paragraph numbers 1 and 3 in their entirety with the following:

1. A Group U private garage shall be separated from the dwelling unit and its attic area by not less than  $\frac{5}{8}$  inch Type X gypsum wallboard or equivalent applied to the garage side of the separation. Door openings shall be protected either with a minimum  $1\frac{3}{8}$  inches thick solid core wood or solid or honey comb core steel door or with a door complying with section 715.4.3. Doors shall be self-closing and self-latching and shall not connect with a sleeping room. Window openings are prohibited.
3. A separation between a Group U private carport and the dwelling unit is not required provided the carport is entirely open on two or more sides and there are no enclosed areas above. Door openings shall be protected with a minimum  $1\frac{3}{8}$  inches thick solid core wood or solid or honey comb core steel door. Window openings shall be fixed (non-open-

able) and dual-pane tempered glazing. Door and window openings shall not connect with a sleeping room.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.603 CBC Section 419 deleted and replaced.**

Replace Section 419 in the California Building with section 15.04.696 (live/work units) of this Code.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.604 CBC Section 501.2 amended.**

In Section 501.2 of the California Building Code, add the following two sentences:

"Such building numbers shall be in accordance with the Oakland Municipal Code. In the Very High Fire Hazard Severity Zone, the numbers shall be a minimum of six inches high with a minimum stroke of 0.5 inch."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.605 CBC Section 506.4 amended.**

In the Exception of Section 506.4 of the California Building Code, modify the next to last sentence as follows:

"A single basement need not be included in the total allowable building area, provided such a basement does not exceed the building area permitted for a building with no more than one story above grade plane."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.606 CBC Section 507 amended.**

In Section 507 of the California Building Code, replace "area" with "building area."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.607 CBC Section 602.1 amended.**

In Section 602.1 of the California Building Code, add the following two new paragraphs:

"In an existing building where a retrofit seismic bracing system is to be installed, if the

existing lateral bracing system is intact and undamaged and the retrofit system is providing bracing to meet current code standards then, the retrofit lateral bracing system is not considered as part of the structural frame for the purposes of this chapter. However, if the retrofit bracing system is connected, through bolts or welding, directly to an existing steel structural frame which permits a path of heat transfer through conduction to the structural steel frame, and the existing structural steel frame is required to meet a one hour or higher fire-resistive requirement, then the retrofit frame shall be one hour minimum fire-resistive.

In an existing building where a retrofit seismic bracing system is to be installed, if the existing lateral bracing system has been or is to be removed or has been damaged and no longer has its original lateral capacity, then the retrofit lateral bracing system is considered as part of the structural frame and shall meet the appropriate fire-resistive code requirements for the structural frame."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.608 CBC Section 602.2 amended.**

In Section 602.2 of the California Building Code, add the following new paragraph:

"When a sliding door is otherwise permitted by code and an unlabeled door is also permitted, a pocket sliding door constructed of wood may be used in a Type I and Type II construction as long as the perimeter of the pocket door construction abutting the interior of the wall construction is fire blocked or constructed with a fire-resistive separation in accordance with code. The pocket portion of the pocket sliding door is then considered as part of the door and not a part of the wall construction."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.609 CBC Section 501.2 amended.**

In Section 602.3 of the California Building Code, add the following new paragraph after the second paragraph:

"When a sliding door is otherwise permitted by code and an unlabeled door is also permitted, a pocket sliding door constructed of wood may be used in Type III construction as long as the perimeter of the pocket door construction abutting the interior of the wall construction is fire blocked or constructed with a fire-resistive separation in accordance with code. The pocket portion of the pocket sliding door is then considered as part of the door and not part of the wall construction."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

blocked or constructed with a fire-resistive separation in accordance with code. The pocket portion of the pocket sliding door is then considered as part of the door and not part of the wall construction."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.614 CBC Section 702 amended.**

In Section 702 of the California Building Code, add the following new definitions:

**CABLE:** Uninsulated non-ferrous electrical conductors that are a component of a premises wiring system in accordance with the provisions of the California Electrical Code.

**VENTS:** Plumbing vents that are a component of a sanitary drain waste and vent system in accordance with the provisions of the California Plumbing Code.

**WIRES:** Uninsulated non-ferrous conductors that are a component of a premises wiring or communication system in accordance with the provisions of the California Electrical Code.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.616 CBC Section 704.6 amended.**

In Section 704.6 of the California Building Code, add the following new paragraph:

"Supports and hangers for piping, mechanical equipment, and/or other appurtenances shall not be attached to structural members unless the appropriate fire protection of the structural member can be maintained."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.612 CBC Section 602.5 amended.**

In Section 602.5 of the California Building Code, add the following new paragraph:

"When a sliding door is otherwise permitted by code and an unlabeled door is also permitted, a pocket sliding door constructed of wood may be used in Type V building as long as the perimeter of the pocket door construction abutting the interior of the wall construction is fire

**15.04.618 CBC Section 708.3 amended.**

In Section 708.3 of the California Building Code, replace this section in its entirety with the following:

"The shaft enclosure shall be of materials permitted by the building type of construction and shall also have an approved lining or ducted exhaust when used to convey moisture-laden

air or product-conveying air, fumes, vapors, or dust in accordance with the provisions of the California Mechanical Code and the California Fire Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.622 CBC Section 716.5.3 amended.**

In Section 716.5.3 of the California Building Code:

- A. Delete Exception number 1 in its entirety; and
- B. Add "...and fire dampers..." after the phrase "...smoke dampers..." and add "...which are vented to the outside..." after the phrase "...at penetrations of shafts..." in the first sentence in Exception number 2; and
- C. Add "...909.10, and 909.12..." in Exception number 2.3 after the phrase "...in accordance with the provisions of Sections 909.11...."

D. Replace Exception number 3 in its entirety with "In parking garages, smoke dampers and fire dampers are not required at penetrations of exhaust shafts or supply shafts of 2-hour fire-resistant construction that have no openings which communicate with other building occupancies."

E. Add "...and fire dampers..." in the first sentence in Exception number 4.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.624 CBC Section 701A.3.1 amended.**

In CBC Section 701A.3.1, Item 2, add the following new sentence:

"All buildings shall comply with all sections of Chapter 7B."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.626 CBC Chapter 7B added.**

Add the following new Chapter 7B for Construction in the Very High Fire Hazard Severity Zone:

**Chapter 7B**  
**SPECIAL REQUIREMENTS FOR CONSTRUCTION**  
**IN THE VERY HIGH FIRE HAZARD SEVERITY ZONE**

Section 701B Fire Resistance of Walls.

Notwithstanding any other requirements to the contrary, exterior walls of structures shall comply with the provisions of the California Building Code and with the following requirements:

- (1) If 50% or more of the wall requires repair or replacement, the entire wall shall conform to this section and all other relevant provisions of this code. The exterior wall surface materials, other than  $\frac{7}{8}$ " three-coat stucco, must have a tightly sealed underlayment of  $\frac{1}{2}$ " Type "C" gypsum sheathing under  $\frac{3}{8}$ " plywood siding or  $\frac{3}{4}$ " drop siding,  $\frac{5}{8}$ " Type "X" under other siding, or an approved alternate. If the wall covering is wood shingle, it may only be replaced with fire-retardant, pressure-treated wood shingle applied over the fire resistant construction wall covering described above and only in conjunction with a vegetative management program. Wood shake wall covering shall not be allowed.
- (2) All exterior walls are required to be protected with double blocking (two - 2 inch nominal solid blocking) or equivalent approved by the Building Official between rafters at all roof overhangs under the exterior wall covering. No attic ventilation openings or ventilation louvers shall be permitted in soffits, cave overhangs, between rafters at eaves, or other overhanging areas unless approved by the building official. Attic or foundation ventilation louvers or ventilation openings in vertical walls shall not exceed one hundred and forty-four (144) square inches per opening and shall be covered with  $\frac{1}{4}$  inch mesh corrosion resistant metal screen. Attic ventilation shall also comply with the requirements of the California Building Code.

- (3) If less than 50% of the wall requires repair

or replacement, the existing wall may be repaired or replaced in-kind. If the wall covering is wood shingle or wood shake, it may only be repaired or replaced with fire-retardant, pressure-treated wood shingle.

- (4) For enclosed patio covers, enclosed decks, sun rooms, and solariums where the wall between the living area and the enclosure is more than 50% open, the exterior horizontal and vertical surfaces shall meet the requirements as provided in the California Building Code. If the wall between the living area and the enclosure is less than 50% open, that wall must meet the fire-resistive requirements as provided in the California Building Code. The exterior horizontal and vertical surfaces of the enclosure may be constructed of any approved materials and/or methods pursuant to this section or other provisions of this code as long as the attachment of such structures to the fire-resistive wall maintains the fire-resistive integrity of the wall.

#### Section 702B Fire Resistive Projections and Minor Structures.

Notwithstanding any other requirements to the contrary in this code, projections from structures in the Very High Fire Hazard Severity Zone without walls, including, but not limited to decks, balconies, roof overhangs, carports and attached patio covers, may be constructed of any approved materials and/or methods pursuant to this section or other provisions of this code. The attachment of these projections to the exterior fire-resistive wall shall be constructed so as to maintain the fire-resistive integrity of the wall.

#### Section 703B.1 Roof Covering.

The roof covering assembly includes the roof deck, under-layment, inter-layment, insulation and covering which is assigned a roof-covering classification.

#### Section 703B.2 Fire Resistive Roof Covering.

Roof covering on structures shall be fire resistive and shall be as follows:

Roof covering for newly constructed structures and existing structures for which the roof covering is replaced shall be a minimum Class A rated roof assembly. An existing roof covering with greater than 25% damage of the roof area shall be completely replaced or covered with an assembly having a minimum Class A rating. A Class A roof covering shall be one of the following roofing:

- (1) Any Class A roofing assembly;
- (2) Fibrous cement shingles or sheets;
- (3) Exposed concrete slab roof;
- (4) Slate shingles;
- (5) Clay or concrete roof tile;
- (6) Roof coverings of wood shingle or shake with less than 25% damage of the roof area shall be repaired with pressure-treated fire-retardant wood shingle or shake with a Class A rating or with any other Class A rated roof covering.

Roof coverings of other roof material as identified in the California Building Code with less than 25% damage of the roof area may be repaired with the same roof material unless the repair will adversely affect the existing structural members or create or perpetuate an unsafe or substandard condition.

#### EXCEPTIONS:

- (1) Wood Shingles shall be not less than Class C as provided by the California Building Code or other approved systems in areas designated as Fire Hazard Severity Zones by the Chief of the Fire Department.
- (2) Wood Shakes shall be not less than Class C as provided by the California Building Code

or other approved systems in areas designated as Very High Fire Hazard Severity Zones by the Chief of the Fire Department.

#### Section 703B.3 Roof Covering Application Requirements.

In addition to any other requirements imposed by this section, application of roof covering materials in the Very High Fire Hazard Severity Zone shall comply with the requirements contained herein.

- A. Existing roof covering with greater than 25% damage of the roof area and existing roof covering which is to be replaced shall be completely removed prior to the application of the new roof covering material.

#### EXCEPTION:

Existing roof covering material need not be completely removed prior to the application of the new roof covering material if the existing roof covering material is of Class A rating and contains no wood products and the owner can demonstrate to the Building Official that the roof framing construction can structurally support the combined weight of the existing roof covering material and the new Class A roof covering material.

- B. The vendor of roof covering material shall provide certification of the roof covering material classification to the building owner. The building owner must provide such certification to the Building Official upon inspection.

- C. Repair or replacement of "flat" roof coverings shall not begin until authorized by the Building Official. Where evidence of ponding of water is present, an analysis of the roof structure for compliance with the California Building Code shall be made. The Building Official may require that corrective measures be made.

#### EXCEPTION:

An inspection by the Building Official to verify the existing conditions may be waived if the structure owner submits an inspection report prepared by a qualified Special Inspector, approved by the Building Official.

#### Section 704B.

Buildings or building groups shall be located at least thirty (30) feet apart to minimize fire spread potential. This may be reduced to a minimum of six feet for each building or group of buildings provided all exterior walls within thirty (30) feet of another building or group of buildings are one-hour fire resistive construction or equipped with an approved automatic fire extinguishing system. The distance shall be measured at right angles from the adjacent building. This provision shall not apply to walls at right angles to the adjacent building or group of buildings.

#### Section 705B.

Combustible projections located where openings are not permitted or where protection of openings is required shall be of one-hour fire-resistive or heavy-timber construction conforming to the provisions of the California Building Code.

#### Section 706B Group R Occupancies.

All new or reconstructed dwelling units shall be equipped with an approved automatic fire extinguishing system.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.628 CBC Section 1008.1.1 amended.**

In Section 1008.1.1 of the California Building Code, replace Exceptions 1 and 5 in their entirety with the following:

#### EXCEPTIONS:

1. Door openings in a dwelling unit or sleeping unit which are not part of the required means

- of egress and which serve occupiable spaces shall be not less than twenty-eight (28) inches in width.
5. Door openings in a dwelling unit or sleeping unit which serve occupiable spaces shall not be less than eighty (80) inches in height.
- (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.630 CBC Section 1008.1.1 amended.**

In Section 1008.1.1 of the California Building Code, delete Exceptions 6 and 7 in their entirety.  
 (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.632 CBC Section 1013 amended.**

In Section 1013 of the California Building Code, add the following new subsection:

1013.7 Tensioned Cables.

Spaced intermediate tensioned cables in guards (guardrails) shall not be considered as meeting the requirements of this section.

**EXCEPTION:**

A private dwelling unit with less than 10 occupants may use intermediate tensioned cables in guardrails to meet the requirements of this section if the tension cables are spaced no more than two and one-half inches on center and are positively anchored at each end, and if anchored to wood rely only on compression in the wood to resist the tension in the cable.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.636 CBC Section 1027.6 amended.**

In Section 1027.6 of the California Building Code, delete the phrase "...for a Group E occupancy..." from the first sentence in the Exception and delete the first sentence beginning "For other than Group E buildings..." in its entirety from the number 2 Exception.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.638 CBC Section 1029.5.2 amended.**

In Section 1029.5.2 of the California Building Code, delete the word "ladder" throughout this section.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.640 CBC Section 1203.4.1 amended.**

In Section 1203.4.1 of the California Building Code, add the following new subsection:

1203.4.1.3 Closets.

The ventilation for a domestic clothes washer and/or dryer located in a closet in a dwelling unit may also comply with the following:

1. The area of a closet containing a washer and/or dryer shall be included in the area under consideration for determining ventilation requirements for the room to which the closet is accessory. In the case where a closet containing a washer and/or dryer is located in a hallway, the area of closet and hallway shall be included in the area under consideration for determining ventilation requirements for the room or rooms which will provide the ventilation to the hallway and closet.
  2. Louvers shall be provided on doors to a closet containing a washer and/or dryer.
  3. Natural ventilation shall be not less than one twentieth of the total floor area, with a minimum of  $1\frac{1}{2}$  square feet. Mechanical ventilation of five air exchanges per hour may be provided as an alternative.
  4. A dryer vent installed in accordance with the California Mechanical Code is necessary but is not considered as providing any ventilation required by this section.
- (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.642 CBC Sections 1505.1.1 and 1505.1.3 amended.**

In Section 1505.1.1 and 1505.1.3 of the California Building Code, add the new sentence:

"The roof covering shall include the roof deck, under-layment, inter-layment, insulation and weather-exposed covering which is assigned a roof-covering classification."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.646 CBC Chapter 16B amended.**

Add the following new Chapter 16B for requirements for Private Driveway Access Bridges:

**Chapter 16B  
PRIVATE DRIVEWAY ACCESS BRIDGES**

**Section 1601B—Driveway Bridge Design and Repair.**

Every driveway bridge and portion thereof for vehicular access to private garages or private parking shall be designed and constructed as a minimum in accordance with the general requirements of this Code as amended by this Section.

This Section provides design loading for driveway bridges, driveway approach decks, garage floors, and carport floors. Secondly, this division provides for minimum prescriptive requirements for alterations or repairs of varying scope to existing driveway bridges. This Section considers the possibility of temporary heavy loads on unroofed vehicle approach decks due to construction equipment, moving vans, and heavy emergency or other vehicles using the deck. On these bases, the appropriate design loads have been determined.

In all cases lateral loads for wind or seismic shall be considered and provided for. Repairs and alterations of existing decks shall conform to the criteria pursuant to this chapter.

**Section 1602B - Design Loads**

**Section 1602B.1 Case I.**

Design loads for driveway bridges serving private residential parking garages/carports with restricted headroom and no repair or refueling. Design loads shall be pursuant to Chapter 16 of the California Building Code for concentrated load and uniform live load (Private or pleasure-type motor vehicle storage). Reduction of live load may be determined pursuant to Chapter 16 of the California Building Code. Design load summary as follows:

**Wheel load:**

Two (2) 2,000 lb. loads spaced five (5) feet apart.

Each concentrated load is to be placed upon any space a maximum of two and a half ( $2\frac{1}{2}$ ) feet square pursuant to Chapter 16 of the California Building Code.

**Uniform load:**

One hundred (100) PSF with no allowable stress increase for duration of load. Live load reduction may be pursuant to Chapter 16 of the California Building Code.

**Section 1602B.2 Case II.**

Design loads for private vehicle access bridges serving a single family dwelling on a single lot fronting unimproved streets where the length of the building access path crossing the driveway bridge is fifty (50) feet or less. The following loads apply to the portion of such vehicle access bridges in the public right-of-way as well as the portion on private property. Pursuant to Chapter 16 of the California Building Code, this Section considers the gross weight of the maximum vehicle served to be twenty thousand (20,000) pounds for this condition (AASHTO H10 loading). The length of the access path is measured from the edge of pavement of the unimproved street to the building/garage/carport entry point. This concentrated load may be distributed in accordance with the provi-

sions Chapter 16 of the California Building Code or, alternatively, the concentrated loads may be distributed in accordance with the Standard Specifications For Highway Bridges, 14th ed., 1989, or latest edition, as adopted by the American Association of State Highway and Transportation Officials, 444 North Capital street, N.W., Suite 225, Washington, D.C. 20001. Allowable stress increases for a load duration of seven (7) days may be used for this concentrated load.

A minimum uniform live load of one hundred (100) PSF, (Garages—General storage and/or repair of the California Building Code), shall be used. Reduction of live loads may be determined pursuant to Chapter 16 of the California Building Code. The condition of concentrated or uniform live load producing the greater stresses shall govern. The summary of these loads are as follows:

#### Wheel load:

Two (2) 8,000 lb. loads spaced five (5) feet apart.

Each concentrated load is to be placed upon any space a maximum of two and a half ( $2 \frac{1}{2}$ ) feet square.

May alternatively use AASHTO load distribution.

#### Uniform load:

One hundred (100) PSF with no allowable stress increase for duration of load. Live load reduction pursuant to Chapter 16 of the California Building Code.

### Section 1602B.3 Case III.

Same As Case II, except building entry access path crossing the driveway bridge is more than fifty (50) feet. Same as for Case II, except the gross vehicle weight considered shall be thirty thousand (30,000) pounds (AASHTO H15).

#### Wheel load:

Two (2) 12,000 lb. loads spaced five (5) feet apart.

Each concentrated load is to be placed upon any space a maximum of two and a half ( $2 \frac{1}{2}$ ) feet square.

May alternatively use AASHTO load distribution.

#### Uniform load:

One hundred (100) PSF with no allowable stress increase for duration of load. Live load reduction pursuant to Chapter 16 of the California Building Code.

### Section 1602B.4 Case IV.

**Design Load for Private Residential Access Bridge Serving More than One Dwelling Unit or More than a Single Lot Fronting an Unimproved Street.**

Design loads shall be the same as for Case III in this chapter.

### Section 1603B—Alterations or Repairs to Existing Driveway Bridges.

#### Section 1603B.1 Case V.

Existing driveway bridges may need repairs as their structural system or moisture barrier system is often inadequate. Plans with the permit submittal, including concrete deck removal to install new deck waterproofing, for driveway bridge repairs should show the existing structural system for the driveway bridge so its adequacy to the design criteria of this Section may be checked.

A structural evaluation by an architect or engineer of the structure based on the design load criteria of this chapter, as appropriate, shall be provided for any driveway bridge repair for a bridge that does not have documented structural calculations.

### Section 1603B.2 Case VI.

If there are practical constraints on accomplishing repair work to a bridge with a history of adequate performance, the following alternative minimum prescriptive requirements for driveway bridge repairs, when approved by the Building Official, may suffice in lieu of a structural evaluation pursuant to this chapter.

**Section 1603B.2.1 Prescriptive Requirements for Repairs Necessary Due to Faulty Waterproofing Where there is Damage to Framing and Subfloor Around the Perimeter of the Driveway Deck, but, Framing and Subfloor Within the Field of the Deck has No Damage or has Only Minor Damage.**

These prescriptive requirements are as follows:

1. Remove concrete, replace damaged framing and subfloor as necessary. Install flexible waterproof membrane. Three and one half inches ( $3\frac{1}{2}$ ") to four inches (4") thick concrete replacement slab shall have No. 3 deformed steel reinforcement placed at four inches on center at center or slightly below center of slab and perpendicular to joist framing with similar reinforcement placed at six inches on center parallel to joist framing on top of perpendicular reinforcement. In lieu of reinforcing bar, steel fiber or glass fiber reinforced concrete may be used.
2. If the existing driveway deck joist span is greater than ten (10) feet, a supplemental support wall shall be installed at approximately the center of the existing joist span. This support wall shall include a "T" foundation as for a two story conventional foundation and a minimum  $\frac{1}{2}$  inch plywood shear panel applied to the support wall on at least one side.

3. Surface of concrete shall receive a concrete water sealant treatment in accordance with manufacturer's instructions.
4. Existing structure and details for this work shall be shown on drawings and approved by the Building Official.

**Section 1603B.2.2 Prescriptive Requirements for Repairs Necessary Due to Faulty Waterproofing Where there is Damage to Framing and Subfloor, and, the Existing Subfloor is to be Removed and Replaced.**

Since this repair will expose the joists, the existing deck framing can and shall be augmented. Prescriptive requirements for repairs shall be as follows:

1. Remove concrete, replace damaged framing, and augment existing framing by doubling two inch thick framing at twelve inches or less on center or four inch thick framing at sixteen inches or less on center. 2x framing more than twelve inches on center and 4x framing more than sixteen inches on center shall be tripled to provide additional support.
2. Replace damaged subfloor as necessary. Where 50% or more of the subfloor panels of the driveway deck are damaged and replaced, replace the damaged panels with minimum  $1\frac{1}{8}$ " T&G plywood or minimum two layers of  $\frac{3}{4}$ " plywood subfloor. Additional plywood subfloor panels shall be added on top of the undamaged subfloor for a level subfloor.
3. Install flexible membrane waterproofing in accordance with manufacturer's instructions. Hot mopped conventional waterproofing shall not be utilized unless specifically approved prior to installation by the Building Official.
4. Three and one half inches ( $3\frac{1}{2}$ ") to four

inches (4") thick concrete replacement slab shall be reinforced with minimum No. 3 deformed steel reinforcement placed at four inches on center at center or slightly below center of slab and perpendicular to joist framing with similar reinforcement placed at six inches on center parallel to joist framing on top of perpendicular reinforcement. In lieu of reinforcing bar, steel fiber or glass fiber reinforced concrete may be used.

5. If the existing driveway deck joist span is greater than 10 feet, a supplemental support wall shall be installed at approximately the center of the existing joist span. This support wall shall include a "T" foundation as for a two story conventional foundation and a minimum 1/2 inch plywood shear panel applied to the support wall on at least one side. Surface of concrete shall receive a concrete water sealant treatment in accordance with manufacturer's instructions.
6. Existing structure and details for this work shall be shown on drawings and approved by the City.

#### Section 1604B—Wood Driveway Deck.

Where a new wood subfloor deck is used it shall be a minimum of 2× T&G boards or 1<sup>1</sup>/<sub>8</sub> inch minimum T&G plywood subfloor.

#### Section 1605B—Waterproof Membrane.

A flexible membrane waterproofing shall be installed unless a solid inflexible substrate is provided for hot-mopped built-up waterproofing. The waterproofing membrane shall be suitable for the use intended and installed in accordance with the manufacturer's instructions.

#### Section 1606B—Public Right-Of-Way Encroachment.

The public right-of-way and any watercourse shall be clearly shown on the plans submitted for a permit. Any proposed or existing structure lo-

cated within the public right-of-way and/or near a watercourse shall have an encroachment permit on file or one shall be issued, including appropriate fees, prior to building permit issuance. If the encroachment permit is denied, the proposed structure shall not be permitted.

#### Section 1607B—Zoning/Design Review.

If, as a result of alteration or repair work, the exterior appearance of any element of the structure, including guardrails, is proposed to be altered in such a way as to subject the project to Design Review, such changes shall first be approved by the Zoning Division.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.648 CBC Section 1704.1 amended.**

In Section 1704.1 of the California Building Code, replace Exception number 3 in its entirety with the following:

3. The provisions of California Health and Safety Code Division 13, Part 6 and the California Code of Regulations, Title 25, Division 1, Chapter 3, commencing with Section 3000, shall apply to the construction and inspection of factory-built housing as defined in Health and Safety Code section 19971.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.649 CBC Section 1704.4 amended.**

In Section 1704.4 of the California Building Code, delete Exception number 4 in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.650 CBC Section 1704.8 amended.**

In Section 1704.8 of the California Building Code, add "...and connecting grade beams" after "Driven deep foundations..." in the section title.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.651 CBC Section 1704.9 amended.**

In Section 1704.9 of the California Building Code, add "...and connecting grade beams" after "Cast-in-place deep foundations..." in the section

title and add "...and connecting grade beams" after "Helical pile foundations..." in the section title.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.652 CBC Section 1805.2.1 amended.**

In Section 1805.2.1 of the California Building Code, delete "Where installed beneath the slab," in the first sentence of the second paragraph.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.653 CBC Sections 1807.1.3 and 1807.1.4 deleted.**

Delete Sections 1807.1.3 and 1807.1.4 of the California Building Code in their entirety.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.654 CBC Section 1807.1.6.1 amended.**

In Section 1807.1.6.1 of the California Building Code, after "...shall not be less than the thickness of the wall supported," insert "or 6," whichever is greater"  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.655 CBC Section 1809.3 amended.**

In Section 1809.3 of the California Building Code, replace the first sentence with "The top surface of footings, foundations, and grade beams shall be level."  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.656 CBC Sections 1809.8, 1809.9.2, 1809.11, and 1809.12 deleted.**

Delete Sections 1809.8, 1809.9.2, 1809.11, and 1809.12 of the California Building Code in their entirety.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.658 CBC Section 1805.5 amended.**

In Section 1805.5 of the California Building Code, delete Table 1807.1.6.3(1) in its entirety.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.660 Chapter 18B added.**

Add the following new Chapter 18B for requirements for Grading, Excavations, and Fills:

**Chapter 18B  
GRADING, EXCAVATIONS, AND FILLS**

**Section 1801B—Definitions.**

The following words and phrases, wherever used in this chapter, shall be construed as defined in this section unless otherwise required by the context. The singular shall be taken to mean the plural, and the plural shall mean the singular when required by the context of this chapter.

**APPLICANT** is the property owner and his authorized agents who apply for a Grading Permit pursuant to this chapter.

**BENCH** is a relatively level surface interrupting the slope of an excavation or embankment in sloping natural ground or cut or fill surfaces.

**BUILDING PERMIT** is a currently valid building permit issued by the City of Oakland.

**CITY** is the City of Oakland.

**CITY COUNCIL** is the City Council of the City of Oakland.

**CITY ENGINEER** is the Deputy Director, Community and Economic Development Agency, and his or her successor in title.

**CITY ADMINISTRATOR** is the City Administrator of the City of Oakland.

**CIVIL ENGINEER** is an engineer currently possessing an active license issued by the State of California for the practice of civil engineering.

**CIVIL ENGINEER IN RESPONSIBLE CHARGE** is that particular civil engineer whose signature appears on the initial Statement of the Engineer as submitted to the City with an application for a Grading Permit.

**CLEARING & GRUBBING** is site preparation for grading or construction by mechanical or manual means consisting primarily of, but not limited to, the removal of vegetation.

**COMPACTION** is the densification of fill by mechanical means.

**CUT SLOPE** is a finished or interim surface of graded material caused by the removal of existing soils which exist naturally or as the result of previous filling, dumping or other method of placement.

**DIRECTOR OF CITY PLANNING** is the Deputy Director, Community and Economic Development Agency, and his or her successor in title.

**ELEVATION** is the vertical distance above City of Oakland datum.

**EROSION** is the wearing away of ground surface due to natural action of the elements.

**EXCAVATION** is cutting, digging or moving of earth, rock or similar materials and includes the conditions resulting therefrom.

**EXPANSIVE SOIL** is those soils which are likely to cause damage to improvements such as streets, structures and buildings from their natural actions depending on water content.

**FILL** is the depositing or placing of earth, rock or similar materials, from the same or different site, and includes the conditions resulting there from.

**GRADING** is excavation or filling, or any combination thereof, and shall include the conditions resulting from any excavating or filling.

**GRADING PERMIT** is a currently valid grading permit issued by the City of Oakland.

**HOLIDAY** is New Year's Day, Martin Luther King Jr. Day, President's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, and Christmas Day.

**LAND DISTURBANCE** is any moving or removing of the soil mantle or top six inches of soil, whichever is shallower, by manual or mechanical means whether or not that soil is removed from the site, when the disturbed site area is greater than ten thousand (10,000) square feet measured horizontally, for all purposes except gardening or agriculture.

**LAND STABILITY PROBLEM AREA** is any site where there is information available that indicates special consideration should be undertaken due to purported land stability problems on or in the vicinity of the site.

**NATURAL PLANTING** is the planting of varieties of plants which will survive under the natural conditions of graded areas without regular irrigation and maintenance after establishment.

**PERMANENT EXCAVATION OR FILL** is excavation or fill created other than as defined herein as "Temporary" excavation or fill.

**PERSON** includes an individual, business and any other legally constituted entity such as, but not limited to, a limited partnership, limited liability company, and a corporation.

**PLANS** are maps, sketches, profiles, construction drawings and specifications, or any combination thereof as required to adequately describe the work, all as prepared by a Civil Engineer, all in accordance with this Article. Plans shall also include grading plans, drainage plans, erosion control plans and sedimentation control plans.

**PROTECTED TREES** shall be as defined in Chapter 12.36 of the Oakland Municipal Code.

**SEDIMENT** is earth material deposited by water.

**SOILS REPORT** is a report prepared by a Civil Engineer which shall include, but is not limited to, field test results and observations regarding the nature, distribution and strength of existing soils and recommendations and conclusions for grading procedures and design(s) for corrective action if necessary (including specifications for doing the work).

**SITE** is all that contiguous parcel of land where grading is required to be accomplished under a permit.

**SLOPE** is an inclined ground surface, the inclinations or rate of slope of which is expressed as a ratio of horizontal distance to vertical distance, or as a percentage using a ratio of vertical distance to horizontal distance.

**SUPERINTENDENT** is the owner or that particular agent of the owner, who is fully responsible for the performance of the work required by this chapter.

**TEMPORARY EXCAVATION OR FILL** is an excavation or fill created as a temporary condition to accommodate construction of a structure authorized by a valid building permit, and which will not remain after completion of the work.

**WATERCOURSE** is a stream, stream bed, creek, canal, paved ditch, lake or other open drainage way as also defined in Chapter 9.16, Watercourses, of the Oakland Municipal Code.

**WET (OR RAINY) SEASON** is October 15th until April 15th inclusive.

Section 1802B.1 Permit—When Required.

No person shall do or cause any grading in private or public property without first having

obtained a permit to do so from the City Engineer whenever such grading will result in any of the following:

1. The volume of excavation or fill will exceed fifty (50) cubic yards provided either:
  - a. the existing or the resulting rate of slope will exceed 20%; or
  - b. the vertical distance between the top and bottom of excavation or fill will exceed five feet at any location.
2. Any permanently unretained excavation or fill exceeding five cubic yards where the vertical distance between the top and bottom of the excavation or fill exceeds five feet at any location, disregarding benches; and the rate of slope of the surface exceeds 2 to 1 (2:1) for fill or 1.5 to 1 (1.5:1) for excavation, regardless of findings in the Soils Report.
3. An excavation or fill exceeding five cubic yards within fifteen (15) horizontal feet of any property line if the bottom of such excavation is below a line descending at a rate of slope of 2 to 1 from the existing ground surface at such property line, or if the top of such fill is above a line ascending at a rate of two to one from such property line, regardless of the findings in the Soils Report.
4. Grading in connection with a building, swimming pool, retaining wall or other structure where the vertical distance between top and bottom of the unretained slope will exceed five feet at any point, disregarding benches, when the cut slope exceeds 1.5 to 1 or the fill slope exceeds 2 to 1.
5. Any retained or unretained excavation or fill of any volume and height where the City has information of purported land stability problems on or in the vicinity of the site (i.e., "Land Stability Problem Area").
6. Any "Land Disturbance" where the rate of

slope of the ground surface exceeds 20%. Grading of an emergency nature to safeguard life or property may be undertaken prior to the issuance of a Grading Permit.

7. If a grading permit is not otherwise required, the necessity for a grading permit involving ground slopes 20% or less and greater than 10%, where a Grading Permit would be required if the ground slope were greater than 20%, will be determined, for cause, by the City Engineer or his duly authorized representative.
8. The volume of excavation or fill will exceed five hundred (500) cubic yards on a parcel or contiguous parcels.
9. Grading, clearing or grubbing, or land disturbance activity that otherwise does not require a grading permit involves an area of one acre or more.

A separate permit shall be required for each non-contiguous site. One permit may cover both an excavation and a fill on the same site.

#### Section 1802B.1 Permit—When Not Required.

No permit shall be required pursuant to this chapter for any of the following:

1. Temporary excavations in a public street or public right-of-way for which a permit has been issued under Title 12 of the Oakland Municipal Code.
2. Any public agency which has a reciprocity agreement with the City of Oakland pursuant to work under this chapter.
3. An excavation below finished grade for a basement, footing, retaining wall, swimming pool or other structure authorized by a valid building or foundation permit, which excavation will be completely occupied by and retained by the structure, provided such excavation is conducted in accordance with the

laws of the State of California relating to lateral support when the existing and finished ground slope will not exceed 10%.

4. A fill above existing grade, which fill will be retained by the exterior wall of a building, a retaining wall, swimming pool or other structure authorized by a valid Building Permit when the existing and finished ground slope will not exceed 10%.
5. Grading within a street to conform to elevations established by the City Engineer and for which a permit has been issued under the provision of Title 12 of the Oakland Municipal Code.
6. For test trenches, pits and borings done under the supervision of a Civil Engineer or Registered Geologist or Certified Engineering Geologist in accordance with the applicable regulations of the City of Oakland and the State of California.
7. Cemetery graves.
8. Water wells.
9. For work to be done under the Surface Mining and Quarrying Ordinance of the Oakland Municipal Code.
10. Gardening and agriculture.

#### Section 1802B.3 Permit—Items to Include in Application.

The application for a Grading Permit must include all of the following items in triplicate:

1. Application Form.
2. Vicinity Map, Site Map and Grading Plan.
3. Erosion and Sedimentation Control Plan, where required by the City Engineer.
4. Statement(s) of the Civil Engineer(s) in Responsible Charge.
5. Soils Report.

6. A landscape addendum to the erosion and sediment control plans by a licensed landscape architect when required by the Director of City Planning.
7. Proposed work schedule.
8. Deposit for review of the application in accordance with the current master fee schedule.
9. Itemized estimate of cost of work by a Civil Engineer.
10. Such other items as may be required by the City Engineer his duly authorized representative to aid in the understanding and review of the proposed grading work.
11. Proposed Dust Control Measures.

**Section 1802B.4 Permit—Application Form.**

The following information is required on the application form:

1. A description of the property in sufficient detail to permit its identification and general location.
2. The name(s) and address(es) and phone number(s) of the owner or owners of the property.
3. The reason for the grading.
4. Whether the grading is for the purpose of preparing the site for a subdivision under the provisions of the California Subdivision Map Act and Title 16 of the Oakland Municipal Code.
5. The name, address, telephone number and contractor's license number of the person or firm who will be doing the grading.
6. The names, addresses, and registration numbers of the Civil Engineer(s) in Responsible Charge who will direct the work, who prepared the grading plans and who will provide the testing and inspection of the work.

7. The amount in cubic yards of the proposed excavation and fill and the amount of the cumulative total of grading work.
8. The equipment and methods to be used in the work.
9. Whether any material will be hauled from or imported onto the site over public streets, and if so, the site from which or to which said material will be moved and the routes to be used.
10. The approximate starting and completion dates of the work to be covered by the Grading Permit.
11. An estimate of total cost of all work covered by the application.
12. Whether the grading is located within the Special Studies Zone, Seismic Hazard Zone, Flood Hazard Area, watercourse, or Land Stability Problem Area or a site containing expansive soils.
13. The signature of the owner or his authorized agent and the date of the application.

**Section 1802B.5 Permit Application—Vicinity Map.**

The vicinity map shall show the project site in relationship to the surrounding area's watercourses, water bodies and other significant geographic features, roads and other significant structures.

**Section 1802B.6 Permit Application—Site Map Anti Grading Plan**

The site map and grading plan shall be prepared by a Civil Engineer, are subject to approval of the City Engineer, and shall include all of the following:

1. A topographic and boundary survey of the site, as provided in Section 15.04.140 of this Code, for all sites to be graded containing up

to and including five acres. Sites containing more than five acres shall have contours at intervals and a minimum scale subject to the approval of the City Engineer. Enough off-site contours shall be included to show how surface runoff of storm water will flow on to and off the site.

2. Proposed limits of cuts and fills, both temporary and permanent, and other earthwork clearly designated.
3. Proposed retaining structures.
4. Drainage Plan: to include existing, temporary, and final drainage facilities which shall be coordinated with erosion and sediment control plans. Supporting hydrology and hydraulic calculations for on-site and downstream systems shall be submitted when required.
5. Existing and proposed improvements to the site.
6. Existing off-site structures within fifteen feet of the site boundary and other off-site improvements which may be affected by the grading work.
7. Public and private easements of record.
8. A Soils Report, as hereinbefore defined, prepared by a registered design professional.
9. Typical sections of areas to be graded and profiles of all proposed traveled ways for vehicles and pedestrians.
10. Measures to be taken to protect against potential hazards arising during the progress of the grading work.
11. If the site is in the Special Studies Zone, the plan shall show any purported fault trace which may or does cross or affect the site to be graded.
12. All proposed corrective actions to be taken

to alleviate existing site conditions detrimental to the improvements proposed including expansive soils, land stability problems, and seismic liquefaction and landslide.

13. The location of the base and diameter at breast height of all protected trees, and indication as to which protected trees, if any, may be subject to removal or damage during construction per Chapter 12.36 of the Oakland Municipal Code.
14. Any such additional items as required by the City Engineer to clarify or provide additional information which may be necessary to allow a complete review of the proposed work.

#### Section 1802B.7 Permit Application—Erosion and Sedimentation Control Plans.

Erosion Control and Sedimentation Control Plans shall be prepared by a Civil Engineer, are subject to approval of the City Engineer, and shall include all of the following:

1. Interim Measures. The plans shall include interim erosion and sedimentation control measures to be taken during wet seasons until permanent erosion and sedimentation control measures can adequately minimize erosion, excessive storm water runoff and sedimentation measures.

The plans shall include all necessary measures to be taken to prevent excessive storm water runoff or carrying by storm water runoff of solid materials on to lands of adjacent property owners, public streets, or to watercourses as a result of conditions created by grading operations.

The plan shall include, but not be limited to, such measures as short-term erosion control planting, waterproof slope covering, check dams, interceptor ditches, benches, storm drains, dissipation struc-

tures, diversion dikes, retarding berms and barriers, devices to trap, store and filter out sediment, and storm water retention basins. Off-site work by the Applicant may be necessary. The Applicant shall provide any off-site permission or easements necessary to present written proof thereof to the City Engineer. Erosion control work and sediment control work shall be coordinated with the grading work. A narrative description shall also be provided of measures to be taken, planting materials and specifications, and maintenance provision.

There shall be a clear notation that the plans are subject to changes as changing conditions occur. Calculations of anticipated storm water runoff and sediment volumes shall be included, if required by the City Engineer.

2. Permanent Measures. The plans shall include permanent erosion and sedimentation control measures which shall be primarily oriented towards prevention of erosion and shall include, but not be limited to, such measures as permanent erosion control planting, paved ditches, planted swales, benches, storm drains, dissipation structures, rip rap, and storm water retention basins.

A narrative description shall also be provided of measures to be taken, specifications for planting materials, fertilizers, planting and maintenance procedures.

An estimate of the length of time which will be required for the planting to produce a permanent coverage which will be sufficient to provide the degree of erosion control protection for which it is designed.

Section 1802B.8 Permit Application Initial Statement(s) of the Civil Engineer(s) in Responsible Charge.

1. One Civil Engineer in Responsible Charge. Where one Civil Engineer will be in responsible charge of the entire grading project, including, but not limited to the preparation of the grading plans, the exact following Initial Statement of the Engineer is required:

**DATE**

City Engineer

City of Oakland

Dalziel Administration Building

250 Frank Ogawa Plaza

Oakland, CA 94612

RE: Grading at (Same address as on application)

**INITIAL STATEMENT OF THE ENGINEER**

I have been retained by \_\_\_\_\_ (Applicant) to be in responsible charge of the grading work at property referenced above. I will assume full responsibility, as responsibility is defined in Section 15.04.660 of the Oakland Municipal Code, for carrying out the following to the best of my knowledge and ability:

- a. Assuring that testing and inspection required for the work in progress and the completed work shall be accomplished in a timely and professional manner to determine whether all the work is being/was done in accordance with plans, schedule and specifications approved by the City Engineer.
- b. Notifying the Applicant, verbally and in writing (with a copy to the City Engineer), of any work not being performed in accordance with the approved plans, schedule and specifications.
- c. Notifying the Applicant, verbally and

- in writing (with a copy to the City Engineer), of any work not meeting the requirements of the approved plans and specifications.
- d. Notifying the Applicant, verbally and in writing, of the modifications(s) required in his performance and the necessary corrective measures to be taken to cure all deficiencies.
  - e. Submitting an amended grading plan (through the Applicant) to the City Engineer for his review and approval for any significant changes caused by unforeseen conditions, along with a report setting forth the reasons for these changes and the recommended changes to the improvement plans necessitated by the amendments to the grading plan.
  - f. Notifying the Applicant, verbally and in writing (with a copy to the City Engineer), of any portion of the grading work affected by the amended plans and shall recommend whether or not the Applicant should proceed with the work before the amended plans are approved by the City Engineer.
  - g. Submitting in a timely manner upon the Applicant's satisfactory completion of the work under the permit, a Statement of Completion with the results of all tests and inspections attached thereto.
  - h. Stating in writing, along with the Statement of Completion, that the interim erosion control and sediment control measures appear to be adequate if properly maintained until the permanent erosion control measures are fully established, if any are required.
- If my services on the job are terminated, I will, at said time of termination, submit to the City Engineer a Statement of Partial Completion addressing the progress and conditions of all of the applicable items above and attach thereto the results of such inspections and tests which have been completed.
- Signed:
- 
- (Registered Civil Engineer)
- License No. \_\_\_\_\_
- Expiration \_\_\_\_\_
2. Multiple Responsibility. When the Civil Engineer in Responsible Charge is other than the Civil Engineer who prepared the approved grading plan, the following paragraph will be added to the letter in Item (1) above:
- "I have examined the plans to be used for this work as prepared by (name and registration of Civil Engineer) dated and hereby approve and adopt them as to the portions concerning the work to be performed under this permit."
3. Divided Responsibility. Where more than one Civil Engineer shall function as Civil Engineer in Responsible Charge and divide their responsibilities, each will submit in the exact text, the following Initial Statement of the Engineer:
- DATE  
City Engineer  
City of Oakland  
Dalziel Administration Building  
250 Frank Ogawa Plaza  
Oakland, CA 94612  
RE: Grading at (Same address as on application)
- INITIAL STATEMENT OF THE ENGINEER (DIVIDED RESPONSIBILITY)**

I have been retained by \_\_\_\_\_ (Applicant) to be in responsible charge of the portions of grading work enumerated below. I will assume full responsibility for carrying out the following to the best of my knowledge and ability (Each individual engineer shall enumerate and provide the portions of work he is to be responsible for).

If my services on the job are terminated, I will, at said time of termination, submit to the City Engineer a Statement of Partial Completion addressing the progress and conditions of all of the applicable items above and attach thereto the results of such inspections and tests which have been completed.

Signed:

\_\_\_\_\_ (Registered Civil Engineer)

License No. \_\_\_\_\_

Expiration \_\_\_\_\_

4. When those Civil Engineers in Responsible Charge, as specified in Item 3 above, are not the Civil Engineer who prepared the approved plan, each Civil Engineer in Responsible Charge shall add the paragraph shown in Item 2 above.
5. No Initial Statement(s) of the Engineer shall be accepted as complete until all responsibilities addressed in Item 1 above have been covered by one or more Civil Engineer(s) in Responsible Charge.

**Section 1802B.9 Permit Application: Initial Statement(s) of the Civil Engineer(s) in Responsible Charge—Responsibilities Defined.**

The responsibilities of the Civil Engineer(s) in Responsible Charge defined for purposes of this Article are defined as follows:

1. Inspection and Testing. The Civil Engineer

in Responsible Charge shall inspect the work in progress and perform such tests as may be necessary during the progress of the work to determine whether all grading work is done in accordance with the Plans and Specifications approved by the City Engineer. The City Engineer or his authorized representative may conduct unscheduled inspections of grading work in progress to assess whether such work poses a hazard to life and public or private property.

2. Substandard Performance; Notification of Applicant. When the inspection and testing reveals that the work is not being properly performed, and/or all or any portion of the work does not meet with the requirements of the approved Plans, Schedule and Specifications, the Civil Engineer in Responsible Charge shall immediately notify the Applicant, verbally and in writing (with a copy to the City Engineer). The Civil Engineer in Responsible Charge shall also notify the Applicant of any modifications which are required in his performance and the necessary corrective measures to be taken to cure the deficiencies in the work.
3. Changes in the Approved Plans, Schedule and Specifications Due to Unforeseen Conditions. If, during the progress of the grading work, the Civil Engineer in Responsible Charge finds it necessary to require significant changes due to unforeseen conditions, he shall submit (through the Applicant), amended Plans, Schedule and Specifications for the approval of the City Engineer. He shall also submit, at that time, a report setting forth the reason for the changes. The report shall also include any recommended changes to future improvement plans necessitated by the amended plan. The Civil Engineer in Responsible Charge shall also no-

tify, verbally and in writing (with a copy to the City Engineer), the Applicant of any portion of the grading work affected by the amended plans and recommended whether or not work should proceed before the amended plans are approved by the City Engineer.

4. Upon completion of the grading work, the Civil Engineer in Responsible Charge shall submit in a timely manner a Statement of Completion. He or she shall, at that time, also state in writing that interim erosion and sedimentation control measures, where required by the City Engineer, have been taken and appear to be adequate until permanent erosion control planting is effectively established.
5. It shall not be the responsibility of the Civil Engineer in Responsible Charge to perform the direction or supervision of the personnel and equipment performing the actual grading work unless they are in the employ of the Civil Engineer in Responsible Charge.
6. It shall not be the responsibility of the Civil Engineer in Responsible Charge to supervise, direct, inspect, or test any improvements being constructed coincidentally with the grading work but not a part of the approved grading plan.

#### Section 1802B.10 Permit Application—Proposed Work Schedule.

The Applicant must submit a master work schedule showing the following information:

1. Proposed grading schedule.
2. Proposed conditions of the site on each July 15, August 15, September 15, October 1, and October 15, during which the permit is in effect.
3. Proposed schedule for installation of all in-

terim drainage, erosion and sediment control measures including, but not limited to the stage of completion of erosion and sediment control devices and vegetative measures on each of the dates set forth in Sub-section 2 above.

4. Schedule for construction of final improvements, if any.
5. Schedule for installation of permanent erosion and sediment control devices where required.

#### Section 1802B.11 Permit Application Itemized Estimate of Cost of Work by Civil Engineer.

Quantities and costs of all the work to be done under the Grading Permit shall be submitted by a Civil Engineer to aid in establishing values for security deposits or surety bonds which may be required. The actual value of security shall be determined by the City Engineer.

#### Section 1802B.12 Permit Application—Related to Special Studies Zones And Seismic Hazard Zones Designated by State Geologist (Geologic Report).

No Grading Permit shall be issued for any site in the Special Studies Zones or Seismic Hazard Zones designated by the State Geologist before a Geologic Report has been submitted and approved pursuant to the requirements of Chapter 15.20 of the Oakland Municipal Code. Said report and review shall be submitted as a part of the application for Grading Permit along with all other material required by this chapter.

#### Section 1802B.13 Permit Application—Related to Flood Hazard Area.

No Grading Permit shall be issued for any site located in a designated Flood Hazard Area unless the grading plan provides for mitigation

measures relative to the projected flood hazard. The mitigation methods are subject to the review and approval of the City Engineer.

#### Section 1802B.14 Permit Application—Related to Expansive Soils Conditions.

No Grading Permit shall be issued for any site which is underlain by expansive soils unless the grading plan includes mitigation measures to prevent structural damages which may be caused by conditions due to expansive soils.

#### Section 1802B.15 Permit Application—Dust Control Measures.

"Best Management Practices," as developed by the City Engineer or an appropriate reference approved by the City Engineer, shall be used throughout all phases of construction. This includes any suspension of work, alleviation or prevention of any fugitive dust nuisance and the discharge of smoke or any other air contaminants into the atmosphere in such quantity as will violate any City of Oakland or regional air pollution control rules, regulations, ordinances, or statutes.

Water, dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning, vacuuming and sweeping or other means as necessary.

A Dust Control Plan may be required as a condition of permit issuance or at other times as deemed necessary to assure compliance with this section. Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

#### Section 1802B.16 Permit Application—Soils Report Contents.

All Soils Reports shall be based, at least in part, on information obtained from on-site testing. The minimum contents of a Soils Report submitted pursuant to this chapter shall be as follows:

1. Logs of borings and/or profiles of test pits and trenches.
  - a. Borings:
    - i. The minimum number of borings acceptable, when not used in combination with test pits or trenches, shall be two, when in the opinion of the Soils Engineer such boring shall be sufficient to establish a soils profile suitable for the design of all footings, foundations and retaining structures.
    - ii. The depth of each boring shall be sufficient to provide adequate design criteria for all proposed structures.
    - iii. All boring logs shall be included in the soils report.
  - b. Test Pits and Trenches:
    - i. Test pits and trenches shall be of sufficient length and depth to establish a suitable soils profile for the design of all proposed structures.
    - ii. Soils profiles of all test pits and trenches shall be included in the soils report.
2. A plat shall be included which shows the relationship of all borings, test pits and trenches to the exterior boundary of the site. The plat shall also show the location of all proposed site improvements. All proposed improvements shall be labeled.
3. Copies of all data generated by field and/or laboratory testing to determine allowable soil

bearing pressures, shear strength, active and passive pressures, maximum allowable slopes where applicable and any such other information which may be required for the proper design of foundations, retaining walls and other structures to be erected subsequent to or concurrent with work done under the Grading Permit.

4. A written report which shall include, but is not limited to the following:
  - a. Site description.
  - b. Local and site geology.
  - c. Review of previous field and laboratory investigations on the site, if any.
  - d. Review of information on or in the vicinity of the site on file with the City Engineer, if any.
5. Site stability shall be addressed with particular attention to existing conditions and proposed corrective actions at locations where land stability problems exist.
6. Conclusions and recommendations for foundations and retaining structures, resistance to lateral loading, slopes and specifications for fills and pavement design as required.
7. Conclusions and recommendations for temporary and permanent erosion control and drainage. If not provided in a separate report they shall be appended to the required soils report.
8. All other items which the Soils Engineer deems necessary.
9. The signature and registration number of the Civil Engineer preparing the report.
10. When the certification date by the Soils Engineer in Responsible Charge is more than three years old, the soils report be re-certified, or a new soils report shall be provided.

#### Section 1802B.17 Permit Application Referred to City Planning.

All applications for Grading Permits shall be referred to City Planning. City Planning shall report on any aspect of the proposed grading, excavation, or fill that relates to or affects the Oakland General Plan, and District or Area Plan, the zoning and subdivision regulations of the City, the preservation of natural scenic character, and any other environmental requirements, including the requirements of the California Environmental Quality Act.

#### Section 1802B.18 Permit Application Referred to City Planning Landscape Addendum to the Grading Plans.

A Landscape Addendum to the Grading Plans may be required at the discretion of City Planning. The landscaping plan, when required, shall be prepared by a licensed Landscape Architect to the current professional standards in landscape architecture and is subject to the approval of City Planning.

#### Section 1803B Report of City Planning—Time Limit for Review.

City Planning, upon completion of its investigation including review of the Landscape Addendum (when required) shall transmit its report and recommendations to the City Engineer and no permit shall be issued until such report has been received.

#### Section 1804B Permit—Conditions Upon Issuance.

In granting any permit under this chapter, the City Engineer may attach such conditions thereto as he deems reasonably necessary to safeguard life, public and private property, and to ensure that the work will be carried out in an orderly manner in conformance with all regulations and without creating a public nuisance; and he/she may add to, remove, or change such

conditions from time to time during the duration of the permit as he/she deems reasonably necessary as a result of changed conditions or otherwise. Such conditions may include, but shall not be limited to:

1. Limitations on the hours of operations, days of operations or the portion of the year in which the work may be performed.
2. Restrictions as to the size and type of equipment to be used.
3. Prohibition or restriction on the use of explosives.
4. Designation of the routes over which the materials may be transported.
5. Requirements as to the suppression of dust and prevention against spilling or tracking of dirt, and the prevention of excessive noise or other results offensive or injurious to the neighborhood and the general public, or any portion thereof.
6. Regulations as to the use of public streets and places in the course of the work.
7. Regulations for the repair and cleaning of streets and other public facilities if their safe, operable, and clean condition has been jeopardized.
8. Requirements for safe and adequate drainage of the site.
9. A requirement that approval of the City Engineer be secured before any work which has been commenced, may be discontinued.
10. A requirement that personnel and equipment be provided at the site during storms to prevent damage to other property from flooding or the depositing of material washed from the site.
11. Requirements for fences, barricades or other protective devices.

12. Requirements pertaining to reshaping and planting the site, including the time limit for such work.

Section 1805B.1 Statement of Completion of Civil Engineer(s) in Responsible Charge - Final Completion.

Within fourteen (14) calendar days after completion of the work authorized by the Grading Permit, the Civil Engineer(s) in Responsible Charge shall provide the following Statement of Completion in his/her areas of responsibility with respect to the Grading Permit in writing. The grading work under any permit shall not be considered complete until each of the following items have been addressed by the Civil Engineer in Responsible Charge, who shall file with City Engineer a written statement stating that said items have been completed and/or are true to the best of his/her knowledge and belief:

1. Her/his/their appropriate portion of grading work has been done in accordance with the plans and amended plans prepared or adjusted by her/him and approved by the City Engineer. All modifications made by the Civil Engineer in Responsible Charge shall be specifically set forth in the Statement of Completion.
2. In the Civil Engineer's opinion, the finished graded slopes in the subject area are in a stable condition.
3. Where required by the City Engineer, interim and/or permanent erosion and sedimentation control measures have been taken, and that where interim measures have been taken, they will adequately control erosion and sedimentation if properly maintained, until permanent erosion control planting is effectively established.
4. The magnitude of the total settlements and differential settlements which are likely to

occur, the allowable loads of bearing pressures which may be imposed, and stating that compaction is adequate for the uses proposed for the property and adequate to develop the recommended bearing pressures.

5. Any limitations which should be imposed on the development of the property because of soil conditions and amendments to the approved grading plan.
6. The Civil Engineer(s) in Responsible Charge shall also submit with the above items, all documentation necessary to support her/his/ their Statement(s) of Completion (i.e., records of inspections, tests, observations, etc.).

#### Section 1805B.2 Statement of Completion of Civil Engineer(s) in Responsible Charge Partial Completion.

When, in the estimation of the City Engineer, an entire grading project cannot be completed before phased construction may proceed on structural foundations or retaining structures in order to provide for the public and private welfare, safety and convenience, the City Engineer may require the Civil Engineer in Responsible Charge to submit a partial written statement addressing the satisfactory completion of those items. Separate building permits shall be required for the necessary structures. The total grading work shall be addressed in Statement of Completion prior to final inspection of any structures.

#### Section 1805B.3 Statement of Completion of Civil Engineer(s) in Responsible Charge—Responsibility Changes Hands.

In all grading operations, if one Civil Engineer in Responsible Charge's services are terminated and another Civil Engineer in Responsible Charge assumes the responsibility for the remainder of the work, each Civil Engineer shall immediately file the Statement of Comple-

tion with respect to the portion of the work for which she/he is responsible and stating what work was completed and what work was improperly or inadequately done at the time of the termination of her/his responsibility. No grading work shall proceed unless the Civil Engineer in Responsible Charge takes the responsibilities, and the City Engineer shall suspend any permit when the grading work is not under the responsibility of a Civil Engineer in Responsible Charge approved by the City.

#### Section 1805B.4 Statement of Completion of Civil Engineer(s) in Responsible Charge—Grounds for Denial of Building Permit.

When a Grading Permit is issued on a site, the Building Official shall be notified that no Building Permit for the construction or repair of any structure on the property shall be issued until Statement(s) of Completion covering the completed grading work has/have been filed, unless the issuance of a Building Permit is required to allow construction of retaining walls or other structures designed in accordance with the Oakland Building Construction Code in order to allow completion of the grading work, in which case a cash bond may be required to guarantee the filing of Statement(s) of Completion covering the completed grading work.

#### Section 1805B.5 Statement of Completion of the Civil Engineer(s) in Responsible Charge—Related to Final Inspection and Certification of Occupancy.

No Final Inspection, as required by the Oakland Building Construction Code, shall be made and no Temporary Certificate of Occupancy or Certification of Occupancy shall be issued by the Building Official for any structures located on a site for which a Grading Permit has been issued prior to the acceptance by the City Engineer of the Statement of Completion of the Civil Engineer in Responsible Charge. The City

Engineer may reject a Statement of Completion which, in her/his judgment, does not adequately meet the requirements of this chapter.

#### Section 1806B Responsibility for Performance of Grading Work.

The Permittee shall bear full responsibility for the performance and maintenance of the work in accordance with the approved Plans, Schedule, Conditions and Specifications and any approved modifications thereof, and also shall bear full responsibility for accomplishing the work in accordance with the recommendations of the Civil Engineer in Responsible Charge during the progress of the work. The Permittee shall be present at all times work is in progress and shall be completely responsible for the supervision and direction of all personnel and equipment performing work under the Grading Permit.

#### Section 1807B Applications and Permits—Time of Validity.

1. Applications for grading permits shall expire 180 days after the date of application. One extension of the application may be requested for not more than 180 additional days (one year total from the date of application). Fees as established in the master fee schedule shall be paid at the time of application submittal and extension request.
2. Grading permits shall expire when the work has not commenced within 180 days from the date of issuance of the grading permit or when the work has not been completed within one year following the date of commencement.
3. No grading work shall occur during the grading moratorium (wet season). Temporary shoring or permanent retaining structures shall be installed before commencement of the grading moratorium (wet season). The

Civil Engineer in Responsible Charge shall show what actions will be implemented to eliminate any dangerous conditions which may result from the incomplete grading work, or shall state no such actions are necessary. The addendum shall bear the Civil Engineer's signature and registration number.

#### Section 1808B Grounds for Denial—Hazard.

The City Engineer shall deny a permit for any violation of this Code, other laws, rules and regulations in effect in the City, or whenever, in her/his judgment, the proposed work will directly or indirectly create a hazard to human life or endanger public or private property. If, in the opinion of the City Engineer, the danger or hazard can be eliminated by the erection or installation of protective devices or by performing the work in a particular manner approved by the City Engineer, the City Engineer may grant a permit upon conditions that the protective and precautionary work or manner of performing the work, as approved, shall be used.

#### Section 1809B Grounds for Denial—Disinterested Civil Engineer in Responsible Charge.

In all cases where a Grading Permit is required, to prevent potential conflicts of interest and to assure that inspection and testing of the grading work is performed by a disinterested party, neither the owner of the property nor the builder who is to construct the improvements on the property or perform the grading work, shall be the "Civil Engineer in Responsible Charge" that provides any "Statement of Engineer" pursuant to the requirements of this chapter.

#### Section 1810B General Requirements Applicable for All Grading Work Unless Modified by the City Engineer.

The following shall apply to all grading work:

1. Grading, erosion control and sedimentation control work shall be done in accordance with plans hereinbefore described.

2. No grading work shall be done during the wet season except for emergency stabilization of geotechnical instability.
  3. Temporary erosion and sedimentation control facilities shall be completely in place prior to October 15th, and shall be diligently maintained to ensure effectiveness through April 15th.
  4. The hours of grading operations shall be only between 7:00 a.m. to 9:00 p.m. weekdays, 8:30 a.m. to 6:00 p.m. Saturdays, and prohibited on Sundays and Holidays unless otherwise approved by the City Engineer. Exceptions will only be granted if it can be shown that there is a compelling public interest to grade during prohibited times.
  5. No clearing and grubbing shall take place on any site for which a Grading Permit is required prior to the issuance of a valid Grading Permit.
  6. Where required, a valid Tree Removal Permit must be obtained prior to the issuance of a Grading Permit. No tree removal shall take place until both Tree Removal Permit and a Grading Permit, if required, has been issued.
  7. No grading shall be approved on properties adjacent to the site without the written permission of the adjacent property owner. Such written permission shall be notarized and acknowledged and presented to the City Engineer as a part of the items required with the application for a Grading Permit.
  8. The rate of slope of the surface of permanent fills shall not be steeper than 2 to 1 and the rate of permanent cut slopes shall not be steeper than 1.5 to 1, unless otherwise recommended in the Soils Report and approved by the City Engineer.
  9. Areas to receive fill shall be adequately prepared by stripping unsuitable material and by benching slopes. Where past sliding is known or suspected or where unstable material exists, all such unstable material shall be stripped, with slip surfaces destroyed by benching and subdrainage installed before the fill is placed.
  10. Drainage facilities shall be provided to convey stormwater to a natural watercourse, swale or other drainage way, or to a public storm drainage system at locations and in a manner satisfactory to the City Engineer. Adequate temporary measures shall be taken to control stormwater during grading operations.
  11. Erosion control shall include planting of all graded areas to be left exposed to the elements in accordance with the planned maintenance of such areas.
  12. No grading shall be done which will cause sloughing of materials from or onto adjoining property.
- Section 1811B.1 Security—Grading Performance.**
- A performance security shall be required for every grading permit issued under this chapter. A minimum of one thousand dollars (\$1,000) or two percent (2%) of the Civil Engineer's estimate of cost of grading work, whichever is greater, shall be provided in cash or cashier's check. The total amount of the security shall be determined by the City Engineer after consideration of the estimated cost of the work, the possible consequences of non-completion, particularly with respect to adjacent properties, public safety and any other relevant factors. The minimum security required shall be one hundred percent (100%) of the engineer's estimate of cost of grading work. The form of the security shall be cash, cashier's check, approved

surety bond (for an indefinite duration), irrevocable letter of credit, or other liquid financial instrument approved by the City Engineer.

The security shall remain in full force and effect until the Statement of Completion has been accepted by the City Engineer. The security shall obligate the principal, his or her executors, administrators, successors and assigns, jointly and severally, with the surety, and shall inure to the benefit of the City and to any person aggrieved by the principal's (owner/applicant's) failure to comply with the conditions thereof.

The security shall be conditioned on the faithful performance of the work under the Grading Permit and the immediate abatement of the hazards above-named. Failure of the person to whom the permit is issued to abate such hazard(s) in a timely manner shall result in Summary Abatement.

#### Section 1811B.2 Security—Erosion and Sedimentation Control Performance.

Where erosion and sedimentation control work is required as a part of the approved grading plan, the City Engineer may require such work to be secured either separately from, or along with, any grading security which may be required.

The Erosion and Sedimentation Control security shall be conditioned on the performance of the erosion and sedimentation control portion of the approved grading plan and shall remain in full force and effect during the "Wet Season" or such other time period which shall be determined by the City Engineer.

#### Section 1811B.3 Security—Term and Completion.

The term of each security shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the

City Engineer of all of the terms and conditions of the permit for the work. Such completion shall be evidenced by a statement thereof signed by the City Engineer.

#### Section 1812B.1 Notice of Default—General.

Whenever the City Engineer finds that a default has occurred in the performance of any term of condition of any permit, written notice thereof shall be given to the contractor, property owner, and the surety of the security. Such notice shall state the work to be done and the period of time deemed by the City Engineer to be reasonably necessary for the completion of the work.

The Owner shall have fourteen (14) calendar days from the date of service of the Notice of Default to comply with same or to appeal to the Hearing Examiner. In an emergency, the City Engineer shall have the authority to take action three calendar days after service of the Notice, and to use liquid funds of the security to initiate remediation actions.

#### Section 1812B.2 Notice of Default—Duty of Surety.

After fourteen (14) calendar days from the date of service of a Notice of Default, the surety shall cause the required work to be performed expeditiously and within the time therein specified or, failing therein, pay to the City the estimated cost of completing the work, as determined by the City Engineer, but not to exceed the principal sum of the security.

#### Section 1812B.3 Notice of Default—Right of Entry.

In the event of any default in the performance of any term or condition of the permit for the work, the surety or any person employed or engaged on his behalf shall have the right to enter upon the premises to complete the required work or make it safe. Representatives of

the City shall have the right to enter upon the premises during the course of the work or upon completion to check for compliance with the terms or conditions of the permit and the provisions of this chapter.

#### Section 1812B.4 Notice of Default—Performance Interference Prohibited.

No person shall interfere with or obstruct the ingress or egress to or from any such premises by an authorized representative or agent of any surety or of the City engaged in completing the work required to be performed under the permit, checking on compliance of the work with the terms or conditions of the permit and the provisions of this chapter, or taking emergency actions deemed necessary for the protection of the public and adjoining properties.

#### Section 1813B Violation and Abatement.

Violations of this chapter shall be abated by the City and costs, fees, penalties, and accruing interest for abatement shall be assessed by the City and collected in accordance with the provisions of Chapters 1.08, 1.12, and 15.08 of the Oakland Municipal Code.

#### Section 1814B Erosion and Sedimentation Control.

##### Section 1814B.1 Responsibility for Preventive Measures to Control Erosion and Sedimentation.

Any person who performs grading, clearing and grubbing or other activities that disturb the existing soil shall take appropriate preventative measures to control erosion, sedimentation of eroded materials onto adjacent lands, public streets or rights-of-way, or carrying of eroded materials to any watercourse by any route. The person in possession and the owner of the property on which the soil is disturbed are responsible to perform necessary preventative measures to control erosion and sedimentation.

##### Section 1814B.2 Preventative Measures to Control Erosion and Sedimentation.

Preventative measures shall be those prescribed in the "Manual of Standards for Erosion and Sediment Control Measures" of the Association of Bay Area Governments and as subsequently amended. Preventative measures shall include both interim and permanent measures to control erosion and sedimentation.

Interim preventative measures shall be taken during the period October 15 to April 15 until permanent control measures are complete and effective. Interim measures shall include, but not be limited to, waterproof slope covering, drainage ditches around slopes, short-term control planting, slope benching, rip-rap, storm drains and energy dissipation structures.

Permanent preventative measures shall include, but not be limited to, completion of buildings, walls or other structures, permanent planting, paved ditches, slope benching, rip-rap storm drains, paving and energy dissipation structures.

The City Engineer may require an erosion and sedimentation control plan prior to issuance of any building permit on lots where the conditions of lot location, configuration or contour may result in increased problems of erosion or sedimentation control.

#### Section 1814B.3 Classification of Erosion and Sedimentation Conditions as Constituting a Hazard.

Any grading, clearing and grubbing or other activities that disturb the existing soil so that erosion, sedimentation of eroded materials onto adjacent lands, public streets or rights-of-way or carrying of eroded materials to any watercourse occurs, such activities shall constitute an dangerous condition and shall be abated as set forth in this chapter.

**Section 1815B Discharge of Concentrated Flow.**

**Section 1815B.1 General.**

Except as established in this Section, it shall be unlawful for anyone to discharge or channel concentrated flow of storm water onto neighboring property.

**Section 1815B.2 Methods.**

Approved methods of discharge may be achieved in the following ways:

1. Drain to Streets. For property located on an improved street which abuts the property frontage, storm water may drain to the public right-of-way when directed under the sidewalk in accordance with the Oakland Municipal Code. If the property is located on an unimproved street, the property owner shall submit, for approval by the City Engineer, a detail showing how storm water discharges to the street. The drainage detail shall show the size and type of conduits, the points where conduit day-lights on the slope, and the type and location of slope protection.
2. Dissipation of Storm Water within the Property Boundaries. The dissipater system shall be designed by a Civil Engineer and shall not be closer than fifteen (15) feet from a property line. The system shall be approved by the City Engineer prior to construction. A Special Inspection letter shall be submitted to the City Engineer and approved prior to issuance of a Temporary Certificate of Occupancy or a Certificate of Occupancy.
3. Pumping of Storm Water to a City Approved Means of Disposal. Storm water may be collected in a catch basin and discharged by a pump to the street surface.
4. Discharging Storm Water to a Public Storm Sewer System. The connection shall be designed by a licensed professional and ap-

proved by the City Engineer. A permit issued by the Building Official for direct connection to the public storm sewer system shall be required. Granting of such permit shall be a discretionary action.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.662 CBC Section 1908.1.8 amended.**

In Section 1908.1.8 of the California Building Code, delete subsection (a) in its entirety and delete the exceptions to subsection (b) and subsection (c) in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.664 CBC Section 1909.2 amended.**

In Section 1909.2 of the California Building Code, delete "Walls and..." from subsection number 3.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.666 CBC Section 1909.4 amended.**

In Section 1909.4 of the California Building Code, delete "...walls..." from the sentence beginning "Structural plain concrete...", and also delete the Exception in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.668 CBC Section 1909.6 deleted.**

Delete Section 1909.6 of the California Building Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.669 CBC Section 2304.7.1 amended.**

In Section 2304.7.1 of the California Building Code, delete 2304.7(1) and 2304.7(2) after "Floor sheathing conforming to the provisions of Table..." in the second paragraph.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.670 CBC Section 2304.7.2 amended.**

In Section 2304.7.2 of the California Building Code, delete 2304.7(1) and 2304.7(2) after "Roof sheathing conforming to the provisions of Table..." in the second paragraph.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.671 CBC Section 2304.9.5.2 deleted.**

Delete Section 2304.9.5.2 of the California Building Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.672 Item 5 added.**

After item 4, add item 5: "Anchor bolts are spaced no further than 48" in a direction parallel to the sill plate."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.673 CBC Section 2306.4 amended.**

In Section 2306.4, replace the following ".Seismic Design Category E or F." with ".Seismic Design Category D, E, or F."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.674 CBC Section 2308.3.3 amended.**

In Section 2308.3.3 of the California Building Code, at the end of the second sentence, delete the phrase, ".for structures over two stories above grade plane."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.676 CBC Section 2308.6 amended.**

In Section 2308.6 of the California Building Code:

A. In the third sentence beginning with "Foundation plates or sills...", replace "1/2-inch diameter (12.7mm) steel bolts" with "5/8"-inch diameter (15.9mm) steel bolts."

B. In Section 2308.6, in the fourth sentence beginning with "Bolts shall be...", replace "6 feet (1829mm) apart" with "4 feet (1219mm) apart, and adequately secured in-place by an approved method before placement of concrete or grout."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.677 CBC Section 2406.3 amended.**

In Section 2406.3, item 5 of the California Building Code, add ".or within 3 feet measured horizontally of such fixtures or compartments..." in the second sentence after the phrase ".a building wall enclosing these compartments..."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.678 CBC Section 2509.3 amended.**

In Section 2509.3 of the California Building Code, add the following:

A. a new note as follows: "4. As backing board for glue-on thinset tile."

B. a new second paragraph as follows:

The following typical installations for walls in showers and water closets are acceptable pursuant to this section. All of the following finishes shall extend a minimum of seventy inches above the adjacent tub or shower drain. Joint and nail treatment and installation shall be pursuant to specific manufacturer's installation instructions.

## 1. Marble Finish

- a. No building paper on stud face.
- b. Water-resistant gypsum backing board with nailing inspection required.
- c. Glued-on marble or marble equivalent

## 2. Thinset and Glue-on Tile

- a. Building paper on stud face.
- b. Cementitious backer unit (CBU) installed in accordance with manufacturer's instructions. Instructions on jobsite at time of inspection.
- c. Tile (thinset or glue-on).
- d. Finish grout.

## 3. Tile

- a. No building paper on stud face.
- b. Water-resistant gypsum backer board (greenboard).
- c. Paper/lath with inspection required
- d. Scratch coat
- e. Tile installation
- f. Finish grout

## 4. Fiberglass kits (does not include solid one-

piece units) which have been approved by I.A.P.M.O. (or other approved testing and listing agency) for use in tub/shower walls

- a. No building paper on stud face.
- b. Water-resistant gypsum backer board (greenboard) with inspection required.
- c. Fiberglass kit installation per manufacturer's instructions with instructions available to inspector on the jobsite.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.679    CBC Section 3201.4 deleted and replaced.**

In Section 3201.4 of the California Building Code, replace this section in its entirety with the following:

##### 3201.4 Site drainage.

Surface, subsurface, potable, and equipment drainage water shall be conveyed in an approved manner to an adequate and approved downstream transportation facility.

In Section 3202.1 of the California Building Code, replace this section in its entirety with the following:

##### 3202.1 Encroachments below grade.

Encroachments into the public right-of-way below grade shall conform with the requirements of Oakland Municipal Code Chapter 12.08.

In Section 3202.2 of the California Building Code, replace this section in its entirety with the following:

##### 3202.2 Encroachments above grade.

Encroachments into the public right-of-way above grade shall conform with the provisions of Chapter 12.08 of the Oakland Municipal Code and as provided for in Sections 3202.2.1 through 3202.2.3.

##### 3202.2.1 Doors.

Doors shall not swing over the public right-of-way in any position by more than twelve (12) inches.

##### 3202.2.2 Signs.

Encroachments of signs over the public right-of-way shall conform with the provisions of the Oakland Sign Code.

##### 3202.2.3 Unenclosed balconies, architectural features, awnings, canopies.

Unenclosed balconies, architectural features, canopies over entrance doors, and awnings over windows may cantilever over the public right-of-way by not more than one inch horizontally for each one inch of vertical clearance exceeding eight feet, measured from the higher of finished grade or public walking surface to the lowest overhead element of the encroachment. The encroachment shall not project more than four feet. Projecting structural elements shall be fire-resistive construction or noncombustible.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.680    CBC Section 3305.1 amended.**

In Section 3305.1 of the California Building Code, replace "...the California Plumbing Code" with "...Section 15.04.070 of this Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

#### **15.04.681    CBC Section 3307.1 amended.**

In Section 3307.1 of the California Building Code, replace the fourth sentence beginning with "The person making or causing an excavation..." in its entirety with the following:

"Adjoining property owners shall be provided adequate notice of pending excavation and sufficient time allowance for completing protective measures, and their buildings and structures shall be provided adequate subjacent support in accordance with the provisions of California Civil Code Section 832."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.682 CBC Section 3401.2 amended.**

In Section 3401.2 of the California Building Code, replace this section in its entirety with the following:

"Buildings, structures, portions thereof, and fire-protection, detection, and alarm systems shall be maintained in accordance with the Oakland Building Maintenance Code and the Oakland Fire Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.683 CBC Section 3401.4.3 amended.**

In Section 3401.4.3 of the California Building Code, delete the word "Replacement" in the section title and in the first sentence.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.684 CBC Section 3403.1.1 amended.**

In Section 3403.1.1 of the California Building Code, delete the word "Replacement" in the section title and in the first sentence.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.685 CBC Section 3404.1 amended.**

In Section 3404.1 of the California Building Code, replace this exception 1 in its entirety with the following:

"Where the partial repair of a stairway, guardrail, or handrail does not exceed 33% of the existing section of repaired elements, and the existing section is in accordance with the code that was current at the time of original construction, and the existing section does not continue or exacerbate an unsafe condition, then the repair may match the existing construction. Repairs to existing stairways with masonry or concrete surfacing exceeding four inches in thickness and supported by wood framing may conform with the provisions of this section."

If the repair of the wood framing does not exceed 33% of the existing wood frame section being repaired, and the masonry or concrete surfacing is in sound condition with nothing

more than shrinkage cracks, and the rise and run of the stairway are in accordance with the code that was current at the time of original construction, and the stairway has positive drainage and has not settled excessively towards or away from the building; and the existing section does not continue or exacerbate an existing condition, the repair may match the existing construction.

All replacement of the wood framing supporting the masonry or concrete surfacing shall be factory pressure preservative treated. All replacement wood framing within six inches of the ground shall be pressure preservative treated approved for direct ground contact. All end field cuts of pressure preservative treated wood shall be properly treated with preservative."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.686 CBC Section 3404.1.1 amended.**

In Section 3404.1.1 of the California Building Code, delete the word "replacement" in the first sentence.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.687 CBC Section 3405.1.2 amended.**

In Section 3405.1.2 of the California Building Code, delete the word "replacement" in the first sentence.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.688 CBC Section 3406 amended.**

In Section 3406 of the California Building Code, delete Section 3406.1.1, Section 3406.1.3, Section 3406.1.4, Section 3406.2, Section 3406.3, and Section 3406.4 in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.689 CBC Section 3408.1 amended.**

In Section 3408.1 of the California Building Code, delete the sentence beginning "Subject to the approval of the Building Official..." in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.690 CBC Sections 3408.3 and 3412 deleted.**

In Section 3408.3 and Section 3412 of the California Building Code, delete these two sections in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.691 CBC Section 3408.4 amended.**

In Section 3408.4 delete the first sentence and replace with "When a change is made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, the structure shall conform to the seismic requirements for a new structure."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.692 CBC Section 3411.4.1 deleted and replaced.**

In Section 3411.4.1, delete this section in its entirety and replace with, "Where a portion of the building is changed to a new occupancy classification, any alterations shall comply with the requirements of Chapter 11A or 11B as applicable for new construction.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.693 CBC Section 3411.4.2 deleted and replaced.**

In Section 3411.4.2, delete this section in its entirety and replace with, "Where an entire building undergoes a change of occupancy, it shall comply with Chapter 11A or 11B as applicable for new construction.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.694 CBC Section 3411.5 amended.**

In Section 3411.5, delete the second sentence beginning with "An addition that affects.." in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.695 CBC Sections 3411.6, 3411.7, 3411.8, and 3411.9 deleted.**

Delete Sections 3411.6, 3411.7, 3411.8, and 3411.9 in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.696 CBC Appendix I adopted.**

Adopt Appendix I - Patio Covers of the California Building Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.697 Chapter 3B added.**

Add the following new Chapter 3B for Joint Living and Work Quarters:

**Chapter 3B  
USE AND OCCUPANCY**

Division 1

Requirements for Joint Living and Work Quarters

Group F — Division 7 and 8

Group R — Division 7, 7.1, and 8

**SECTION 3B.1 — General.**

**Section 3B.1.1 Purpose.**

The purpose of this division is to provide alternative building standards and minimum standards of safety for commercially/industrially-oriented and residentially-oriented Joint Living and Work Quarters (JLWQ) purposes pursuant to California State Health and Safety Code (SCHSC) Section 17958.11. For clarification purposes, portions of Health and Safety Code Section 17958.11 is repeated as follows:

"(a) Any city or county may adopt alternative building regulations for the conversion of commercial or industrial buildings, or portions thereof, to joint living and work quarters. As used in this section, "joint living and work quarters" means residential occupancy by a family maintaining a common household, or by not more than four unrelated persons, of one or more rooms or floors in a building originally designed for industrial or

commercial occupancy which include: (1) cooking space and sanitary facilities in conformance with local building standards adopted pursuant to CSHSC Section 17958 or 17958.5 and (2) adequate working space reserved for, and regularly used by, one or more persons residing therein...

It is the intent of the (California) Legislature that local governments have discretion to define geographic areas which may be utilized for joint living and work quarters and to establish standards for such occupancy, consistent with the needs and conditions peculiar to the local environment. The Legislature recognizes that building code regulations applicable to residential housing may have to be relaxed to provide joint living and work quarters in buildings previously used for commercial or industrial purposes."

#### Section 3B.1.2 Scope.

The provisions of this division shall apply to and may be used only for buildings or portions thereof originally designed for commercial or industrial purposes that have received City Planning approval for use as Joint Living and Work Quarters (JLWQ). City Planning approval shall be pursuant to Section 17.102.190 of the Oakland Planning Code or other City Planning approval indicating that the proposed use is consistent with California State Health and Safety Code Section 17958.11.

#### Section 3B.1.3 Applicability of City Planning and other Criteria for Joint Living and Work Quarters.

As provided in California Health and Safety Code Section 17958.11 and the Oakland Planning Code, the residential occupancy of joint living and work quarters is an accessory use to its primary use as a place of work. Accordingly, the provisions of this division shall apply only to buildings or portions of buildings that meet the following criteria:

1. The minimum floor area of an individual JLWQ shall be 660 square feet.

2. A minimum of 67% of the floor area of an individual JLWQ shall be designated as work area and the remainder shall be designated as residential area pursuant to paragraph 3 below. Up to 25% of the designated work area may be used for dual purposes such as telephoning, drawing, accounting, reading, planning, development of work projects, and sanitary facilities.
3. The areas of an individual JLWQ used for living, sleeping, eating, and cooking (habitable space) shall be designated as residential area. The residential area shall be secondary to the work area and shall not exceed 33% of the floor area of the individual JLWQ.
4. In an individual JLWQ, a designated residential area of up to 300 square feet may provide residence for no more than two persons. An additional resident can be accommodated for each additional 150 square feet of designated residential area. No individual JLWQ shall accommodate more than 10 persons regardless of the size of the designated residential area.

**EXCEPTION:** Residentially-Oriented Live-Work in the Urban Core may be in compliance with Planning Approval pursuant to interim measures adopted by the City Council or other City Planning approval as applicable.

#### Section 3B.1.4 Applicability of other Provisions.

Except as specified within this division, JLWQ that are commercially/industrially-oriented shall meet all applicable provisions of this code as for an F-1 Occupancy and JLWQ that are residentially-oriented shall meet all applicable provisions of this code as for an R-2 Occupancy apartment residential dwelling unit.

### SECTION 3B.2 — Definitions.

### Section B.2.1 Joint Living and Work Quarters (JLWQ).

Joint Living and Work Quarters are defined in Section 17.102.190(b) of the Oakland Planning Code, which is repeated here for clarification purposes as follows:

"Joint living and work quarters means residential occupancy by not more than four persons, maintaining a common household of one or more rooms or floors in a building originally designed for industrial or commercial occupancy which includes: (1) Cooking space and sanitary facilities which satisfy the provisions of other applicable codes, and (2) Adequate working space reserved for, and regularly used by, one or more persons residing therein."

Section 3B.2.2 Joint Living and Work Quarters shall meet all of the criteria of Section 3B.1.1.

### Section 3B.2.3 Commercially/Industrially Oriented JLWQ.

A single-tenant space combining working and living uses with or without interior walls where the work use is the same as a use that by itself would be classified as a Group F, Division 1 or Division 2 Occupancy or as a Group B Occupancy (excluding drinking and dining establishments and food handling activities with on-site food sales and excluding certain business occupancies similar to animal hospitals, kennels, pounds; automobile and other motor vehicle showrooms; banks; car washes; civic administration; outpatient clinic and medical offices; dry cleaning or laundry pick-up and delivery stations and self-service; fire stations; police stations; and post offices), and where the residential use is the same as one that by itself would be classified as a Group R, Division 2 or 3 Occupancy. A Commercially/Industrially-Oriented JLWQ consists of a Designated Work Area and a Designated Residential Area.

### Section 3B.2.4 Residentially Oriented JLWQ.

A single-tenant space combining working and living uses with or without interior walls where the residential use is the same as a use that by itself would be classified as a Group R, Division 2 Occupancy, and where the work use, by itself, is no more hazardous than that which is normally permitted in residential facilities, and the work use is the same as one that by itself would be classified as a Group B Occupancy (excluding drinking and dining establishments and food handling activities with on-site food sales and excluding certain business occupancies similar to animal hospitals, kennels, pounds; automobile and other motor vehicle showrooms; banks; car washes; civic administration; outpatient clinic and medical offices; dry cleaning or laundry pickup and delivery stations and self-service; educational occupancies above the 12th grade with more than ten occupants; fire stations; police stations; and post offices) and Group F, Division 1 Occupancy. Work uses classified as Group F, Division 2 Occupancies, when the scale and intensity of the activity is limited, may be permitted if a request in approved form and content for alternate materials, alternate design and methods of construction is submitted to and approved by the Building Official. A Residentially-Oriented JLWQ consists of a Designated Residential Area and a Designated Work Area.

### Section 3B.2.5 Residentially Oriented Live-Work in the Urban Core.

A change of use of an existing commercial and non-residential use to a residentially-oriented JLWQ in the Central Business District designation of the Planning Regulations General Plan or other designation as determined by the Planning Division in accordance with the Planning Regulations.

### Section 3B.2.6 Designated Residential Area.

The portion of an individual space that is designed and used for living, sleeping, eating, and cooking by one or more persons who also work in the Designated Work Area of that space. It is considered Habitable Space.

#### Section 3B.2.7 Designated Work Area.

The portion of an individual space that is designed and used for work purposes by one or more persons residing in the Designated Residential Area of that space. It is not considered Habitable Space.

#### Section 3B.2.8 Group F, Division 7 Occupancy.

Commercially/industrially oriented Joint Living and Work Quarters.

#### Section 3B.2.9 Group F, Division 8 Occupancy.

Commercially/industrially oriented Joint Living and Work Quarters that meet current code with allowance for certain specific equivalent alternatives.

#### Section 3B.2.10 Group R, Division 7 Occupancy.

Residentially-oriented Joint Living and Work Quarters.

#### Section 3B.2.11 Group R, Division 7.1 Occupancy.

Residentially-oriented live-work (Joint Living and Work Quarters) in the Urban Core.

#### Section 3B.2.12 Group R, Division 8 Occupancy.

Residentially-oriented Joint Living and Work Quarters that meet current code with allowance for certain specific equivalent alternatives.

#### Section 3B.2.13 Related Definitions.

For Floor Area, see Section 202 of the California Building Code.

For Habitable Space (Room), see Section 202 of the California Building Code.

### SECTION 3B.3 — Additional Permit Application Requirements.

#### Section 3B.3.1 Plans and Specifications.

In addition to the provisions of the California Building Code and this chapter for information on Plans and Specifications, the plans for JLWQ shall contain and clearly show the following:

1. The architect or civil engineer of record for the project along with pertinent contact information pursuant to this Code;
2. Nature of all City Planning approvals required and obtained, including use as JLWQ pursuant to this chapter, and show any City Planning conditions of approval within the plans;
3. The California Energy Commission Standards (Residential or Non-residential) which are being applied and the areas of the building and the individual JLWQ to which they are being applied and show the required energy documents within the plans;
4. Note regarding the nature of "notice of limitations" to be filed, or if previously filed show the notices within the plans;
5. Note on plans regarding the nature of the permit: for (complete) (partial) conversion of an existing building to the specific occupancy with complete build-out of individual spaces, or for (complete) (partial) shell conversion of existing building to the specific occupancy with individual spaces to be completed under separate permit; or for finished improvement of an individual tenant space within a previously converted or constructed shell building or portion of building; [or as applicable for other than JLWQ: for new complete building; or for new shell building];

6. Any additional information as required or requested by the Fire Marshal or Building Official;
7. Occupancy—All existing occupancies of the building and the boundaries of the occupancies;
8. Type of construction — All existing types of construction of the building and the boundaries of the types of construction, indicate the fire-resistance of the building elements. The building elements to be indicated are listed in Table 6-A;
9. Location on property — Indicate the distance from property line to the existing exterior walls and openings. Indicate any openings that are protected. Indicate the fire-resistance of the existing exterior walls;
10. Floor area — Indicate existing floor areas including mezzanine areas. Show floor areas of existing occupancies;
11. Height and number of stories — Indicate existing building height and number of stories and mezzanines within a story;
12. Occupant load — Indicate existing occupant load and exits or lack of exits for various portions and rooms of the building based on Table 1004.1.1;
13. Indicate number and location of any existing individual spaces and the extent of their conformance with current code provisions ("notice of limitation" on file?, fire-resistive construction? etc. also see Numbers 25 through 33 below) and percentage of the story and building floor area they occupy;
14. Indicate extent and nature of any existing fire-protection systems within the building;
15. Nature, location, and extent of any existing hazardous material control areas;
16. Occupancy— Show all proposed occupancies of the building and for existing buildings the portions which are changing occupancy and the boundaries of the proposed occupancies;
17. Type of construction — Show all the types of construction proposed for the building and the boundaries of the type of construction. If some elements of an existing building are upgraded to achieve a certain type of construction indicate the nature of the upgrade to achieve the proposed type of construction;
18. Location on property — Indicate fire-resistive requirements based on location of property and for existing buildings those openings or walls that are being upgraded to meet current code provisions for existing and proposed occupancies;
19. Floor area — Indicate floor areas including mezzanine areas of proposed occupancies and calculate allowable floor areas for existing and proposed occupancies to meet current code provisions;
20. Height and number of stories — Indicate proposed building height and number of stories and the allowable height and number of stories for existing and proposed occupancies to meet current code provisions;
21. Occupant load — Indicate occupant load of the proposed and existing occupancies to remain based on current code provisions;
22. Indicate number and location of any proposed individual JLWQ spaces and percentage of the building floor area they occupy and also, if there are existing JLWQ in the building, the combined percentage of the

- story floor area and the building floor area that the proposed and existing JLWQ occupy;
23. Indicate extent and nature of any proposed, or changes to existing, fire-protection systems within the building;
  24. Indicate nature, location, extent, and details of any proposed and existing hazardous material control areas;
  25. Nature of "notice of limitations" that affect the specific spaces(s);
  26. Nature of application of disabled regulations that affect the specific individual space(s);
  27. Nature of California Energy Commission Standards that affect the specific individual space(s) or for JLWQ if the prescriptive insulation and heating provisions are being used;
  28. Total floor area of each individual space and location and floor area of its designated work area and its designated residential area and their respective percentages of the individual unit total floor area;
  29. The maximum number of persons that may be accommodated (reside in) within each individual space;
  30. The floor and mezzanine areas and number of floors and mezzanines (including sleeping mezzanines) within each individual space;
  31. Whether Section 3B.8.2.3.1, 3B.8.2.3.2, or 3B.8.2.3.3 for increased mezzanine (including sleeping mezzanine) percentage of superficial floor area is being applied;
  32. Location of the sleeping area(s) of each individual space; and
  33. Amount of hazardous materials to be in-

volved or allowed pursuant to Section 3B.16.1 and location and details for any hazardous control area(s) necessary within the individual space.

**Section 3B.3.2 Notice of Limitation Regarding an Individual F-7 or 8 or R-7, 7.1, or 8 Occupancy Space Having Employees and/or Being Regularly Open to the Public.**

When an individual F-7 or 8 or R-7, 7.1 or 8 Occupancy space is proposed in a building or a portion of a building the following shall be provided:

1. A "notice of limitation" for the building is recorded with the Alameda County Recorder's Office indicating whether or not employees are permitted and/or if the individual space is regularly open to the public; and
2. If appropriate, the Conditions, Covenants, and Restrictions administered by a owner's association shall delineate the conditions by which employees and/or being regularly open to the public are or are not permitted OR if appropriate, the standard lease shall delineate the conditions by which employees of the tenant of the individual space are or are not permitted and/or whether or not the individual space is regularly open to the public. A copy of either shall be attached as Exhibit "A" to the "notice of limitation."

Reference to this notice and whether employees and/or being regularly open to the public or not shall be indicated on the permit application.

Recording such a notice of limitation stating that employees are allowed and that an individual space is regularly open to the public shall not permit employees or being regularly open to the public if this is contrary to City Planning or other superseding conditions or regulations.

**Section 3B.3.3 Notice of Limitation for Use of Ship Stair or Ladder within an Individual F-7 or R-7 or R-7.1 Occupancy JLWQ.**

A "notice of limitation" shall be recorded with the Alameda County Recorder's Office with a waiver of damages and holding the City harmless for any litigation relating to access provisions in an individual JLWQ provided pursuant to Sections 3B.12.4.3, 3B.12.4.4, and 3B.12.4.5.

**Section 3B.3.4 Notice of Limitation for Use of Alternative Emergency Escape and Rescue for Existing Buildings.**

A "notice of limitation" shall be recorded with the Alameda County Recorder's Office with a waiver of damages and holding the City harmless for any litigation relating to alternative emergency escape and rescue provisions when such alternatives are used and provided for in an existing building pursuant to Section 3B.12.6.3.1.

**Section 3B.3.5 Notice of Limitation Regarding an Individual F7 or 8 Occupancy Space Being a Noise Source Greater than 60db.**

When F-7 or 8 Occupancy individual spaces are proposed in a building or a portion of a building the following shall be provided:

1. A "notice of limitation" for the building is recorded with the Alameda County Recorder's Office indicating the limitations and requirements for mitigation of excessive noise generation; and
2. As appropriate, the Conditions, Covenants, and Restrictions administered by a owner's association or the Standard Lease Agreement for the space shall state that when an individual JLWQ has a regular use on a continuing basis that has a noise source above 60db the individual tenant and/or owner

will comply with the provisions of Section 3B.18.3.2 relating to additional airborne sound and impact insulation for the space.

**SECTION 3B.4 — Change of Occupancy.**

**Section 3B.4.1 General.**

Changing the occupancy of an existing building to a commercially/industrially-oriented JLWQ, Group F, Division 7 or 8 Occupancy, or to a residentially-oriented Group R, Division 7, 7.1 or 8 Occupancy shall be considered a change of occupancy and such buildings shall comply with the applicable requirements of the California Building Code and this chapter including the fire, life safety, structural, and seismic requirements.

**EXCEPTIONS:**

1. For Group F-7 or R-7 Occupancies in existing buildings minimum seismic requirements may be met if the building substantially conforms, or is altered to conform, to 75% of the California Building Code seismic and wind load design standards. Unreinforced masonry (URM) bearing wall buildings, in lieu of the above design standards, may comply with the current California Existing Building Code, Title 24, Part 10, Appendix Chapter 1. Concrete tilt-up and non-ductile concrete framed buildings that conform to the above standards will still be subject to any future seismic upgrade regulations for these types of buildings unless these buildings conform, or are altered to conform, to current code requirements.
2. For Group R-7.1 Occupancies in existing buildings minimum structural requirements may be met if the building substantially conforms, or is altered to conform to Sections 3B.4.2 and 3B.5. Unreinforced masonry (URM) bearing wall buildings, in-lieu of the above design standards, may comply with

the current California Existing Building Code, Title 24, Part 10, Appendix Chapter 1. Concrete tilt-up and non-ductile concrete framed buildings that conform to the above standards will still be subject to any future seismic upgrade regulations for these types of buildings unless these buildings conform, or are altered to conform, to current code requirements.

3. The occupancy of a story of an existing building or portion of the building may be changed to a Group F, Division 7 Occupancy or a Group R, Division 7 Occupancy or a Group R, Division 7.1 Occupancy without requiring that the entire building comply with all the requirements of this code if all of the following conditions are present or provided:
  - 3.1 No more than 10% of the floor area of the entire building or of an individual story is or will become designated residential area and no more than ten residents are accommodated on an individual story of the building pursuant to Section 3B.1.3;
  - 3.2 The existing building, its use, its appendages, and/or its structural system is not declared an unsafe building or structure pursuant to this code or considered unsafe pursuant to other regulations;
  - 3.3 The entire building is made to conform with all the minimum standards for existing buildings in Chapter 34 of the current California Building Code;
  - 3.4 Other than for work required to comply with the current California Existing Building Code, Title 24, Part 10, Appendix Chapter 1 or Chapter 34 of the current California Building Code

pursuant to 3.3 above, additions, alterations, and repairs shall comply with current code; and

- 3.5 The designated work area and the designated residential area of each individual JLWQ comply with the requirements of this chapter.

#### Section 3B.4.2 Structural Survey For R-7.1 Occupancy.

##### Section 3B.4.2.1.

Every structure or portion of a structure to be evaluated for structural capacity under this code shall be surveyed for structural conditions by an architect or engineer knowledgeable in historical structures. The survey shall document deterioration or signs of structural distress. The survey shall determine the details of the structural framing and the system for resistance of gravity and lateral loads. Details, reinforcement and anchorage of structural systems and veneers shall be determined and documented.

##### Section 3B.4.2.2.

The results of the survey shall be utilized for designing modifications to the structural system to reach compliance with this code.

#### SECTION 3B.5 — Structural Regulations for R-7.1 Occupancy.

##### Section 3B.5.1 Gravity Loads.

The capacity of the structure to resist gravity loads shall be evaluated and the structure strengthened as necessary. The evaluation shall include all parts of the load path, if the evaluation indicates that no structural distress is evident, and a complete load path is present, the structure may be assumed adequate for gravity loads by having withstood the test of time if anticipated dead and live loads will not exceed those historically present.

### Section 3B.5.2 Wind and Seismic Loads.

The ability of the structure to resist wind and seismic load shall be evaluated. The evaluation shall be based on the requirements of California Historical Building Code, Title 24, Part 8. Any unsafe conditions in the lateral-load-resisting system shall be corrected, or alternative resistance shall be provided. Additional resistance shall be provided to meet the minimum requirements of this code. The architect or engineer shall consider additional measures with minimal loss of, and impact to, historic materials which will reduce damage and needed repairs in future earthquakes to better preserve the historical structure in perpetuity. These additional measures shall be presented to the owner for consideration as part of the rehabilitation or restoration.

### Section 3B.5.3 Lateral Load Regulations for R-7.1 Occupancy.

#### Section 3B.5.3.1 Lateral Loads.

The forces used to evaluate the structure for resistance to wind and seismic loads need not exceed 0.75 times the seismic forces prescribed by the current edition of the California Building Code (CBC). The seismic forces may be computed based on the R values tabulated in the CBC for similar lateral force-resisting systems. All deviations of the detailing provisions of the lateral-force-resisting systems shall be evaluated for stability and the ability to maintain load-carrying capacity at increased lateral loads. Unreinforced masonry bearing wall buildings shall comply with California Existing Building Code, Title 24, Part 10, Appendix Chapter 1, and as modified by this code. Reasonably equivalent standards may be used on a case-by-case basis when approved by the authority having jurisdiction.

#### Section 3B.5.3.2 Existing Building Performance.

The seismic resistance may be based upon the ultimate capacity of the structure to perform, giving due consideration to ductility and reserve strength of the lateral-force-resisting system and materials while maintaining a reasonable factor of safety. Professional engineering judgment may be exercised regarding the strength and performance of materials not recognized by regular code requirements. (California Historical Building Code, Title 24, Part 8)

#### Section 3B.5.3.3.

All structural materials or members that do not comply with detailing and proportioning requirements of the regular code shall be evaluated for potential seismic performance and the consequence of noncompliance. All members which might fail and lead to possible collapse, or threaten life safety, shall be judged unacceptable and appropriate structural strengthening shall be developed. The building should be evaluated as a system to ensure against progressive collapse.

#### Section 3B.5.3.4 Load Path.

A complete and continuous load path, including connections, from every part or portion of the structure to the ground shall be provided for the required forces. It shall be verified that the structure is adequately tied together to perform as a coherent system when subjected to earthquake forces.

#### Section 3B.5.3.5 Parapets.

Parapets and exterior decoration shall be investigated for conformance to the regular code requirements for anchorage and ability to resist prescribed seismic forces. An exception to regular code requirements shall be permitted for those parapets and decorations which are judged not to be a hazard to life safety.

#### Section 3B.5.3.6 Historical Records.

Historical records of the structure or similar structures may be used in the evaluation, including the effects of subsequent alterations.

#### Section 3B.5.3.7 Nonstructural Features.

Nonstructural features of a structure converted to R-7.1 use, such as exterior veneer, cornices and decorations, which might fail and create a life-safety hazard in an earthquake, shall be investigated. Their ability to resist seismic forces shall be verified, or the feature shall be strengthened.

#### Section 3B.5.3.8.

Partitions and ceilings of corridors and stairways serving an occupant load of 30 or more or located above the first story shall be investigated to determine their ability to remain in place when the building is subjected to earthquake forces.

### SECTION 3B.6—Minimum Facilities and Shell Construction.

#### Section 3B.6.1 General.

All individual spaces and JLWQ shall be provided with facilities pursuant to applicable code with not less than the minimum facilities as provided herein. See Table 3B.6-A.

#### Section 3B.6.2 Minimum Shell Facilities.

Where a building shell is proposed to be constructed or an existing building shell conversion with improvements and facilities within an individual space or JLWQ to be constructed later under separate permits, roughed-in facilities shall be provided pursuant to applicable code sufficient to serve the proposed facilities with not less than the minimum facilities pursuant to Table 3B.6-A. The shell shall be constructed pursuant to applicable code with minimum facilities as provided herein.

#### Section 3B.6.3 Finished Facilities.

Where the individual space is to be completely finished, facilities shall be provided pursuant to applicable code with not less than the minimum facilities pursuant to Table 3B.6-A. All fixtures, equipment and appurtenances plus all plumbing, mechanical, and electrical requirements shall be installed for a complete and finished space.

#### Section 3B.6.4 Combustion Air Through Infiltration.

If the individual space cannot provide sufficient combustion air or ventilation through infiltration as defined in and pursuant to the California Plumbing Code and/or California Mechanical Code, as applicable, then the minimum facilities in a room, individual space, or building of unusually tight construction shall provide roughed-in or completed facilities for combustion air and ventilation.

#### Section 3B.6.5 Shell Construction.

The building shell construction shall meet all requirements of this code and this division. The building shell itself, public use areas, common use areas, and walls and floor/ceilings separating and common to the individual space or JLWQ shall be completely constructed as part of the building permit work for the shell. All plumbing work, mechanical work, and electrical work, including the provisions for minimum facilities pursuant to Table 3B.6-A, serving an individual space of F-7 or R-7 OR R-7.1 Occupancy JLWQ or F-8 or R-8 Occupancy shall be appropriately enclosed, terminated and labeled.

#### Section 3B.6.6 Individual Space or JLWQ.

The individual space or JLWQ that will be improved at a later time will be required to obtain a separate permit and shall comply with all permit and inspection requirements of the applicable code in effect at the time of permit application.

TABLE 3B.6-A

<p>Individual spaces shall be provided with or for shell construction have the capability of installing kitchen, bathroom water heater, and space heating facilities in the space without performing work within other units or within common walls or floor/ceiling separating individual spaces. The minimum roughed-in facilities (with minimum facilities if finished) to be provided are:</p>
<p><b>A) Kitchen Facilities (finish facilities shall include kitchen sink, range, and vent hood if required plus all electrical and plumbing):</b></p> <ol style="list-style-type: none"> <li>1) Two 20 amp electrical circuits for small appliances;</li> <li>2) One 20 amp circuit for the refrigerator;</li> <li>3) A two inch waste line for a sink;</li> <li>4) Hot and cold water supply and shut-off valves;</li> <li>5) One 60 amp circuit or a gas line sufficient for a domestic range;</li> <li>6) If a gas range is proposed in a building of unusually tight construction as defined in the CMC, provisions for combustion air and venting shall be provided in accordance with the CMC; and</li> <li>7) Provisions for a range hood vent for a gas range shall be provided.</li> </ol>
<p><b>B) Bathroom Facilities (finished facilities include installation of all fixtures):</b></p> <ol style="list-style-type: none"> <li>1) A one and a half inch waste line for a lavatory;</li> <li>2) A two inch waste line for a shower or a one and half inch waste line for a bathtub (provide access if a slip joint is used at the proposed tub);</li> <li>3) A three inch waster line for a water closet;</li> <li>4) Hot and cold water supply for a lavatory, shower or bathtub, and water closet and shut-off valves for the lavatory and water closet; and</li> <li>5) Provisions for ventilation pursuant to CMC and CBC Section 1203.4.2.1.</li> </ol>
<p><b>C) Water Heater (finish facility includes installed water heater and all appurtenances):</b></p> <p>If the building shell does not provide a hot water supply to the individual JLWQ, facilities to allow installation of a water heater within the individual JLWQ shall be provided as follows:</p> <ol style="list-style-type: none"> <li>1) A gas line sufficient to supply the water heater; and/or when permitted pursuant to the CEC Energy Conservation Regulations adequate electrical capacity for the electric water heating equipment;</li> <li>2) A minimum <math>\frac{3}{4}</math> inch drain line for a water heater drain pan to an approved location (such as outside the building, to a floor drain, utility sink, etc.) when a water heater is located in an attic or furred space pursuant to the CPC;</li> <li>3) A drain line for a water heater relief line pursuant to the CPC to the outside of the building or to another approved location (with prior approval by the Building Official);</li> <li>4) Provision for water heater vent pursuant to the CPC;</li> <li>5) If the building is of an unusually tight construction, provision shall be provided for combustion air for the water heater other than infiltration pursuant to the CPC.</li> </ol>
<p><b>D) Space Heating (finish facilities include complete space heating installation and all appurtenances):</b></p> <p>In areas of the JLWQ where heat is required or proposed, the following shall be provided:</p> <ol style="list-style-type: none"> <li>1) A gas line sufficient for supply to the space heating equipment; and/or when permitted pursuant to the CEC Energy Conservation Regulations adequate electrical capacity for the space heating equipment;</li> </ol>

- 2) Provisions for appropriate venting and combustion air supply for the space heating equipment; and
- 3) Adequate appurtenant electrical facilities including thermostatic wiring.

## SECTION 3B.7 — Construction, Height, and Allowable Area.

### Section 3B.7.1 General.

Group F-7 or 8 Occupancy JLWQ shall conform to code requirements for F-1 Occupancies and Group R-7 or 8 Occupancies shall conform to code requirements for R-2 Occupancies as to construction, height and allowable area pursuant to Chapter 3, Chapter 5, Chapter 6, and to related code requirements and to the specific requirements herein.

**EXCEPTION:** For Group F-7 or R-7 or R-7.1 Occupancies the following alternatives may be used:

1. Where one-hour fire-resistive construction is required, floors in existing buildings constructed with valid permits may be accepted which have the separation limited to the installation of materials approved for the underside of a one-hour fire-resistive floor/ceiling assembly when the existing flooring system is air-tight and equivalent to a minimum nominal  $\frac{3}{4}$ " thick wood floor.
2. Where one-hour fire-resistive construction is required, walls or ceiling surfaces in existing buildings constructed with valid permits, with wood, lath and plaster in good condition or one-half inch thick gypsum wall board may be accepted when approved by the Building Official.
3. In an existing building, an approved automatic sprinkler system, as specified in California Building Code, Section 903, may be substituted for one-hour fire-resistive construction, provided such system is not otherwise required throughout the building, in-

cluding a requirement for sprinklers due to inadequate pressure and flow in the fire hydrants or fire supply that would provide protection to the building.

### Section 3B.7.2 Unlimited Area.

Section 507 of the California Building Code is not applicable to commercially/industrially-oriented F-7 or 8 Occupancy JLWQ in existing buildings, except CBC Section 507 may be applied if a request in approved form and content for alternate materials, alternate design and methods of construction is submitted to and approved by the Building Official (approval is not guaranteed).

### Section 3B7.3 Mixed Occupancies.

Group F-7 or 8 Occupancies shall be separated from other occupancies as for an F-1 Occupancy and Group R-7 or 8 Occupancies as for an R-2 Occupancy with a minimum one-hour fire-resistive occupancy separation to all other occupancies.

### Section 3B.7.4 Special Provision.

Walls and floors separating individual Group F-7 or 8 and Group R-7 or 7.1 or 8 Occupancy JLWQ from other individual JLWQ spaces shall be not less than one-hour fire-resistive construction. Storage or laundry rooms that are used in common by occupants of F-7 or 8 and R-7 or 7.1 or 8 Occupancies shall be separated from the rest of the building by not less than one-hour fire-resistive occupancy separation.

## SECTION 3B.8 — Specific Use Provisions.

### Section 3B.8.1 Room and Space Dimensions.

#### Section 3B.8.1.1 General.

Room dimensions and floor areas of Designated Residential Area in an individual JLWQ used for living, sleeping, eating, and cooking (habitable space) shall meet, as a minimum, the requirements of Section 1208 of the California building Code and the provisions for Efficiency Dwelling Units pursuant to Section 1208.4 and requirements herein. Dimensions of areas other than the designated residential area within an individual F-7 or 8 Occupancy space shall be as for an F-1 Occupancy. Also, comply with Section 3B.1.3.

#### Section 3B.8.1.2 Sleeping Mezzanine Space Dimensions.

A sleeping mezzanine, which is permitted only in an individual F-7 or R-7 Occupancy JLWQ, shall have space dimensions as provided herein.

#### Section 3B.8.1.3 Headroom.

The minimum sleeping mezzanine headroom shall be a headroom "envelope" clearance to the ceiling or any projections from the ceiling that has a height of 4' with an increasing height of 4" vertical to 12" horizontal or steeper running towards the access to the loft. A horizontal ceiling shall be a minimum of 5' 8" above the sleeping mezzanine floor. See Figures A-3B-1A and 1B.

#### Section 3B.8.1.5 Floor Area.

The area dimensions of a sleeping mezzanine may be 5' minimum deep by 7' minimum long or 7' minimum deep by 5' minimum long with a maximum area of 120 square feet. At least fifty percent (50%) of the sleeping loft area perimeter shall be open to the common atmosphere of the space in which it is located unless mechanical ventilation or openable window pursuant to CBC Section 1203.4 is provided. The floor area of a sleeping mezzanine shall not exceed the allowable floor area for mezzanines pursuant to Section 3B.8.2.3. See Figures A-3B-1A and 1B.

#### Section 3B.8.1.6 Built-in Sleeping Bunk Space Dimensions.

A built-in sleeping bunk, which is permitted only in an individual F-7 or R-7 JLWQ, shall have space dimensions as provided herein.

#### Section 3B.8.1.7 Headroom.

The minimum built-in sleeping bunk headroom clearance shall be a headroom "envelope" clearance to the ceiling or any projections from the ceiling with a height of 3' and with an increasing height of 4" vertical to 12" horizontal or steeper running towards the access to the built-in sleeping bunk. The minimum clearance for a flat ceiling shall be 42 inches above the built-in sleeping bunk floor. See Figures A-3B-2A and 2B.

#### Section 3B.8.1.8 Floor Area.

A built-in sleeping bunk shall meet the area dimensions requirements for a sleeping mezzanine pursuant to Section 3B.8.2.3. However, the area of the built-in sleeping bunk may not exceed 60 square feet. See Figures A-3B-2A and 2B.

#### Section 3B.8.2 Mezzanines in Individual JLWQ.

##### Section 3B.8.2.1 General.

Mezzanines shall conform to other requirements of this code or as herein provided.

##### Section 3B.8.2.2 Mezzanine Ceiling Height.

The ceiling height of a sloping ceiling above a mezzanine may be measured in accordance with CBC Section 1208.2.

##### Section 3B.8.2.3 Mezzanine Area in Individual JLWQ.

###### Section 3B.8.2.3.1.

The area of a mezzanine within an F-7 or R-7 Occupancy JLWQ may be one third of the gross area of the individual JLWQ if the building is fire-sprinklered throughout.

### Section 3B.8.2.3.2.

The area of a mezzanine within an individual F-7 or R-7 Occupancy JLWQ may be one half of the gross area of the individual JLWQ if the building is fire-sprinklered throughout and fire-sprinklers are not otherwise required, including the requirement for fire-sprinklers due to inadequate fire flow in the water supply serving the building. The total area of the mezzanines within and outside the individual JLWQ on any floor or story of the building shall not exceed one-third of the area of the floor or story.

### Section 3B.8.2.3.3.

If the area and type of construction of an existing building and/or the use of area separation walls pursuant to CBC Section 706 will not permit additional number of stories for the building the area of the mezzanine of an individual F-7 or R-7 may be one half of the gross area of the individual JLWQ without being classified as an additional story when the building is fire-sprinklered throughout and all of the following conditions exist:

1. The individual JLWQ has a layer of  $\frac{5}{8}$ " Type "X" gypsum board applied to the existing ceiling and wall on the unit's side of a common ceiling or wall with another unit and also with any corridor;
2. The building's interior exit path (corridor, etc.) serving the individual JLWQ has been constructed as for an extent of stairway enclosure appropriate to the configuration of the building, including requirements for smoke-proof enclosure as applicable, pursuant to CBC Section 1022. When a stairway enclosure is not required, the interior exit path shall be constructed as for an exit passageway pursuant to CBC Section 1022. Unless otherwise required, other individual JLWQ's in the building not using the require-

ments of this section need not be provided with fire-resistive protection on their side of the corridor or exit passageway.

3. Glazed openings are allowed between the unit and the building's interior exit path (corridor, etc.) if they are double glazed wire glass in steel frames of no more than 15 square feet per unit fronting on the exit path outside of the JLWQ (corridor, etc.). See Figure A-3B-4.

### Section 3B.8.3 Yards and Courts.

Yards and courts with required windows for natural light and ventilation shall be provided pursuant to CBC Section 1206.

### Section 3B.8.4 Eaves.

Eaves over required windows for natural light and ventilation shall be pursuant to CBC Section 705.2.

### Section 3B.8.5 Smoke Detectors.

Smoke detectors shall be provided in individual spaces that shall conform as applicable for new construction and R occupancy to CBC Sections 907.2.11.

### Section 3B.8.6 Heating.

#### Section 3B.8.6.1 General.

The designated residential area of an F-7 or R-7 JLWQ and the habitable area of an F-8 or R-8 Occupancy shall conform to the requirements of CBC Section 1204. Space heating equipment shall be configured or located so the heated air will be directly circulated to the designated residential portion of the individual JLWQ.

### SECTION 3B.9 — Uniform and Concentrated Loads.

Uniform and concentrated loads shall be pursuant to CBC Table 1607.1 and to new categories added as follows:

TABLE 3B.9-A

<b>Category</b>	<b>Description</b>	<b>Uniform Load</b>	<b>Concentrated Load</b>
21. R-7 JLWQ, R-8 Occupancy	Floors at grade or immediately above and below grade and other floors accessible by ramp or elevator.	60	2,000
	Floors other than described above including mezzanines.	50	0
	Mezzanines, if posting of allowable live load is provided.	40	0
22. F-7 JLWQ, R-8 Occupancy	Floors at grade or immediately above and below grade and other floors accessible by ramp or elevator.	75	2,000
	Floors other than described above including mezzanines.	60	0
	Mezzanines, if posting of allowable live load is provided.	40	0
23. F-7 JLWQ R-7 JLWQ Occupancy	Sleeping Mezzanine.	40	0
24. F-7 JLWQ R-7 JLWQ Occupancy; F-8 or R-8 Occupancy in existing buildings	Roof Exit Path for Alternative Emergency Escape and Rescue (3 feet minimum wide)	60	0
	Roof Exit Queuing Area (area = 3 SF per occupant served at the designated escape point off of the roof).	60	0

SECTION 3B.10 — Conventional Framing Provisions.

#### Section 3B.10.1 General.

CBC Section 2308 Conventional Light-Frame Construction Provisions of the California Building Code shall apply to F-7 or R-7 JLWQ Occupancy as for a Group R Occupancy.

#### Section 3B.10.2 Fire Blocks and Draft Stops.

##### Section 3B.10.2.1 General.

Section 708 — Fire Blocks and Draft Stops of the California Building Code applies to F-7 or 8 and R-7 or 8 Occupancies and as herein provided.

##### Section 3B.10.2.2 Floor Ceiling Assembly.

Draft stops in floor-ceiling assemblies pursuant to CBC Section 717.3 as for two or more dwelling units and hotels applies to F-7 or 8 and R-7 or 8 Occupancies.

#### Section 3B.10.2.3 Attics.

Draft stops in attics pursuant to Section 717.4 as for two or more dwelling units and hotels applies to F-7 or 8 and R-7 or 8 Occupancies.

SECTION 3B.11 — Location on Property.

#### Section 3B.11.1 General.

For an F-7 JLWQ, the fire resistance of the exterior walls and openings may comply with the provisions for an R-2 Occupancy when the entire use of an existing building or a portion of

an existing building which is being converted to F-7 JLWQ has been for commercial or industrial purposes (See CBC Section 602). Provided that the requirements for an R-2 Occupancy does not create a more hazardous condition to fire and life safety than the existing condition of the walls and openings. Otherwise, requirements for an F-1 Occupancy shall apply to commercially/industrially-oriented F-7 JLWQ Occupancy.

**EXCEPTION:** When a building complies with the allowable area requirements as for an R-2 occupancy and the F-7 Occupancy is fire-sprinklered, the fire resistance of the exterior walls and openings may comply with the provisions for an R-2 Occupancy.

## SECTION 3B.12—Access and Means of Egress Facilities and Emergency Escapes.

### Section 3B.12.1 General.

Access and means of egress facilities and emergency escapes shall be in conformance with CBC Chapter, Sections 1014 and 1029 and as provided herein.

### Section 3B.12.2 Accessibility.

#### Section 3B.12.2.1 General.

**Spaces Open to the General Public Or Common Use Spaces.** Provisions of this chapter notwithstanding, buildings with JLWQ occupancies that have spaces regularly open to the public or for common use of the occupants of the building shall comply with the applicable accessibility regulations pursuant to Chapter 11B.

#### Section 3B.12.2.2 JLWQ Occupancies without Employees and/or Not Regularly Open to the Public and Not Publicly-funded.

Buildings or portions of buildings with JLWQ occupancies that are not publicly funded, do not have employees nor are regularly open to

the public, nor are commercial spaces may comply either with the residential accessibility requirements of Chapter 11A or with the non-residential accessibility requirements of Chapter 11B of the California Building Code.

#### Section 3B.12.2.3 JLWQ Occupancies with Employees and/or Regularly Open to the Public and Not Publicly-funded.

Buildings or portions of buildings with JLWQ occupancies that are not publicly funded, but do have employees and/or are regularly open to the public shall comply with the non-residential accessibility requirements of Chapter 11B of the California Building Code.

#### Section 3B.12.2.4 Publicly-funded JLWQ without Employees and Not Regularly Open to the Public.

Buildings with F-7 Occupancy JLWQ that are publicly funded (owned, operated, or maintained by a public jurisdiction) and do not have employees and are not regularly open to the public shall comply with the applicable accessibility regulations for publicly funded residential occupancy pursuant to Chapter 11B and also Federal requirements if more stringent.

#### Section 3B.12.2.5 Publicly-funded JLWQ with Employees and/or are Regularly Open to the Public.

Buildings with F-7 Occupancy JLWQ that are publicly funded (owned, operated, or maintained by a public jurisdiction) and do have employees and/or are regularly open to the public shall comply with the applicable accessibility regulations pursuant to Chapter 11B and also Federal requirements if more stringent.

### Section 3B.12.3 Means of Egress Facilities.

#### Section 3B.12.3.1 Number of Exits.

Number of Exits shall be in conformance with CBC Chapter 10. Occupant Load Factor shall be pursuant to Section 3453.6.

#### Section 3B.12.3.2 Individual Units of Group F-7 or 8 and R-7 or 8 Occupancies.

In individual spaces of Group F-7 or 8 or R-7 or 8 Occupancies a minimum of two exits shall be required from the individual space when the number of occupants is 10 or more. For special provision for exits due to hazardous materials in an individual space see Section 348B.1.2.

#### Section 3B.12.3.3 Existing Building Exits.

One of the required exits for an existing Building serving an F-7 or R-7 Occupancy may be a fire escape in conformance with Section 8-502 of the California Historical Building Code.

#### Section 3B.12.4 Stairways.

##### Section 3B.12.4.1 General.

Stairways within an individual JLWQ occupancy unit shall comply as a minimum with the requirements for a residential or other private stair where the occupant load is less than ten (10) and as herein provided. Stairways serving two or more individual JLWQ Occupancy units or an occupant load of 10 or more shall comply with CBC Chapter 10, Section 1009 and as herein provided.

##### Section 3B.12.4.2 Stairways in an Individual F-7 or R-7 JLWQ Occupancy Unit.

Stairways in an individual unit of F-7 or R-7 or R-9 Occupancy may alternatively comply with Section 3B.12.4.3 for a ship stair access, Section 3B.12.4.4 for a ladder access, or with Section 3B.12.4.5 for other means of access to a mezzanine, sleeping mezzanine, or built-in sleeping bunk. See Figures A-3B-1A & 1B; A-3B-2A and 2B; and A-3B-3.

##### Section 3B.12.4.3 Ship Stair.

A ship stair (ship's ladder) which is a fixed ladder within the pitch range of 41.5 to 75 degrees from the horizontal, equipped with treads and stair rails may provide access to a private mezzanine, sleeping mezzanine, or built-in sleeping bunk within an individual unit of F-7 or R7 Occupancy provided a warning sign and illumination are installed at the ship stair to meet the requirements of the Building Official. There shall be 6'8" minimum headroom provided at the top of the ship stair except the headroom clearance for access to a built-in sleeping bunk may be 3'6" minimum.

##### Section 3B.12.4.4 Ladder.

A ladder may provide access to a sleeping mezzanine or a built-in sleeping bunk within an individual F-7 or R-7 Occupancy if the rungs are 14 inches maximum on center, 20 inches minimum wide, with 7 inches minimum toe space (measured horizontally from the outside of the rung to the face of a wall or other surface) and a safety cage of 30 inches minimum clear dimension is provided above 6'8" height above the bottom of the ladder when the floor to floor height traversed by the ladder is greater than 9 feet and provided that a warning sign and illumination are installed at the ladder to meet the requirements of the Building Official.

##### Section 3B.12.4.5 Other Means of Individual Unit Stairway Access.

Other means of access to a sleeping mezzanine or built-in bunk bed by means of prefabricated access equipment (folding stairs, etc.) may be used if equivalent to the above, subject to Building Official approval and provided a warning sign and illumination are installed at the access. Alternative stairways pursuant to CBC Sections 1009.4.3, 1009.8, 1009.9, and 1009.10 may be utilized in F-7 or 8 and R-7 or 8 Occupancies.

**Section 3B.12.4.6 Landing at a Sleeping Mezzanine.**

A stairway, ship stair (ship's ladder), ladder or similar equipment providing access to a sleeping mezzanine in a JLWQ shall terminate in a landing with a 3' minimum dimension in any direction. The landing shall have 6'8" minimum headroom. There may be a single step up to the floor of the sleeping mezzanine of 12" maximum rise or otherwise steps complying with individual unit residential requirements shall be provided the same width of the landing in the direction up to the floor of the sleeping loft. See Figures A-3B-1A and 1B.

**Section 3B.12.4.7 Notice of Limitation.**

See Section 3B.3.3 for a "notice of limitation" required for any access based on Sections 3B.12.4.3, 3B.12.4.4, and 3B.12.4.5.

**Section 3B.12.4.8 Existing Stairways Serving Two or More Individual Units or Ten or More Occupants of an F-7 or R-7 Occupancy.**

Existing stairways serving two or more individual units of F-7 or R-7 Occupancies may alternatively comply as provided herein. Fire escapes shall comply with Section 3B.12.3.3.

**Section 3B.12.4.9 Existing Width.**

Width of existing stairways shall not be less than 30" clear from wall to wall. Projections into this minimum width shall conform to current code.

**Section 3B.12.4.10 Rise and Run.**

Rise and run of existing stairways may conform to the code applicable at the time the existing stairway was constructed provided that the maximum rise does not exceed eight inches and the minimum tread is not less than nine inches.

**Section 3B.12.4.11 Headroom.**

Headroom of existing stairways shall not be less than 6 feet 6 inches.

**Section 3B.12.4.12 Landings.**

Existing landings of existing stairways may conform to the code applicable at the time the existing stairway was constructed but shall not be less than 30 inches in the direction of travel.

**Section 3B.12.4.13 Handrails.**

Existing handrails may conform to the code applicable at the time the existing stairway was constructed. Handrails on both sides of an existing stairway are not required if the existing stairway was originally constructed with a handrail only on one side and the stairway is less than 36 inches in width. The top of existing handrails shall not be less than 32 inches in height above landings and the nosing of treads.

**Section 3B.12.4.14 Guards.**

Guards shall conform to CBC Section 1013 but need not exceed 36 inches on existing stairways.

**Section 3B.12.4.15 Interior Stairway Construction.**

Existing interior stairway construction may remain if the stairway construction is structurally adequate and the stairway is fully fire-sprinklered.

**Section 3B.12.5 The Exit Access.**

**Section 3B.12.5.1 General**

The exit access shall be pursuant to Section 1014 of the California Building Code and as herein provided.

**Section 3B.12.5.2 Separation of Exits.**

When two exits are required in a building that has only one existing exit stairway, a second exit that complies with current code may be con-

structed next to the existing stairway if the arrangement of the stairways meet the following conditions:

1. The entry to the stairways are at opposite ends.
2. Any hallway or corridor connecting the entries to the stairways is constructed pursuant to Section 1004.3.4.3 of the California Building Code.
3. A horizontal exit wall bisects the building and stairways.
4. All areas of the floor have access to either stairway.

#### Section 3B.12.6 Emergency Escape and Rescue.

##### Section 3B.12.6.1 General.

Every joint living and work quarters (JLWQ) shall have at least one emergency escape and rescue window or door for each separate sleeping room or sleeping area pursuant to CBC Section 1029 and as provided herein.

##### Section 3B.12.6.2 Sleeping Area.

If a sleeping area is located in the common atmosphere of a room, even if the room is at a different level from the sleeping area and/or has multiple levels, and is not separated from the room with a wall greater than 42 inches high above the finish floor level of the sleeping area, the required emergency escape and rescue window or door may be located in the room provided:

1. The required emergency escape and rescue window or door is directly visually ascertainable from the sleeping area which it serves.
2. A direct path of travel, which may include stairways, etc., is provided between each sleeping area and its required window or door.

More than one sleeping area may use the same egress window or door as long as the

emergency escape and rescue window or door serving each sleeping area meets the above requirements.

#### Section 3B.12.6.3 Alternative Emergency Escape and Rescue in Existing Buildings.

##### Section 3B.12.6.3.1.

In an existing building where no exterior wall of the sleeping area of an individual space or JLWQ abuts a public street, public alley, yard or exit court any one of the following alternatives may be used. Signage to indicate the point of emergency egress and rescue and other facilities to ensure ease of access and egress along the escape and rescue path shall be installed to meet the recommendations of the Fire Marshal and the Building Official:

1. An escape and rescue door may open directly into a corridor if the corridor is constructed to meet the requirements for an extent of stairway enclosure pursuant to Section 1009.4 including provisions for openings and doors, appropriate for the configuration of the building in which it is located. A "Knox Box" with keys shall be provided in an approved location for the Fire Department's use.
2. A one-hour fire-resistive compartment with one-hour label exit door and equipped with a ships ladder to the roof. A minimum 36 inches by 48 inches clear landing shall be provided in front of the bottom of the ships ladder. Emergency lighting, a counter-balanced roof hatch, and marked exit path across the roof to an approved fire escape or escape ladder shall be provided.
3. If a court without access to a public way on the property is available, then an approved fire escape or escape ladders may either lead to the roof similar to alternative 2 above, or to the bottom of the court. An approved fire

department access path to the bottom of the court shall be provided to meet the recommendations of the Fire Marshal and Building Official. A "Knox Box" shall be provided if there are any locked doors or gates along the fire department access path.

4. When the roof is part of an alternative emergency escape and rescue method, the roof structure at the exit path and the queuing area to the escape ladder or stair off of the roof shall consider the live loads added to Table 3B.16-A in Section 3B.16. The queuing area provided shall be 3 square feet per occupant for the occupant load served by the alternative emergency escape and rescue.

#### Section 3B.12.6.3.2 Notice of Limitation.

If any alternative emergency escape and rescue method is used a "notice of limitation" shall be recorded with the Alameda County Recorder's Office with a waiver of damages and holding the City harmless for any litigation relating to alternative emergency escape and rescue provided.

#### Section 3B.12.6.3.3 Exit Path Roof Load.

The roof exit path and a minimum 10 feet square queuing area at the escape stair or ladder off of the roof shall be structurally designed for the loads pursuant to Section 342B.

#### Section 3B.12.7 Occupant Load.

##### Section 3B.12.7.1 General.

Occupant loads for buildings with F-7 occupancies shall comply with CBC Table 1004.1.1 — Maximum Floor Area Allowances Per Occupant for the appropriate use and as herein provided. See Section 3B.16.2 for special provision related to exits for individual spaces due to presence of hazardous materials.

##### Section 3B.12.7.2 Occupant Load Factor for Individual JLWQ without Employees or Having Regular Hours for Being Open to the Public.

Occupant load factor for individual JLWQ without employees or having regular hours open to the public shall be 200 square feet per occupant with area based on the superficial floor area of the individual unit.

##### Section 3B.12.7.3 Occupant Load Factor for Individual JLWQ with Employees and/or Having Regular Hours Open to the Public.

Occupant load factor for individual JLWQ with employees and/or regular hours open to the public shall be 200 square feet per occupant for the superficial floor area of the designated residential portion of the individual JLWQ and 100 square feet per occupant for the superficial floor area of the non-residential portion of the individual JLWQ.

#### Section 3B.12.8 Guards.

##### Section 3B.12.8.1 General.

Code provisions pertinent to guardrails apply to F-7 occupancies as for an F-1 Occupancy except as herein provided for the individual JLWQ.

##### Section 3B.12.8.2 Required.

Guardrails including sleeping mezzanine guardrails for an individual JLWQ may be a minimum of 42 inches in height. A built-in sleeping bunk need not have a guardrail but shall have a railing that has a height of at least one-third of the clear floor to ceiling height measured vertically at the rail. This railing need not exceed 42 inches.

#### SECTION 3B.13 — Light and Ventilation.

##### Section 3B.13.1 General.

Code provisions pertinent to the designated residential area of an individual F-7 or R-7 or R7.1

Occupancy shall comply with CBC Section 1203 and 1205 with alternative minimums as provided herein. The remaining area of the individual F-7 or R-7 or R-7.1 Occupancy shall be provided with light, ventilation, and sanitation appropriate to an F-1 Occupancy. F-8 and R-8 Occupancies shall comply with Sections 1203 and 1205.

#### Section 3B.13.2 Light.

If due to legal or physical constraints the requirements for natural light in an existing building are not readily achievable, natural light may be provided by means of exterior glazed openings with an area of not less than one-twentieth of the superficial residential floor area of the individual JLWQ with a minimum of 5 square feet if additional artificial light to meet the requirements of the building official is provided. If the sleeping area of an individual space is separated from its required source of natural light by more than 25 feet measured horizontally, then the sleeping area (only) shall be doubled and added to the designated residential area in calculating the required natural light area for a space.

#### Section 3B.13.3 Ventilation.

If due to legal or physical constraints the requirements for natural ventilation in an existing building are not readily achievable, natural ventilation may be provided by means of exterior openings with an area of not less than one-fortieth of the superficial residential floor area of the individual space or JLWQ with a minimum of  $2 \frac{1}{2}$  square feet if additional mechanical ventilation to meet the requirements of the building official is provided. If the sleeping area of an individual space or JLWQ is separated from its required source of natural ventilation by more than 25 feet measured horizontally, then the sleeping area (only) shall be doubled and added to the base superficial resi-

dential area in calculating the required natural ventilation area for an individual space or JLWQ.

#### SECTION 3B.14 — Shaft and Exit Enclosures.

##### Section 3B14.1.

Code provisions pertinent to F-1 occupancies for shaft and exit enclosures shall apply to an F-7 occupancy JLWQ except that shaft enclosures that serve or are within an individual JLWQ may be the same as required for within an individual dwelling unit of an R-1 Occupancy.

#### SECTION 3B.15 — Fire Sprinkler and Standpipe Systems.

##### Section 3B.15.1 Fire Sprinkler System.

Fire sprinklers for F-7 or R-7 or R-7.1 JLWQ Occupancies shall be provided when required by CBC Section 903.2 and as for an R-2 apartment house pursuant to CBC Section 903.2.8 with an individual JLWQ counted as a dwelling unit in calculating the total number of dwelling units in the building.

##### Section 3B.15.2 Standpipe System.

F-7 JLWQ occupancies shall be furnished with standpipes when required by CBC Section 905 as for an F-1 Occupancy. R-7 and R-7.1 Occupancies shall be furnished with standpipes when required by CBC Section 905 as for an R-1 Occupancy.

##### Section 3B.15.3 Buildings Under Construction.

Buildings or portions of buildings being converted to JLWQ shall comply with the provisions of Section 905.10 as for new construction.

##### Section 3B.15.4 Special Provisions for Sprinkler at a Mezzanine, Sleeping Mezzanine, or Built-in Sleeping Bunk.

A mezzanine with access other than by a stairway, a sleeping mezzanine, or a built-in sleeping bunk shall have a residential quick

response sprinkler head at the top of the access to the mezzanine, sleeping mezzanine, or built-in sleeping bunk. See Figure A-3B-4.

#### SECTION 3B.16 — Special Hazards.

##### Section 3B.16.1 Storage of Flammable Liquids or Hazardous Materials.

**Allowable Materials and Quantities.** Individual F-7 or R-7 Occupancy JLWQ shall comply with Table 3B.16-A and as provided herein. R-7.1 Occupancies shall comply with the Fire Code as for an R-2 Occupancy.

Table 3B.16-A

Criteria for Defining Limits on Use, Storage and Quantities of Hazardous Materials Permitted in Individual JLWQ Spaces

Description	R-7 or R-8 Occupancy	F-7 or F-8 Occupancy
a) Flammable Liquids:		
Class I-A	Prohibited	10 gal. per CA*
Class I-B or C	1 gal. per unit	15 gal. per CA*
Class II	5 gal. per unit	30 gal. per CA*
Class III	5 gal. per unit	80 gal. per CA*
combined all class	10 gal. per unit	NA
combined I-A, B, C	No	30 gal. per CA*
b) Compressed Gas:		
flammable	(2) - 1 quart per unit	Table 3-D.1 & 3-E UBC per CA*
corrosives	1 gal. per unit	Table 3-D.1 & 3-E UBC per CA*
Others		Table 3-D.1 & 3-E UBC per CA*
c) Corrosives and Toxics	10 gal. per unit, includes quantities from a) and b) above	Table 3-E UBC per CA*
d) Additional quantities of a), b), and c) above permitted in approved storage units	Yes	Table 3-D.1 & 3-E UBC per CA*
e) Woodworking		
less than 3 appliances with dust collectors	Yes	Yes
Others	No	No
f) Other hazardous materials	No	Table 3-D.1 & 3-E UBC per CA*

CA\* = Control Area: the space bounded by 1 hour fire-resistive separation from the other portions of the building. Each building shall have no more than 4 control areas.

Section 3B.16.2 Special Provision.

When the quantities of hazardous materials in individual F-7 or R-7 Occupancies do not exceed the following Table 3B.16-A no additional requirements apply. If the quantities of hazardous materials in an individual F-7 Occupancy JLWQ exceed the following Table 3B.16-A but do not exceed those listed in CBC Table No. 307.1 (1) or (2), the requirements of CBC Section 307 apply and occupants in such individual spaces where the work area exceeds 200 square feet (which is the case for all individual spaces or JLWQ) shall have access to at least two exits from the room and all portions of the work area shall be within 75 feet of an exit. When the quantities of hazardous materials in such uses exceed those allowed by CBC Table No. 307.1 (1) or (2), the use shall be classified by the Building Official in the appropriate Group H Occupancy.

An F-7 Occupancy shall not be used for storage of flammable liquids or hazardous materials where welding, any work involving an open flame, or similar hazardous operations or processes are accomplished except as herein provided.

#### EXCEPTIONS:

1. Open flame may be used for art work, craft work, or similar activities provided the quantity of compressed gas or flammable liquid stored within an individual F-7 Occupancy JLWQ complies with Table 353B-A.
2. Open flame and welding may be permitted in an individual F-7 Occupancy JLWQ if the individual F-7 Occupancy JLWQ with the open flame and welding has an occupancy separation from the remainder of the building or other JLWQ in the building pursuant to Section 307 for the appropriate Group H occupancy.

#### SECTION 3B.17 — Fire Alarms.

##### Section 3B.17.1 General.

F-7 JLWQ occupancies shall conform to the requirements as for an R-2 apartment house pursuant to CBC Section 907.2.9 and as provided herein. An individual JLWQ is considered a dwelling unit for purposes of this section.

##### Section 3B.17.2 Special Provision for Local Alarm.

If a common interior exit path serves more than 4 individual F-7 and/or R-7 or R-7.1 Occupancy JLWQ or serves F-7 and/or R-7 or R-7.1 Occupancy JLWQ spaces that combined accommodate more than 10 persons, and the exit path or the spaces it serves are not fire-sprinklered, then an approved local manual or automatic fire alarm system shall be installed in the exit path. The local alarm shall be capable of sounding an audible alarm to the individual JLWQs served by the common interior exit path to meet the recommendations of the Fire Marshal and Building Official.

#### SECTION 3B.18 — Sound Transmission Control.

##### Section 3B.18.1 General.

Individual JLWQ shall comply with CBC Section 1207 as for apartment houses and as provided in this division. Existing buildings being converted to JLWQ Occupancies are not required to, but are recommended to, consider exterior noise sources pursuant to Section 1207.11.

**EXCEPTION:** In existing buildings existing walls and floor/ceilings are not required to meet these requirements unless they are opened or altered.

##### Section 3B.18.2 Notice of Limitation.

A "notice of limitation" pursuant to Section 3B.3.5 shall be provided for all F-7 or 8 Occupancies where individual JLWQ are abutting other habitable spaces.

### Section 3B.18.3 Airborne Sound Insulation.

#### Section 3B.18.3.1 General.

Buildings or a portion of buildings classified as F-7 or 8 or R-7 or R-7.1 or 8 Occupancies shall comply with CBC Section 1207.7 as for apartment houses by providing STC 50 walls and floor/ceilings where a designated residential area abuts another occupied area and as provided in this division.

#### Section 3B.18.3.2 Commercially/Industrially Oriented JLWQ as Noise Source.

Any individual F-7 or 8 Occupancy space that is a source of noise above 60db such as a rock band practice shall add construction elements that provide an additional 50 STC to the existing walls and floor/ceiling that abuts adjacent residential occupancies. Alternatively, the space may comply with the recommendations of an acoustic analysis report, prepared under the supervision of a person experienced in the field of acoustical engineering, submitted with an application for building permit.

### Section 3B.18.4 Impact Insulation.

#### Section 3B.18.4.1 General.

Buildings or a portion of buildings with individual spaces or JLWQ shall comply with CBC Section 1207.8 as for apartment houses by providing C 50 floor/ceilings where a designated residential area abuts another occupied area and as provided in this division.

#### Section 3B.18.4.2 Commercially/Industrially Oriented JLWQ as Noise Source.

Any individual F-7 JLWQ space that is a source of impact noise above 60db shall add construction elements to separate the source of impact noise or provide an additional STC 50 to the floor/ceiling that abuts adjacent residential areas.

tial occupancies. Alternatively, the space may comply with the recommendations of an acoustic analysis.

### SECTION 3B.19 — Energy Conservation Requirements.

#### Section 3B.19.1 General.

The space of buildings or portions of buildings with commercially/industrially-oriented JLWQ outside the area of the individual JLWQ shall comply with the appropriate California Energy Commission's Residential or the residential portion of the Non-residential Standards. Individual JLWQ units themselves shall comply as follows:

1. Either the Residential Standards may be applied or alternatively the residential portion of the Non-residential Standards may be applied (as appropriately indicated on information on plans) to individual JLWQ in buildings as follows:
  - 1.1 Buildings of any number of stories with a maximum of two JLWQ and/or dwelling units.
  - 1.2 Buildings with any number of individual JLWQ and/or dwelling units and with three or fewer habitable stories.
2. The residential portion of the Non-residential Standards shall apply to individual JLWQ in buildings as follows:
  - 2.1 Buildings of any number of stories with more than two JLWQ and/or dwelling units.
  - 2.2 Buildings with more than three habitable stories.

### SECTION 3B.20 — Plumbing Systems Requirements.

#### Section 3B.20.1 General.

F-7 or 8 and R-7, R-7.1 or 8 Occupancies shall comply with requirements of the current California Plumbing Code as herein provided.

Section 3B.20.2 Plumbing Code Application.

Plumbing Code requirements as for an F occupancy apply to Group F-7 or F-8 Occupancies except that Section 701.1.2 of the California Plumbing Code which allows ABS and PVC installations in residential construction not more than two stories in height may be applied to plumbing within individual commercial/industrially oriented JLWQ that individually have no more than two stories. Plumbing in party and common walls and floor/ceilings are not considered within the individual JLWQ.

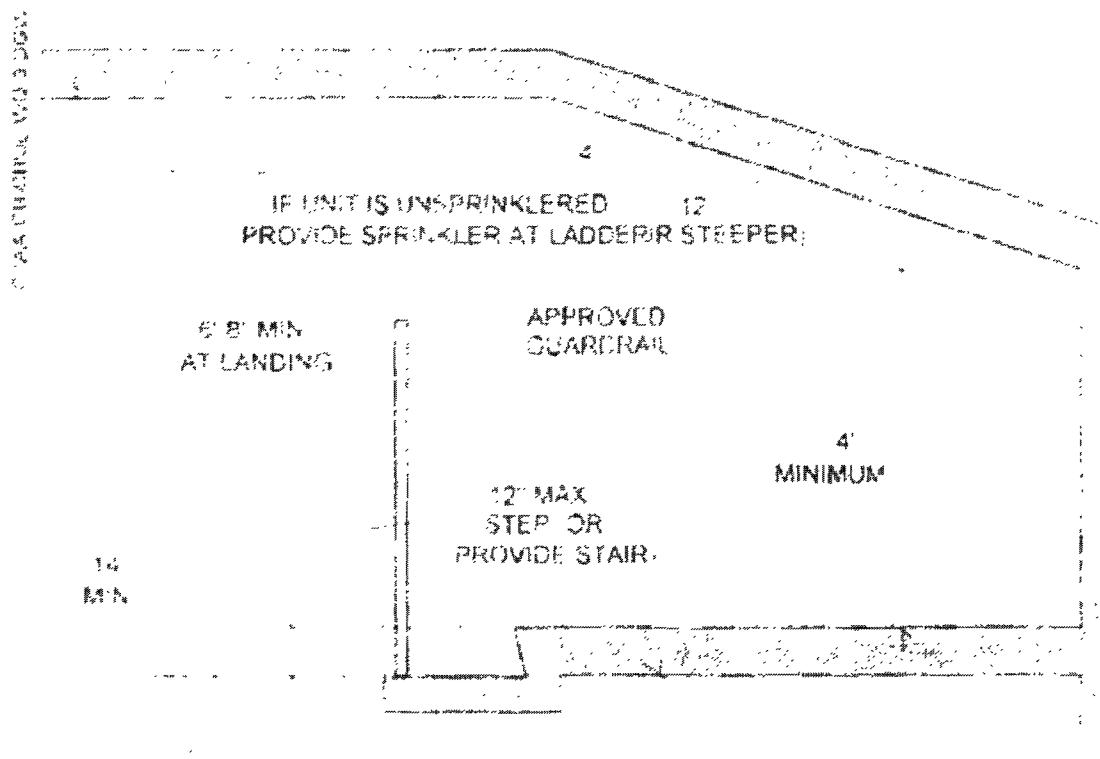
Section 3B.20.3 Number of Fixtures.

Individual JLWQ shall meet the requirements of Table 4-1 of the California Plumbing Code for Group R Occupancies. The common use areas of the building and areas with employees or open to the public shall comply with the requirements of Table 4-1 of the California Plumbing Code for F Occupancies.

SECTION 3B.21 — Electrical Code Requirements.

Section 3B.21.1 General.

A Group F-7 or 8 Occupancy shall conform with the California Electrical Code requirements as for an F-1 Occupancy. The designated residential area of an individual F-7 or 8 Occupancy JLWQ shall comply with Section 210-52 relating to dwelling unit receptacle outlets. Group R7, R-7.1 or 8 Occupancy shall conform with requirements as for an R-2 Occupancy.



**MINIMUM LOFT DIMENSIONS**  
 6' MINIMUM DEEP X T' MIN LONG  
 7' MIN DEEP X 5' MIN LONG  
 (WITH 50% OF PERIMETER OPEN  
 OR MECHANICALLY VENTILATE  
 OR OPENABLE WINDOW PURSUANT  
 TO UBC SECTION 1205)  
 100 SF MAXIMUM  
 DIMENSIONS AND AREA  
 EXCLUSIVE OF 3' X 3' LANDING)

THIS DIAGRAM ILLUSTRATES THE SPECIFIC REQUIREMENTS OF THESE REGULATIONS AND IS INTENDED ONLY AS AN AID FOR BUILDING DESIGN AND CONSTRUCTION

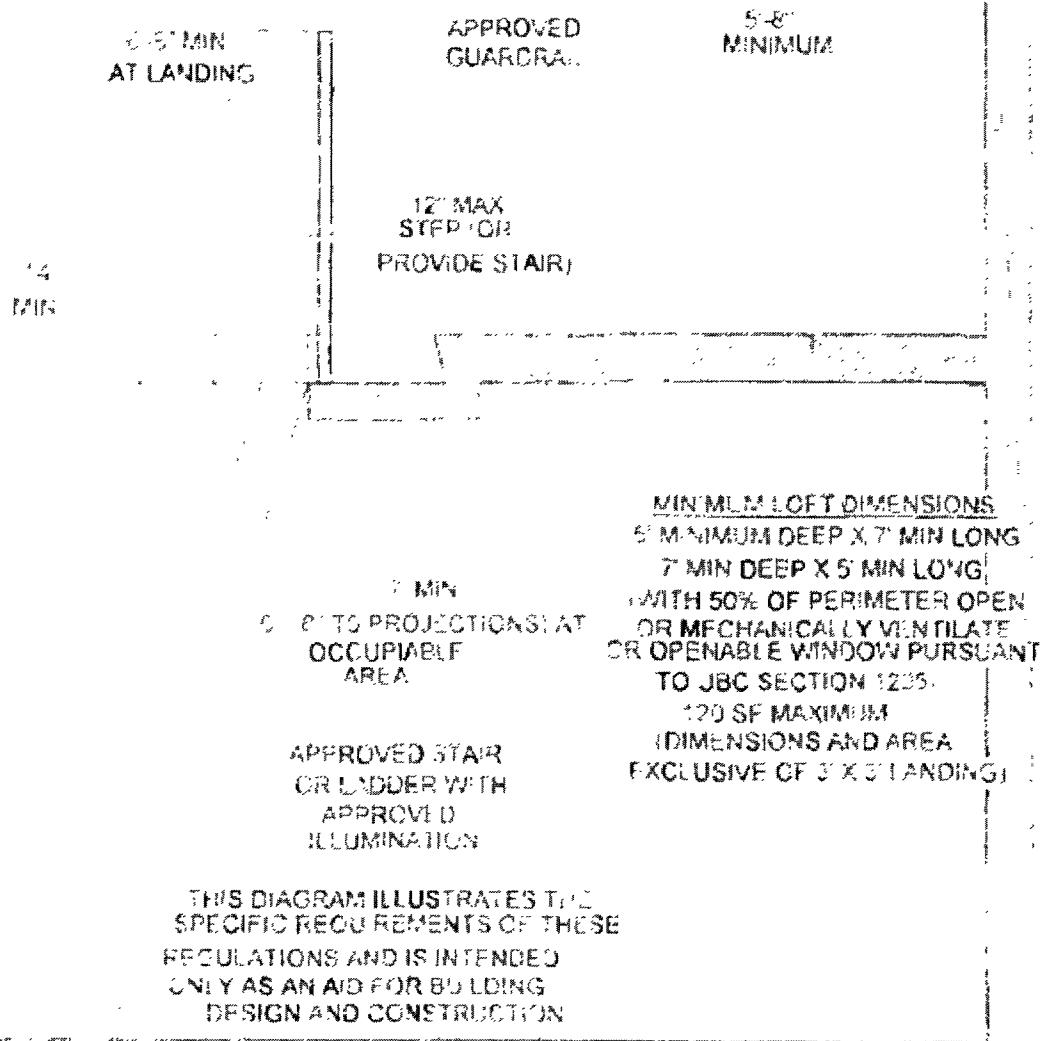
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**MINIMUM REQUIREMENTS FOR JLWQ SLEEPING MEZZANINE  
 (WITH SLOPING CEILING)**

---

C 3 2 1 0 9 8 7 6 5 4 3 2 1 0

F UNIT IS UNSPRINKLED  
PROVIDE SPRINKLER AT LADDER  
SEE FIGURE 3B-01c



**MINIMUM REQUIREMENTS FOR JLWQ SLEEPING MEZZANINE  
(WITH FLAT CEILING)**

**FIGURE A - 3B-1B**

APPROVED STAIR  
OR LADDER WITH APPROVED  
ILLUMINATION

IF UNIT IS UNSPRINKLERED  
PROVIDE SPRINKLER AT LADDER

4

12  
(OR STEEPER)

3'-6" MIN HEADROOM  
AT ACCESS LADDER OR STAIR

MINIMUM BUILT-IN SLEEPING  
BUNK DIMENSIONS

5' MINIMUM DEEP X 7' MIN LONG  
3' MIN DEEP X 5' MIN LONG  
WITH 50% OF PERIMETER OPEN  
OR MECHANICALLY VENTILATE  
OR OPENABLE WINDOW PURSUANT  
TO UBC SECTION 1205  
60 SF MAXIMUM AREA  
NO LANDING REQUIRED

3' MIN

RAILING TO BE 1/3 OF  
CLEAR VERTICAL HEIGHT  
AT RAILING WITH 3' MAX

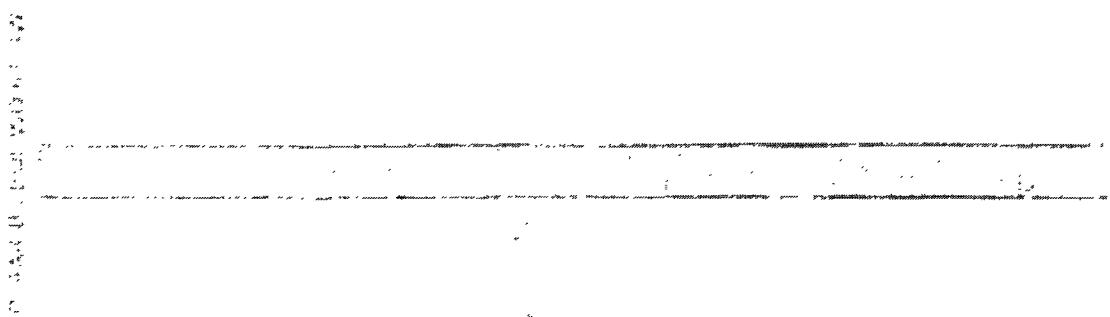
APPROVED STAIR  
OR LADDER WITH APPROVED  
ILLUMINATION

7' MIN

(6'-8" TO PROJECT)  
OCCUPIABLE  
AREA

THIS DIAGRAM ILLUSTRATES THE  
SPECIFIC REQUIREMENTS OF THESE  
REGULATIONS AND IS INTENDED  
ONLY AS AN AID FOR BUILDING  
DESIGN AND CONSTRUCTION

MINIMUM REQUIREMENTS FOR JL/WQ BUILT-IN SLEEPING BUNK



IF UNIT IS UNSPRINKLERED  
PROVIDE SPRINKLER AT LADDER  
SEE FIGURE 36-21ct

7'-6"  
MIN

7'-0" MIN HEADROOM  
AT ACCESS LADDER OR STAIR

RAILING TO BE 1/2 OF  
CLEAR VERTICAL HEIGHT  
AT RAILING WITH 3' MAX

MINIMUM BUILT-IN SLEEPING  
BUNK DIMENSIONS  
5' MINIMUM DEEP X 7'-0" MIN LONG  
7'-0" DEEP X 5' MIN LONG —  
WITH 50% OF PERIMETER OPEN  
OR MECHANICALLY VENTILATE  
OR OPENABLE WINDOW PURSUANT  
TO IBC SECTION 1209.  
50 SF MAXIMUM AREA  
NO LANDING REQUIRED



APPROVED STAIR  
OR LADDER WITH 7'-0" MIN  
APPROVED 18' ETD PROJE  
ELUMINATION OCCUPIABLE

THIS DIAGRAM ILLUSTRATES THE  
SPECIFIC REQUIREMENTS OF THESE  
REGULATIONS AND IS INTENDED  
ONLY AS AN AID FOR BUILDING  
DESIGN AND CONSTRUCTION

MINIMUM REQUIREMENTS FOR JL/WQ BUILT-IN SLEEPING BUNK  
(WITH FLAT CEILING)

STANDARDS FOR THE  
DESIGN AND CONSTRUCTION OF  
SHIPS

GUARDED WHEN  
FLOOR TO FLOOR  
VERTICAL HEIGHT  
SERVED BY LADDER  
EXCEEDS 3'

35" MIN

THE PITCH RANGE OF A  
SHIP STAIR /SHIPS LADDER,  
IS 41° TO 75 DEGREES  
FROM THE HORIZONTAL.

THE PITCH RANGE OF A LADDER  
IS 75 TO 90 DEGREES  
FROM THE HORIZONTAL.



7" MIN TOESPACE

6' 8" MIN

32" MIN  
CLEAR  
DIMENSION

RUNGS AT 12" TO 14" C  
MAY BE MADE OF 2x4

LADDER 27" MIN WIDE

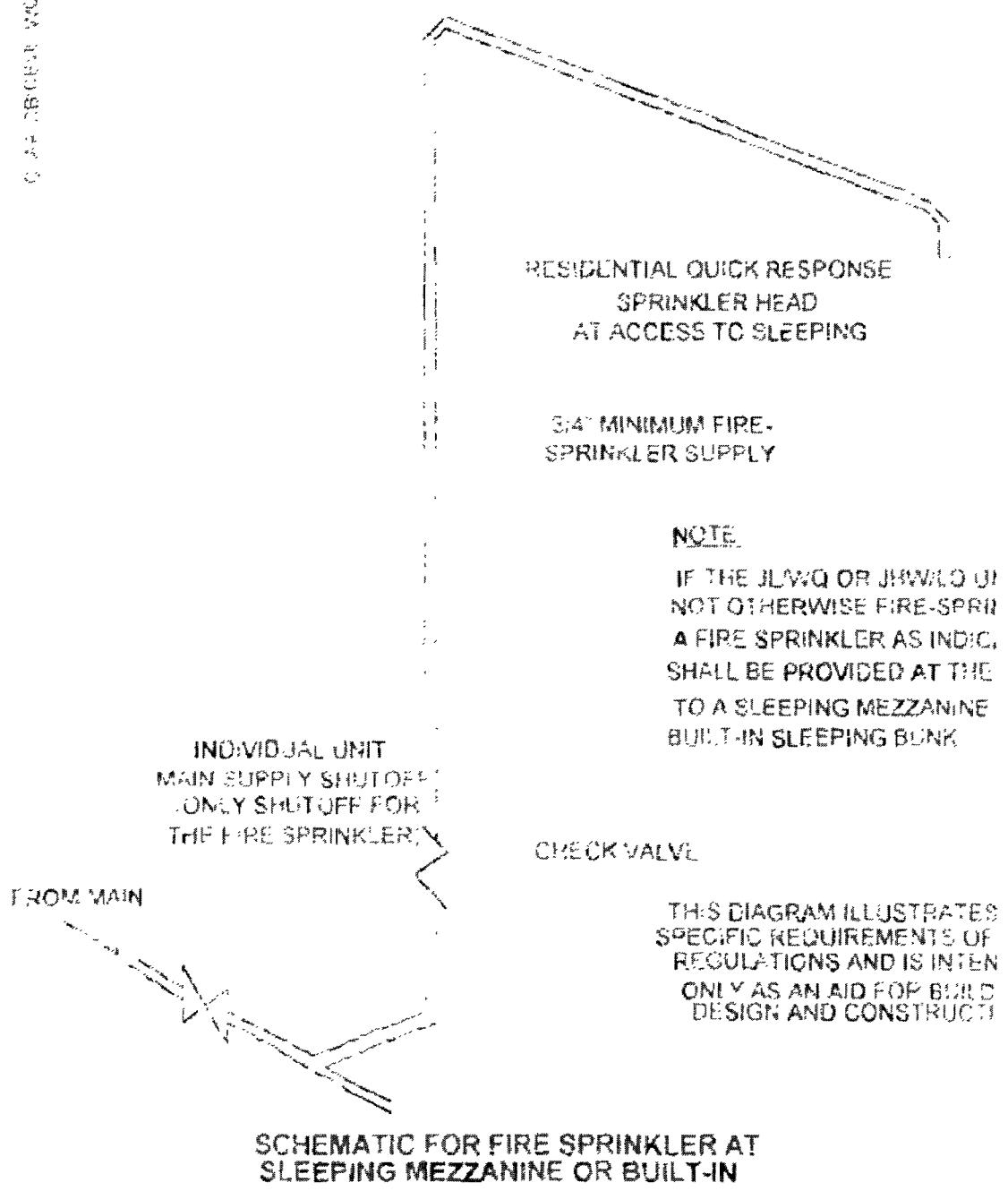
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SPECIFIC REQUIREMENTS OF  
REGULATIONS AND IS INTEN-  
SIONAL AS AN AID FOR BUREAU  
DESIGN AND CONSTRUC-

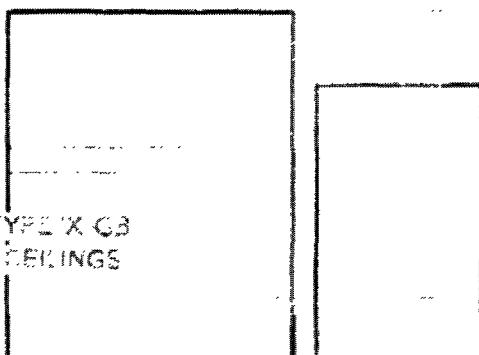


ACCESS LADDER TO SLEEPING  
MEZZANINE OR BUILT-IN SLEEPING  
BUNK FOR JLWQ

FIGURE A - 3B-3

2023 RELEASE UNDER E.O. 14176

**FIGURE A - 3B-4**

15.04.697  
EXTRA LAYER OF TYPE IX G3  
ON UNITS WALL & CEILINGS**SCHEMATIC SECTION**

**NOTE: THERE MAY BE NO REASON TO  
USE THIS ALTERNATIVE IF BASED ON  
OTHER CODE PROVISIONS ANOTHER  
STORY IS NOT A PROBLEM**

INTERIOR SIDE OF EXIT PATH  
WITH APPROPRIATE FIRE-  
RESISTIVE CONSTRUCTION

DOOR WITH  
APPROPRIATE FIRE-RATED

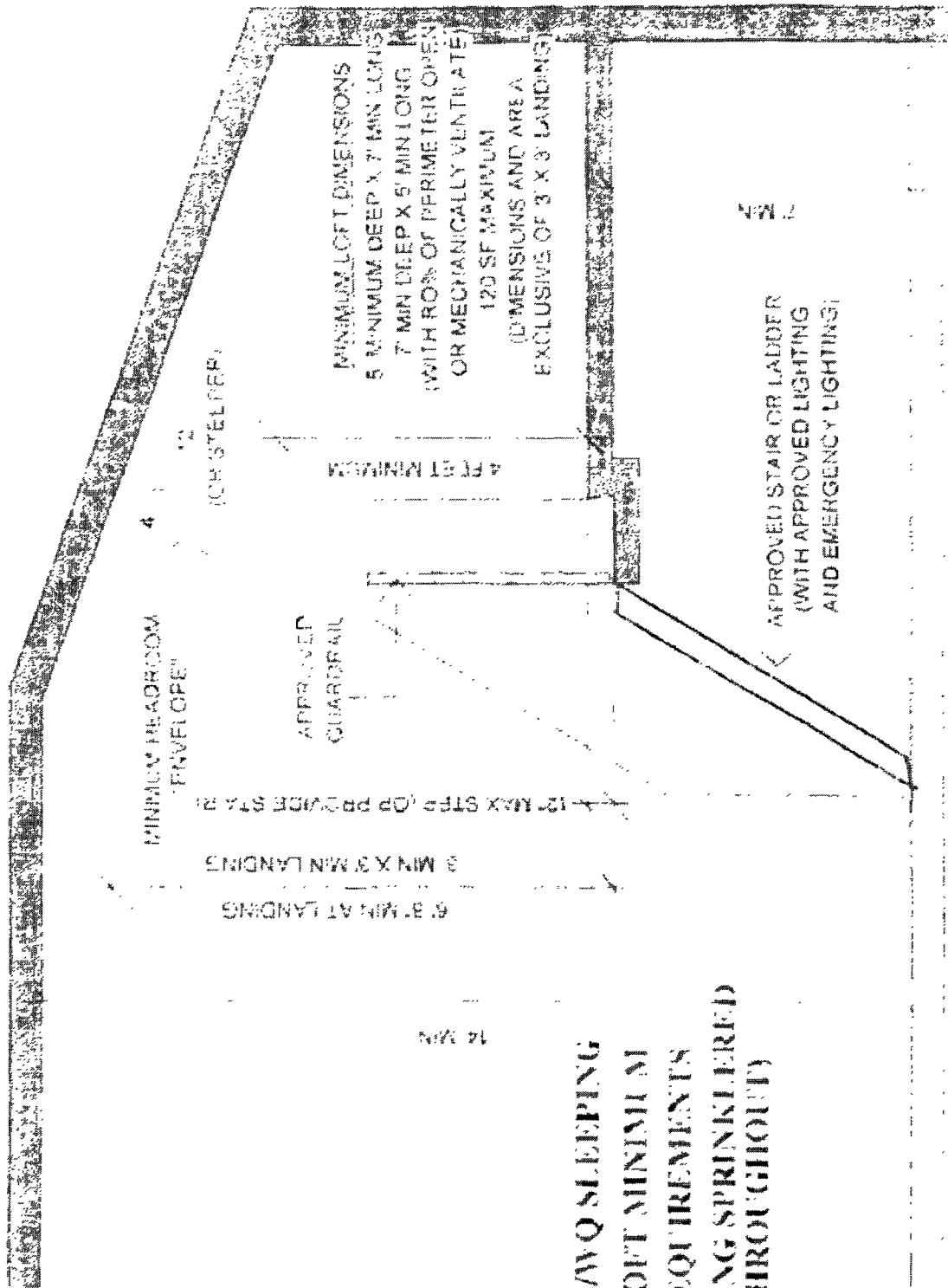
MAXIMUM 15 SQ FT GLAZING  
IF EDL WIRE GLAZE IN STEEL FRAME

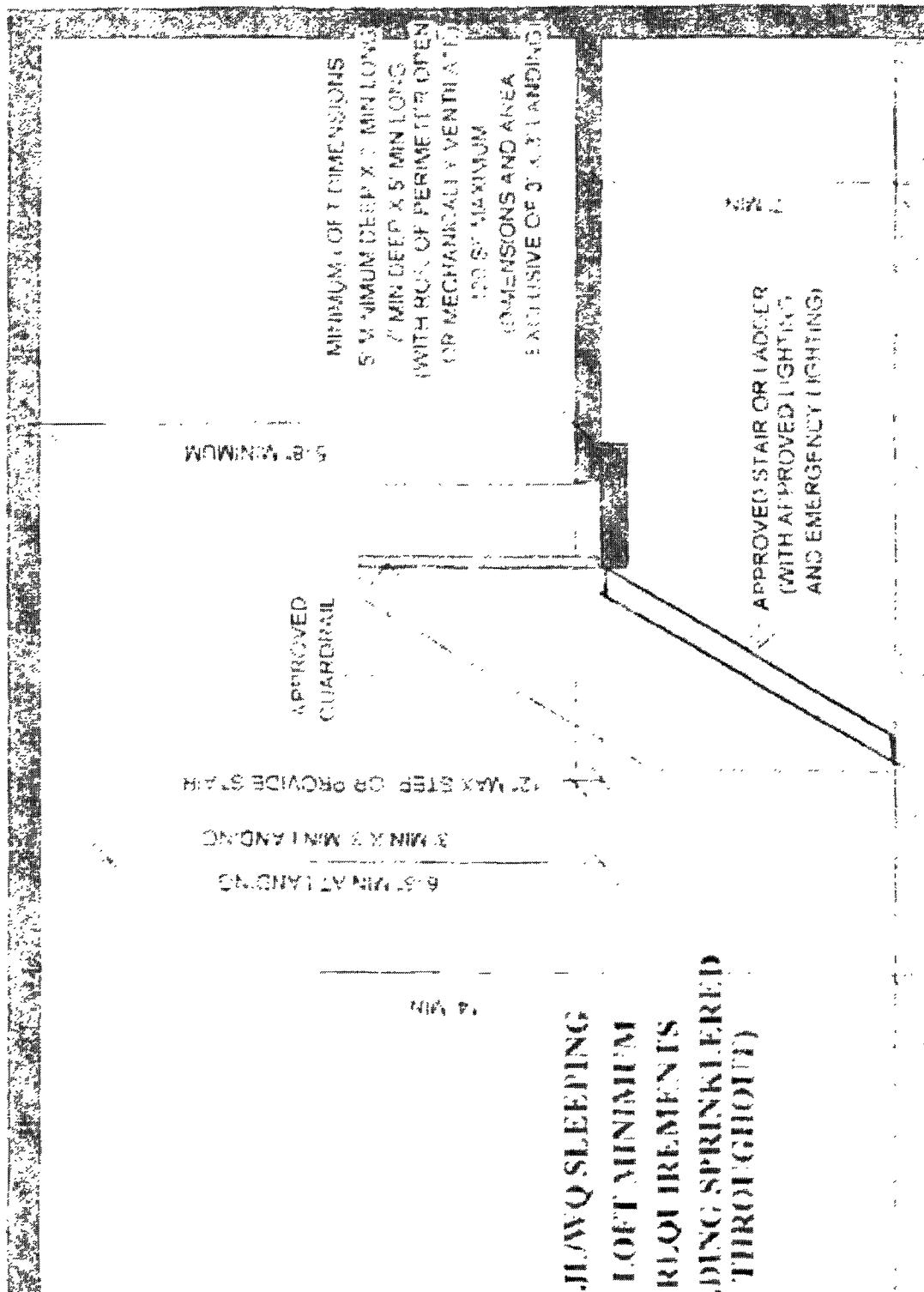
**SCHEMATIC PLAN**

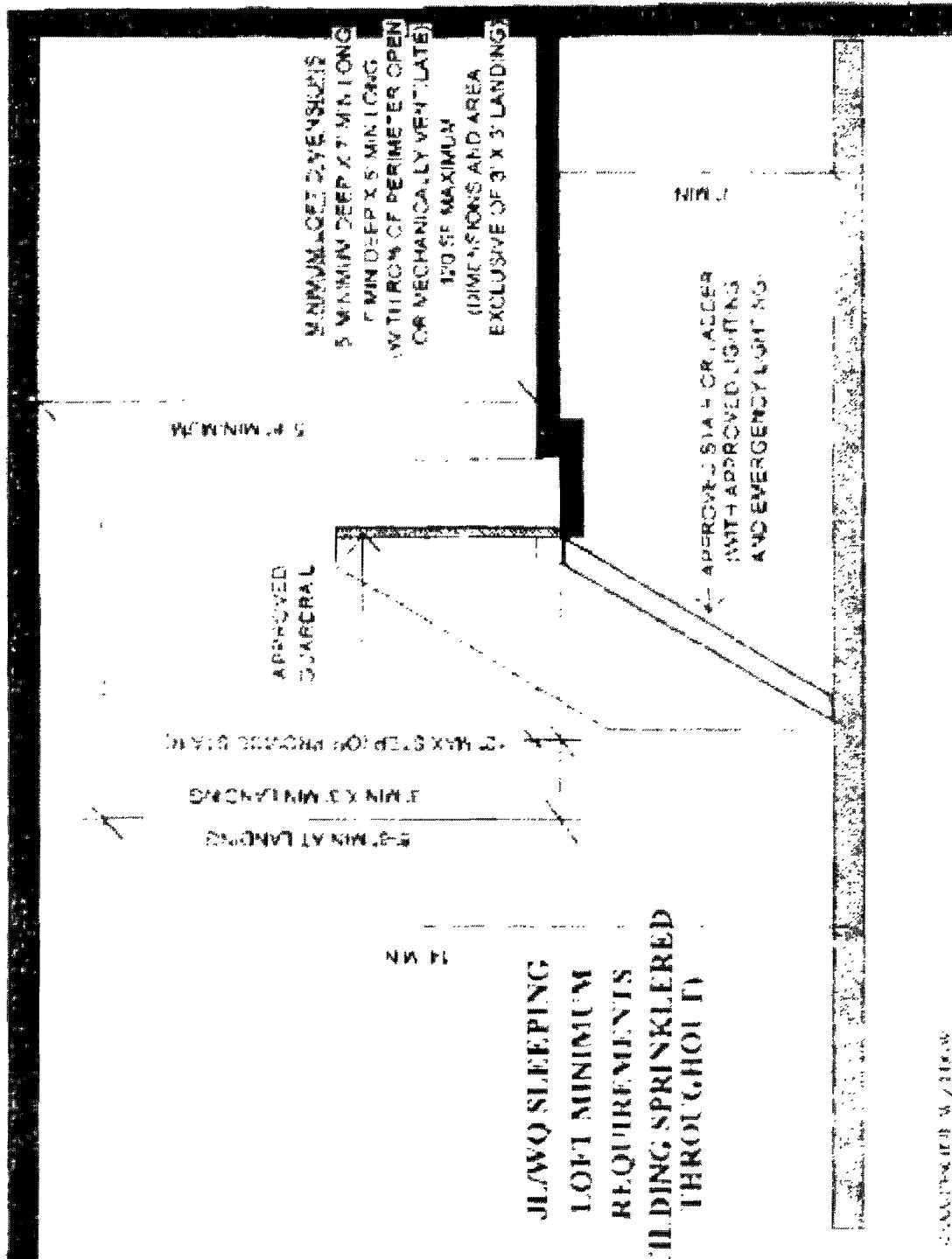
**CONSTRUCTION TO ALLOW LARGER  
PERCENTAGE MEZZANINE IN A  
LIVE WORK SPACE (R-7 OR F-7 OCC)**

THIS DIAGRAM ILLUSTRATES  
SPECIFIC REQUIREMENTS OF  
REGULATIONS AND IS INTENDED  
ONLY AS AN AID FOR BUILT  
DESIGN AND CONSTRUCTION

FIGURE A-2B.4







(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Part 2**  
**California Electrical Code**

**15.04.700 CEC Article 210.8 amended.**

In Article 210.8(a)(7) of the California Electrical Code, delete the words "wet bar."  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.705 CEC Article 210.11 amended.**

In Article 210.11(c)(1) of the California Electrical Code, add the following new sentence.

"Each appliance fastened in place (fixed) including but not limited to dishwashers, garbage disposals, trash compactors, and microwave ovens, shall be supplied by a separate branch circuit rated for the appliance or load served."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

be rigid metal conduit or intermediate metal conduit not less than one and one-quarter (1.25) inch trade size. Aluminum rigid metal conduit shall be not smaller than two (2) inches trade size where used as a periscope.

Service conduit above a building or structure roof shall not extend more than thirty (30) inches beyond the last support without bracing. The outer or upper end of overhead service conduit shall extend horizontally not more than eighteen (18) inches beyond the point of support or fastening. Service conduit coupled above a structure or past the edge of same shall be braced or supported between the coupling and the point of attachment."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.710 CEC Article 210.12 amended.**

In Article 210.12(B) of the California Electrical Code, add the following new sentence:

"Existing bedroom circuits shall have arc-fault protection as follows:

- (1) in an upgraded service panel or subpanel
- (2) where altered or extended."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.715 CEC Article 230.26 amended.**

In Article 230.26 of the California Electrical Code, add the following new paragraph:

"The service point of attachment shall be installed on the building or structure wall facing the serving line. The service point of attachment on a periscope-type service shall be installed within eighteen (18) inches of the building or structure wall facing the serving line."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.725 CEC Article 230.43 deleted and replaced.**

In Article 230.43 of the California Electrical Code, replace the section in its entirety with the following:

"Service entrance conductors shall be installed in approved rigid metal conduit or intermediate metal conduit on the outside of building or structures and in approved rigid metal conduit, intermediate metal conduit, or electrical metallic tubing with water-tight connectors within the building. Rigid non-metallic conduit (schedule 40 or schedule 80) shall be permitted to be installed for service lateral conduit where not exposed to physical damage.

Termination cans for service lateral conductors shall not encroach into the public way."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.720 CEC Article 230.28 amended.**

In Article 230.28 of the California Electrical Code, add the following new paragraphs:

"Whereas service conduit may be used as a mast to support service-drop conductors, it shall

**15.04.730 CEC Article 230.44 deleted.**

In Article 230.44 of the California Electrical Code, delete this section in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.735 CEC Article 300.11 amended.**

In Article 300.11(a) of the California Electrical Code, add the following new paragraph:

"Boxes shall be supported independently of the ceiling assembly. A maximum of three raceways or metal cables not to exceed one inch trade size shall be supported by independent support wires within the top or bottom 12 inches. Suspended ceiling framework and support wires shall be designed to support the additional loads imposed by electrical attachments."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.740 CEC Article 334.15 amended.**

In Article 334.15(b) of the California Electrical Code, add the following new paragraph and exception:

"The cable shall not be protected by other raceways for more than six feet. The cable shall be concealed at less than eight (8) feet above finished floor or grade."

**EXCEPTION**

In underfloor areas less than three (3) feet above grade when the cable is protected by guard strips, running boards, or installed through holes bored in joists or installed parallel with joists or other framing members."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.745 CEC Article 334.23 deleted and replaced.**

In Article 334.23 of the California Electrical Code, replace the section in its entirely with the following:

"Non-metallic sheathed cable shall be covered in attics or roof spaces accessible by permanently installed ladder or stairs. Cable installed in attics or roof spaces otherwise accessible shall be protected by guard strips, running boards, or installed through holes bored in joists, or installed parallel with rafters or joists."

**EXCEPTION**

Cable may be installed perpendicular to top of ceiling joists wherever the headroom above the joist is not more than eighteen (18) inches." (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.750 CEC Article 358.12 amended.**

In Article 358.12 of the California Electrical Code, add the following new section:

Article 358.12(7) In concrete in direct contact with the earth.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.755 CEC Article 410.16 amended.**

In Article 410.16(c) of the California Electrical Code, add the following new paragraph:

"Fastening to the structure with no. 12 gage hangers and to the grid shall occur at diagonally opposite sides of 2×4 drop-in fixtures. Fixture installations shall further conform with the California Building Code Section 2504 and Standard 25-2, Section 25.213."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.760 CEC Article 600.1 amended.**

In Article 600.1 of the California Electrical Code, add the following new sentence:

"The provisions herein shall further include the requirements of the Oakland Sign Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.765 CEC Article 695.13 amended.**

In Article 695.13 of the California Electrical Code, add the following new sentence:

"Installations of fire pumps shall further conform with the requirements of the Oakland Fire Code as it pertains to Standard 20 of the National Fire Protection Association."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.770 CEC Article 760.1 amended.**

In Article 760.1 of the California Electrical Code, add the following new sentence:

"Installation of Fire Protection Signaling systems shall further conform with the requirements of the National Fire Protection Association recommended standards, the Oakland Building Construction Code and the Oakland Building Maintenance Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.775 CEC Article \_\_\_\_\_ amended.**

In Article \_\_\_\_\_ of the California Electrical Code, add the following new sentence:

"An approved raceway shall be provided in new construction for future installation of  
"

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Part 3****California Mechanical Code****15.04.800 Adopts CMC Appendix A.**

Adopt Appendix A - Standards of the California Mechanical Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.805 Adopts CMC Appendix B, Chapters 10, 12, 14 and 15.**

Adopt Appendix B, Chapters 10 — Steam and Hot Water Boilers, 12 - Hydronics, 14 — Process Piping, and 15 — Solar Systems in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.810 CMC 504.3.2.1 amended.**

In Section 504.3.2.1 of the California Mechanical Code, at the following sentence after and separate from the Exception:

"Clothes dryers which are connected to a subduct exhaust system, as provided in the California Building Code, shall be equipped with an accessible secondary lint trap."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.815 CMC 507.1.5—507.1.7, 510.8.3 and 516 deleted.**

Delete Sections 507.1.5, 507.1.6, 507.1.7, 510.8.3 and 516 of the California Mechanical Code in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.820 CMC 802.6.3 amended.**

In Section 802.6.3 of the California Mechanical Code, add the following sentence at the end of the paragraph:

"Vents shall not be smaller in size than the cross-sectional area of the combined vent connector."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.825 CMC 802.6.4 amended.**

In Section 802.6.4 of the California Mechanical Code, add the following subsection:

"(4) Vertical vent systems conforming with the provisions of this section shall be designed by a registered design professional and approved by the Building Official."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.830 CMC 510.8.3 deleted.**

Delete Section 510.8.3 of the California Mechanical Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Part 4****California Plumbing Code****15.04.900 CPC 505.1.1 amended.**

In Section 505.1.1 of the California Plumbing Code, add the following sentence at the end of the paragraph:

"Doors shall comply with the requirements of section 15.04.600.1 of this Code."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.905 CPC 505.5 amended.**

In Section 505.5 of the California Plumbing Code, add the following sentence at the end of the paragraph:

"When approved by the Building Official to discharge into a sanitary sewer system, water temperature shall not exceed 160°."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.910 CPC 510.6.4 amended.**

In Section 510.6.4 of the California Plumbing Code, add the following sentence at the end of the first paragraph:

"Common gas vent systems conforming with the provisions of this section shall be designed by a registered design professional and approved by the Building Official."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.915 CPC 510.10.3 amended.**

In Section 510.10.3 of the California Plumbing Code, add the following sentence at the end of the first paragraph:

"Vents shall not be smaller in size than the cross-sectional area of the combined vent connector."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.920 CPC 701.1.2 deleted and replaced.**

In Section 701.1.2 of the California Plumbing Code, replace this section in its entirety with the following:

"ABS and PVC DWV piping installation are limited to residential construction not more than two (2) stories in height and to relocatable public school buildings.

**EXCEPTION**

ABS and PVC DWV piping may be installed in residential hillside construction, where the building is classified as three (3) stories, with only two (2) habitable levels. One additional level that is not designed for human habitation

and is used only for vehicle parking, storage, or similar use outside the individual dwelling unit shall be permitted."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.925 CPC 713 deleted and replaced.**

In Section 713 - Private Sewage Disposal Systems of the California Plumbing Code, replace this section in its entirety with the following:

**Section 713.1**

Performance, maintenance, repair, or abandonment of an existing private sewage disposal system shall conform with the requirements of the Alameda County Department of Environmental Health.

**Section 713.2**

Installation, replacement, repair, maintenance, or modification of a water supply system and piping, in-ground pools, or other infrastructure with respect to an existing private sewage disposal system shall conform with the requirements of the Alameda County Health Department.

**Section 713.3**

New or additional connections of a building sewer, waste pipe, or soil pipe to a proposed or existing private sewage disposal system shall be prohibited.

**Section 713.4**

Proposed increases of the quantity or quality of sewage and liquid waste which may or will exceed the existing designed capacity of a private sewage disposal system shall be prohibited.

**Section 713.5**

Modification or replacement of an existing private sewage disposal system for the purpose of increasing the existing capacity is prohibited.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.930 CPC 901.2, 908.2, and 911.0 deleted.**

Delete Sections 901.2, 908.2, and 911.0 of the California Plumbing Code in their entirety.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.935 CPC 1013 amended.**

In Section 1013 of the California Plumbing Code, add the following new section:

Section 1013.1

Commercial garbage or food waste grinders shall not be installed in produce markets, food markets or similar establishments.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.940 CPC 1211.3.2 amended.**

In Section 1211.3.2 of the California Plumbing Code, replace the phrase in subsection (4) beginning with "... or the use of a ground nut..." with "... or left-right couplings."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.945 CPC 1214.3 amended.**

In Section 1214.3 of the California Plumbing Code, add the following new section:

1214.4.4 Installed Piping Inspection

An inspection shall be required after all fuel piping and all concealments and intended coverings of the piping have been installed but before any fixtures, appliances, or shutoff valves have been attached. All necessary apparatus for conducting pressure tests shall be furnished in good working order by the permit holder. Gauges shall comply with section 319.0. All pressure tests shall be witnessed during the inspection, and there shall be no perceptible reduction in pressure throughout the time period of the test.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.950 CPC 1214.3.2 deleted and replaced.**

In Section 1214.3.2 of the California Plumbing Code, replace this section in its entirety with the following:

"The test pressure shall be not less than 1.5 times the proposed maximum working pressure, but not less than 10 psi gauge pressure. For welded fuel piping and for fuel piping with proposed maximum working pressure exceeding 14 inches of water column, the test pressure shall be not less than 60 psi gauge pressure."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.955 CPC 1214.3.3 amended.**

In Section 1214.3.3 of the California Plumbing Code, replace the phrase "... a minimum of 10 minutes "in the sentence beginning "When testing a system..." with "... a minimum of 15 minutes."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.960 Adopts CPC Appendix A.**

Adopt Appendix A of the California Plumbing Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.965 Adopts CPC Appendix B.**

Adopt Appendix B of the California Plumbing Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.970 Adopts CPC Appendix D.**

Adopt Appendix D of the California Plumbing Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.975 CPC Appendix D amended.**

In Appendix D of the California Plumbing Code, add Part D as follows:

Part D - Disposal of Rainwater Drainage

Section D4.1

Rainwater drainage shall not be conveyed to a sanitary sewer.

**Section D4.2**

Rainwater drainage below main storm drain level shall conform with the requirements of Section 409.

**Section D4.3**

Approval shall be obtained from the Building Official prior to connecting rainwater drainage directly to a publicly maintained storm water drainage system. Issuance of a permit for such connections shall be discretionary.

**Section D4.4**

Rain water drainage may be conveyed by a public street gutter to a publicly maintained storm water drainage system provided such gutter is continuously paved and further provided such drainage is conducted under a public sidewalk and through the curb by methods approved by the Building Official.

**Section D4.5**

Exterior rainwater piping on that part of a building contiguous with a public walking surface shall be galvanized wrought iron, galvanized steel, or cast iron piping for not less than five (5) feet above the walking surface.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.980 Adopts CPC Appendix F.**

Adopt Appendix F of the California Plumbing Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.985 Adopts CPC Appendix H.**

Adopt Appendix H of the California Plumbing Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.990 Adopts CPC Appendix IAPMO Installation Standards.**

Adopt Appendix "IAPMO Installation Standards" of the California Plumbing Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Part 5****California Residential Code****15.04.1005 Section R301.1.3 amended.**

In Section R301.1.3 of the California Residential Code, delete the second sentence starting with "The extent of such design..." in its entirety.  
(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1006 Section R302.1 amended.**

In Section R302.1 of the California Residential Code, at the end of exception 4, add a new sentence "Roof eave projections shall not extend over the lot line."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1010 Section R302.5.1 amended.**

In Section R302.5.1 of the California Residential Code, replace the last sentence starting with "Doors shall be..." with "Doors shall be tight-fitting, self-closing, and self latching."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1015 Section R302.7 amended.**

In Section R302.7 of the California Residential Code, replace " $\frac{1}{2}$ -inch (12.7mm)" with " $\frac{5}{8}$ -inch (15.9mm) Type-X."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1020 Section R303.1, exception 2 deleted.**

In Section R303.1 of the California Residential Code, delete exception 2 in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1025 Section R303.1 amended.**

In Section R303.1 of the California Residential Code, delete "Habitable space" from the first sentence and add the new sentence "Habitable spaces shall have a ceiling height of not less than 7 feet 6 inches (2286mm)."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1030 Section R303.1 amended.**

In Section R303.1 of the California Residential Code, replace 7 feet (2134mm) with "7 feet 6 inches (2286mm) in habitable spaces, 7 feet (2134mm) in nonhabitable spaces."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1035 Section R308.4 amended.**

In Section R308.4 of the California Residential Code, item 5, after the phrase "..., bathtubs and showers" insert "or within 3 feet measured horizontally of such fixtures or compartments."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1040 Section R311.2 amended.**

In Section R311.2 of the California Residential Code, delete the sentence starting with "Other doors..." and replace with "Door openings in a dwelling unit or sleeping unit which are not part of the required means of egress and which serve occupiable spaces shall not be less than 28 inches in width and shall not be less than 80 inches in height."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1045 Section R311.3.2 amended.**

In Section R311.3.2 of the California Residential Code, replace "7 3/4" (196mm) with "1 1/2" (38.1mm)" and add the new sentence "The floor or landing may be not more than 7 3/4" (196mm) below the top of the threshold provided the door does not swing over the landing or floor."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1050 Section R401.1, first paragraph, amended.**

In Section R401.1 of the California Residential Code, delete the last sentence in the first paragraph starting with "Wood foundations..." and the associated exceptions in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1060 Section R401.1, second paragraph, deleted.**

In Section R401.1 of the California Residential Code, delete the second paragraph in its entirety. (Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1065 Section R402.1 deleted.**

Delete section R402.1 of the California Residential Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1070 Section R403.1 amended.**

In Section R403.1 of the California Residential Code, in the first sentence, delete the words "crushed stone footings" and "wood foundations."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1075 Section R403.1.1 amended.**

In Section R403.1.1 of the California Residential Code, delete the last sentence starting with "Footings for wood foundations...."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1080 Section R403.1.3 amended.**

In Section R403.1.3 of the California Residential Code, in the fourth paragraph ending with "...masonry stem walls without solid grout and vertical reinforcing are not permitted.," delete the exception to this paragraph.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1085 Section R403.1.3.1 amended.**

In Section R403.1.3.1 of the California Residential Code, at the end of the sentence add, "and intermediate No.4 bars vertically spaced at a maximum spacing of 18."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1090 Section R403.1.6, second paragraph, first sentence amended.**

In Section R403.1.6 of the California Residential Code, in the first sentence of the second paragraph, replace "6 feet (1829 mm) on center" with "4 feet (1219 mm) on center."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1095 Section R403.1.6, second paragraph, second sentence amended.**

In Section R403.1.6 of the California Residential Code, in the second sentence of the second paragraph, replace " $\frac{1}{2}$  inches (12.7 mm) in diameter" with " $\frac{5}{8}$  inches (15.9 mm) in diameter."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1100 Section R403.1.6.1 amended.**

In Section R403.1.6.1 of the California Residential Code, items 2 and 3, replace "6 feet (1829 mm) on center" with "4 feet (1219 mm) on center" and delete items 4 and 6

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1115 Sections R403.2 and R403.4.1 deleted.**

Delete Sections R403.2 and R403.4.1 of the California Residential Code in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1116 Section R404.1.1.1 and Table R404.1.1(1) amended.**

Delete Section 404.1.1.1 and Table R404.1.1(1) of the California Residential Code in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1120 Section R404.1.4.1 amended.**

In Section R404.1.4.1 of the California Residential Code, delete the first paragraph and the associate items 1 through 3 in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1125 Section R404.1.4.2 amended.**

In Section R404.1.4.2 of the California Residential Code, delete the last sentence of the first paragraph starting with "In addition to the horizontal reinforcement..." and the associated items 1 through 3 in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1130 Section R404.1.4.2 amended.**

In Section R404.1.4.2 of the California Residential Code, delete the last sentence of the second paragraph starting with "Where Tables R404.1.2(2)...."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1135 Section R404.1.5.1 amended.**

In Section R404.1.5.1 of the California Residential Code, in the first sentence after "thickness of the wall supported," add "or 6 inches, whichever is greater."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1140 Section R404.1.5.2 amended.**

In Section R404.1.5.2 of the California Residential Code, in the first sentence after "story above" add "or 6," whichever is greater."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1145 Section R404.2 and Table R404.2.3 deleted.**

Delete Section R404.2 and Table R404.2.3 of the California Residential Code in their entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1150 Section R405.2 deleted.**

Delete Section R405.2 of the California Residential Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1155 Section R406.3 deleted.**

Delete Section R406.3 of the California Residential Code in its entirety.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1160 Section R408.3, item 1, amended.**

In Section R408.3 - item 1 of the California Residential Code, at the end of the first sentence, add "over a 2.5" minimum concrete rat-proofing slab over earth."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1165 Section R606.2.4 amended.**

In Section R606.2.4 of the California Residential Code, in the last sentence, delete "in areas subject to wind loads of 30 pounds per square foot (1.44 kPa)."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1170 Section R702.3.7 amended.**

In Section R702.3.7 of the California Residential Code, at the end of the sixth sentence starting with "Gypsum board shall not be used...," add the following to the end of this sentence: "," nor in buildings in Seismic Design Categories D<sub>0</sub>, D<sub>1</sub>, or D<sub>2</sub>"

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1175 Section R702.4.2 deleted.**

Delete Section R702.4.2 of the California Residential Code and replace with the following:

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1180 Section R702.4.2 added.**

Add the following new Section R702.4.2 to the California Residential Code:

"R702.4.2 Shower and tub areas. Tiles installed in shower and tub areas shall comply with the requirements of CBC 2509.3."

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**15.04.1185 Section R802.3 amended.**

In Section R802.3 of the California Residential Code, delete "...or to each other with a gusset plate as a tie" in the first sentence.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

## **Part 6**

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

**15.04.1200 Prevailing provisions.**

Wherever the provisions of the California Green Building Standards Code conflict with the provisions of City of Oakland Municipal Code Chapter 18.02 — Sustainable Green Building Requirements For Private Development, the provisions of the enabling ordinance shall prevail.

(Ord. No. 13047, §§ 2, 3, 11-9-2010)

**Chapter 15.08****OAKLAND BUILDING MAINTENANCE  
CODE\*****PART 1****Administrative Amendments****Article I****Scope****Sections:****15.08.010 Title.****15.08.020 Purpose.****15.08.030 Scope.****15.08.040 Application to existing buildings  
and structures.****15.08.050 General standards.****15.08.060 Effect on other codes,  
regulations, and ordinances of  
adoption of the Oakland Building  
Maintenance Code.****15.08.070 Effect of modifications and  
partial invalidity.****Article II****Enforcement****15.08.080 General.****15.08.090 Substandard and Public  
Nuisance Buildings and Real  
Property.****15.08.100 Appeals.****15.08.110 Abatement of Violations.****Article III****Fees and Inspections****15.08.120 General.****15.08.130 Fees, Costs, Penalties, and  
Interest.****15.08.140 Permit inspection.****15.08.150 Certificate of occupancy.****15.08.160 Report of permit record.****Article IV****Definitions****15.08.170 Definitions (HSC Section 17910,  
et seq.).****15.08.180 Oakland Building Construction  
Code Definitions.****PART 2****Non-Administrative (Technical) Amendments****Article V****Habitable Space****15.08.190 Scope.****15.08.200 Yards and courts.****15.08.210 Room dimensions.****15.08.220 Light and ventilation (HSC  
Section 17910 et seq.).****15.08.230 Sanitation (HSC Section 17910,  
et seq.).****15.08.240 Security.****Article VI****Structural****15.08.250 General (HSC Section 17910, et  
seq.).****Article VII****Mechanical and Electrical****15.08.260 Mechanical and Electrical  
Systems (HSC Section 17910 et  
seq.).****Article VIII****Exiting****15.08.270 General.****15.08.280 Fire assemblies.****15.08.290 Transoms.****15.08.300 Wooden stairs.**

\*Editor's note—Ord. No. 13046, §§ 1, 3, adopted November 9, 2010, repealed and reenacted Chapter 15.08 in its entirety to read as herein set out. Formerly, Chapter 15.08, Articles I—XII, pertained to similar subject matter, and derived from Ord. No. 12842, § 3, adopted 2007.

**Article IX  
Fire Protection**

**15.08.310 General.**

**15.08.320 Smoke Detectors.**

**Article X  
Substandard And Public Nuisance Buildings**

**15.08.340 Definitions.**

**PART 3.  
Administrative Amendments**

**Article XI  
Declaration of Public Nuisance—Substandard**

**15.08.350 General.**

**15.08.360 Recordation of declaration.**

**15.08.370 Repair and rehabilitation or demolition.**

**15.08.380 Order to vacate.**

**Article XII  
Appeal**

**15.08.410 General.**

**15.08.420 Effect of failure to appeal.**

**15.08.430 Scope of hearing on appeal.**

**15.08.440 Staying of enforcement.**

**15.08.450 Effect of administrative hearing.**

**15.08.460 Review of administrative determination.**

**PART 1**

**Administrative Amendments**

**Article I**

**Scope**

**15.08.010 Title.**

These regulations shall be known as the Oakland Building Maintenance Code, may be cited as such and will be referred to herein as "this Code." (Ord. No. 13046, § 3, 11-9-2010)

**15.08.020 Purpose.**

The purpose of this Code is to provide minimum standards to safeguard life or limb, health, property, and public welfare by regulations and controlling the use and occupancy, locations, and maintenance of all residential and non-residential buildings, structures, portions thereof, and real property within the City of Oakland.

The purpose of this Code is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Code.

(Ord. No. 13046, § 3, 11-9-2010)

**15.08.030 Scope.**

The provisions of this Code shall apply to real property and to all residential and non-residential buildings or portions thereof used, or designed or intended to be used, for human occupancy and habitation and all accessory buildings and structures on the same lot or parcel. Such occupancies in existing buildings may be continued as provided in the Oakland Building Construction Code, except such structures as are found to be Substandard and Public Nuisance as defined in this Code.

Where any building or portion thereof is used or intended to be used as a combination apartment house and hotel or combination non-residential and residential occupancies, the provisions of this Code shall apply to the separate portions as if they were separate buildings.

Rooming houses, congregate residences, lodging houses, and Joint Live Work Quarters and Conversion Living Quarters shall comply with all the requirements of this Code for dwellings.

(Ord. No. 13046, § 3, 11-9-2010)

**15.08.040 Application to existing buildings and structures.**

A. Additions, Alterations, or Repairs (HSC Section 17958.8). For additions, alterations, or repairs, see the Oakland Building Construction Code.

Local ordinances or regulations governing alterations and repairs of existing buildings shall permit the replacement, retention, and extension of original materials and the use of original methods of construction as long as the hotel, lodging house, motel, apartment house, or dwelling, or portions thereof, or building and structure accessory thereto, complies with the provisions published in the State Building Standard Code and the other rules and regulations of the department or alternative local standards adopted pursuant to California Health and Safety Code (HCS) Section 17920.7 and does not become or continue to be a Substandard and Public Nuisance building.

**B. Relocation (HSC Section 17958.9).** Buildings or structures moved into or relocated or repositioned or raised within the City of Oakland shall comply with the requirements in the Oakland Building Construction Code for new buildings and structures.

Local ordinances or regulations governing the moving of apartment houses and dwellings shall permit the retention of existing materials and methods of construction so long as the apartment house or dwelling complies with the building standards for foundations applicable to new construction, and does not become or continue to be a Substandard and Public Nuisance building (HSC Section 17922.3).

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.050 General standards.**

All materials, assemblies, appliances, fixtures, equipment, and installations thereof; all arrangements of occupancies, exits, aisles, stairs, and doors; all parapets wall, cornices, spires, towers, tanks, statuary, signage, structural members, and all appendages and appurtenances thereto in buildings and structures regulated by this Code shall be so arranged, assembled, installed, maintained, and of sufficient size and so protected as to reduce and minimize all egress, fire, structural collapse, natural gas or chemical asphyxiation or toxicity or explosion, electrical shock, potable water cross-contamination, sewerage contamination, and other health and safety hazards.

The quality of all materials, assemblies, appliances, fixtures, and equipment; methods of connection, assembly and installation; allowable stress, strain, deflection, rate and volume and velocity of flow, pressure, temperature, and ampacity; and assumed loads and capacities to be used in the design, construction, and maintenance of all buildings and structures, plumbing and mechanical installations, and electrical systems shall be consistent with requirements of this Code and nationally recognized standards of quality and generally recognized and well-established methods of testing, design, installation and construction. Testing, listing, and affixed labeling shall be *prima facie* evidence of conformity with approved standards for safety to life and limb, property, and public welfare.

Non-compliance with any of the provisions of this Code, including failure to provide, obtain or maintain valid approvals, permits, certifications, tests, listing, affixed labeling, inspection approvals, or other conditions of permitting; failure to repair, demolish, remove, or rehabilitate unsafe materials, appliances, fixtures, or equipment; or failure to prevent, restrain, correct, or abate conditions unsafe or hazardous for occupancy or egress or fire protection or health due to inadequate maintenance, excess loading, dilapidation, or abandonment is hereby declared to be *prima facie* evidence of an existing and continuing hazard to life and limb, and/or to property, and/or to public welfare.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.060 Effect on other codes, regulations, and ordinances of adoption of the Oakland Building Maintenance Code.**

Unless expressly stated herein, this Code is not intended to amend, repeal, or supersede provisions of any other codes, regulations, or ordinances of the City of Oakland, including but not limited to, the Demolition Ordinance, Earthquake Damage Abatement Ordinance, Dangerous Building Ordinance, Grading Ordinance, Blight Abate-

ment Ordinance, Weed Abatement Ordinance, Administrative penalty Ordinance, Window Security Bar Ordinance, Solid Waste Collection and Disposal and Recycling Ordinance, Oakland Planning Code, Oakland Building Construction Code, and Oakland Fire Code.

In any specific section or case where there is a conflict within or between or among provisions, the most restrictive which prescribes and establishes the higher standard of safety or public benefit shall prevail and control and where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

Neither the adoption of this Code nor the repeal hereby of any City ordinance shall in any manner affect the prosecution for violation of ordinances, which violations were committed prior to the effective date hereof or be construed as a waiver of any license or fee or penalty at such effective date due and unpaid under such ordinance relating to the collection of any such license or fee penalty or the penal provisions applicable to any violations thereof.

For existing residential and non-residential buildings or structures which were not Substandard and Public Nuisance at the time of adoption of this Code and which have not subsequently become Substandard and Public Nuisance, the Building Official may allow application of standards contained within provision of the Oakland Building Maintenance Code or the Oakland Building Construction Code in effect at the time the building or structure was constructed, whichever is more stringent.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.070    Effect of modifications and partial invalidity.**

Where any section of the California Model Housing Code recited herein is amended hereby, all provisions of the original section not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto.

Where provisions set forth herein conflict with the provisions of the California Code of Regulations (CCR), Title 25, Part 1, Chapter 1, Subchapter 1 or the California Health and Safety Code (HSC), Division 13, Part 1.5, Section 17910 et seq., the enforcement of which by local jurisdictions is mandated by State legislation, the provision of the California Model Housing Code and the State Housing Law shall prevail and control.

Where any section, subsection, sentence, clause, phrase or other part of the California Model Housing Code recited herein and as amended hereby is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Council of the City of Oakland hereby declares that it would have approved and adopted this Code and each chapter, section, subsection, sentence, clause, and phrase hereof irrespective of the fact that any one or more chapters, sections, subsections, sentences, clauses, phrases or other parts be declared unconstitutional.

(Ord. No. 13046, § 3, 11-9-2010)

## **Article II**

### **Enforcement**

#### **15.08.080    General.**

A. Authority. The Building Official and his or her designees are hereby authorized and directed to enforce all of the provisions of this Code and Chapter 8.24 (Property Blight) of the Oakland Municipal Code. For such purposes, the Building Official shall have the powers of a law enforcement officer.

B. Alternative Compliance. Where there are practical difficulties involved in complying fully with the technical requirements of Articles V, VI, VII, VIII, and IX of this Code, the Building Official may grant modifications for individual cases. The Building Official shall find that a special individual reason makes the strict application of this Code impractical and that the modification does not lessen health and safety requirements and is equivalent in suitability, strength, effectiveness, fire

resistivity, durability, and ampacity. The details of actions granting modifications shall be retained by the Building Official for the period required for retention of public records.

Whenever there is insufficient evidence of compliance with the provisions of this Code, or evidence that a material or method does not conform to the requirements of this Code or in order to substantiate claims for alternate materials or methods, the Building Official may require tests as evidence of compliance to be made at no expense to the City. Test methods shall be as specified in the Oakland Building Construction Code or by other recognized test standards. In the absence of recognized and accepted test methods, the Building Official shall specify the testing procedures. All tests shall be performed by an approved agency. Reports of tests shall be retained by the Building Official for the period required for retention of public records.

C. Right of Entry (HSC Sections 17971 and 17972). When it is necessary to make an inspection to enforce the provisions of this Code, or when the Building Official has reasonable cause to believe that there exists in a building or structure or upon a premises a condition that is contrary to or in violation of this Code that makes the building or structure or premises unsafe, dangerous or hazardous, the Building Official may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Code, provided that if such building or structure or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be unoccupied and secured against entry, the Building Official shall first make a reasonable effort to locate the record owner of the property or other adult person having lawful charge or control of the building or structure or premises and request entry. If such entry is refused, the Building Official shall have recourse to the remedies provide by law to secure entry.

No person authorized by this Code to enter buildings shall enter an occupied unit or space or other non-public area without the consent and

presence of the owner or the owner's designated agent or the lawful and adult occupant of the unit or space or other non-public area or without a proper written order executed and issued by a court having jurisdiction to issue the order.

D. Unsecured Premises. Whenever an unoccupied building or structure or accessory structure or lot or parcel or portion thereof is or has become unsecured and open to unauthorized entry and as a result is unsafe and constitutes an attractive nuisance and danger to the public health and welfare, the Building Official may clean and secure the premises and install perimeter fencing and gates and terminate the serving utilities and maintain the premises against unsafe or unpermitted re-use or re-occupation. All charges therefore shall become an assessment against the property and the record owner.

Whenever such unsecured premises or portion thereof or condition therein is or has been determined to be a Nuisance as defined in Section 15.08.170 of this Code, the Building Official may immediately re-secure breached points of entry or construct suitable barriers to entry or otherwise temporarily abate the nuisance condition.

E. Responsibilities Defined. Owners remain liable for violation of duties imposed by this Code even though an obligation is also imposed on the occupants of the building, and even though owner has, by agreement, imposed on the occupant the duty of furnishing required equipment or of complying with this Code.

Building and structures and parts thereof shall be maintained in a safe and sanitary condition. The owner or the owner's designated agent shall be responsible for such maintenance. To determine compliance with this subsection, the building may be re-inspected.

Owners, in addition to being responsible for maintaining buildings in a sound structural condition, shall be responsible for keeping that part of the building or premises which the owner occupies or controls in a clean, sanitary and safe condition, including the shared or public areas in a building containing two or more dwelling units.

Owners shall, when required by this Code or the Health Officer, furnish and maintain such approved sanitary facilities as required, and shall furnish and maintain approved devices, equipment or facilities for the prevention of insect and rodent infestation, and when infestation has taken place, shall be responsible for the extermination of any insects, rodents or other pests when such extermination is not specifically made the responsibility of the occupant by law or ruling.

Occupants of a dwelling unit, in addition to being responsible for keeping in a clean, sanitary and safe condition that part of the dwelling or dwelling unit or premises which they occupy and control, shall dispose of their rubbish, garbage and other organic waste in a manner required by the Oakland Municipal Code, Chapter 8.24 (Property Blight) and Chapter 8.28 (Solid Waste Collection and Disposal and Recycling), and approved by the Health Officer.

Occupants shall, when required by this Code, the Oakland Municipal Code, Chapters 8.24 and 8.28, or the Health Officer, furnish and maintain approved devices, equipment or facilities necessary to keep their premises safe and sanitary.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.090 Substandard and Public Nuisance Buildings and Real Property.**

Buildings, structures, portions thereof, and real property that are determined to be Substandard as defined in Article X of this Code are hereby declared to Public Nuisances and shall have the Certificate of Occupancy revoked and shall be abated either by repair and rehabilitation or demolition and may be ordered vacated in accordance with the procedure specified in Article XI of this Code.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.100 Appeals.**

A. Deteriorated Conditions. The record owner may appeal the initial issuance of an order, decision, or determination made relative to the appli-

cations and interpretations of Articles V, VI, VII, VIII, and IX of this Code by filing a written request which shall contain the following information:

1. A brief statement in ordinary and concise language of that specific action protested, together with any material facts claimed to support the contentions of the appellant.

2. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested action was a result of error or abuse of discretion and therefore should be reversed, modified, or otherwise set aside.

Such written request (appeal) together with fees as established in the Master Fee Schedule shall be received by the Building Official within twenty-one (21) calendar days from the date of the service, as set forth in Section 15.08.110.B of this Code, of the initial issuance of such order, decision, or determination. Failure by the record owner to file such written request along with full payment of fees within the period of time prescribed herein shall constitute a waiver of his or her right to an administrative adjudication of such action or to any portion thereof.

B. Hazardous Conditions. The record owner may appeal from orders, decisions, or determinations made relative to the applications and interpretations of Article X of this Code, to a Hearing Examiner, who shall be a person who is qualified by experience and training to pass on matters pertaining to health and safety and welfare of the public, and who may not be an employee of the City of Oakland.

The Hearing Examiner shall have no authority relative to interpretations of the administrative (non-technical) provisions of this Code. The Hearing Examiner shall not be empowered to waive non-administrative (technical) requirements of Article X of this Code, but may grant reasonable alternatives in exceptional cases where it is demonstratively impractical or physically impossible to comply strictly with such requirements.

C. Review of Administrative Actions. The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all

petitions filed seeking judicial review of administrative actions made by the Building Official or Hearing Examiner.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.110 Abatement of Violations.**

A. General. It shall be unlawful for any person, firm, or corporation to erect, construct, enlarge, alter, repair, move, improve, convert, demolish, equip, use, occupy or maintain any building, or structure, portion thereof, or real property or cause or allow the same to be done in violation of this Code.

In addition to the penalties provided by law and ordinance, a violator shall be liable for such costs, expenses, accruing interest, and disbursements paid or incurred by the City or any of its contractors in correction, abatement, and prosecution of the violation.

Pursuant to Section 836.5 of the California Penal Code, the Building Official and his or her designees are hereby authorized to enforce this Code and cause the arrest of violators thereof.

The City Administrator, or his or her designee, shall have the power to designate by written order that particular officers or employees shall be authorized to enforce particular provisions of this Code, in addition to those officers enumerated herein. Officers or employees so designated shall have the authority to cause the arrest of persons who violate any of such provisions.

Conviction of an infraction and any subsequent convictions under the provisions of this Code shall be punishable by the maximum fines prescribed by law. Any violations beyond the third conviction within a one-year period may be charged by the City Attorney or the District Attorney as a misdemeanor, and the penalty for conviction of the same shall be punishable by the maximum fines and sentence of imprisonment in the County Jail prescribed by law.

A certified copy of each judgment imposing fine or cost or both upon any owner of any real property for a violation of this Code pertaining to the building, structure, portion thereof, or the real

property shall, upon the entry of judgment, be filed forthwith with the Alameda County Clerk-Recorder.

Pursuant to Section 409.5 of the California Penal Code, failure to vacate immediately or to impede in any way whatsoever the vacation of any building, structure, portion thereof, or real property which has been determined by the Building Official to be an Imminent Hazard as provided in Section 15.08.380.C of this Code shall constitute a misdemeanor offense and shall be cause for arrest and removal from the premises in addition to all other penalties provided by law.

B. Notification. The initial Notice or Order shall be served to the record owner of the property by one or more of the following methods of service:

1. Personal delivery with acknowledged receipt; or

2. Mailing with certified postage to the record owner's address as it appears on the last equalized assessment roll of the Alameda County Tax Assessor or as otherwise may be known to the Building Official; or

3. Constructive public notification, including but not limited to the following:

a. Publication in a newspaper of general circulation; or

b. Conspicuous posting on or in the vicinity of the property.

Failure to serve any person required by this Code to be served or failure of such person to receive such notification shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by this Code.

(Ord. No. 13046, § 3, 11-9-2010)

### **Article III**

#### **Fees and Inspections**

#### **15.08.120 General.**

No building or structure regulated by this Code shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted,

or demolished unless separate permits for each building or structure have first been obtained from the Building Official in the manner and according to the applicable conditions prescribed in the Oakland Building Construction Code and the Oakland Planning Code.

(Ord. No. 13046, § 3, 11-9-2010)

### **15.08.130 Fees, Costs, Penalties, and Interest.**

A. Abatement of Violations. The fees and costs incurred and the penalties assessed and the interest accrued in obtaining Real Property Ownership Reports, and in repairing, cleaning, remediating, removing, or demolishing a building, structure, or real property, including costs incurred in relocating occupants of the building and in securing a building, structure, or real property from unauthorized access, and in ascertaining violations or affecting abatement thereof and in collecting such fees, costs, penalties, and accruing interest shall be charged against the property and owners.

Such fees, costs, penalties, and accruing interest shall be as established in the Master Fee Schedule of the City of Oakland and may be recovered by all appropriate legal means, including but not limited to nuisance abatement lien, prospective lien and special assessment of the general tax levy, priority lien and special assessment of the general tax levy, or civil and small claims court action brought by the City of Oakland, and combinations of such actions.

The City may recover from the property owner all costs incurred for processing and recording of such liens and special assessments authorized by this Code and for providing notice to the property owner as part of its foreclosure action or for other actions to enforce such liens and special assessments and to recover costs incurred, including attorneys' fees.

B. Demand for Payment. Prior to recordation of a nuisance abatement lien or a priority lien and special assessment of the general tax levy, the Building Official shall provide the property owner an itemized list of the fees, costs, penalties, and interest accruing to such lien, with a Demand for

Payment thereof. Such Demand shall indicate that failure to pay expeditiously will result in a collection action as set forth in this Code.

Exception: Prospective lien and special assessment of the general tax levy.

C. Collection. Whenever such fees, costs, penalties, and accruing interest are not fully paid with seven (7) calendar days after service of such Demand, the Building Official or the City may undertake collection by one or more of the following means:

1. Priority Lien. The Building Official or the City may file a certificate of Priority Lien and Special Assessment of the General Tax Levy with the Office of the Alameda County Clerk-Recorder for recordation on the property title which shall be a priority lien against the property described therein until such amounts with accrued interest have been paid in full. The amount of such lien shall draw interest thereon at a rate as established in the Master Fee Schedule or such higher rate as may be established by the Alameda County Tax Assessor and Tax Collector for collection of municipal and county taxes from and after the date of service of the such demand. The statute of limitations shall not run against the right of City of Oakland to enforce payment.

2. Special Assessment of the General Tax Levy. The Building Official or the City may transmit such amounts with accrued interest to the Alameda County Tax Assessor and Tax Collector, who shall thereupon enter a Special Assessment of the General Tax Levy on the County Assessment Book opposite the description of the particular lot or parcel of land, and such Special Assessment shall be collected together with all other taxes levied against the property. Such Special Assessment shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale, in the case of delinquency, as provided for all other municipal and county taxes against the property, and all laws applicable to the levy, collection, and enforcement of general property taxes are hereby made applicable to such special assessment.

3. Nuisance Abatement Lien. The Building Official or the City may file a Nuisance Abatement Lien with the Alameda County Clerk-Recorder for recordation on the property title which shall, from the date of recordation, have the force, effect, and priority of a Judgment Lien. Such Nuisance Abatement Lien may be foreclosed by an action brought by the City of Oakland for a money judgment.

#### D. Service.

1. Demand For Payment. The initial Demand shall be served to the record owner of the property by one or more of the following methods of service:

- a. Mailing with regular postage to the owner's address as it appears on the last equalized assessment roll of the Alameda County Tax Assessor, or as otherwise may be known to the Building Official; or
- b. Personnel delivery with acknowledged receipt; or
- c. Public notification, including but not limited to the following:
  - i. Publication in a newspaper of general circulation; or
  - ii. Conspicuous posting on or in the vicinity of the property; or
  - iii. Filing of a Prospective Line and Special Assessment of the General Tax Levy with the Alameda County Clerk-Recorder for recordation on the property title.

2. Nuisance Abatement Lien. The notice of a Nuisance Abatement Lien shall be served in the same manner as a summons in a civil action in accordance with Article 3 (commencing with Section 415.10) of Chapter 4 of Title 5 of Part 2 of the Code of Civil Procedure. Whenever the record owner cannot be found after diligent search, the notice may be served by posting a copy thereof in a conspicuous place upon the property for not less than ten (10) calendar days and publication thereof in a newspaper of general circulation published in the county in which the property is located pursuant to Government code Section 6062.

Failure to serve any person required by this Code to be served or failure of such person to receive such notification shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by this Code.

#### E. Notice Content.

1. Prospective Lien and Priority Lien. Such liens authorized by this Code shall specify the amount of the lien, identify the agency of the City on whose behalf the lien is imposed, identify the street address (where assigned by the City) and parcel number assigned by the Alameda County Tax Assessor of the property on which the assessment is imposed, and the name and address of the record owner of the property.

2. Nuisance Abatement Lien. Such lien authorized by this Code shall specify the amount of the lien, identify the agency of the City on whose behalf the lien is imposed, the date of the abatement order, the street address (where assigned by the City), the legal description of the property and the parcel number assigned by the Alameda County Tax Assessor on which the lien is imposed, and the name and address of the record owner of the property.

#### E. Lien Release.

1. Priority Lien and Nuisance Abatement Lien. Whenever such lien has been satisfactorily discharged, either through payment in full or foreclosure, a notice of such action shall be filed with the Alameda County Clerk-Recorder for recordation on the property title.

2. Prospective Lien. Filing of a notice of the satisfactory discharge of such lien with the Alameda County Clerk-Recorder for recordation on the property title shall be contingent upon fulfillment of Conditions of Compliance as set forth in Section 15.08.370.B of this Code.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.140 Permit inspection.**

Buildings, or structures, portions thereof, and real property within the scope of this Code and all construction or work for which a permit is re-

quired shall be subject to inspection by the Building Official in accordance with and in the manner provided by this Code and the Oakland Building Construction Code and the Oakland Planning Code, as currently adopted and amended.

(Ord. No. 13046, § 3, 11-9-2010)

### **15.08.150 Certificate of occupancy.**

A. General. It shall be unlawful to occupy or otherwise use or let to another for occupancy or other use any building or structure or portion thereof for which a Certificate of Occupancy has not been issued where such Certificate is required by the Oakland Building Construction Code.

A Certificate of Occupancy shall limit the use and occupancy of a building or structure and shall continue as valid until such Certificate is revoked or expires, or until such time as a change in the occupancy or use of the building or structure or a Substandard condition as defined in Article X of this Code shall occur, or until the building or structure is demolished.

A Certificate of Occupancy shall not be construed as authority to violate, cancel, alter, or set aside any of the provisions or requirement of any laws or ordinances of the City of Oakland nor shall such issuance thereafter prevent requiring corrections of errors or of violations of any applicable law or ordinance of the City of Oakland.

B. Issuance. The record owner of a property or the owner's designated agent may request the reissuance of a Certificate of Occupancy. At the time of filing of such request, a fee shall be paid as established in the Master Fee Schedule.

The re-issuance of a Certificate of Occupancy or the renewal of a revoked or expired Certificate of Occupancy shall be approved by the Building Official only after all of the following have been completed:

1. Application by the record owner of the property or the owner's designated agent for a Report of Permit Record; and

2. Application by the record owner of the property or the owner's designated agent for a Certificate of Occupancy; and

3. Application for and issuance of all approvals, valid house numbers and street names, and permits required by the Oakland Building Construction Code and the Oakland Planning Code and Oakland Municipal Code; and

4. Execution by the record owner of the property or the owner's designated agent and a prospective purchaser of the property of a Conditions of Compliance agreement, as applicable; and

5. Approval of permit final inspections; and

6. Approval of Certificate of Occupancy final inspections; and

7. Payment of all associated fees, assessments, securities and deposits, penalties, and accrued interest.

A temporary Certificate of Occupancy may be issued for re-occupation or re-use of a building, structure, portion thereof, or real property prior to the completion of the rehabilitation of the building or structure or repair of the real property if the Building Official finds that no substantial hazard will result from the re-occupation or re-use, but such temporary Certificate shall expire at the conclusion of the time limitation set forth therein and thereafter shall be no longer valid.

C. Revocation. An existing or temporary Certificate of Occupancy may be revoked for one or more of the following causes and thereafter no longer be valid:

1. Any occupancy or use not specifically authorized by or any violation of or failure to comply with a condition of the issuance of an existing or temporary the Certificate of Occupancy; or

2. Continued existence of Substandard and Public Nuisance conditions as defined in Article X of this Code; or

3. Discovery of any false statement or misrepresentation made by the applicant; or

4. Any condition which jeopardizes the health or safety of the occupants or the public.

Any building or structure for which a Certificate of Occupancy or temporary Certificate of Occupancy has expired or has been revoked may be ordered vacated in accordance with Article XI of this Code.

(Ord. No. 13046, § 3, 11-9-2010)

**15.08.160 Report of permit record.**

The record owner of a property or the owner's designated agent may request a determination, insofar as ascertainable from available City building and planning permit records, for an existing building or structure of its approved occupancy or use, the number of approved dwelling units, the number and designations of approved habitable rooms or spaces, and the valid house number or numbers and street name. At the time of filing of such request, a fee shall be paid as established in the Master Fee Schedule.

Additional relevant information may also be requested pertaining to the date and type of original construction; previously approved occupancy or use; the number of approved parking spaces and accessory buildings on the lot or parcel; previous permit applications and associated approvals, variances, and final inspections; previous Certificates of Occupancy; and retained plot plans, construction plans, and engineering and inspection reports.

(Ord. No. 13046, § 3, 11-9-2010)

**Article IV****Definitions****15.08.170 Definitions (HSC Section 17910, et seq.).**

For the purpose of this Code, certain terms, phrases, words, and their derivatives shall be construed as specified either in this Section or as specified in the Oakland Building Construction Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used. *Webster's Third New International Dictionary of the English Language, Unabridged*, copyright 1986, shall be considered as providing ordinary accepted meanings. Words in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

**ACCESSORY BUILDING** is a detached subordinate building, the use of which is customarily

incidental to that of the main building or the main use of the land and which is located on the same lot or parcel with the main building of use.

**APARTMENT HOUSE** is a residential building or portion thereof which contains three or more dwelling units and, for the purposes of this Code, includes residential condominiums and Joint Live Work Quarters and Urban Core/Conversion Residence Quarters as defined in the Oakland Building Code.

**BEDROOM** is a sleeping room having a minimum 2 feet 4 inches wide by 6 feet 8 inches high door opening communicating directly with other internal areas of a dwelling unit and containing a separate closet.

**BUILDING CODE** is the Oakland Building Construction Code, as currently adopted and amended.

**BUILDING OFFICIAL** is the Deputy Director - Building Services, of the Community and Economic Development Agency of the City of Oakland, or his or her designee, and his or her successor in title.

**COMMUNITY KITCHEN** is a kitchen in a hotel or lodging house used individually or collectively by the occupants, but not used commercially to serve a dining room or the public.

**CONGREGATE RESIDENCE** is any residential building or portion thereof that contains facilities for living, sleeping and sanitation, as required by this Code, and may include facilities for eating and cooking, for occupancy by other than a family. A congregate residence may be a shelter, convent, monastery, dormitory, fraternity or sorority house, but does not include jails, hospitals, nursing homes, hotels, motels, or lodging houses.

**COURT** is a space, open and unobstructed to the sky, located at or above finished grade on a lot and bounded on three or more sides by walls of a building.

**DWELLING** is a residential building or portion thereof which contains not more than two dwelling units.

**DWELLING UNIT** is a residential building, or portion thereof, which contains living facilities,

including provisions for sleeping, eating, cooking, and sanitation for not more than one family or a congregate residence for not more than 10 persons.

**EFFICIENCY DWELLING UNIT** is a dwelling unit containing only one habitable room and meeting the requirements of Section 15.08.210.B, Exception 1, of this Code.

**FIRE CHIEF** is the Chief of the Fire Services Agency of the City of Oakland, or his or her designee, and his or her successor in title.

**GUEST ROOM** is a room or rooms used or intended to be by used for sleeping purposes by a person hiring or occupying the room or rooms. Every 100 square feet of superficial floor area in a dormitory shall be considered to be a guest room.

**HABITABLE SPACE (ROOM)** is space in a residential building or structure intended or used for living, sleeping, eating, or cooking. Bathrooms, water closet compartments, closets, halls, storage or utility space, and similar areas are not considered habitable space.

**HEALTH OFFICER** is head of the Department of Environmental Health of Alameda County, or his or her designee.

**HEARING EXAMINER** is a person who is qualified by training and experience to conduct administrative hearings of appeals in accordance with Article IX of this Code.

**HOT WATER** is portable water supplied to plumbing fixtures at a temperature of not less than 1100 F.

**HOTEL (MOTEL)** is a residential building containing six or more guest rooms intended or designed to be used, or which are used, rented, or hired out to be occupied, or which are occupied for sleeping purposes by guests.

**HOUSEKEEPING ROOM** is a dwelling unit containing only one habitable room and meeting the requirements of Section 15.08.210.B, Exception 2, of this Code.

**LODGING HOUSE** is any building or portion thereof containing not more than five guest rooms where rent is paid in money, goods, labor, or otherwise.

**LOT** is a subdivided piece or parcel of land fronting on a public street or a private access easement and described by reference to a recorded plat or by metes and bounds.

**MECHANICAL CODE** is the Oakland Building Construction Code, as currently adopted and amended.

**NUISANCE** is one or more of the following:

1. A public nuisance known at common law or in equity jurisprudence;

2. An attractive nuisance that may prove detrimental to children whether in a building, on the premises of a building, or on an unoccupied lot, including but not limited to, an abandoned well, shaft, basement, pool or pond, or excavation; an abandoned refrigerator or motor vehicle; a structurally unsound fence or structure; lumber, trash, fence, debris, or vegetation; or narcotics or other controlled substances and related paraphernalia that may prove a hazard for inquisitive minors;

3. Whatever is unsafe to life and limb, as determined by the Building Official or the Fire Chief, or detrimental to public health or the health of the occupants, as determined by the Health Officer;

4. Overcrowding a room with occupants;

5. Insufficient ventilation or illumination;

6. Inadequate or unsanitary sewage disposal system or plumbing facilities;

7. Uncleanliness, as determined by the Health Officer;

8. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings, as determined by the Health Officer.

**OCCUPANT** is any person using any building or structure or portion thereof as habitable space, with or without the knowledge or consent of the property owner.

**OPEN STORAGE** is storage on private property other than in a completely enclosed building. Materials shall be deemed to be held in Open Storage even though screened from public view, or view of residents of adjacent property, by a fence or other such partition.

**OPERATOR** is any person who has charge, care, or control of a building, or part thereof, in which dwelling units or guest rooms are let.

**PLUMBING CODE** is the Oakland Building Construction Code, as currently adopted and amended.

**PUBLIC CORRIDOR (HALLWAY)** is an enclosed, continuous and unobstructed means of egress to a public way which includes an intervening hallway, passageway, vestibule, stairway, landing, or platform within a building, but not within any apartment, guest room, or suite of rooms.

**RECYCLABLES** are materials, goods, vehicles, machinery, appliances, products or articles, either new or used, with or without monetary value, which are suitable for re-use.

**RESIDENTIAL BUILDING** is a building or structure, or portion thereof, which is used or designed or intended to be used for human habitation including living, sleeping, cooking or eating or any combination thereof.

**ROOM** is an unsubdivided and enclosed portion of the interior of a building but not including an enclosed show window.

**RUBBISH** is combustible and noncombustible waste material, other than garbage (solid organic waste), including, but not limited to, paper stock, rags, cartons, boxes, wood, excelsior, rubber, leather, vegetation trimmings and cuttings, cans, metal, mineral matter, glass, crockery, dust, and the residue from burning wood, coal, or coke.

**SLEEPING ROOM** is a habitable room in a residential building which does not contain a water heater, water closet, bidet, bathtub, shower receptor, clothes washer or dryer, or food cooking appliance; and does not open directly into a garage or carport; and otherwise meets minimum standards of health and safety for sleeping as determined by the Building Official.

**VENT SHAFT** is a court which is used to ventilate a water closet, bath, shower receptor, utility room or other service room.

**WINDOW** is a glazed exterior opening, including a glazed door, which opens onto a yard, court, or a vent shaft.

**YARD** is an open space, other than a court, unobstructed from the ground to the sky, except where specifically provided by this Code, on the lot on which a building is situated.

(Ord. No. 13046, § 3, 11-9-2010)

### **15.08.180      Oakland Building Construction Code Definitions.**

Wherever terms, phrases, words, and their derivatives in this Code are not defined herein but are defined in the Oakland Building Construction Code, such definitions in the Oakland Building Construction Code shall control.

(Ord. No. 13046, § 3, 11-9-2010)

## **PART 2**

### **Non-Administrative (Technical) Amendments**

#### **Article V**

##### **Habitable Space**

### **15.08.190      Scope.**

This Article shall apply to all residential buildings and structures and to non-residential buildings and structures as specifically indicated.

(Ord. No. 13046, § 3, 11-9-2010)

### **15.08.200      Yards and courts.**

A. Location on Property (HSC 17910 et seq.). Residential buildings and structures shall be located with respect to property lines and to other buildings on the same property as required by the Oakland Building Construction Code and as permitted by applicable codes at the time of construction.

B. Yards. Every yard having required residential window openings therein shall be not less than 3 feet in width for one- and two-story buildings. For residential buildings and structures more than two stories in height, the minimum width of the yard shall be increased at the rate of 1 foot for each additional story. Where yards completely surround the building, the required width may be reduced by 1 foot. For residential buildings and

structures exceeding 14 stories in height, the required width of yard shall be computed on the basis of 14 stories.

C. Courts. Every court having required residential window openings therein shall be not less than 3 feet in width. Courts having windows opening on opposite sides shall be not less than 6 feet in width. Courts bounded on three or more sides by the walls of the building shall be not less than 10 feet in length unless bounded on one end by a public way or yard. For residential buildings and structures more than two stories in height, the court shall be increased 1 foot in width and 2 feet in length for each additional story. For residential buildings and structures exceeding 14 stories in height, the required dimensions shall be computed on the basis of 14 stories.

Adequate access shall be provided to the bottom of all such courts for cleaning purposes. Every court more than two stories in height shall be provided with a horizontal air intake at the bottom not less than 10 square feet in area and leading to the exterior of the building unless abutting a yard or public way. The construction of the air intake shall be as required for the court walls of the building, but in no case shall be less than one-hour fire-resistive.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.210 Room dimensions.**

A. Ceiling Heights. Habitable space in residential buildings and structures shall have a ceiling height of not less than 7 feet 6 inches except as otherwise permitted in this Section. Kitchens, halls, bathrooms and toilet compartments may have a ceiling height of not less than 7 feet measured to the lowest projection from the ceiling. Where exposed beam ceiling members are spaced at less than 48 inches on center, ceiling height shall be measured to the bottom of these members. Where exposed beam ceiling members are spaced at 48 inches or more on center, ceiling height shall be measured to the bottom of the deck supported by these members, provided that the bottom of the members is not less than 7 feet above the floor.

If any such room has a sloping ceiling, the prescribed ceiling height of the room is required in only one-half the area thereof. No portion of the room measuring less than 5 feet from the finished floor to the finished ceiling shall be included in any computation of the minimum area thereof.

If any such room has a furred ceiling, the prescribed ceiling height is required in two-thirds the area thereof, but in no case shall the height of the furred ceiling be less than 7 feet.

B. Floor Area. Dwelling units and congregate residences shall have at least one habitable room that shall have not less than 120 square feet of floor area. Other habitable rooms, except kitchens, shall have an area of not less than 70 square feet. Where more than two persons occupy a room used for sleeping purposes, the required floor area shall be increased at the rate of 50 square feet for each occupant in excess of two.

Exception:

1. Efficiency Dwelling Unit meeting the following requirements:

a. The unit shall have a combined living, eating, and sleeping room of not less than 220 square feet of superficial floor area. An additional 100 square feet of floor area shall be provided for each occupant of such unit in excess of two.

b. The unit shall be provided with a separate closet.

c. The unit shall be provided with an approved kitchen sink, non-portable cooking appliance and refrigeration appliance in close proximity to each other, each having a clear working space of not less than 30 inches in front. Light and ventilation conforming to this Code shall be provided.

d. The unit shall be provided with an approved cabinet adjacent to the kitchen sink for storing food, crockery, cutlery, and cooking utensils; and

e. The unit shall be provided with a separate bathroom containing a water closet, lavatory and bathtub or shower receptor.

2. Housekeeping Room meeting the following requirements:

a. The unit shall have a combined living, eating, and sleeping room of not less than 150 square feet of superficial floor area. The unit shall be occupied by not more than one person.

b. The room shall be provided with an approved kitchen sink, non-portable cooking appliance, and refrigeration appliance in close proximity to each other and having a clear working space of not less than 30 inches in front and used solely by the occupant of the room for preparation of the occupant's food. Light and ventilation conforming to this Code shall be provided.

c. The room shall be provided with an approved cabinet adjacent to the kitchen sink for storing food, crockery, cutlery, and cooking utensils.

d. Where a separate bathroom containing a water closet, lavatory, and bathtub or shower receptor is not provided within the unit, the residential building shall have at least one water closet and lavatory and at least one bathtub or shower receptor in separate compartments on a public corridor for each four or fraction part thereof Housekeeping Rooms on a floor.

C. Width. No habitable room other than a kitchen shall be less than 7 feet in any horizontal dimension.

Each water closet stool shall be located in a clear space not less than 30 inches in width and a clear space in front of the water closet stool of not less than 24 inches shall be provided.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.220      Light and ventilation (HSC Section 17910 et seq.).**

A. General. For the purposes of determining the light or ventilation required by this section, any habitable room may be considered as a portion of an adjoining habitable room when one-half of the area of the common wall is open and unobstructed and provides an opening of not less than one-tenth of the floor area of the interior room or 25 square feet, whichever is greater.

Exterior opening for natural light or ventilation required by this Section shall open directly onto a public right-of-way or a yard or court located on the same lot as the residential building or structure.

Exception:

1. Required windows may open into a roofed porch where the porch:

a. Abuts a public way, yard or court; and

b. Has a ceiling height of not less than 7 feet; and

c. Has a longer side at least 65 percent open and unobstructed.

2. Skylights.

B. Light. Habitable rooms shall be provided with natural light as required by the Oakland Building Construction Code.

C. Ventilation. Habitable rooms shall be provided with natural ventilation as required by the Oakland Building Construction Code.

In lieu of required openable exterior openings for natural ventilation, a mechanical ventilating system as required by the Oakland Building Construction Code may be provided in laundry rooms, bathrooms and water closet compartments, and public corridors.

D. Corridors. All public corridors, stairs, and other exitways shall be adequately lighted at all times in accordance with the Oakland Building Construction Code.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.230      Sanitation (HSC Section 17910, et seq.).**

A. Dwelling Units, Lodging Houses, and Congregate Residences. Dwelling units, lodging houses, and congregate residences shall be provided with a bathroom equipped with plumbing fixtures consisting of a water closet, lavatory and either a bathtub or a shower receptor.

B. Hotels and Motels. Hotels and motels or subdivisions thereof where both genders are accommodated shall contain at least two separate toilet facilities that are conspicuously identified for male or female use, each of which contains at least one water closet.

Exception: Guest rooms may have one unidentified toilet facility.

Additional water closets shall be provided on each floor for each gender at the rate of one for every additional 10 guests, or fractional part thereof, in excess of 10.

C. Kitchen. Each dwelling unit shall be provided with a kitchen. Every kitchen shall be provided with an approved kitchen sink, cooking appliance, refrigeration appliance and cabinet for storing food, crockery, cutlery, and cooking utensils. Wooden sinks or sinks of similarly absorbent material shall not be permitted. Drainboards shall be maintained water-proofed.

D. Plumbing Fixtures. All plumbing fixtures shall be approved and connected to an approved sanitary sewer. All plumbing fixtures shall be connected to an approved system of potable water supply and provided with hot and cold running water necessary for its normal operation.

E. Water Closet Compartments. Walls and floors of water closet compartments, except in dwellings, shall be finished in accordance with the Oakland Building Construction Code.

F. Room Separations. Every water closet, bathtub or shower receptor required by this Code shall be installed in a room that will afford privacy to the occupant.

G. Sanitary Facilities. All sanitary facilities, including but not limited to plumbing fixtures, sanitary sewer, and garbage receptacles, shall be installed and maintained in a safe and sanitary condition and in accordance with applicable requirements of the Oakland Building Construction Code and Oakland Municipal Code.

H. Basements. Window wells for habitable space in basements of residential buildings or structures shall conform with the requirements of the Oakland Building Construction Code.

I. Subdivision of Rooms. No portion of any room in a dwelling, dwelling unit, efficiency dwelling unit, housekeeping room, apartment house, lodging house, congregate residence, hotel, or motel shall be enclosed or subdivided, wholly or in part by a curtain, portiere, fixed or movable parti-

tion or other contrivance or device so as to reduce the minimum floor area and width required by this Code.

J. Kitchen Separation. Every kitchen shall be separated from a sleeping room by a floor-to-ceiling partition with an opening not greater than 21 square feet unless such opening is closed with a tight-fitting door or doors.

Exception: Housekeeping rooms and efficiency dwelling units.

K. Guest Room Cooking. Food shall not be cooked or otherwise prepared in a guest room except in a kitchen.

Exception: Microwave oven used solely to heat pre-prepared food.

L. Prohibited Use. No person shall use or occupy or allow another person to use or occupy any residential or non-residential building or structure or portion thereof for living, sleeping, cooking, or eating purposes unless such space or room or rooms conform with the requirements of this Code for habitable space and of the Oakland Planning Code.

M. Lot Drainage. All portions of a lot surrounding a residential or non-residential building or structure, including but not limited to yards, courts, driveways, areaways, parking areas, vent shafts, and passageways, shall be graded and drained to an approved facility to preclude the ponding or retention of surface water.

Exception: Group R, Division 3 occupancy

Surface water and its collection system shall not be drained or connected to a sanitary sewer system.

N. Lot Surfacing. Whenever necessary for proper sanitation or for the protection of the health of the occupants, portion or portions of a lot surrounding a residential building or structure, including but not limited to yards, courts, driveways, areaways, parking areas, vent shafts, and passageways, shall be surfaced with an approved hardened material such as Portland cement concrete or asphalt concrete.

O. Room Finishes. Walls and ceilings of habitable rooms in residential buildings or structures

shall be finished, sealed, coated, or covered in an approved manner. Approved materials shall be applied as required to maintain surfaces clean and sanitary. Exterior walls or portions thereof and floors of habitable rooms below surrounding finished grade level shall be maintained water-proof. Walls of courts and vent shafts shall be painted and maintained light-colored.

**P. Garbage Receptacles.** Approved solid waste (garbage) receptacles and adequate collection service for residential and non-residential buildings and structures shall be provided as required by Chapter 8.28 (Solid Waste Collection and Disposal and Recycling) of the Oakland Municipal Code.

Garbage receptacles and garbage chutes, shafts, covers, and doors shall be maintained clean and tightly closed. Garbage receptacles shall be stored in an approved location.

Garbage chutes and shafts and walls of closets, compartments, and rooms used for storing garbage receptacles in residential and non-residential buildings or structure shall be concrete, concrete block, or lined with galvanized metal.

**Q. Vector Control.**

1. **General.** Every room, corridor, hallway, passageway, stairway, wall, partition, ceiling, floor, skylight, glass window, door, carpet, rug, matting, widow curtain or shade or drapery, water closet compartment, toilet room, bathroom, slop sink room, crawl space, washroom, plumbing fixture, drain, roof, closet, cellar, basement, yard, court, and the premises of every residential and non-residential building or structure shall be kept in every part clean, sanitary, and free from all accumulation debris, filth, rubbish, garbage and other offensive matter, insects, rodents and other vector.

Neither any article that is dangerous or detrimental to life and limb or to the health of occupants; nor any feed, hay, straw, excelsior, cotton, paper stock, rags, junk, or any other material that may create a fire hazard or provide harborage for rodents or other vector, shall be kept, stored, or handled in any part of a dwelling, dwelling unit, lodging house, apartment house, congregate resi-

dence, hotel, or motel, or of the lot on which such building is located, except upon written permit obtained from the officer or agency authorized by law to issue such permit.

2. **Openings and Penetrations.** Residential and non-residential buildings or structures used for the following activities or occupancies shall be constructed and maintained impervious to the ingress of insects, rodents, and other vector:

a. Group I and Group R, Division 2, and Group R, Division 3 occupancies;

b. Storing, processing, packaging, or milling of food, meats, fats, oils, dairy products, hay, straw, grain, or feed;

c. Raising or housing chickens, birds, poultry, horses, cows, sheep, goats, swine, or other fowl, animals livestock, or domestic pets.

Foundations and foundation walls shall extend for the full perimeter of building or structure and shall be constructed of concrete or masonry.

Exception: Type V construction with a floor area not greater than 120 square feet, provided that the floor joists of such a building or structure have not less than 18 inches clearance above the ground and that the exterior perimeter of the underfloor area is fully open on three or more sides and that the underfloor area is maintained clear and free of storage and of debris, vegetation, and other materials.

Foundation wall openings for underfloor access and ventilation shall conform with the requirements of the Oakland Building Code.

Chimneys, piping, ducting, and other penetrations of the basement and first floor shall have metal shields which tightly encircle the penetration and underlay the flooring.

Stores and warehouses shall have concrete floors. Interior surfaces of exterior walls of stores shall be covered with gypsum wallboard or plaster.

**R. Operator.** The owner or manager, custodian, housekeeper, or homeowners' association representative or other responsible person shall reside or maintain continuous (24-hour) attendance upon the premises and shall have charge of every hotel or motel with 12 or more guest rooms or apart-

ment house, Joint Live Work Quarters, Conversion Residence Quarters, or residential condominium with sixteen or more dwelling units. A notice displaying the name, address, and telephone number of the owner or the owner's designated agent shall be prominently posted in a conspicuous place on the premises of every apartment house having more than three but less than sixteen dwelling units and every hotel and motel having more than three but less than twelve guest rooms and in every lodging house having more than three guest rooms. (Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.240 Security.**

Windows, exit doors, fire doors, penthouse doors, and roof scuttles in residential and non-residential buildings and structures shall conform with the requirements of the Oakland Building Code for locking devices, exiting and emergency escape, and security bars and grills and shall be maintained unobstructed and in proper repair and good working order.

Windows in residential buildings and structures which are within 6 feet vertically of finished grade or are accessible from a one-story porch, roof or other fixed appurtenance shall be provided with approved locking devices and maintained in proper repair and good working order.

(Ord. No. 13046, § 3, 11-9-2010)

#### **Article VI**

##### **Structural**

#### **15.08.250 General (HSC Section 17910, et seq.).**

A. General. Building or structures may be of any type of construction permitted by the Oakland Building Construction Code. Roofs, floors, walls, foundations, and all other structural components of building and structures shall be capable of resisting any and all forces and loads to which they may be subjected. All structural elements shall be proportioned and joined in accordance with the stress limitations and design criteria as specified in the appropriate sections of the

Oakland Building Construction Code. Buildings of every permitted type of construction shall comply with the applicable requirements of the Oakland Building Construction Code.

B. Shelter. Every building or structure shall be weather protected to provide shelter for the occupants against the elements and to exclude dampness.

C. Protection of Materials. All wood shall be protected against insect damage and decay as provided in the Oakland Building Construction Code. (Ord. No. 13046, § 3, 11-9-2010)

#### **Article VII**

##### **Mechanical and Electrical**

#### **15.08.260 Mechanical and Electrical Systems (HSC Section 17910 et seq.).**

A. Heating System. All habitable space shall be provided with heating facilities capable of maintaining a room temperature of 700 F at a point 3 feet above the floor. Such facilities shall be installed and maintained in a safe condition and in accordance with the Oakland Building Construction Code and all other applicable laws. Unvented heaters shall not be permitted. All heating devices or appliances shall be of an approved type.

When room heating facilities are not under direct control of the tenant or occupant, the property owner shall continually operate such facilities to maintain a room temperature of 700 F at point 3 feet above the floor 24 hours-a-day in all habitable space.

Each tenant or occupant shall have independent thermostatic control of the room temperature.

B. Ventilation System. Ventilation for habitable rooms, water closet compartments, bathrooms, laundry rooms, and public corridors and similar areas and for fuel-burning appliances shall be provided as required in the Oakland Building Construction Code and in this Code. Where mechanical ventilation is provided in lieu of the natural ventilation required by Section 15.08.220 of

this Code, such mechanical ventilating system shall be maintained in operation during the occupancy of any building or portion thereof.

**C. Electrical System.** All electrical equipment, wiring, appliances, and fixtures shall be installed and maintained in a safe manner in accordance with the Oakland Building Construction Code and other all applicable laws. All electrical equipment, wiring, and fixtures shall be of an approved type. Where there is electrical power available within 300 feet of any residential building or structure, such building or structure shall be connected to such electrical power.

Every habitable room shall contain at least two electrical convenience receptacles or one convenience receptacle and one switched electric light fixture. Every water closet compartment, bathroom, laundry room, furnace room, and public corridor shall contain at least one switched electric light fixture. Switching devices controlling electrical equipment, appliances, and fixtures shall be of an approved type and shall not be readily accessible to a bathtub or shower receptor.

(Ord. No. 13046, § 3, 11-9-2010)

## **Article VIII**

### **Exiting**

#### **15.08.270 General.**

Rooms shall have access directly to the outside or to a public corridor. All residential and non-residential buildings and structures or portions thereof shall be provided with exits, exitways, and appurtenances as required by the Oakland Building Construction Code.

Sleeping rooms below the fourth story shall have at least one operable window or exterior door approved for emergency escape or rescue. The units shall be operable from the inside to provide a full clear opening without the used of separate tools.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.280 Fire assemblies.**

Fire assemblies which customarily or repeatedly are maintained in an open position shall have automatic closing devices installed and properly maintained in working order.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.290 Transoms.**

All Group R, Division 1 and Division 2 occupancies shall have no transoms, windows or similar fenestration from dwelling units or guest rooms opening onto a public corridor. All such existing openings shall be fixed in a closed position and covered with a minimum of 0.75 inch thick plywood or 0.5 inch thick gypsum wallboard or equivalent material.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.300 Wooden stairs.**

No closet or other storage compartment shall be constructed under any wooden interior or exterior stair or landing in a Group R, Division 1 or Division 2 occupancy more than two stories in height. Such space shall be entirely open and maintained free of all storage, utility meters, heating facilities, and similar encumbrances, unless such space is enclosed as required by the Oakland Building Construction Code for a stairway enclosure without doors or other openings communicating with interior spaces.

(Ord. No. 13046, § 3, 11-9-2010)

## **Article IX**

### **Fire Protection**

#### **15.08.310 General.**

All residential and non-residential buildings or structures or portions thereof shall be provided with the degree of fire-resistive construction as required by the Oakland Building Construction Code of the appropriate occupancy, type of construction, and location on the property, and shall be provided with the appropriate fire-extinguish-

ing systems or equipment required by the Oakland Fire Code and Oakland Building Construction Code.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.320 Smoke Detectors.**

Where installed in residential buildings or structures, approved devices used to detect the products and components of combustion (smoke detectors) shall have captive screws or other approved method to preclude unauthorized tampering or removal of the device and shall be maintained in proper working order.

(Ord. No. 13046, § 3, 11-9-2010)

### **Article X**

#### **Substandard and Public Nuisance Buildings**

#### **15.08.340 Definitions.**

A. General. Any residential or non-residential building, structure, or portion thereof which is determined to be an Unsafe in accordance with the Oakland Building Construction Code; or any residential or non-residential building, structure or portion thereof, including but not limited to any dwelling unit, guest room or suite of rooms, commercial office or retail sales space, classroom or associated locker room or toilet room, assembly space, or any real property in which there exists any of the conditions referenced in this Section to an extent that is Unsafe to the life, limb, health, property, safety or welfare of the public or the occupants thereof shall be deemed and hereby is declared to be Substandard and a Public Nuisance.

B. Inadequate Sanitation. Residential and non-residential buildings, structures, or portions thereof shall be deemed Substandard and a Public Nuisance when they are unsanitary. Inadequate sanitation shall include, but not be limited to, the following:

1. Lack of, or improper water closets, lavatory, bathtub, or shower receptor in a dwelling unit, congregate residence, or lodging house.

2. Lack of, or improper water closets, lavatories, and bathtubs or shower receptors per number of guests in a hotel (motel).

3. Lack of, or improper kitchen sink in a dwelling unit.

4. Lack of, or inadequate hot and cold running potable water to plumbing fixtures in a residential occupancy.

5. Lack of or inadequate running potable water to plumbing fixtures in a non-residential occupancy.

6. Lack of, or inadequate, or improper operation of heating system required by this Code or the Oakland Building Construction Code.

7. Lack of, or inadequate, or improper operation of ventilating system required by this Code or the Oakland Building Construction Code.

8. Lack of minimum amounts of natural light and ventilation required by this Code.

9. Room and space dimension less than required by this Code or the Oakland Building Construction Code.

10. Lack of or improper electrical lighting required by this Code or the Oakland Building Construction Code.

11. Dampness of habitable rooms or classrooms and associated locker rooms, toilet rooms, and assembly areas.

12. Infestation of insects, vermin, rodents, or other vector.

13. General dilapidation or improper maintenance.

14. Lack of, or improper, connection to approved sanitary sewer system.

15. Lack of, or inadequate, or improper operation of garbage and rubbish storage and removal facilities.

C. Structural Hazards. Residential and non-residential buildings or structures or portions thereof shall be deemed Substandard and a Public Nuisance when they are or contain structural hazards. Structural hazards shall include, but not be limited to, the following:

1. Deteriorated, damaged, or inadequate foundations.

2. Defective, damaged, or deteriorated flooring, floor supports, stairs and landings, or balconies and their load-bearing connections.

3. Flooring, floor supports, stairs and landings, or balconies and their load-bearing connections of insufficient size to carry imposed loads with safety,

4. Members of walls, partitions, posts and columns, moment-resisting frame, or other vertical supports and their load bearing connections that split, lean, list, fracture, or buckle due to defective material, damage, or deterioration.

5. Members of walls, partitions, posts and columns, moment-resisting frame, or other vertical supports and their load bearing connections that are of insufficient size to carry imposed loads with safety.

6. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members and their load bearing connections which sag, split, fracture, or buckle due to defective material, damage, or deterioration.

7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members and their load bearing connections that are of insufficient size to carry imposed loads with safety.

8. Fireplaces or chimneys which list, bulge or settle due to defective material, damage, or deterioration.

9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety.

D. Nuisance. Buildings, structures, portions thereof, or real property in which there exists any nuisance as defined in this Code are deemed Substandard and a Public Nuisance.

E. Hazardous Electrical Wiring and Equipment. Electrical wiring and equipment which was installed in violation of code requirements in effect at the time of installation or electrical wiring and equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good conditions or which is not being used in a safe manner shall be considered Substandard and a Public Nuisance.

F. Hazardous Plumbing. Plumbing which was installed in violation of code requirements in effect at the time of installation or plumbing not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good condition or which is not free of cross-connections or siphonage between fixtures shall be considered Substandard and a Public Nuisance.

G. Hazardous Mechanical Equipment. Mechanical equipment which was installed in violation of code requirements in effect at the time of installation or mechanical equipment not installed in accordance with generally accepted construction practices in areas where no codes were in effect or which has not been maintained in good and safe condition shall be considered Substandard and a Public Nuisance.

H. Faulty Weather Protection. Residential and non-residential buildings or structures or portions thereof shall be considered Substandard and a Public Nuisance when they have faulty weather protection which shall include, but not be limited to, the following:

1. Deteriorated, crumbling or loose plaster or gypsum wallboard.

2. Deteriorated or ineffective waterproofing of exterior walls, roof, foundations or floors, including broken windows or doors.

3. Defective or lack of weather protection for exterior wall coverings, including lack of paint, or weathering due to lack of paint or other approved protective covering.

4. Broken, rotted, split or buckled exterior wall coverings or roof coverings.

I. Fire Hazard. Any residential or non-residential building, structure, or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Fire Chief, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered Substandard and a Public Nuisance.

**J. Faulty Materials of Construction.** The use of materials of construction, except those which are specifically allowed or approved by this Code and the Oakland Building Construction Code, and which have been adequately maintained in good and safe condition, shall cause a residential or non-residential building or structure to be Substandard and a Public Nuisance.

**K. Hazardous or Unsanitary Premises.** The accumulation of weeds, vegetation, junk, dead organic matter, debris, garbage, offal, rat harborage, stagnant water, combustible materials, surface or subsurface toxic substances, storage or use of chemicals, gas, oil or toxic or flammable liquids, and similar materials or conditions on a premises constitutes fire, health or safety hazards which shall be abated in accordance with the procedure specified in Section 15.08.350 of this Code.

**L. Inadequate Exits.** Except for those buildings or structures or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this Code, residential and non-residential buildings or structures or portions thereof whose existing facilities were installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered Substandard and a Public Nuisance.

Notwithstanding compliance with code requirements in effect at the time their construction, residential and non-residential buildings or structures or portions thereof shall be considered Substandard and a Public Nuisance when the Building Official finds that an unsafe condition exists through an improper location of or length of travel to required exits, or a lack of an adequate number or width of required exits, or when other conditions exist which are dangerous to human life including, but not limited to, lack of or unapproved or improperly installed or improperly maintained illumination of required exits, directional

signage to required exits, door and window release and security devices, and other obstructions to or within the exiting path of travel or emergency escape.

**M. Inadequate Fire-Protection or Firefighting Equipment.** Residential and non-residential buildings or structures or portions thereof shall be considered Substandard and a Public Nuisance when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code, except those buildings or structures or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

**N. Improper Occupancy.** All residential and non-residential buildings or structures or portions thereof which were not designed or intended to be used or approved for their current occupancies shall be considered Substandard and a Public Nuisance.

**O. Lateral Stability (HSC Section 17920.3).** Inadequate structural resistance to horizontal forces.

**P. Geotechnical Instability.** Subsidence or lateral displacement of real property which is a hazard to buildings, structures, or portions thereof, to adjacent properties, to the public right-of-way, to a public easement, or to publicly maintained infrastructure.

(Ord. No. 13046, § 3, 11-9-2010)

## PART 3

### Administrative Amendments

#### Article XI

##### Declaration of Public Nuisance—Substandard

###### **15.08.350 General.**

**A. Commencement of Proceedings.** When the Building Official has inspected or caused to be inspected residential or non-residential buildings or structures or portions thereof and has found

and determined that such buildings or structures or portions thereof are Substandard and a Public Nuisance, the Building Official shall commence proceedings to cause the vacation and either the repair and rehabilitation or demolition of the building or structure or portion thereof.

B. Declaration. The Building Official shall issue a Declaration of Public Nuisance - Substandard directed to the record owner of the property. The Declaration shall contain:

1. The street address and a legal description sufficient for identification of the premises upon which the building or structure is located.

2. A statement that the Building Official has found the building or structure or portion thereof to be Substandard and a Public Nuisance with a brief and concise description of the conditions found to render the building or structure or portion thereof Unsafe under the provisions of Section 15.08.340.A of this Code.

3. A statement of the action required to be taken as determined by the Building Official.

- a. The Declaration shall require that all required permits be secured therefore and the work either for repair and rehabilitation or for demolition physically be commenced within 30 calendar days from the date of the Declaration and be completed within 60 calendar days from the date of commencement of work. as The Building Official may grant extensions to the permit issuance and completion requirements specified herein as may be reasonable under all of the circumstances.

- b. If the Building Official has determined that the building or structure must be vacated as provided in Section 15.08.380 of this Code, the Declaration shall require that the building or structure shall be vacated within a certain time from the date of the Declaration as determined by the Building Official to be reasonable.

4. Statements advising that if required repair and rehabilitation or demolition work (without vacation also being required) is not commenced within the time specified, the Building Official:

- a. Will order the building or structure vacated and posted to prevent further occupancy until the work is completed; and

- b. May proceed to cause the demolition work to be done and charge the costs thereof against the property and the record owner.

5. Statements advising:

- a. That any person having record title in the building or structure may appeal from the Declaration of the Building Official to the Hearing Examiner, provided that the appeal is made in writing as provided in Section 15.08.410 of this Code; and that fees are paid as established in the Master Fee Schedule; and that the appeal is received by the Building Official within 30 14 calendar days from the date of service of such Declaration, or such other time period as provided for herein whenever conditions exist which are Dangerous or an Imminent Hazard as provided in Section 15.08.380 of this Code; and

- b. That failure to appeal will constitute a waiver of all right to an administrative hearing and determination of the matter.

C. Method of Service. The Declaration of Public Nuisance - Substandard, and any amended or supplemental Declaration, shall be served as provided in Section 15.08.110.B of this Code upon the record owner, and one copy thereof shall be served by mailing with regular postage on each of the following if known to the Building Official or disclosed from official public records:

1. The holder of any mortgage of deed of trust or other lien or encumbrance of record; and

2. The owner or holder of any lease of record; and

3. The holder of any other estate or legal interest of record in or to the building or the land on which it is located.

The failure of the Building Official to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this Section.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.360 Recordation of declaration.**

If compliance is not had with the Declaration of Public Nuisance - Substandard within the time

specified therein, and no appeal has been properly and timely received, the Building Official shall file with the Alameda County Clerk-Recorder a certificate describing the property and certifying the following:

1. That the building or structure is Substandard and a Public Nuisance; and
2. That the record owner of the property has been so notified.

Whenever the corrections ordered shall thereafter have been completed or the building or structure demolished so that it no longer exists as Substandard and a Public Nuisance on the property described in the certificate, the Building Official shall file a new certificate with the Alameda County Recorder certifying the building or structure has been demolished or all required corrections have been made so that the building or structure is no longer Substandard and a Public Nuisance, whichever is appropriate.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.370 Repair and rehabilitation or demolition.**

A. Any building or structure declared Substandard and a Public Nuisance under this Code shall be made to comply with one of the following:

1. The building or structure shall be repaired and rehabilitated in accordance with the current edition of the Oakland Building Construction Code and other current codes applicable to the type of Substandard conditions requiring repair; or
2. The building or structure shall be demolished.

##### B. Compliance.

1. Application for permits to repair and rehabilitate or demolish a Substandard and Public Nuisance building or structure shall be made within thirty days after recordation of the Declaration with the Alameda County Recorder. All permits must be obtained within thirty days after such recordation, and all work shall be finalized and approved within sixty days after obtaining such permits. Failure to obtain such permits and complete the required work as specified herein shall

result in the demolition of the building by the Building Official. The Building Official may grant extensions to the permit issuance and completion requirements specified herein as may be reasonable under all of the circumstances.

2. Conditions of Compliance including, but not limited to, issuance of required permits and Certificate of Occupancy and Report of Permit Record, establishment of performance durations, and payment of all fees, charges, assessments, penalties, liens, accrued interest, residential tenant relocation costs, performance completion security, and performance monitoring deposit shall be required for all such repair and rehabilitation or demolition.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.380 Order to vacate.**

##### A. Vacant Building.

1. A building or structure declared Substandard and a Public Nuisance under this Code which by action of the record owner of the property or by Order of the Building Official has become unoccupied shall be secured and maintained against entry and shall not be re-occupied for any circumstance until the violations causing the Substandard conditions have been fully corrected and a renewal Certificate of Occupancy has been obtained by the record owner and all fees, costs, penalties, and interest have been paid.

2. The Building Official shall prominently post at or upon each entrance of a building or structure declared Substandard and a Public Nuisance and at such other conspicuous locations on the premises as are deemed necessary, an Order which shall be in substantially the following form:

**City of Oakland**

**DO NOT ENTER**

**UNSAFE TO OCCUPY  
SUBSTANDARD PREMISES**

The premises has been declared a Public Nuisance and shall remain vacant and shall not be

entered or re-occupied for any circumstance without prior written approval from the Building Official.

**The Owner of Record of this property at the time of this posting is \_\_\_\_\_**

It is a misdemeanor punishable by a fine of \$100 to enter or to occupy this building or to remove or mark this notice without written authorization from the Building Official. Subsequent violations can result in punishment of up to six months in jail and/or fines of up to \$1,000.

**B. Dangerous Building or Structure.** Whenever a building or structure declared Substandard and a Public Nuisance under this Code is in such Unsafe condition as to make it dangerous either to life and limb of the occupants or to private or public property or to health or safety of the public, it shall be ordered to be vacated and secured and maintained against unauthorized entry.

**C. Imminent Hazard.**

1. Whenever a building, structure, portion thereof, or real property, whether declared Substandard and a Public Nuisance under this Code or otherwise, is in such immediately dangerous condition due to the existence of or to the perilous risk from natural gas explosion, or electrical shock, or chemical toxicity or asphyxiation, or structural collapse, or riparian inundation, or geotechnical instability, or sewage contamination, or potable water cross-contamination, or urban-wildland conflagration, or other immediately dangerous conditions as determined by the Building Official as to make it a clear and certain endangerment to property, or a manifestly unhealthy or unsafe environment for the public, or an imminent hazard to life and limb of the occupants or City employees in the performance of their official duties, the Building Official may cause the immediate vacation of the premises and all other endangered property similarly in perilous risk and the immediate abatement by the City or its contractors of all immediately dangerous and perilous conditions or defects.

2. Whenever the Building Official will cause the immediate vacation of the premises and all other endangered property similarly in perilous risk or the immediate abatement by the City or its

contractors of all dangerous and perilous conditions or defects or both, reasonable measures shall be taken to notify the record owner of the property of the pending abatement actions, including, but not limited to, visual communication by posting of the premises and oral communication by telephone or in person and written communication by personal delivery or telegraph or facsimile, unless circumstances and time do not otherwise warrant and permit.

3. Whenever the Building Official will cause or has caused the immediate vacation of the premises and all other endangered property similarly in perilous risk or the immediate abatement by the City or its contractors of all dangerous and perilous conditions or defects or both, an expedited administrative hearing as provided in Section 15.08.410 of this Code shall be scheduled within two days (excluding weekends and City observed holidays) of receipt by the Building Official of a written appeal and fees as established in the Master Fee Schedule from the record owner of the property.

(Ord. No. 13046, § 3, 11-9-2010)

## **Article XII**

### **Appeal**

#### **15.08.410 General.**

**A. Administrative Hearing.** The record owner may appeal an action under Section 15.08.350 of this Code by filing a written request with the Building Official paying a fee as established in the Master Fee Schedule. A request for an Administrative Hearing shall contain the following information:

1. A brief statement setting forth the legal interest of each of the appellants in the building or structure or the land involved in the Declaration of Public Nuisance - Substandard.

2. A brief statement in ordinary and concise language of that specific action protested, together with any material facts claimed to support the contentions of the appellant.

3. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested action was a result of error or abuse of discretion by the Building Official and therefore should be reversed, modified, or otherwise set aside.

4. The signatures of all appellants and their requested mailing addresses.

5. The verification (by declaration under penalty of perjury) of all appellants as to the truth of the matters stated in the appeal.

The written appeal and fees as established in the Master Fee Schedule shall be received by the Building Official within 14 calendar days from the date of the service of the Declaration of Public Nuisance - Substandard, provided, however, that if the building or structure is in such condition as to make it Dangerous or an Imminent Hazard and is ordered vacated in accordance with Section 15.08.380 of this Code, such appeal and fees shall be received by the Building Official within 7 calendar days from the date of the service of the Declaration or Order of the Building Official.

B. Scheduling and Noticing for Hearing. As soon as practicable after receiving the written appeal and fees, the Building Official shall fix a date, time, and place for the hearing of the appeal by the Hearing Examiner. Written notice of the time and place of the hearing shall be given at least 7 days prior to the date of the hearing to each appellant.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.420 Effect of failure to appeal.**

Failure of any person to file an appeal and pay fees in accordance with the provisions of Sections 15.08.410 of this Code shall constitute a waiver of the right to an administrative hearing and adjudication of the Declaration or Order or to any portion thereof.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.430 Scope of hearing on appeal.**

Only those matters or issues specifically raised by the appellant's written appeal shall be considered by the Hearing Examiner in the hearing of the appeal.

The Hearing Examiner shall have the power to administer oaths, and may request that the City Clerk issue subpoenas under the seal of the City. Willful failure to appear for testimony in response to any subpoena or to produce at any time under subpoena "duces tecum" shall be punished as an infraction.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.440 Staying of enforcement.**

Except for vacation orders made pursuant to Section 1104 15.08.380 of this Code, enforcement of any Declaration shall be stayed during the pendency of an appeal there from which is properly and timely received by the Building Official.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.450 Effect of administrative hearing.**

Decisions made and determinations rendered by the Hearing Examiner shall be in all cases final and conclusive.

(Ord. No. 13046, § 3, 11-9-2010)

#### **15.08.460 Review of administrative determination.**

The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petition filers seeking judicial review of administrative determination made by the Hearing Examiner.

(Ord. No. 13046, § 3, 11-9-2010)

## **Chapter 15.10**

### **PUBLIC NOTICE OF CITY OF OAKLAND'S INTENT TO CONSTRUCT OR INSTALL NEW PUBLIC SAFETY-RELATED TELECOMMUNICATIONS FACILITIES ON CITY-OWNED PROPERTY**

#### **Sections:**

##### **15.10.010 Purpose.**

##### **15.10.020 Notice requirement.**

##### **15.10.030 Notice procedures.**

##### **15.10.040 Notice delays.**

##### **15.10.010 Purpose.**

The purpose of this provision is to provide public notice for improvement or development of City-owned property involving construction or installation, by or on behalf of the City, of new public safety-related telecommunications facilities, including, but not limited to, open or enclosed towers, poles and antennas that have an external, visual impact.

(Ord. No. 13085, § 3, 7-26-2011)

##### **15.10.020 Notice requirement.**

The City will provide 30 days' mailed and posted notice to property owners and tenants (both residential and commercial) within 300 feet of a City-owned property, when such notice is not otherwise required, of the City's intent to construct or install new telecommunications facilities, including, but not limited to, open or enclosed towers, poles and antennas for public safety projects or purposes, excluding such telecommunications facilities installed indoor, outdoor or underground and that do not have any external visual impact.

(Ord. No. 13085, § 3, 7-26-2011)

##### **15.10.030 Notice procedures.**

The City Administrator or his/her designee shall establish procedures and protocols to carry out the mailed notice and posting requirements. To the extent feasible, notice will be coordinated with project and/or contract approvals involving the

construction or installation of new public safety-related telecommunication facilities with an external, visual impact.

(Ord. No. 13085, § 3, 7-26-2011)

##### **15.10.040 Notice delays.**

The purpose of this chapter is solely to provide notice of activities not otherwise subject to notification requirements. Nothing herein is intended to establish any right or remedy, including, without limitation, any right to challenge or appeal any action, nor to prohibit the City from constructing or installing the structures or facilities identified in this section on a schedule established under contract for such construction or installation if delay for public notice would or might cause the City to incur additional project costs or damages under contract.

(Ord. No. 13085, § 3, 7-26-2011)

## Chapter 15.12

### OAKLAND FIRE CODE\*

#### Sections:

#### **15.12.010 2010 California Fire Code is Adopted and Amended.**

#### **15.12.020 Oakland Amendments to the 2010 California Fire Code.**

#### **15.12.010 2010 California Fire Code is Adopted and Amended.**

A. The 2010 California Fire Code, including Appendix A, Appendix B, Appendix C, and Appendix D as amended below, and referenced National Fire Protection Association Standards and other standards as adopted by the California State Fire Marshal, is hereby adopted and made a part of this Chapter as though fully set forth herein, subject to the modifications thereto set forth in this Chapter below.

B. This Chapter shall be known as the "Oakland Fire Code" and shall be referred to in this Chapter as "this Chapter," "this Code" or "the Oakland Fire Code."

C. To the extent permitted by law, the Fire Chief may, at his/her sole discretion, revise requirements set forth in the Oakland Fire Code in specific instances due to climatic, geographic or topographic conditions.

D. A copy of this Code is on file in the office of the Fire Chief of the City of Oakland.

(Ord. No. 13052, §§ 1, 2, 1-18-2011)

#### **15.12.020 Oakland Amendments to the 2010 California Fire Code.**

The following sections of the 2010 California Fire Code as adopted herein are hereby revised as noted by italicized terms including, but not limited to, *add*, *amended* or *delete*, as follows:

### **CHAPTER 1—DIVISION II ADMINISTRATION PART 1—GENERAL PROVISIONS**

\*Editor's note—Ord. No. 13052, §§ 1 and 2, passed January 18, 2011, amended the Code by repealing former Ch. 15.12, §§ 15.12.010 and 15.12.020, and adding a new Ch. 15.12. Former Ch. 15.12 pertained to the 2007 California Fire Code, and derived from Ord. 12006 of 1997 and Ord. 12871 of 2008.

*Amend this Chapter 1 as follows:*

#### **Amend: 101.1 Title**

This Section 15.12.020 of Oakland Municipal Code Chapter 15.12 shall be known as the "Oakland Amendments to the 2010 California Fire Code, may be cited as such and will be referred to herein as "this chapter," "this Code," or the "Oakland Fire Code."

#### **Amend: 101.2 Scope.**

Where any section of the 2010 California Fire Code or any other referenced codes, regulations or standards are amended by this chapter, all provisions of such original codes, regulations or standards not so specifically amended shall remain in full force and effect. Notwithstanding the foregoing, in the event provisions set forth herein conflict with any section of the 2010 California Fire Code or any other referenced codes, regulations or standards, the provisions of this Code shall prevail and control.

Failure to comply with any of the provisions of this Code, including failure to provide, obtain or maintain valid permits, certifications, tests, listings, affixed labeling, inspection approvals, or other conditions of permit; failure to repair, demolish, remove, or rehabilitate unsafe materials, appliances, fixtures, equipment or other property; or failure to prevent, restrain, correct, or abate conditions unsafe or hazardous for egress or fire protection or health due to inadequate maintenance, excess loading, dilapidation, or abandonment shall be and is declared to be prima facie evidence of an existing and continuing hazard to life or limb, property or public welfare.

**Section 102 Applicability** Amend this Section 102.1 Construction and design provisions as follows:

*Add:* 5. All materials, assemblies, appliances, fixtures, equipment, and installations thereof; all arrangements of occupancies, exits, aisles,

stairs, and doors; all parapet walls, cornices, spires, towers, tanks, statuary, signage, structural members, appendages, and appurtenances thereto in buildings and structures regulated by this Code shall be so arranged, assembled, installed, maintained and of sufficient size and so protected as to reduce and minimize all egress, fire, safety, and health hazards.

*Add:* 6. The quality of all materials, assemblies, appliances, fixtures, and equipment; methods of connection, assembly, and installation; allowable stress, strain, deflection, rate and volume and velocity of flow, pressure, temperature, and opacity; and assumed loads and capacities to be used in the design and construction of all buildings and structures, plumbing and mechanical installations, and electrical systems shall be consistent with requirements of this Code and nationally recognized standards of quality and generally recognized and well-established methods of testing, design, installation, and construction. Testing, listing, and affixed labeling shall be *prima facie* evidence of conformity with approved standards for safety to life and limb, property, and public welfare.

#### **102.8 Subjects not regulated by this code.**

*Add:* Unless expressly stated herein, this chapter is not intended to amend, repeal, or supersede provisions of any other codes, regulations or ordinances, including, but not limited to, the demolition ordinance, earthquake damage abatement ordinance, dangerous building ordinance, creek protection ordinance, Planning Code and Building Maintenance Code.

**Section 105. Permits - Amend** this Section 105 as follows:

##### **105.3.7. Information on the permit.**

*Add:* Every permit shall also contain an agreement as follows which shall be executed by the permit holder as a condition of issuance:

"I hereby agree to save, defend, indemnify and keep harmless the City of Oakland and its

officials, officers, employees, representatives, agents and volunteers from all actions, claims, demands, litigation, or proceedings, including those for attorneys' fees, against the City in consequence of the granting of this permit or from the use or occupancy of the public right-of-way, public easement, or any sidewalk, street or sub-sidewalk or otherwise by virtue thereof, and will in all things strictly comply with the conditions under which this permit is granted. I further certify that I am the owner of the property involved in this permit or that I am fully authorized by the owner to access the property and perform the work authorized by this permit."

**Section 108. Board of Appeals — Amend** this Section 108 as follows:

*Amend:* 108.1. Appeals. In order to hear and decide appeals of orders, decisions, or determinations made by the Fire Chief relative to the application and interpretation of the non-administrative (technical) requirements of this Code, the property owner may request an administrative hearing with a Hearing Examiner. The request shall be filed in writing with the Fire Chief and shall be accompanied with a fee as established in the Master Fee Schedule. The request for an administrative hearing shall contain the following information:

1. A brief statement setting forth the legal interest of the party or parties in the real property identified in the order, decision or determination made by the Fire Chief; and
2. A brief statement in ordinary and concise language of that (those) specific order(s), decision(s) or determination(s) protested; and
3. A brief statement in ordinary and concise language contending that issuance of the order, decision or determination was a result

of error or abuse of discretion together with any material facts claimed to support such contention; and

4. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested order, decision or determination should be reversed, modified, or otherwise set aside; and
5. The signature of the property owner, and his or her mailing address; and
6. The verification (by declaration under penalty of perjury) of at least one person requesting a hearing as to the truth of the matters stated in the request for hearing; and

The written request for an administrative hearing with the accompanying fee shall be received by the Fire Chief within fourteen (14) calendar days from the date of the service of such order, decision or determination of the Fire Chief.

As soon as practicable after receiving the request for administrative hearing, the Fire Chief shall fix a date, time and place for the administrative hearing. Written notice of the time and place of the hearing shall be given to the appellant at least seven (7) calendar days prior to the date of the hearing.

The failure of the Fire Chief to serve any person required herein to be served shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by the provisions of this section.

Only those technical matters or issues specifically raised by the appellant in the Request for Administrative Hearing shall be considered in the administrative hearing.

**Amend: 108.3 Qualifications.** The Hearing Examiner shall not be an employee of the City of Oakland and shall be qualified by experience

and training regarding fire and, building construction and other matters pertaining to this Code.

**Add: 108.4. Limitations of Authority.** The Hearing Examiner shall have no authority relative to interpretations of the administrative provisions of this Code and shall not be empowered to waive or otherwise set aside the non-administrative (technical) requirements of this Code.

**Add: 108.5. Effect of Hearing.** Decisions of the Hearing Examiner in all instances shall be final and conclusive.

**Add: 108.6 Review of Administrative Determination.** The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of administrative determinations made by the Fire Chief or the Hearing Examiner.

**Section 109 Violations - Amend this Section 109** as follows:

**Add: 109.1.2 Unlawful acts.** Any commercially or residentially zoned parcel, lot or premise on which flammable materials as defined by this Code are openly stored or abandoned, causing blight or hazardous conditions, so as to constitute a potential fire or health hazard shall constitute a public nuisance and shall be ordered cleaned by the issuance of a notice to abate in accordance with Section 106.1 of this Code.

**Amend: 109.1.3 Remuneration.** In addition to the penalties provided by law, a violator shall be liable for such costs, expenses, disbursements, and attorneys' fees paid or incurred by the City or any of its officials, officers, representatives, employees, agents, volunteers, vendors, or third-party contractors in correction, abatement and prosecution of the violation.

**Add: 109.2.3.1 Prosecution of violations.** Any violation of this Code is deemed a public nui-

sance and a misdemeanor, but may be cited or charged, at the election of the enforcing officer or City Attorney, as infractions, with the exceptions cited below in subsection (b). Nothing in this section shall prevent any other remedy at law. Each person shall be guilty of a separate offense for each and every day during a portion of which a violation of any provision of this Code is committed, continued, or permitted by such person.

*Add:* **109.2.4. Misdemeanors.** Notwithstanding Section 103.4.4.1, violation of any of the following provisions of this Code shall be charged only as a misdemeanor:

**Add: 109.3.2. Authority to Abate Violations.** Whenever the Fire Chief has issued an order or notice pursuant to this Code, and the condition remains uncorrected after the time specified in the order or notice, the Fire Chief may proceed to abate the condition by removal, restriction, rehabilitation, demolition, instituting security protocols, or whatever means the Fire Chief determines are reasonably necessary to cause the abatement of such violations.

**Add: 109.3.1.2 Cost Recovery.** The costs of any abatement action taken pursuant to this Code shall be recovered by the City pursuant to the provisions of this section. After performing the abatement work on the property in question, the Fire Chief shall cause to be recorded with the County Recorder, a "prospective Notice of Special Assessment Lien." Such notice shall summarize the work performed, the cost and date of completion. The costs shall be imposed as a lien in conformance with Section 107 of this Code. They City may proceed to recover such costs in a civil lawsuit.

**Add: 109.3.1.3. Notice of Abatement Orders, Notices and Actions.** If notice has not already been given pursuant to Section 103.4.2, the Office of the Fire Marshal ("Fire Department")

shall personally serve, or shall send one copy of the official notice to abate by regular mail, postage prepaid, to the person owning the parcel, including undeveloped land, on which the fire or dangerous condition is located, or to any person in control of said parcel, as such person's name and address appear on the current County of Alameda's assessment roll. If such address is unknown to the Fire Department then notice shall be affected by physically posting such notice on the property itself. Service by mail shall be deemed completed at the time of deposit in the United States mail.

#### ***Add: Section 114. Judgment and Liens***

**Add: 114.1 Authority to Lien.** The cost incurred pursuant to Sections 103 and 106 of this Code in obtaining Real Property Ownership Reports and in razing or demolishing any fire or securing or cleaning any parcel and abating its associated fire hazard, or instituting a fire watch by action of the Fire Chief shall be a proper charge against the City Treasury and shall be paid from there. Re-inspections and administrative fees to ascertain Code compliance for overdue abatement of previously noticed or cited violations shall be charged against the owner. Fees shall be in the amount as currently described in the Master Fee Schedule. The Fire Chief shall give the owner or other interested party of such premises a written notice and statement showing the itemized cost of such abatement, and requesting payment thereof. Alternatively, said charges may be directly collected in a civil lawsuit or by the filing and foreclosure of a lien.

**Add: 114.2 Notice of Hearing on Lien.** If the amount of such expenses as shown in such statement is not paid to the Fire Chief within ten (10) days after such notice, the Fire Chief shall file with the City Administrator written notice of those persons against whose property the City intends to file a lien. Upon receipt of

such notice, the City Administrator shall present same to the City Council, and the City Council shall forthwith, by resolution, fix a time and place for a public hearing on such notice. The Fire Chief shall cause a copy of such notice to be served on the owner of the property not less than ten (10) days prior to the time fixed for such hearing. Mailing a copy of such notice to the owner of the property at the address listed in the most recent property ownership records provided to the City by the County Assessor as of the date the Fire Chief causes notice to be mailed shall comprise proper service. Service shall be deemed complete at the time of deposit in the United States mail.

At the public hearing as scheduled above the City Council will hear all noticed or affected property owners who would be obligated to pay the abatement and related costs incurred by the City. The City Council shall confirm the appropriateness of persons to be held responsible for the noticed abatement charges and report to the Fire Chief its final determinations of liability concerning the affected parties. Charges confirmed by the City Council and not paid within five (5) days of the public hearing date will be subject to lien and collection procedures as provided below.

The Fire Chief shall record in the Office of the County Recorder of the County of Alameda, State of California, and a certificate substantially in the following form:

#### **"NOTICE OF SPECIAL ASSESSMENT LIEN**

"Pursuant to authority vested in me by the Fire Code of the City of Oakland, California, I did on the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, cause a condition to be abated or chargeable action to occur on the hereinafter-described real property at the expenses of the owner thereof, in the amount of \$\_\_\_\_\_, and that said amount has

not been paid nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter-described real property in said amount; the same shall be a lien upon the said real property until said sum, with interest thereon from the date of recordation of this lien in the Office of the County Recorder of the County of Alameda, State of California, and such other charges as may be applied from the City of Oakland Master Fee Schedule, has been paid in full. The real property hereinabove mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows:

"Assessor's Parcel Number:

"Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_.  
\_\_\_\_\_

Fire Chief  
City of Oakland"

The same shall be a lien against the property described therein until the amount thereof, plus accrued interest, has been paid in full. The amount of such lien shall draw interest thereon at a rate as established in the City of Oakland Master Fee Schedule from and after the date of the recording of said notice of the contents thereof.

**Add: 114.3 Method of collection: Additional Amount of Costs to Tax Bill Procedure.** With the confirmation of the report by the City Council, the nuisance abatement charges contained therein that remain unpaid by the owner of the subject property shall constitute a special assessment against said property as it has received the special benefit of City abatement services. Such charges shall be collected, along with City administrative and a reinspection fees at such time as is established by the County Assessor for inclusion on the next property tax roll.

The Fire Chief shall turn over to the County Assessor for inclusion in the next property tax assessment the total sum of unpaid nuisance abatement charges consisting of the abatement costs, administrative and re-inspection fees, and interest from the date of recordation of the lien, at the rate established in the Master Fee Schedule.

Thereafter, said assessment may be collected at the same time and in the same manner as ordinary municipal taxes are collected and shall be subject to the same penalties and the same procedure of sale as provided for ordinary delinquent municipal taxes. The special assessment shall be on parity and the same priority as general property taxes.

*Add:* **114.4 Judgment Liens.** A copy of every judgment imposing a fine or cost or both upon any owner of any real property for a violation of this Code thereon shall, upon the entry of judgment, be filed forthwith by the Fire Chief in the Office of the Recorder of Alameda County. The County Recorder shall index it immediately upon receiving it in the index of mechanics' liens. The fine, charges or administrative costs shall be a lien upon the real property from the time the certified copy of the judgment is filed in the Office of the Recorder, subject only to taxes, assessments, and water charges, and to mortgage and mechanics' liens existing on the real property prior to the filing.

*Add:* **Section 115. Oakland Municipal Code, Article 15, Chapter 15.64, Bedroom Window Security Bars And Grills**

*Add:* **Section 115.1. Administration And Enforcement of Oakland Municipal Code, Article 15, Chapter 15.64, Bedroom Window Security Bars And Grills.** The City Administrator delegates to the Fire Chief of the Fire Department the authority to enforce and administer the provisions of Oakland Municipal Code, Article 15, Chap-

ter 2 15.64, entitled "Bedroom Window Security Bars and Grills." All City employees designated by the Fire Chief are authorized to make necessary inspections and take any actions on behalf of the Fire Chief as may be required to enforce and administer the provisions of Article 15 of the Oakland Municipal Code.

Article 15 of the Oakland Municipal Code will be administered and enforced in accordance with the powers vested in the Fire Chief by applicable law, including but not limited to the 2010 California Fire Code and the provisions of Oakland Municipal Code, Chapter 1, Articles 3, 4, 6, 7, and 8, as amended by Ordinance No. 11989 C.M.S.

*Add:* **115.2. Fire Hazard.** Any residential or non-residential building or structure or portion thereof, device, apparatus, equipment, combustible waste or vegetation which, in the opinion of the Fire Chief, is in such a condition as to cause a fire or explosion or provide a ready fuel to augment the spread and intensity of fire or explosion arising from any cause shall be considered Substandard and a Public Nuisance.

*Add:* **115.3 Faulty Materials of Construction.** The use of materials of construction, except those which are specifically allowed or approved by this Code and the Oakland Building Code, and which have been adequately maintained in good and safe condition, shall cause a residential or non-residential building or structure to be Substandard and a Public Nuisance.

*Add:* **115.4 Inadequate Exits.** Except for those buildings or structures or portions thereof which have been provided with adequate exit facilities conforming to the provisions of this Code, residential and non-residential buildings or structures or portions thereof whose existing facilities where installed in violation of code requirements in effect at the time of their construction or whose exit facilities have not been

increased in number or width in relation to any increase in occupant load due to alterations, additions or change in use or occupancy subsequent to the time of construction shall be considered Substandard and a Public Nuisance.

Notwithstanding compliance with code requirements in effect at the time of their construction, residential and non-residential buildings or structures or portions thereof shall be considered Substandard and a Public Nuisance when the Fire Chief or the Building Official finds that an unsafe condition exists through an improper location of or length of travel to required exits, or a lack of an adequate number of width of required exits, or when other conditions exist which are dangerous to human life including, but not limited to, lack of or unapproved or improperly installed or improperly maintained illumination of required exits, directional signage to required exits, door and window release and security devices, and other obstructions to or within the exiting path of travel or emergency escape.

**Add: 115.5 Inadequate Fire Protection or Firefighting Equipment.** Residential and non-residential buildings or structures or portions thereof shall be considered Substandard and a Public Nuisance when they are not provided with the fire-resistive construction or fire-extinguishing systems or equipment required by this Code, except those buildings or structures or portions thereof which conformed with all applicable laws at the time of their construction and whose fire-resistive integrity and fire-extinguishing systems or equipment have been adequately maintained and improved in relation to any increase in occupant load, alteration or addition, or any change in occupancy.

**Add: Section 116. Declaration of Public Nuisance—Substandard**

Any violations of the Oakland Fire Code deemed to be substandard and a public nuisance by the Fire Chief or Building Official shall be subject to the enforcement and other proceedings set forth in the Oakland Building Code, Oakland Municipal Code Chapter 15.08.

## CHAPTER 2, DEFINITIONS

*Amend this Chapter as follows:*

**Section 202. General Definitions** *Add the following definitions:*

**Add: CALIFORNIA FIRE CODE:** The International Building Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 9; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

**Add: CALIFORNIA ELECTRIC CODE:** The National Electric Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 3; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

**Add: CALIFORNIA MECHANICAL CODE:** The International Mechanical Code as amended and adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 4; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

**Add: CALIFORNIA PLUMBING CODE:** The International Plumbing Code as amended and

adopted by the State of California and is another name for the body of regulations known as the California Code of Regulations (C.C.R.), Title 24, Part 5; a portion of the "California Building Standards Code," as defined in the "California Building Standards Law" commencing with Section 18901 of the Health and Safety Code.

*Add:* **COMBINATION PERMIT:** A Combination Permit allows the performance of building electrical, plumbing, and mechanical work under a single permit and may be issued for certain types of work which the Building Official has identified as being appropriate for such consideration. Fees shall be assessed as established in the Master Fee Schedule.

*Add:* **DEPARTMENT HAVING JURISDICTION:** Wherever reference is made in this Code to "Department Having Jurisdiction," it shall mean the Oakland Fire Department, and its successor in Title.

*Add:* **WILDLAND — URBAN INTERFACE FIRE AREAS:** All of that area within the City as defined by the Fire Marshal of the City of Oakland, including, but not limited to, the area north and east of the following boundaries:

BEGINNING at the MacArthur Freeway at the San Leandro border to Foothill Boulevard; west on Foothill Boulevard to Stanley; west on Stanley to 98th Avenue; south on 98th Avenue to Stearns Avenue; west on Stearns to Burr Street; west on Burr Street to Thermal; west on Thermal to 8500 Thermal; south at 8500 Thermal to MacArthur Boulevard; west on MacArthur Boulevard to 82nd Avenue; north on 82nd Avenue to Utah Street; west on Utah Street to Partridge Avenue; south on Partridge Avenue to Outlook Avenue; west on Outlook Avenue to Seminary Avenue; south on Seminary Avenue to MacArthur Bou-

levard; west on MacArthur Boulevard to Buell Street; north on Buell Street to Tompkins Avenue; west on Tompkins Avenue to End; straight line from Tompkins Avenue to Wisconsin Street; west on Wisconsin Street to Carlsen Street; west on Carlsen Street to Maple Avenue; south on Maple Avenue to Morgan Avenue; west on Morgan Avenue to Barner; south on Barner to Morgan Avenue; west on Morgan Avenue to Coolidge Avenue; North on Coolidge Avenue to Alida Street; west on Alida Street to Lincoln Avenue; south on Lincoln Avenue to Tiffin Road; west on Tiffin Road to Whittle Avenue; west on Whittle Avenue to Fruitvale Avenue (Dimond Park); follow the southern and western boundary of Dimond Park to El Centro Road; west on El Centro Road to Dolores; west on Dolores to Park Boulevard; north on Park Boulevard to Piedmont boundary; Piedmont boundary to Mt. View Cemetery; northern boundary of Mt. View Cemetery to Clarewood Drive; west on Clarewood Drive to Broadway Terrace; south on Broadway Terrace to Margarido Drive; west on Margarido Drive to Lawton; west on Lawton to Broadway; north on Broadway to Keith Avenue; west on Keith Avenue to College Avenue; and north on College Avenue to the corporate limits of the City of Berkeley.

*Add:* **INDEX SHEET:** A sheet located within the 1st or 2nd sheet of the plan set that lists all drawings and sheet numbers and a description of each drawing that is part of the plan set or other submittal document.

*Add:* **NON-PROFESSIONAL:** A person that is not licensed or certified by the State of California, but is not prohibited by state law from providing a certain service to others or performing certain work for oneself.

**Add: OAKLAND BUILDING CONSTRUCTION CODE:** The Oakland Building Construction Code is the compiled editions of the California Building Standards Codes, California Code of Regulations (CCR), Title 24, Part 2 (Building), Part 3 (Electrical), Part 4 (Mechanical), and Part 5 (Plumbing), and the Uniform Swimming Pool Spa and Hot Tub Code, with local amendments thereto as adopted by the Council of the City of Oakland.

**Add: READILY ACCESSIBLE:** As defined in the California Plumbing and Mechanical Codes.

**Add: SEALED (STAMPED):** Indicates the plan(s) is/are sealed, as required by California Business & Professions Code Sections 5536.1 and 5536.2, with originally applied ink applied to the print or copy of the plans or other submittal documents submitted with an application for permit. Information provided on the seal (stamp) shall be in accordance with California Business & Professions Code Section 5536.1 and Title 16, Section 136 of the California Code of Regulations.

**Add: SIGNED:** Indicates the originals of the indicated plan(s) have been "wet" signed (and sealed) and the image of such signing is apparent on the copies of the originals submitted for permit. Also refer to the definition of "wet" signed.

**Add: "WET" SIGNED:** Indicates the plan(s) is/are signed with originally applied ink applied to the print or copy of the plans or other submittal documents submitted with an application for permit. Also refer to the definition of "signed."

**Add: WORKSTATION:** A defined space or independent principal piece of equipment using hazardous materials where a specific function, laboratory procedure or research activity occurs. Approved or listed hazardous materials

storage cabinets, flammable liquid storage cabinets or gas cabinets serving a workstation are included as part of the workstation. A workstation is allowed to contain ventilation equipment, fire protection devices, electrical devices, and other processing and scientific equipment.

### **CHAPTER 3 - GENERAL PRECAUTIONS AGAINST FIRE**

Chapter 3 of the 2010 California Fire Code is adopted in its entirety.

### **CHAPTER 4 - EMERGENCY PLANNING AND PREPAREDNESS**

Chapter 4 of the 2010 California Fire Code is adopted with the following amendments:

**TABLE 405.2 - Amend Table 405.2 as follows:**

#### **FIRE AND EVACUATION DRILL, FREQUENCY AND PARTICIPATION**

GROUP OR OCCUPANCY	FREQUENCY	PARTICIPATION
Group A	Quarterly	Employees
Group B <sup>a</sup>	Annually	Employees
Group E	See §3.13 Title 19, CCR	
Group I	See §3.09 Title 19, CCR	
Group R-1	See §3.09 Title 19, CCR	
Group R-2 <sup>b</sup>	Four annually	All occupants
High-rise Fires	See §3.09 Title 19, CCR	

- a. Group B Fires having an occupant load of 500 or more persons.
- b. Applicable to Group R-2 college and university Fires only.
- c. Applicable to high-rise office Fires only.

#### **Section 408. Use And Occupancy-Related Requirements. Amend this Section 408 as follows:**

**Amend: 408.9 Group R-2 Occupancies.** Group R-2 occupancies shall comply with the require-

ments of Sections 408.9.1 through 408.9.3 and Sections 401 through 406. Group R-2 College and university shall comply with the requirements of Sections 408.9.1 through 408.9.6 and Sections 401 through 406.

**Add: 408.9.4 First Emergency Evacuation Drill.** The first emergency evacuation drill of each school year shall be conducted within 10 days of the beginning of classes.

**Add: 408.9.5 Time of Day.** Emergency evacuation drills shall be conducted at different hours of the day or evening, during the changing of classes, when the school is at assembly, during the recess or gymnastic periods, or during other times to avoid distinction between drills and actual fires. In Group R2 College and university buildings, one required drill shall be held during hours after sunset or before sunrise.

**Amend:** **408.11.1.2 Revisions.** The lease plans shall be revised annually or as often as necessary to keep them current.

## CHAPTER 5- FIRE SERVICE FEATURES

**Section 503. Fire Apparatus Access Roads.** - *Amend this Section 503 as follows:*

**Amend:** **503.2.1 Dimensions.** Fire apparatus access roads shall meet the requirements outline in Tables 1 and 2 and for approved security gates in accordance with Section 503.6, and an unobstructed vertical clearance of 13 feet 6 inches (4,115 mm).

**Section 504. Access to Building Openings and Roofs.** - *Amend this Section 504 as follows:*

**Add: 504.4 Access Control Devices.** When access control devices including bars, grates, gates, electric or magnetic locks or similar devices, which would inhibit rapid fire department emergency access to the Fire Department, are installed, such devices shall be approved by the Fire Code Official. All access control devices

shall be provided with an approved means for deactivation or unlocking by the fire department. Access control devices shall also comply with Chapter 10 Egress.

**Add: Fire Standard, 504.5 Roof Guardrails at Interior Courts.** Roof openings into interior courts that are bounded on all sides by fire resistive construction shall be protected with guardrails. The top of the guardrail shall not be less than 42 inches in height above the adjacent roof surface that can be walked on. Intermediate rails shall be designed and spaced such that a 12-inch diameter sphere cannot pass through.

Exception: Where the roof opening is greater than 600 square feet in area.

## CHAPTER 6—BUILDING SERVICES AND SYSTEMS

**Section 603. Fuel-Fired Appliances.** — *Amend this Section 603 as follows:*

**Add: 603.4.2 Portable Unvented Heaters Used in Other Occupancies and Outside Locations.** Use of portable unvented heaters in other occupancies and outside locations shall be approved by the Fire Code Official.

**Section 605. Electrical Equipment, Wiring And Hazards** — *Amend this Section 605 as follows:*

**Add: 605.11 Immersion Heaters.** All electrical immersion heaters used in dip tanks, sinks, vats and similar operations shall be provided with approved over-temperature controls and low liquid level electrical disconnects. Manual reset of required protection devices shall be provided.

**Section 608. Stationary Storage Battery Systems** — *Amend this Section 608 as follows:*

**Add: 608.6.3.1 Failure of Ventilation System.** Failure of the ventilation system shall automatically disengage the charging system.

## CHAPTER 9 - FIRE PROTECTION SYSTEMS

### Section 903. Automatic Sprinkler Systems - Amend this Section 903 as follows:

**Amend: Fire Standard - 903.2 Where Required.** Approved automatic sprinkler systems in new occupancies and structures and in existing modified occupancies and structures, shall be provided in the locations described in this section. Automatic fire sprinklers shall be installed per the requirements set forth in Sections 903.2.1 through 903.2.13 and as follows, whichever is the more restrictive:

1. An automatic sprinkler system shall be provided throughout all new occupancies that have a gross floor area in excess of 3,600 square feet or that are three (3) or more stories in height including basements.
2. An automatic sprinkler system shall be provided throughout all existing occupancies when modifications are made that increases the gross floor area to more than 3,600 square feet or increases the number of stories to three (3) or more.

**Exception:** One-time additions to existing occupancies made after January 1, 2011 that do not exceed 500 square feet in gross floor area or that are not mandated under the 2010 California Model Codes.

3. An automatic sprinkler system shall be provided throughout all new occupancies, to include change of use located in the designated Very High Fire Hazard Severity Zone Very High Fire Hazard Severity Zone.

**Exception:** Any non-residential accessory structures to single family residences that have a gross floor area of 500 square feet or less.

4. An automatic sprinkler system shall be provided throughout all existing occupancies

located in the designated Very High Fire Hazard Severity Zone Very High Fire Hazard Severity Zone when modifications are made that increase the gross floor area.

**Exception:** One-time additions to existing occupancies made after January 1, 2008 that do not exceed 500 square feet in gross floor area.

## CHAPTER 14 - FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

### Section 1404. Precautions Against Fire — Amend this Section 1404 as follows:

**Add: 1404.8 Fire Walls.** When walls are required to be of fire resistive construction, the wall construction shall be completed (with all openings protected) immediately after the occupancy is sufficiently weather-protected at the location of the wall(s).

### Section 1411. Means Of Egress — Amend this Section 1411 as follows:

**Amend: [B] 1411.1 Stairways Required.** Each level above the first story in new multi-story buildings shall be provided with at least two usable exit stairways after the floor decking is installed. The stairways shall be continuous and discharge to grade level. Stairways serving more than two floor levels shall be enclosed (with openings adequately protected) after exterior walls/windows are in place. Exit stairs in new and in existing, occupied buildings shall be lighted and maintained clear of debris and construction materials at all times.

**Exception:** For new multi-story buildings, one of the required exit stairs may be obstructed on not more than two contiguous floor levels for the purposes of stairway construction (i.e., installation of gypsum board, painting, flooring, etc.).

**Add: Section 1411.1.1 Required Means of Egress.** All new buildings under construction shall have

a least one unobstructed means of egress. All means of egress shall be identified in the Fire Protection Plan.

## **CHAPTER 18 - SEMICONDUCTOR FABRICATION FACILITIES**

**Section 1802. Definitions** - *Amend the definitions as follows:*

**CONTINUOUS GAS DETECTION SYSTEM:** An approved gas detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis is allowed to be performed on a cyclical basis at intervals not to exceed 30 minutes. In occupied areas where air is re-circulated and not exhausted to a treatment system (e.g., breathing zone), the Chief may require a cyclical basis at intervals not to exceed 5 minutes. The gas detection system shall be able to detect the presence of a gas at or below the permissible exposure limit in occupiable areas and at or below  $\frac{1}{2}$  IDLH (or 0.05 LC 50 if no established IDLH) in unoccupiable areas.

*Delete Definition: Workstation.*

## **CHAPTER 19 - LUMBER YARDS AND WOOD WORKING FACILITIES**

**Section 1907. Storage Of Wood Chips And Logged Material Associated With Timber And Lumber Production Facilities** - *Amend this Section 1907 as follows:*

**Add: 1907.6 Fire Protection Water Supply Systems.** An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

**Section 1908. Storage And Processing of Wood Chips, Logged Materials, Fines, Compost and**

**Raw Product Associated with Yard Waste and Recycling Facilities** — *Amend this Section 1908 as follows:*

**Add: 1908.11 Fire Protection Water Supply Systems.** An approved fire protection water supply and hydrant system suitable for the fire hazard involved shall be provided for open storage yards and processing areas. Hydrant systems shall be installed in accordance with NFPA 24.

## **CHAPTER 27 - HAZARDOUS MATERIALS - GENERAL PROVISIONS**

**Section 2702. Definitions** - *Add the following definition:*

**Secondary Containment.** Secondary containment is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

**Section 2703. General Requirements** — *Amend this Section 2703 as follows:*

**Add: 2703.1.3.1 Toxic, Highly Toxic, Moderately Toxic Gases and Similarly Used or Handled Materials.** The storage, use and handling of toxic, highly toxic and moderately toxic gases in amounts exceeding Table 3704.2 or 3704.3 shall be in accordance with this chapter and Chapter 37. Any toxic, highly toxic or moderately toxic material that is used or handled as a gas or vapor shall be in accordance with the requirements for toxic, highly toxic or moderately toxic gases.

**Add: 2703.1.5 Secondary Containment Requirements.** A containment system shall be required for all hazardous materials, which are liquids or solids at normal temperature, and pressure where a spill is determined to be a plausible event and where such an event would endanger, people, property or the environment. Construction shall

be substantial, capable of safely and securely containing a sudden release without discharge. Design criteria shall be performance oriented and constructed of physically and chemically compatible materials to resist degradation and provide structural and functional integrity for a period of time reasonably necessary to ensure detection, mitigation, and repair of the primary system. Monitoring of secondary containment shall be in accordance with Section 2704.2.2.5.

*Amend:* **2703.2.2.1 Design and Construction.** Piping, tubing, valves, fittings and related components used for hazardous materials shall be in accordance with the following:

1. Piping, tubing, valves, fittings and related components shall be designed and fabricated from materials compatible with the material to be contained and shall be of adequate strength and durability to withstand the pressure, structural and seismic stress, and exposure to which they are subject.
2. Piping and tubing shall be identified in accordance with ASME A13.1 to indicate the material conveyed.
3. Readily accessible manual valves or automatic remotely activated fail-safe emergency shutoff valves shall be installed on supply piping and tubing at the following locations:
  - a. The point of use.
  - b. The tank, cylinder or bulk use.
4. Manual emergency shutoff valves and controls for remotely activated emergency shutoff valves shall be identified and the location shall be clearly visible accessible and indicated by means of a sign.
5. Backflow prevention or check valves shall be provided when the backflow of hazardous

materials could create a hazardous condition or cause the unauthorized discharge of hazardous materials.

6. Where gases or liquids having a hazard ranking of:

- Health hazard Class 3 or 4,
- Flammability Class 4, or
- Reactivity Class 4,

as defined in the National Fire Protection Association Standard 704 is contained withinin pressurized piping above 15 pounds per square inch gauge (psig)(103 Kpa), an approved means of leak detection, emergency shutoff and excess flow control shall be provided, and:

- a) Where the piping originates from within a hazardous material storage room or area, the excess flow control shall be located within the storage room or area,
- b) Where the piping originates from a bulk source, the excess flow control shall be located as close to the bulk source as practical, and

**Exception:** Piping for inlet connections designed to prevent backflow.

- c) Piping for use in pressure relief devices.

7. Secondary containment or equivalent protection from spills shall be provided for piping for liquid hazardous materials and for highly toxic and toxic corrosive gases above threshold quantities listed in Tables 3704.2 and 3704.3. Secondary containment includes, but is not limited to double walled piping.

**Exceptions:**

1. Secondary containment is not required for toxic corrosive gases if the piping is constructed of inert materials.
2. Piping under sub-atmospheric condi-

tions if the piping is equipped with an alarm and fail-safe-to-close valve activated by a loss of vacuum.

8. Expansion chambers shall be provided between valves whenever the regulated gas may be subjected to thermal expansion. Chambers shall be sized to provide protection for piping and instrumentation and to accommodate the expansion of regulated materials.

*Amend:* **2703.2.2.2 Additional Regulation for Supply Piping for Health Hazard Materials.** Supply piping and tubing for gases and liquids having a health hazard ranking of 3 or 4 in accordance with ASME B31.3 and the following:

1. Piping and tubing utilized for the transmission of toxic, highly toxic, or highly volatile corrosive liquids and gases shall have welded or brazed connections throughout except for connections within an exhausted enclosure if the material is a gas, or an approved method of drainage or containment is provided for connections if the material is a liquid.
2. Piping and tubing shall not be located within corridors, within any portion of a means of egress required to be enclosed in fire-resistance-rated construction or in concealed spaces in areas not classified as Group H Occupancies.

**Exception:** Piping and tubing within the space defined by the walls of corridors and the floor or roof above or in concealed space above other occupancies when installed in accordance with Section 415.8.6.3 of the California Fire Code as required for Group H, Division 5 Occupancies.

3. All primary piping for toxic, highly toxic and moderately toxic gases shall pass a helium leak test of  $1 \times 10^{-9}$  cubic centimeters/

second where practical, or shall pass testing in accordance with an approved, nationally recognized standard. Tests shall be conducted by a qualified "third party" not involved with the construction of the piping and control systems.

***Amend:* 2703.3.1 Unauthorized Discharges.**

When hazardous materials are released in quantities reportable under state, federal or local regulations or when there is release or a threatened release that presents a threat to health, property or the environment, the Fire Code Official shall be notified immediately in an approved manner and the following procedures required in accordance with Sections 2703.3.1.1 through 2703.3.1.4.

***Add:* 2703.5.2 Ventilation Ducting.** Product conveying ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

***Add:* 2703.5.3 "H" Occupancies.** In "H" occupancies, all piping and tubing may be required to be identified when there is any possibility of confusion with hazardous materials transport tubing or piping. Flow direction indicators are required.

**Section 2704. Storage - Amend this Section 2704 as follows:**

***Amend:* 2704.2.1 Spill Control for Hazardous Material Liquids.** Rooms or areas used for storage of hazardous material liquids shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.

2. Liquid-tight floors in indoor locations or similar areas provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection system shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings having an open-grate trench across the opening that connects to an approved collection system.

*Amend: 2704.2.2 Secondary Containment for Hazardous Material Liquids and Solids.* Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section.

## CHAPTER 31 - CORROSIVE MATERIALS

**Section 3102. Definitions** - *Add the following definition:*

*Add: CORROSIVE LIQUID:* Corrosive liquid is a liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action. Examples include acidic, alkaline or caustic materials. Such material will be considered corrosive when the PH is 2 or less or 12.5 or more, except for foodstuffs or medicine. Included are the Department of Transportation and Title 22, California Code of Regulations, 66261.22 classed corrosives.

## CHAPTER 33 - EXPLOSIVES AND FIREWORKS

*- Amend this Section 3301 as follows:*

*Amend: 3301.1 Scope.* For explosives requirements see Title 19 California Code of Regulations Chapter 10 and Section 3301.1.1 of this

Chapter. For fireworks requirements see Title 19 California Code of Regulations Chapter 6 and Section 3301.1.2 of this Chapter.

### Exceptions:

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

*Add: 3301.1.1. Explosives.* The possession, manufacture, storage, sale, handling, and use of explosives are prohibited.

### Exceptions:

1. Possession, storage, handling and use of explosives for test and research purposes are allowed with permit and approval of the Fire Code Official.
2. Possession, storage, handling and use of squibs, explosive nuts or bolts and similar small quantity explosive devices are allowed with permit and approval of the Fire Code Official.

*Add: 3301.1.2 Fireworks.* The possession, manufacture, storage, sale, handling, and use of fireworks, including those fireworks classified as Safe and Sane by the California State Fire Marshal, are prohibited.

### Exceptions:

1. Storage, handling and use of fireworks and pyrotechnic special effects when used for public or proximate audience displays, motion

picture, television, theatrical and group entertainment productions when handled and used by a licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and permitted in accordance with this Chapter.

2. Storage, handling and use of pyrotechnic special effects fireworks inside of occupancies equipped throughout with an approved fire sprinkler system, when used for proximate audience displays or special effects in theatrical, television, motion picture and group entertainment productions and when handled and used by a licensed pyrotechnic operator in accordance with Title 19 of the California Code of Regulations and permitted in accordance with this Chapter.

*Add:* **3301.1.3 Model Rocketry.** The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the Fire Code Official.

## **CHAPTER 34 - FLAMMABLE AND COMBUSTIBLE LIQUIDS**

**Section 3404. Storage - Amend this Section 3404 as follows:**

*Add:* **3404.2.7.5.9 Automatic Filling of Tanks.** Systems that automatically fill flammable or combustible liquid tanks shall be equipped with overfill protection, approved by the Fire Code Official that sends an alarm signal to a constantly attended location and immediately stops the filling of the tank. The alarm signal and automatic shutoff shall be tested on an annual basis and records of such testing shall be maintained on-site for a period of five (5) years.

## **CHAPTER 37, HIGHLY TOXIC AND TOXIC MATERIALS**

**Section 3702. Definitions - Add the following definitions to this Section 3702:**

**MODERATELY TOXIC GAS.** Moderately toxic gas is a chemical or substance that has a median lethal concentration ( $LC_{50}$ ) in air more than 2000 parts per million but not more than 5000 parts per million by volume of gas or vapor, when administered by continuous inhalation for an hour, or less if death occurs within one hour, to albino rats weighing between 200 and 300 grams each.

Maximum Threshold Quantity (Max TQ) is the maximum quantity of a moderately toxic or toxic gas, which may be stored in a single vessel before a more stringent category of regulation is applied. The following equation shall be used to calculate the Max TQ:

$$\text{Max TQ (pounds)} = LC_{50} (\text{ppm}) \times 2 \text{ lb.}$$

Gas Mixtures, the  $LC_{50}$  value for a gas mixture containing toxic, highly toxic or moderately toxic components shall be calculated using the formula in Appendix E, Section 103.1.3.1.

**Section 3704. Highly Toxic, Toxic and Moderately Toxic Gases Including Those Used as Refrigerants - Amend this Section 3704 as follows:**

*Add:* **3704.1.4 Automatic Shut-Off Valve.** An automatic shut-off valve, which is of a fail-safe-to-close design, shall be provided to shut off the supply of highly toxic gases for any of the following:

1. Activation of a manual fire alarm system.
2. Activation of the gas detection system.
3. Failure of emergency power.
4. Failure of primary containment.
5. Seismic activity.
6. Failure of required ventilation.
7. Manual activation at an approved remote location.

*Add:* **3704.1.5 Emergency Control Station.** Signals from emergency equipment used for highly toxic gases shall be transmitted to an emergency control station or other approved monitoring station, which is continually staffed by trained personnel.

*Add:* **3704.1.6 Maximum Threshold Quantity.** Toxic gases stored or used in quantities exceeding the maximum threshold quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for highly toxic gases of Section 3704 of this code.

Moderately toxic gases stored or used in quantities exceeding the maximum threshold quantity. In a single vessel per control area or outdoor control area shall comply with the additional requirements for toxic gases of Section 3704 of this code.

*Add:* **3704.1.7 Reduced Flow Valve.** All containers of materials other than lecture bottles containing Highly Toxic material and having a vapor pressure exceeding 29 psia shall be equipped with a reduced flow valve when available. If a reduced flow valve is not available, the container shall be used with a flow-limiting device. All flow limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

*Add:* **3704.1.8 Annual Maintenance.** All safety control systems at a facility shall be maintained in good working condition and tested not less frequently than annually. Maintenance and testing shall be performed by persons qualified to perform the maintenance and tests. Maintenance records and certifications shall be available to any representative of the Fire Department for inspection upon request.

*Add:* **3704.1.9 Fire Extinguishing Systems.** Fires and covered exterior areas for storage and use areas of materials regulated by this Chapter shall be protected by an automatic fire sprinkler system in accordance with NFPA 13. The design of the sprinkler system for any room or area where highly toxic, toxic and moderately toxic gases are stored, handled or used shall be in accordance with Section 2704.5.

*Add:* **3704.1.10 Local Gas Shut Off.** Manual activation controls shall be provided at locations near the point of use and near the source, as approved by the Fire Code Official. The Fire Code Official may require additional controls at other places, including, but not limited to, the entry to the building, storage or use areas, and emergency control stations. Manual activated shut-off valves shall be of a "fail safe-to-close design."

*Add:* **3704.1.11 Exhaust Ventilation Monitoring.** For highly toxic gases and toxic gases exceeding threshold quantities, a continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use, or handling area.

*Add:* **3704.1.12 Emergency Response Plan.** If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the Fire Code Official, a written emergency response plan. If the preparation of an emergency response plan is required by other law, a responsible person shall file a copy of the plan with the Fire Chief.

*Add:* **3704.1.13 Emergency Response Team.** Responsible persons shall be designated the on-site emergency response team and trained to be

liaison personnel for the Fire Department. These persons shall aid the Fire Department in preplanning emergency responses, identifying locations where regulated materials are stored, handled and used, and be familiar with the chemical nature of such material. An adequate number of personnel for each work shift shall be designated.

**Add: 3704.1.14 Emergency Drills.** Emergency drills of the on-site emergency response team shall be conducted on a regular basis but not less than once every three months. Records of drills conducted shall be maintained.

**Add: 3704.1.15 Cylinder Leak Testing.** Cylinders shall be tested for leaks immediately upon delivery and again immediately prior to departure. Testing shall be approved by the Fire Code Official in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected.

**Add: 3704.1.16 Inert Gas Purge System.** Gas systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems inside buildings shall be located in an approved gas cabinet unless the system operates by vacuum demand.

**Add: 3704.1.17 Seismic Shutoff Valve.** An automatic seismic shut-off valve, which is of a fail safe-to-close design, shall be provided to shut-off the supply of highly toxic, toxic and moderately toxic gases with an LC<sub>50</sub> less than 3000 parts per million upon a seismic event within 5 seconds of a horizontal sinusoidal oscillation having a peak acceleration of 0.3G (1.47m/sec<sup>2</sup>) and a period of 0.4 seconds.

**Amend: 3704.2 Indoor Storage and Use.** The indoor storage or use of highly toxic and moderately toxic compressed gases shall be in accordance with Sections 3704.2.1 through 3704.2.2.10.3.3. The threshold quantity for highly toxic, toxic and moderately toxic gases for indoor storage and use are set forth in Table 3704.2.

*Add Table 3704.2 to read:*

<b>Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Indoor Storage and Use</b>	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

**Amend: 3704.2.1 Applicability.** The applicability of regulations governing the indoor storage and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 3704.2.1.1 through 3704.2.1.3.

**Amend: 3704.2.1.1 Quantities Not Exceeding the Maximum Allowable Quantity per Control Area.** The indoor storage or use of highly toxic, and moderately toxic gases in amounts exceeding the threshold quantity per control area set forth in Table 3704.2 shall be in accordance with Sections 2701, 2703, 3701, 3704.1 and 3704.2,

**Amend: 3704.2.2 General Indoor Requirements.** The general requirements applicable to the indoor storage and use of highly toxic and toxic compressed gases shall be in accordance with Sections 3704.2.2.1 through 3704.2.2.10.3.

Moderately toxic gases with an LC<sub>50</sub> less than 3000 parts per million shall comply with the requirements for toxic gases in Sections 3704.2.2.1 through 3704.2.2.10.3

All other moderately toxic gases exceeding the threshold quantity shall comply with the requirements for toxic gases in Sections 3704.2.2.1 through 3704.2.2.7.

**Amend: 3704.2.2.7 Treatment Systems.** The exhaust ventilation from gas cabinets, exhausted enclosures, gas rooms and local exhaust systems required in Section 3704.2.2.4 and 3704.2.2.5 shall be directed to a treatment system. The treatment system shall be utilized to handle the accidental release of gas and to process exhaust ventilation. The treatment system shall be designed in accordance with Sections 3704.2.2.7.1 through 3704.2.2.7.5 and Section 505 of the California Mechanical Code.

**Exceptions:**

1. Highly toxic, toxic and moderately toxic gases storage. A treatment system is not required for cylinders, containers and tanks in storage when all of the following are provided:
  - 1.1. Valve outlets are equipped with gas-tight outlet plug or caps.
  - 1.2. Hand wheel-operated valves have handles secured to prevent movement.
  - 1.3. Approved containment vessels or containment systems are provided in accordance with Section 3704.2.2.3.

**Amend: 3704.3 Outdoor Storage and Use.** The outdoor storage or use of highly toxic and moderately toxic compressed gases shall be in accordance with Sections 3704.3.1 through 3704.3.4. The threshold quantity for highly toxic, toxic and moderately toxic gases for outdoor storage and use are set forth in Table 3704.3.

*Add Table 3704.3 to read:*

<b>Threshold Quantities for Highly Toxic, Toxic and Moderately Toxic Gases for Outdoor Storage and Use</b>	
Highly Toxic	0
Toxic	10 cubic feet
Moderately Toxic	20 cubic feet

**Amend: 3704.3.1 Applicability.** The applicability of regulations governing the outdoor stor-

age and use of highly toxic, toxic, and moderately toxic compressed gases shall be as set forth in Sections 3704.3.1.1 through 3704.3.1.3.

**Amend: 3704.3.1.1 Quantities Not Exceeding the Maximum Allowable Quantity per Control Area.** The outdoor storage or use of highly toxic and toxic gases in amounts exceeding the threshold quantity per control area set forth in Table 3704.3 shall be in accordance with Sections 2701, 2703, 3701, 3704.1, and 3704.3.

Moderately toxic gases with an LC<sub>50</sub> less than 3000 parts per million in amounts exceeding the threshold quantity in Table 3704.3 shall comply with the requirements for toxic gases in Sections 2701, 2703, 3701, 3704.1 and 3704.3.

Moderately toxic gases in amounts exceeding the threshold quantity in Table 3704.3 shall comply with the requirements for toxic gases in Sections 2701, 2703, 3701, 3704.1 and 3704.3.2.1 through 3704.3.2.5.

**Amend: 3704.3.3 Outdoor Storage Weather Protection for Portable Tanks and Cylinders.** Weather protection in accordance with Section 2704.13 and this section shall be provided for portable tanks and cylinders located outdoors and not within gas cabinets or exhausted enclosures. The storage area shall be equipped with an approved automatic sprinkler system in accordance with Section

## **CHAPTER 49, REQUIREMENTS FOR WILDLAND-URBAN INTERFACE FIRE AREAS**

**Section 4903. Fire Protection Plan — Amend this Section 4703 as follows:**

**Add: 4903.1 General.** When required by the code official, a fire protection plan shall be prepared.

**Add: 4903.2 Content.** The plan shall be based upon a site-specific wildfire risk assessment that

includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, fire ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

**Add: 4903.3 Cost.** The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

**Add: 4903.4 Plan Retention.** The fire protection plan shall be retained by the Fire Code Official.

#### **Section 4904. Fire Hazard Severity Zones**

**Add: 4904.3 General.** All of that area within the City as defined by the Fire Marshal of the City of Oakland, including, but not limited to, the area north and east of the following boundaries:

**BEGINNING** at the MacArthur Freeway at the San Leandro boarder to Foothill Boulevard; west on Foothill Boulevard to Stanley; west on Stanley to 98th Avenue; south on 98th Avenue to Stearns Avenue; west on Stearns to Burr Street; west on Burr Street to Thermal; west on Thermal to 8500 Thermal; south at 8500 Thermal to MacArthur Boulevard; west on MacArthur Boulevard to 82nd Avenue; north on 82nd Avenue to Utah Street; west on Utah Street to Partridge Avenue; south on Partridge Avenue to Outlook Avenue; west on Outlook Avenue to Seminary Avenue; south on Seminary Avenue to MacArthur Boulevard; west on MacArthur Boulevard to Buell Street; north on Buell Street to Tompkins Avenue; west on Tompkins Avenue to End; straight line from Tompkins Avenue to Wisconsin Street; west on Wisconsin Street to Carlsen Street; west on Carlsen Street to Maple Avenue; south on Maple Avenue to Mor-

gan Avenue; west on Morgan Avenue to Barner; south on Barner to Morgan Avenue; west on Morgan Avenue to Coolidge Avenue; North on Coolidge Avenue to Alida Street; west on Alida Street to Lincoln Avenue; south on Lincoln Avenue to Tiffin Road; west on Tiffin Road to Whittle Avenue; west on Whittle Avenue to Fruitvale Avenue (Dimond Park); follow the southern and western boundary of Dimond Park to El Centro Road; west on El Centro Road to Dolores; west on Dolores to Park Boulevard; north on Park Boulevard to Piedmont boundary; Piedmont boundary to Mt. View Cemetery; northern boundary of Mountain. View Cemetery to Clarewood Drive; west on Clarewood Drive to Broadway Terrace; south on Broadway Terrace to Margarido Drive; west on Margarido Drive to Lawton; west on Lawton to Broadway; north on Broadway to Keith Avenue; west on Keith Avenue to College Avenue; and north on College Avenue to the corporate limits of the City of Berkeley.

#### **Section 4906. Vegetation Management — Amend this Section 4706 as follows:**

**Add: 4706.1 Scope, purpose and enforcement.** Vegetation constituting a fire hazard shall be controlled according to Chapter 47 of this Code. At least one time annually the Fire Chief shall cause a notice to be mailed to property owners advising them of potential conditions to be abated. Thereafter the Fire Chief shall execute on-site inspections of properties within Oakland for a determination of specific fire hazard conditions.

#### **Section 4907. Defensible Space - Amend this Section 4707 as follows:**

**Add: 4907.1 General.** Persons owning, leasing, controlling, operating or maintaining Buildings

or structures in, upon or adjoining the Very High Fire Hazard Severity Zone and persons owning, leasing or controlling land adjacent to such buildings or structures, shall at all times:

1. Maintain an effective defensible space by removing and clearing away flammable vegetation and combustible growth from areas within 30 feet of structures.

**Exception:** Single specimens of trees, ornamental shrubbery or similar plants used as ground covers, provided that they do not form a means of rapidly transmitting fire from the native growth to any structure.

2. Maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet from such buildings or structures, when required by the Fire Code Official due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet to be insufficient.

**Exception:** Grass and other vegetation located more than 30 feet from buildings or structures and less than 18 inches in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

3. Remove portions of trees which extend within 10 feet of the outlet of a chimney.
4. Maintain trees, adjacent to or overhanging a structure, free of deadwood; and
5. Maintain the roof of a structure free of leaves, needles or other dead vegetative growth.

**Add: 4907.2 Corrective Actions.** The executive body is authorized to instruct the Fire Code Official to give notice to the owner of the property upon which conditions regulated by Section 4707.1 exist to correct such conditions. If the owner fails to correct such conditions, the executive body is authorized to cause the same

to be done and make the expense of such correction a lien upon the property where such condition exists.

**Section 4907.3. Access** - Add *this new Section 4707.3 as follows:*

**Add: 4907.3.1 General.** Buildings and structures, or portions thereof, hereafter constructed or relocated into or within Wildland-Urban Interface Fire Areas shall be provided with fire apparatus access in accordance with this chapter.

**Add: 4907.3.2 Driveways.** Driveways with an all-weather surface shall be provided when any portion of an exterior wall of the first story of a building is located more than 150 feet from a fire apparatus access road. Driveways shall provide a minimum unobstructed width of 12 feet and a minimum unobstructed height of 13 feet 6 inches. Driveways in excess of 150 feet in length shall be provided with turnarounds. Driveways in excess of 200 feet in length and less than 20 feet in width shall be provided with turnouts in addition to turnarounds. An all-weather surface shall be any surface material acceptable to the code official.

A driveway shall not serve in excess of two dwelling units.

**Exception:** When such driveways meet the requirements for an access road in accordance with this chapter.

Driveway turnarounds shall be in accordance with Fire Department standards. Driveways that connect with a road or roads at more than one point may be considered as having a turnaround if all changes of direction meet the radii requirements for driveway turnarounds.

Driveway turnouts shall be an all-weather road surface at least 10 feet wide and 30 feet long. Driveway turnouts shall be located as required by the code official.

Vehicle load limits shall be posted at both entrances to bridges on driveways and private roads. Design loads for bridges shall be established by the code official.

*Add:* **4907.3.4 Fire Apparatus Access Roads.** Fire apparatus access roads shall be all weather roads with a minimum width of 20 feet and a clear height of 13 feet 6 inches; and shall be designed in accordance with Fire Department standards. Dead-end roads in excess of 150 feet in length shall be provided with turnarounds designed in accordance with Fire Department Standards. An all-weather road surface shall be any surface material acceptable to the code official.

**Section 4908. Water Supply - Add this new Section 4908 as follows:**

*Add:* **4908.1 General.** Buildings and structures, or portions thereof, hereafter constructed or relocated into or within Wildland-Urban Interface Fire Areas shall be provided with fire protection water supplies in accordance with this chapter.

**Exception:** Buildings containing only private garages, carports, sheds and agricultural buildings with a building area of not more than 500 square feet.

*Add:* **4908.1.2 Water Sources.** The point at which a water source is available for use shall be located not more than 600 feet from all portions of the exterior walls of the building and be approved by the code official. The distance shall be measured along an unobstructed line of travel.

Water sources shall have a minimum usable water volume as determined by the adequate water supply needs in accordance with Section 4915.4. This water source shall be equipped with an approved hydrant. The water source shall be provided and maintained by a recognized water purveyor, mutual water company or water pumped from a well. The design, con-

struction, location, water level maintenance, access, and access maintenance of manmade water sources shall be approved by the code official.

*Add:* **4908.1.3 Hydrants.** All hydrants shall be designed and constructed in accordance with nationally recognized standards. The location and access shall be approved by the code official.

*Add:* **4908.1.4 Adequate Water Supply.** Adequate fire protection water supplies shall be as follows:

1. **One- And Two-Family Dwellings.** The required fire protection water supply for one-and two-family dwellings shall be in accordance with Appendix B. The water supply duration need not exceed 30 minutes.
2. **Buildings Other Than One-And Two-Family Dwellings.** The water supply required for other than one-and two-family dwellings shall be in accordance with Appendix B.

**Exception:** The water supply duration need not exceed 2 hours.

*Add:* **4908.1.5 Obstructions.** Access to all water sources required by this code shall be unobstructed at all times. The code official shall not be deterred or hindered from gaining immediate access to water source equipment, fire protection equipment or hydrants.

*Add:* **4908.1.6 Identification.** Water sources, hydrants and fire protection equipment shall be clearly identified in a manner approved by the code official to identify location and to prevent obstruction by parking and other obstructions.

*Add:* **4908.1.7 Testing And Maintenance.** Water sources, hydrants and other fire protection equipment required by this code shall be subject to periodic tests as required by the code official. All such equipment installed under the provisions of this code shall be maintained in an operative condition at all times and shall be

repaired or replaced where defective. Additions, repairs, alterations and servicing of such fire protection equipment and resources shall be in accordance with approved standards.

*Add:* **4908.1.8 Clearance of Fuel.** Defensible space shall be provided around water tank structures, water supply pumps and pump houses in accordance with Section 4707.

*Add:* **4908.1.9 Standby Power.** Stationary water supply facilities within the Wildland-Urban Interface Fire Areas dependent on electrical power to meet adequate water supply demands shall provide standby power systems in accordance with the Electrical Code to ensure that an uninterrupted water supply is maintained. The standby power source shall be capable of providing power for a minimum of two hours.

#### **Exceptions:**

1. When approved by the Fire Chief, a standby power supply is not required where the primary power service to the stationary water supply facility is underground.
2. A standby power supply is not required where the stationary water supply facility serves no more than one single-family dwelling.

### **Section 4909. Automatic Fire Sprinkler Systems**

- Add this new Section 4909 as follows:

*Add:* **4909.1 General.** Buildings and structures located in shall be provided with automatic fire sprinkler protection in accordance with this chapter.

*Add:* **4909.2 New Facilities.** An approved automatic fire sprinkler system shall be provided throughout all new facilities located in the Wildland-Urban Interface Fire Areas

**Exception:** Accessory structures to single-family residences that are non-residential and that have a gross floor area of 500 square feet or less.

*Add:* **4909.2.1 Existing Facilities.** An approved automatic fire sprinkler system shall be provided throughout all existing facilities/residential buildings located in the Wildland-Urban Interface Fire Areas when modifications are made that increase the gross floor area.

**Exception:** One-time additions to existing occupancies made after January 1, 2008 that do not exceed 500 square feet in gross floor area.

### **Section 4910. General Requirements For Suppression And Control -**

*Add Section 4910 as follows:*

#### **Add: 4910 General**

*Add:* **4910.1.1 Scope.** The provisions of this chapter establish general requirements applicable to new and existing properties located within the Wildland-Urban Interface Fire Areas.

*Add:* **4910.1.2 Objective.** The objective of this Chapter is to provide necessary fire-protection measures to reduce the threat of wildfire in the Wildland-Urban Interface Fire Areas and improve the capability of controlling such fires.

#### **Add: 4910.2 Vegetation Control**

*Add:* **4910.2.1 General.** Vegetation control shall comply with Sections 4910.2.2 through 4910.2.5.

#### **Add: 4910.2.2 Maintenance of Defensible Space**

*Add:* **4910.2.2.1 General.** Defensible spaces required by Section 4910 shall be maintained in accordance with Section 4910.2.

*Add:* **4910.2.2.2 Modified Area.** Non-fire-resistant vegetation or growth shall be kept clear of structures, in accordance with Section 4707, in such a manner as to provide a clear area for fire suppression operations.

**Add: 4910.2.2.3 Responsibility.** Persons owning, leasing, controlling, operating or maintaining structures are responsible for maintenance of defensible spaces. Maintenance of the defensible space shall include modifying or removing non-fire-resistive vegetation and keeping leaves, needles and other dead vegetative material regularly removed from roofs of structures.

**Add: 4910.2.2.4 Trees.** Tree crowns extending to within 10 feet of any structure shall be pruned to maintain a minimum horizontal clearance of 10 feet. Tree crowns within the defensible space shall be pruned to remove limbs located less than 6 feet above the ground surface adjacent to the trees.

Portions of tree crowns that extend within 10 feet of the outlet of a chimney shall be pruned to maintain a minimum horizontal clearance of 10 feet.

Deadwood and litter shall be regularly removed from trees.

**Add: 4910.3 Clearance of Brush or Vegetative Growth from Roadways.** The Fire Chief is authorized to require areas within 10 feet on each side of portions of fire apparatus access roads and driveways to be cleared of non-fire-resistive vegetation growth.

**Exception:** Single specimens of trees, ornamental vegetative fuels or cultivated ground cover, such as green grass, ivy, succulents or similar plants used as ground cover, provided they do not form a means of readily transmitting fire.

**Add: 4910.3.1 Clearance of Brush and Vegetative Growth from Electrical Transmission and Distribution Lines.**

**Add: 4910.3.1.2 General.** Clearance of brush and vegetative growth from electrical transmission and distribution lines shall be in accordance with Section 4917.2.4.

**Exception:** Section 4717.2.4 does not authorize persons not having legal right of entry to enter on or damage the property of others without consent of the owner.

**Add: 4910.3.1.3 Support Clearance.** Persons owning, controlling, operating or maintaining electrical transmission or distribution lines shall have an approved program in place that identifies poles or towers with equipment and hardware types that have a history of becoming an ignition source, and provides a combustible free space consisting of a clearing of not less than 10 feet in each direction from the outer circumference of such pole or tower during such periods of time as designated by the Fire Chief.

**Exception:** Lines used exclusively as telephone, telegraph, messenger call, alarm transmission or other lines classed as communication circuits by a public utility.

**Add: 4910.2.4.3 Electrical Distribution and Transmission Line Clearances.**

**Add: 4910.2.4.3.1 General.** Clearances between vegetation and electrical lines shall be in accordance with 4717.2.4.3.

**Add: 4910.2.4.3.2 Trimming Clearance.** At the time of trimming, clearances not less than those established by Table 4910.2.4.3.2 shall be provided. The radial clearances shown below are minimum clearances that shall be established, at time of trimming, between the vegetation and the energized conductors and associated live parts.

*Add Table 4910.2.4.3.2 to read:*

**TABLE 4910.2.4.3.2  
MINIMUM CLEARANCES BETWEEN VEG-  
ETATION AND ELECTRICAL LINES  
AT TIME OF TRIMMING**

LINE VOLTAGE	MINIMUM RA- DIAL CLEARANCE FROM CONDUC- TOR (feet)
2,400-72,000	4
72,001-110,000	6
110,001-300,000	10
300,001 or more	15

**Exception:** The Fire Chief is authorized to establish minimum clearances different than those specified by Table 4910.2.4.3.2 when evidence substantiating such other clearances is submitted to and approved by the code official.

**Add: 4910.2.4.3.3 Minimum Clearance to Be Maintained.** Clearances not less than those established by Table 4910.2.4.3.2 shall be maintained during such periods of time as designated by the code official. The site-specific clearance achieved, at time of pruning, shall vary based on species growth rates, the utility company-specific trim cycle, the potential line sway due to wind, line sag due to electrical loading and ambient temperature and the tree's location in proximity to the high voltage lines.

**Exception:**

The code official is authorized to establish minimum clearances different than those specified by 4910.2.4.3.2 when evidence substantiating such other clearances is submitted to and approved by the code official.

*Add Table 4910.2.4.3.3 to read:*

**TABLE 4910.2.4.3.3, MINIMUM CLEAR-  
ANCES BETWEEN VEGETATION AND  
ELECTRICAL LINES TO BE MAINTAINED**

LINE VOLTAGE	MINIMUM CLEAR- ANCE (inches)
750-35,000	6
35,001-60,000	12
60,001-115,000	19
115,001-230,000	30.5
230,001-500,000	115

**Add: 4910.2.4.3.4 Electrical Power Line Emergencies.** During emergencies, the power utility shall perform the required work to the extent necessary to clear the hazard. An emergency can include situations such as trees falling into power lines, or trees in violation of Table 4910.2.4.3.3.

**Add: 4910.2.5 Correction of Condition.** The Fire Chief is authorized to give notice to the owner of the property on which conditions regulated by Section 4717.2 exist to correct such conditions. If the owner fails to correct such conditions, the legislative body of the jurisdiction is authorized to cause the same to be done and make the expense of such correction a lien on the property where such condition exists.

**Add: 4910.3 Access Restrictions**

**Add: 4910.3.1 Restricted Entry To Public Lands.** The Fire Chief is authorized to determine and publicly announce when Wildland-Urban Interface Fire Areas shall be closed to entry and when such areas shall again be opened to entry. Entry on and occupation of Wildland-Urban Interface Fire Areas, except public roadways, inhabited areas or established trails and campsites that have not been closed during such time when the Wildland-Urban Interface Fire Areas is closed to entry, is prohibited.

**Exceptions:**

- Residents and owners of private property

within Wildland-Urban Interface Fire Areas and their invitees and guests going to or being on their lands.

2. Entry, in the course of duty, by peace or police officers, and other duly authorized public officers, members of a fire department and members of the Wildland Firefighting Service.

**Add: 4910.3.2 Trespassing On Posted Private Property.**

**Add: 4910.3.2.1 General.** When the Fire Chief determines that a specific area within a Wildland-Urban Interface Fire Areas presents an exceptional and continuing fire danger because of the density of natural growth, difficulty of terrain, proximity to structures or accessibility to the public, such areas shall be restricted or closed until changed conditions warrant termination of such restriction or closure. Such areas shall be posted in accordance with Section 4910.3.2.2.

**Add: 4910.3.2.2 Signs.** Approved signs prohibiting entry by unauthorized persons and referring to this code shall be placed on every closed area.

**Add: 4910.3.2.3 Trespassing.** Entering and remaining within areas closed and posted is prohibited. Exception: Owners and occupiers of private or public property within closed and posted areas; their guests or invitees; authorized persons engaged in the operation and maintenance of necessary utilities such as electrical power, gas, telephone, water and sewer; and local, state and federal public officers and their authorized agents acting in the course of duty.

**Add: 4910.3.3 Use of Fire Roads and Defensible Space.** Motorcycles, motor scooters and motor vehicles shall not be driven or parked on, and trespassing is prohibited on, fire roads or defensible space beyond the point where travel is restricted by a cable, gate or sign, without the

permission of the property owners. Vehicles shall not be parked in a manner that obstructs the entrance to a fire road or defensible space.

**Exception:** Public officers acting within their scope of duty. Radio and television aerials, guy wires thereto, and other obstructions shall not be installed or maintained on fire roads or defensible spaces, unless located 16 feet (4877 mm) or more above such fire road or defensible space.

**Add: 4910.3.4 Use of Motorcycles, Motor Scooters, Ultra light Aircraft and Motor Vehicles.** Motorcycles, motor scooters, ultra light aircraft and motor vehicles shall not be operated within Wildland-Urban Interface Fire Areas, without a permit by the code official, except on clearly established public or private roads. Permission from the property owner shall be presented when requesting a permit.

**Add: 4910.3.5 Tampering With Locks, Barricades, Signs and Address Markers.** Locks, barricades, seals, cables, signs and address markers installed within Wildland-Urban Interface Fire Areas, by or under the control of the code official, shall not be tampered with, mutilated, destroyed or removed.

Gates, doors, barriers and locks installed by or under the control of the code official shall not be unlocked.

**Add: 4911. Ignition Source Control**

**Add: 4911.1 General.** Ignition sources shall be in accordance with Section 4911.

**Add: 4912.2 Objective.** Regulations in this section are intended to provide the minimum requirements to prevent the occurrence of wild-fires.

**Add: 4912.3 Clearance from Ignition Sources.** Clearance between ignition sources and grass, brush or other combustible materials shall be maintained a minimum of 30 feet

*Add:* **4912.4 Smoking.** When required by the code official, signs shall be posted stating NO SMOKING. No person shall smoke within 15 feet of combustible materials or non-fire-resistant vegetation.

**Exception:** Places of habitation or in the boundaries of established smoking areas or campsites as designated by the code official.

*Add:* **4912.4.1 Equipment and Devices Generating Heat, Sparks or Open Flames.** Equipment and devices generating heat, sparks or open flames capable of igniting nearby combustibles shall not be used in Wildland-Urban Interface Fire Areas without a permit from the code official.

**Exception:** Use of approved equipment in habituated premises or designated campsites that are a minimum of 30 feet (9144 mm) from grass-, grain-, brush- or forest-covered areas.

*Add:* **4912.4.2 Fireworks.** Fireworks shall not be used or possessed in Wildland-Urban Interface Fire Areas

*Add:* **4912.4.3 Outdoor Fires.**

*Add:* **4912.4.3.1 General.** No person shall build, ignite or maintain any outdoor fire of any kind for any purpose in or on any Wildland-Urban Interface Fire Areas, except by the authority of a written permit from the code official.

**Exception:** Outdoor fires within inhabited premises or designated campsites where such fires are in a permanent barbecue, portable barbecue, outdoor fireplace or grill and are a minimum of 30 feet from any combustible material or non-fire-resistant vegetation.

*Add:* **4912.4.3.2 Permits.** Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property. Out-

door fires shall not be built, ignited or maintained in or on hazardous fire areas under the following conditions:

1. When high winds are blowing, or when a Red Flag weather condition has been officially declared.
2. When a person 17 years old or over is not present at all times to watch and tend such fire, or
3. When a public announcement is made that open burning is prohibited.

*Add:* **4912.4.5 Reckless Behavior.** The code official is authorized to stop any actions of a person or persons if the official determines that the action is reckless and could result in an ignition of fire or spread of fire.

*Add:* **4912.4.6 Planting Vegetation Under Or Adjacent To Energized Electrical Lines.** No vegetation shall be planted under or adjacent to energized power lines that, at maturity, shall grow within 10 feet (3048 mm) of the energized conductors.

*Add:* **4913. Control of Storage**

*Add:* **4913.1 General.** In addition to the requirements of the California Fire Code, storage and use of the materials shall be in accordance with Section 4913.2.

*Add:* **4913.1.2 Combustible Materials.**

*Add:* **4913.1.2.1 General.** Outside storage of combustible materials such as, but not limited to, wood, rubber tires, Fire materials or paper products shall comply with the other applicable sections of this code and this section.

*Add:* **4913.1.3 Individual Piles.** Individual piles shall not exceed 5,000 square feet of contiguous area. Piles shall not exceed 50,000 cubic feet in volume or 10 feet in height.

*Add:* **4913.1.4 Separation.** A clear space of at least 40 feet shall be provided between piles. The clear space shall not contain combustible material or non-fire-resistive vegetation.

**Add: 4913.1.5 Storage of Firewood and Combustible Materials**

*Add: 4913.5.1 General.* Firewood and combustible material shall not be stored in unenclosed spaces beneath buildings or structures, or on decks or under eaves, canopies or other projections or overhangs. When required by the code official, storage of firewood and combustible material stored in the defensible space shall be located a minimum of 20 feet from structures and separated from the crown of trees by a minimum horizontal distance of 15 feet.

*Add: 4913.5.2 Storage for Off-Site Use.* Firewood and combustible materials not for consumption on the premises shall be stored so as to not pose a hazard.

**Add: 4914. Dumping**

*Add: 4914.1 Waste Material.* Waste material shall not be placed, deposited or dumped in Wildland-Urban Interface Fire Areas or in, on or along trails, roadways or highways or against structures.

**Exception:** Approved public and approved private dumping areas.

*Add: 4914.2 Ashes and Coals.* Ashes and coals shall not be placed, deposited or dumped in combustible containers in the Wildland-Urban Interface Fire Areas.

**Exceptions:**

1. In the hearth of an established fire pit, camp stove or fireplace.
2. In a noncombustible container with a tight fitting lid, which is kept or maintained in a safe location not less than 10 feet from non-fire-resistive vegetation or structures?

3. Where such ashes or coals are buried and covered with 1 foot of mineral earth not less than 25 feet from non-fire-resistive vegetation or structures.

**Add: 4915. Protection of Pumps and Water Storage Facilities**

*Add: 4915.1 General.* The reliability of the water supply shall be in accordance with Section 4717.7.

*Add: 4915.1.2 Objective.* The intent of this section is to increase the reliability of water storage and pumping facilities and to protect such systems against loss from intrusion by fire.

*Add: 4915.1.3 Fuel Modification Area.* Water storage and pumping facilities shall be provided with a defensible space of not less than 30 feet clear of non-fire-resistive vegetation or growth around and adjacent to such facilities.

Persons owning, controlling, operating or maintaining water storage and pumping systems requiring this defensible space are responsible for clearing and removing non-fire-resistive vegetation and maintaining the defensible space on the property owned, leased or controlled by said person.

*Add: 4915.1.4 Trees.* Portions of trees that extend to within 30 feet of combustible portions of water storage and pumping facilities shall be removed.

*Add: 4915.1.5 Protection of Electrical Power Supplies.* When electrical pumps are used to provide the required water supply, such pumps shall be connected to a standby power source to automatically maintain electrical power in the event of power loss. The standby power source shall be capable of providing power for a minimum of two hours in accordance with the Electrical Code.

**Exception:** A standby power source is not required where the primary power services to pumps are underground as approved by the code official.

**Add: 4916. Land Use Limitations**

**Add: 4916.1 General.** Temporary fairs, carnivals, public exhibitions and similar uses must comply with all other provisions of this code in addition to enhanced ingress and egress requirements.

**Add: 4916.1.2 Objective.** The increased public use of land or structures in Very High Fire Hazard Severity Zone also increases the potential threat to life safety. The provisions of this section are intended to reduce that threat.

**Add: 4916.1.3 Permits.** Temporary fairs, carnivals, public exhibitions or similar uses shall not be allowed in a designated Very High Fire Hazard Severity Zone, except by permit from the code official.

Permits shall incorporate such terms and conditions that will reasonably safeguard public safety and property.

**APPENDIX D, FIRE APPARATUS ACCESS ROADS — Amended as follows:**

**Section D102 - Minimum Specifications - Figure D103.1 Dead-end Fire Apparatus Access Road Turnaround is amended as follows:**

*Add Appendix D 103.1 Fire Apparatus Access Standards*

Figure 1. Local Standards and Shared Access Facilities Design Standards

Figure 3A. Parking on One Side (No Turn-Out)

Figure 3B. Parking on One Side (With Turn-Out)

Figure 4. No Parking on Both Sides (Private Streets Only)

Figure 5. Fire Hydrant Spacing Dead-End Road

Figure 6. Fire Hydrant Spacing Through Road

Figure 7. Hammerhead Turnaround

Figure 8. "Y" Turnaround

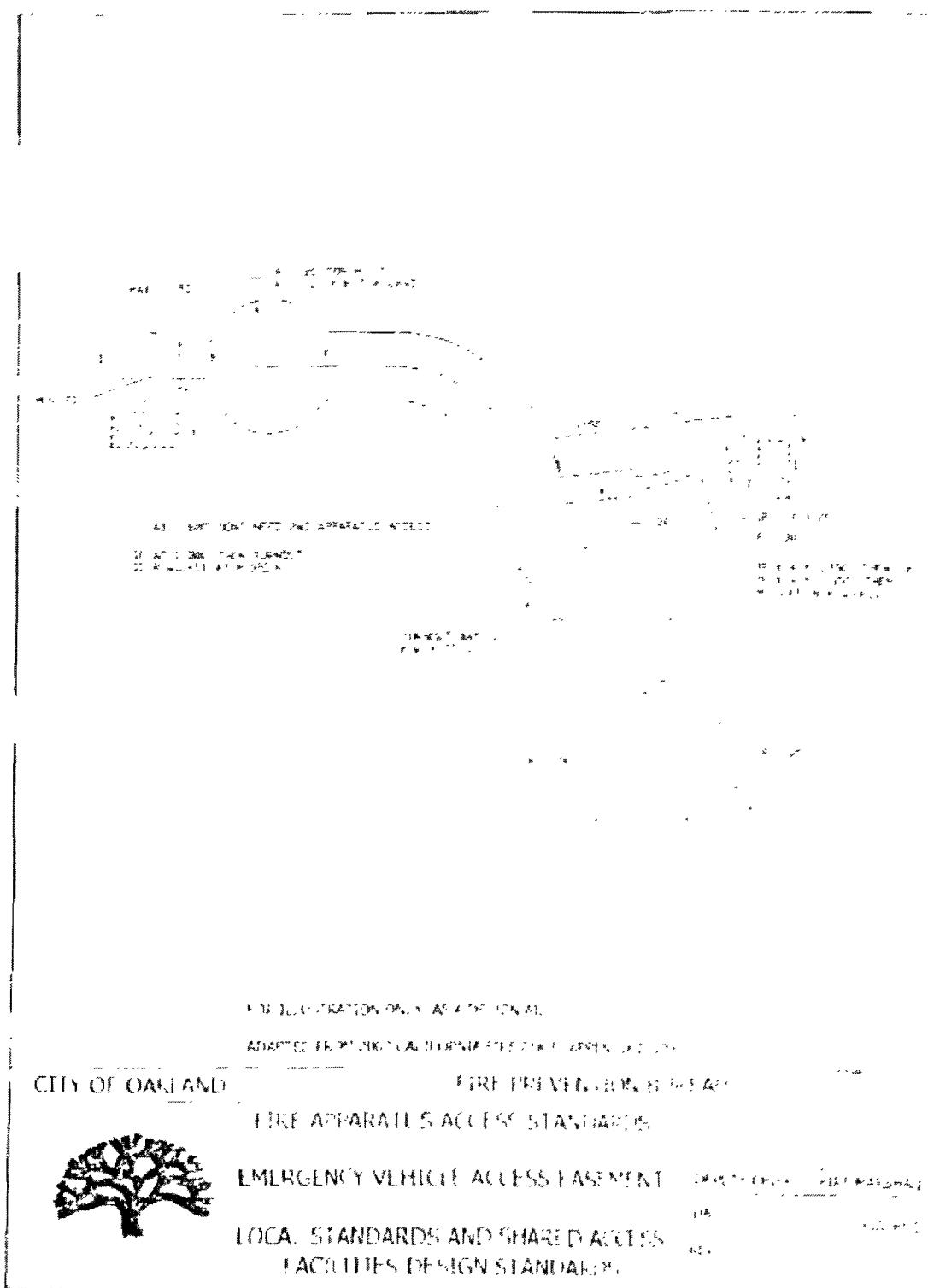
Figure 9. "L" Turnaround

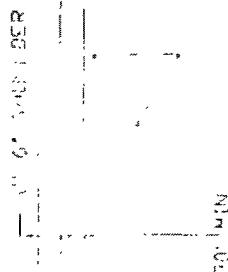
Figure 10. Maximum Run on Varying Slopes

Figure 11. Maximum Slopes on Varying Runs

*Amend: Table D103.4 Requirements for Dead-End Fire Apparatus Access Roads (Over 600 feet, Special approval required.)*

*Add: Over 500 feet, Special approval required.*





FOR ILLUSTRATION ONLY, AS A DESIGN AID

ADAPTED FROM 2017 CALIFORNIA FIRE CODE APPENDIX 17.1.1

CITY OF OAKLAND



FIRE PREVENTION BUREAU

FIRE APPARATUS ACCESS STANDARDS

EMERGENCY VEHICLE ACCESS EASEMENT\*

PARKING ON ONE SIDE (NO TURN-OUT)

DEPUTY CHIEF	FIRE MARSHAL
DATE	DATE

NOT AN ILLUSTRATION OR A DESIGN ACT  
ADAPTED FROM THE CALIFORNIA FIRE CODE, SECTION 101.1.1

CITY OF OAKLAND

FIRE PREVENTION AREA



FIRE APPARATUS ACCESS STANDARDS

EMERGENCY VEHICLE ACCESS EASIMENT

PARKING ON ONE SIDE (WITH ENOUGH) 45°

FOR INFORMATION  
FIRE DEPARTMENT  
650-747-5000  
FIRE DEPT.

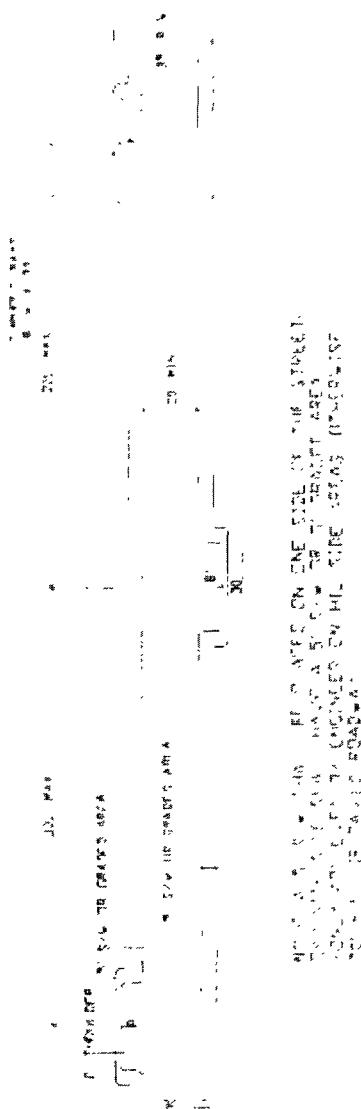


FIGURE 1. FIRE APPARATUS ACCESS EASEMENT

ACADEMY FROM 2009 CALIFORNIA FIRE CODE, APPENDIX E-2.1

CITY OF OAKLAND



### FIRE PREVENTION BUREAU

#### FIRE APPARATUS ACCESS STANDARDS

**EMERGENCY VEHICLE ACCESS EASEMENT  
NO PARKING ON BOTH SIDES (PRIVATE  
STREETS ONLY)**

DEPUTY CHIEF	FIRE MARSHAL
____	____
REV. _____	REV. _____

MAPS OF APPROVAL DATE: 12/10/2001

ADAPTED FROM CALIFORNIA FIRE CODE AMENDMENT 10

CITY OF CARLTON



FIRE PREVENTION BUREAU

FIRE APPARATUS ACCESS STANDARDS

EMERGENCY VEHICLE ACCESS EASEMENTS

FIRE HYDRANT SPACING DEAD-END ROAD

EMERGENCY VEHICLE ACCESS EASEMENT

FIRE HYDRANT SPACING DEAD-END ROAD

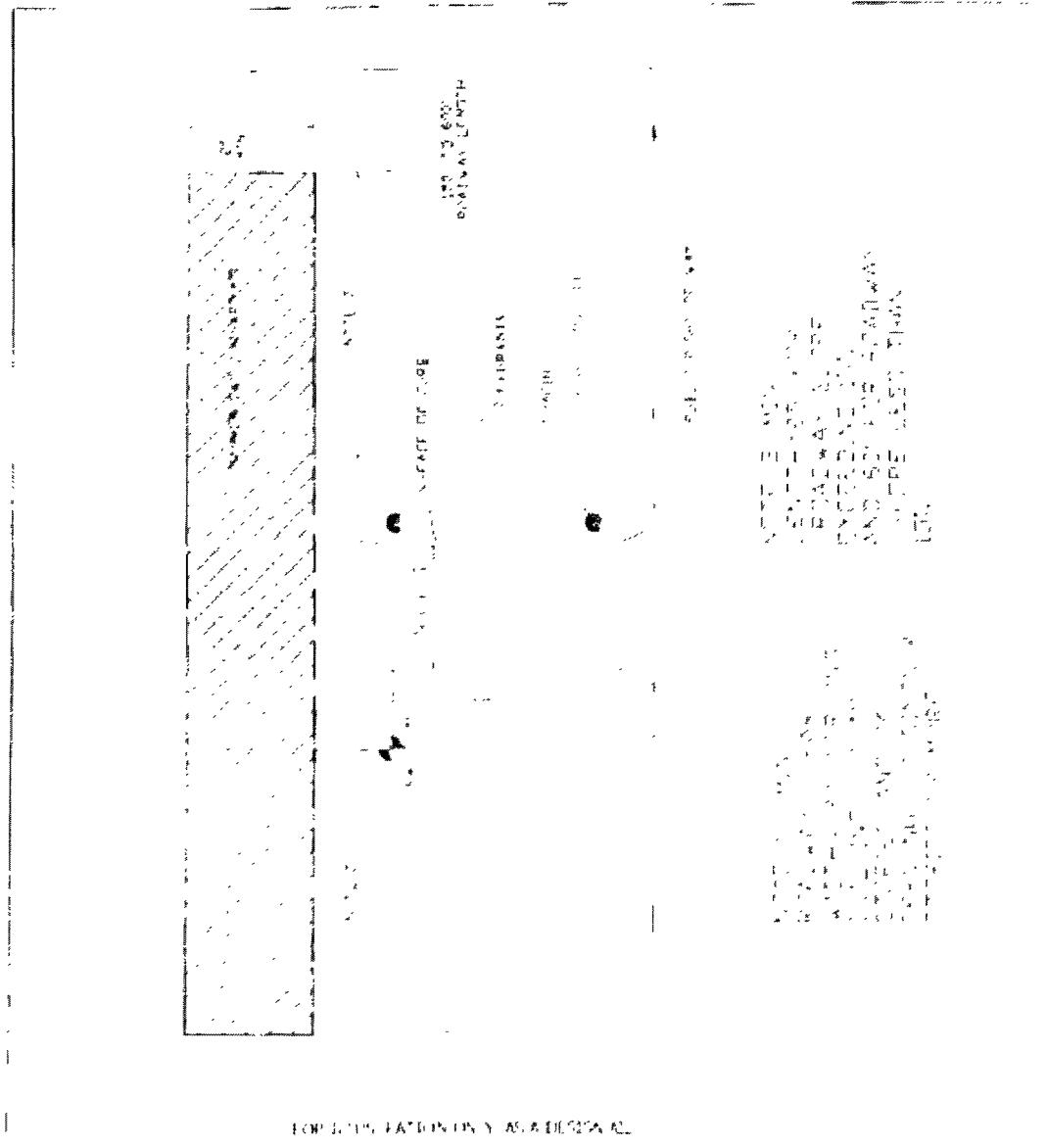
FIRE APPARATUS ACCESS STANDARDS	
EMERGENCY VEHICLE ACCESS EASEMENT	
FIRE HYDRANT SPACING THROUGH ROAD	
DEPUTY CHIEF DATE	FIGURE 5 FIRE MARSHAL

REGULATIONS ONLY, AS A DESIGN ADD  
ADAPTED FROM 2007 CALIFORNIA FIRE CODE, APPENDIX E, TABLE

CITY OF OAKLAND

FIRE PREVENTION BUREAU





FOR LITIGATION ONLY - AS A DESIGN

ACCORDING TO 1999-2000 CALIFORNIA FIRE CODE, APPENDIX E

CITY OF OAKLAND

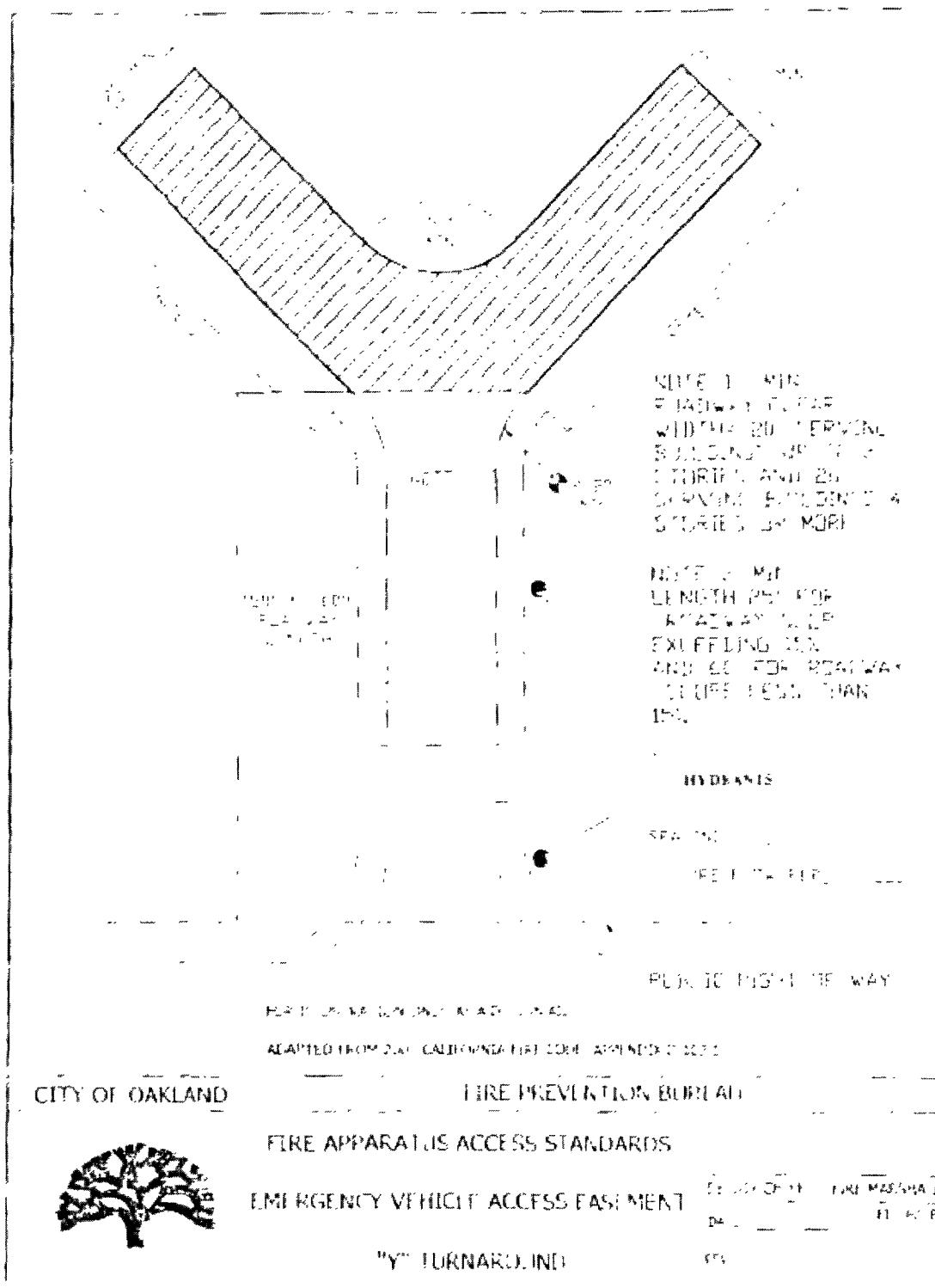
FIRE PREVENTION BUREAU

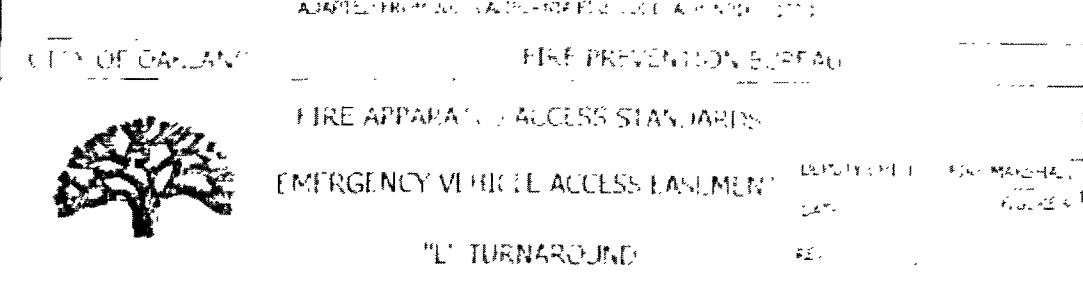
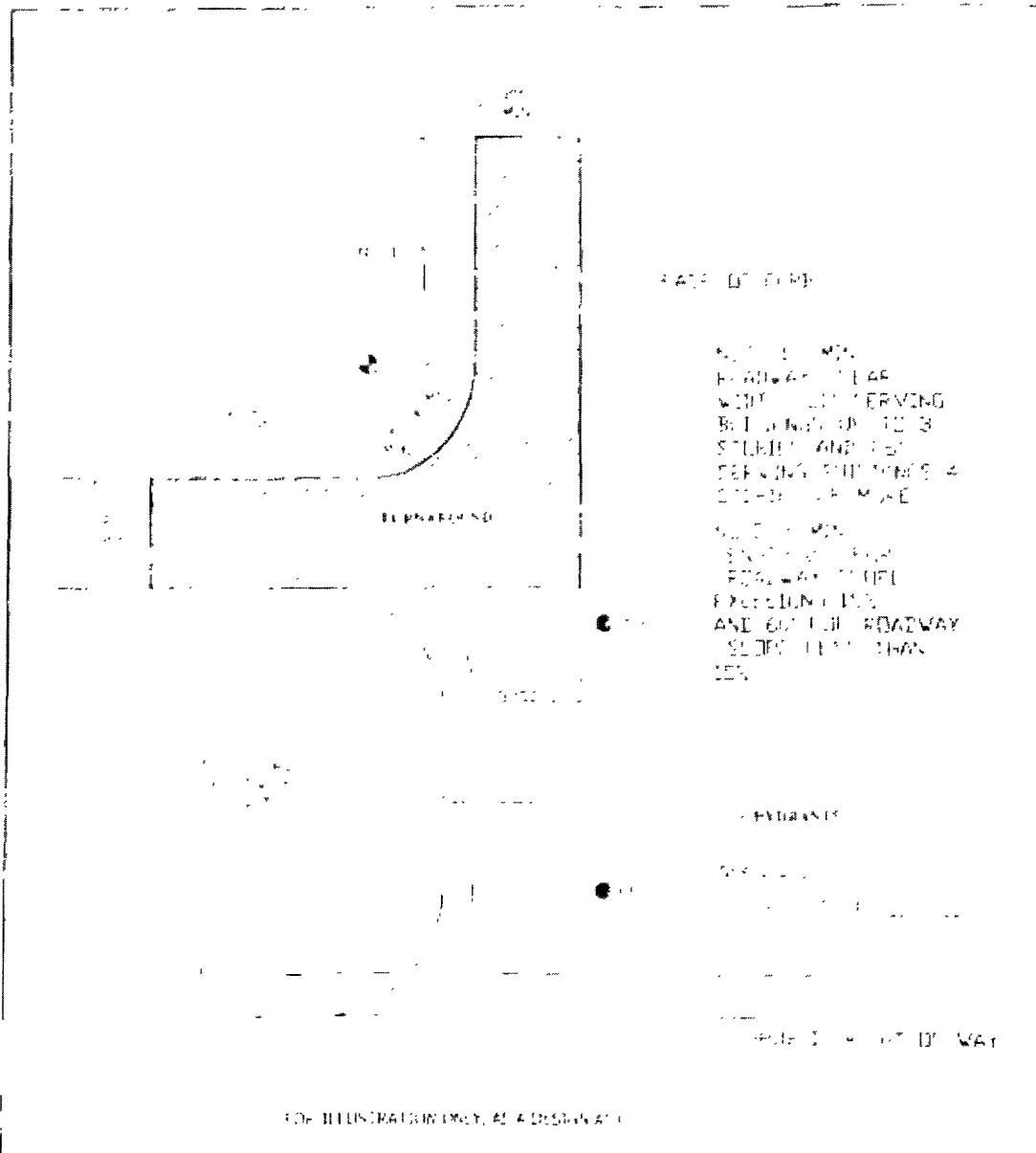


**FIREFIGHTER ACCESS STANDARDS**

**EMERGENCY VEHICLE ACCESS EASEMENT**

HAMMERHEAD T. BOARDWING





- ULTRAFIRE RUN MAY BE ALLOWED IF SERVICE TIME FOR ENGINES WITHIN 4 MINUTES AND THE VEHICLE HAS BEEN PREPARED AS REQUIRED - FIRE SPRINKLER SYSTEMS ARE NOT REQUIRED.
- MAXIMUM SLOPE ALLOWED IS 10%.

• NO OBSTRUCTION OR OBSTRUCTIONAL DESIGN AT

AT ANY TIME IN THE PATH OF A FIRE TRUCK APPENDIX C-10.1

CITY OF OAKLAND



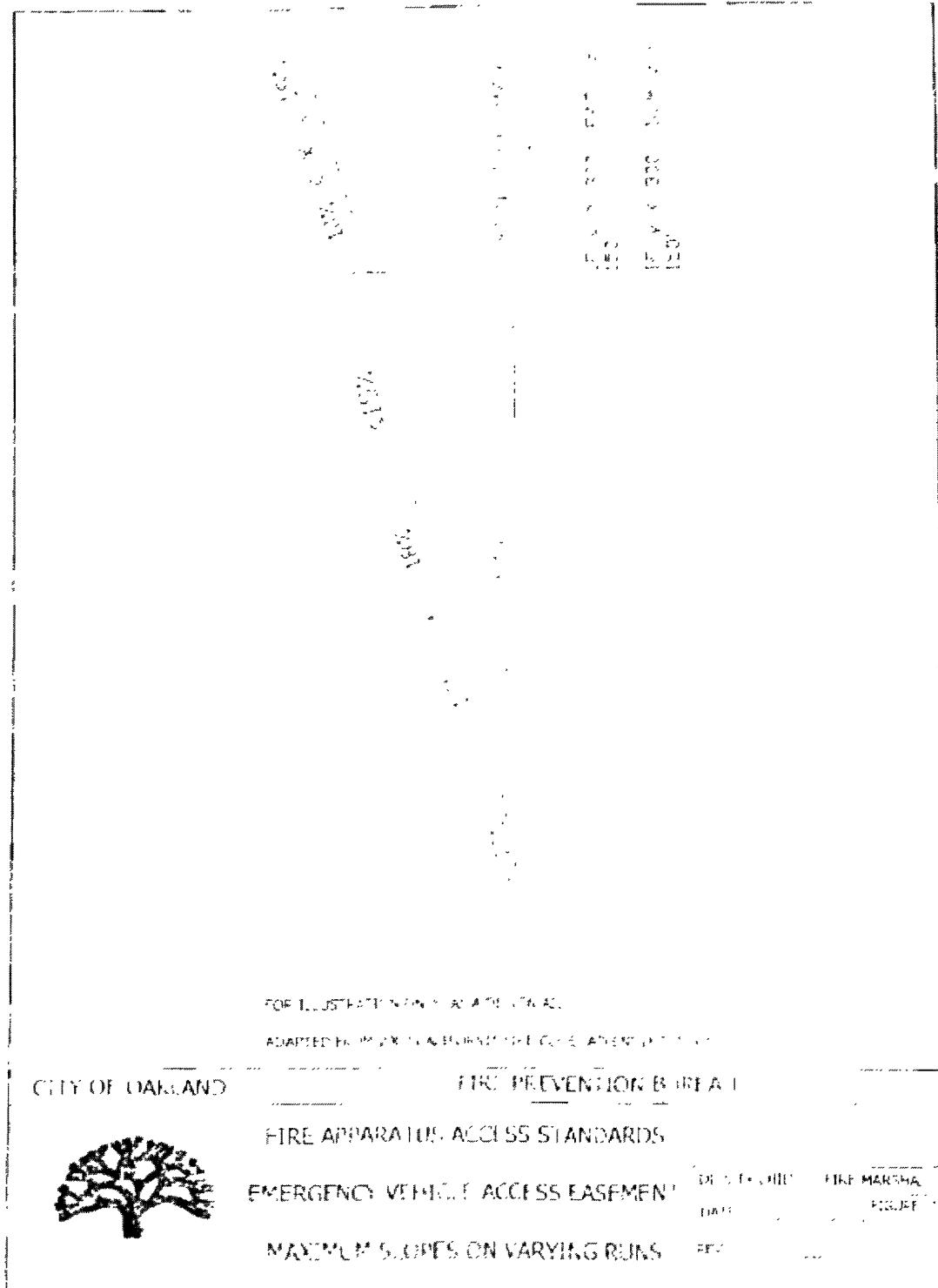
FIRE PREVENTION BUREAU

FIRE APPARATUS ACCESS STANDARDS

EMERGENCY VEHICLE ACCESS EASEMENT

MAXIMUM RUN ON VARYING SLOPES

DEPT. OF CITY	FIRE MARSHAL
DATE _____	100 FT. _____



FOR ILLUSTRATION ONLY - NOT TO SCALE

ADAPTED FROM PARK & HORN'S FIRE APPARATUS STANDARDS

CITY OF OAKLAND



FIRE PREVENTION BY LAW

FIRE APPARATUS ACCESS STANDARDS

EMERGENCY VEHICLE ACCESS EASEMENT

MAXIMUM SLOPES ON VARYING RUNS

DIST. DIRECTOR  
DWD

FIRE MARSHAL  
FIRE DEPARTMENT

**Table D 103.5. Design Requirements for Local Streets and Shared Access Facilities (SAF)**

	<b>Local Public and Private Streets (A)</b>	<b>Shared Access Facilities (SAF) (B)</b>	<b>Street + SAF (C)</b>	<b>Secondary Access Required (D)</b>
1. Length (for dead-end streets)	< 600 ft (AB in Fig. 1) If > 600 ft. mitigation, reqd. (see item 10a)	≤ 150 ft (CD in Fig. 1) If > 150 ft, mitigation, reqd (see item 10a)	< 600 ft (AD in Fig. 1) If > 600 ft, mitigation, reqd. (see item 10a)	Street > 600 ft SAF > 600 ft Street + SAF > 600 ft Loop roads and streets with dead-end fingers shall be evaluated on a case by case basis
2. Width	See Table 2	≥ 20 ft clear for SAF length > 150ft	-	Minimum 20 ft clear
3. Road Radius	> 100 ft to centerline of street	≥ 30 ft to inner curve	-	Minimum 30 ft to inner curve
4.	25 ft	20 ft	-	20 ft
5. Turnaround (35 ft radius, hammer-head, "Y" or "L") Design Criteria: hill area-fire engine flatlands-fire truck or fire engine	> 150 ft street length circular (if there are no R/W restrictions) hammerhead optional (if R/W restrictions exist)	a. circular b. hammerhead c. "Y" d. "L" Items a, b, c, & d at applicants option	> 150 ft total length (turnaround either on street or PAE) Same as SAF for turnaround in SAF. Same as street for turnaround in street	N/A
6. Access length to buildings (x+y in Fig. 1)	≤ 150 ft If > 150 ft, mitigation reqd (see item 10b)	≤ 150 ft If > 150 ft, mitigation, reqd (see item 10b)	N/A	N/A
7. Turnouts (8 ft W × 30 ft L)	When required, see Table 2	Same as public and private streets	Same as public and private streets	Required 300 ft on center max., staggered both sides
8. Retaining Walls	8 ft max. wall ht Within private R/W can be combustible to 3 ft. Within public R/W must be noncombustible	8 ft max. wall ht If ht. > 5 ft, use non-combustible materials. Walls < 5 ft can be heavy timber construction per UBC	See Columns (A) & (B)	Same as SAF
9. Road Grades	Slope ≤ 10% (unlimited length) 10% - 18% slope up to 150 ft. If 10% - 18% slope > 150 ft then mitigation Required (see item 10c) or response time ≤ 4 minutes must be demonstrated.	10% - 18% slope up to 300 ft max If 300-600 ft., then mitigation, required (see item 10c)  < 10% slope, 300-600 ft length	N/A	10%-18% for 300 ft. max. If < 10%, then no length limit (see item 10C for required road surface)
10. Mitigation measures a. Length to end of road	If > 600 ft., then secondary access/egress required.	If 300-600 ft length, then 20 ft width; turnaround; hydrant required.  If 150-300 ft. length, then fire sprinkler, fire resistive constr *; vegetation mgmt *; hydrant required (* these are available as mitigations only when area is outside of Wildfire Prevention Assessment District WPAD)	If > 600 ft., then secondary access required.	If a secondary access is required, 600 ft. max. distance from any parcel to through street shall be provided (see Fig. 10)
b. Length to the farthest part of the building	If > 150 ft. from street then fire sprinkler or 20 ft. width + turnaround + hydrant required.	20 ft width + turnaround + hydrant required	N/A	N/A

	<b>Local Public and Private Streets (A)</b>	<b>Shared Access Facilities (SAF) (B)</b>	<b>Street + SAF (C)</b>	<b>Secondary Access Required (D)</b>
c. Road grade	Fire sprinkler and hydrant (spacing per Fire Marshal's Office)	Fire sprinkler and hydrant (spacing per Fire Marshal's Office)	Fire sprinkler and hydrant (spacing per Fire Marshal's Office)	If < 10%, then all weather surface is required. If > 10%, then asphalt or concrete pavement is required

**Section D107. One- Or Two-Family Residential****Developments.** - *Deleted* in its entirety.

(Ord. No. 13052, §§ 1, 2, 1-18-2011)

## **Chapter 15.16**

### **FIRE-DAMAGED AREA PROTECTION AND IMPROVEMENT REGULATIONS**

#### **Sections:**

- 15.16.010 Purpose of chapter.**
- 15.16.020 Applicability.**
- 15.16.030 Definitions.**
- 15.16.040 Foundation removal required—Permit requirement—Suspension of permits.**
- 15.16.050 Cleanup, debris removal, and foundation removal standards.**
- 15.16.055 Construction hours.**
- 15.16.060 Violation as infraction.**
- 15.16.070 Stop work orders—Violations.**
- 15.16.080 Right to contest and hearing.**
- 15.16.090 Conflicts of this chapter with other provisions of the Oakland Municipal Code.**
- 15.16.100 Severability.**
- 15.16.110 Administrative guidelines.**

#### **15.16.010 Purpose of chapter.**

The purpose of this chapter is to promote and protect the health, safety, and welfare of the citizens of Oakland by establishing private cleanup, debris removal, foundation removal, and erosion control requirements in the Fire-Damaged Area, resulting from the fire of October 20, 1991, as well as to provide for an enforcement mechanism to ensure compliance with these requirements and achieve the purpose of this chapter.

(Prior code § 19-1.01)

#### **15.16.020 Applicability.**

This chapter is applicable to all properties in the Fire-Damaged Area (as that area is defined in Section 15.16.030), and shall remain in effect until such time as the City Council of the city of Oakland shall repeal or modify this chapter.

(Prior code § 19-1.02)

#### **15.16.030 Definitions.**

As used in this chapter, the following words shall be defined as provided in this section. Those words not specifically defined in this section shall be given their ordinary meaning.

"Contractor" shall be defined as that term is defined in California Business and Professions Code Section 7026.4.

"Debris" means and includes burned or partially burned building materials, ash, appliances, broken concrete, loose bricks, glass, metal, and downed trees. Debris does not include building foundations or retaining walls.

"Driveway bridge" means that portion of vehicular access to private properties, located on downhill parcels of land, that spans the area between the edge of travelled roadway, back of sidewalk or top of a downhill slope.

"Erosion control plan" means a plan which has been prepared by a California registered Civil Engineer, Geotechnical Engineer, or licensed landscape architect, and subject to approval by the Building Official.

"Fire-Damaged Area" means all of that area situated: BEGINNING at the intersection of Claremont Avenue and the westerly line of the University of California, Berkeley campus; thence southerly along said westerly property line of the University of California campus to Grizzly Peak Boulevard; thence southeasterly on Grizzly Peak Boulevard to the most westerly line of the Robert Sibley Volcanic Regional Preserve; thence due south to Skyline Boulevard; thence westerly on Skyline Boulevard to Broadway Terrace; thence southwest on Broadway Terrace to Farallon Way; thence southwest on Farallon Way and the extension of Farallon Way to Pinehaven Road; thence westerly on Pinehaven Road to Broadway Terrace; thence southerly on Broadway Terrace to Uranus Avenue; thence east on Uranus Avenue to Sherwood Drive; thence south on Sherwood Drive to Taurus Avenue; thence west on Taurus Avenue approximately 650 feet to a path connecting Taurus Avenue and Capricorn Avenue; thence south along said path to Capricorn Avenue; thence south on

15.16.030

Capricorn Avenue to Florence Terrace; thence north and west on Florence Terrace and an extension of Florence Terrace across Highway 13 to Estates Drive; thence west on Estates

Drive to Masonic Avenue; thence south on Masonic Avenue to Amy Drive; thence southwest on Amy Drive to Harbord Drive; thence southwest on Harbord Drive to Maxwelton Road; thence southwest on Maxwelton Road to the Oakland-Piedmont border; thence northwest along said Oakland-Piedmont border to Clarewood Drive; thence northwest on Clarewood Drive to Broadway Terrace; thence west on Broadway Terrace to Margarido Drive; thence north and east on Margarido Drive to Rock Ridge Boulevard South; thence west on Rock Ridge Boulevard South to Rock Ridge Boulevard; thence west on Rock Ridge Boulevard to Broadway; thence north on Broadway to Golden Gate Avenue; thence north on Golden Gate Avenue to Chabot Road; thence along the extension of Golden Gate Avenue to Oakland-Berkeley border; thence along said Oakland-Berkeley border to the intersection of said Oakland-Berkeley border with Claremont Avenue; thence northeast on Claremont Avenue to the point of BEGINNING.

“Foundation” means that part of a building which bears on or into soil for any house, garage, tool shed, retaining wall, or other accessory structure. “Foundation” shall also include on-grade concrete and landscape elements and other above grade and below grade structures. (Prior code § 19-1.03)

**15.16.040 Foundation removal required—Permit requirement—Suspension of permits.**

A. Any foundation, as defined in Section 15.16.030, located on property in the Fire-Damaged Area shall be removed by October 15, 1995. The foundation removal requirement shall not apply to the following:

1. A foundation located on property for which a building permit or certificate of occupancy has been issued or for which a building permit application has been filed with the Building Official;
2. A foundation, or portion thereof, that has been certified by an engineer to be reusable for building purposes;

3. A foundation, or portion thereof, that, as determined by the Building Official, is a clear necessity for slope stability.

This section shall not preempt, supersede or excuse compliance with any other standard or regulation applicable to the maintenance and/or removal of building foundations, including, but not limited to, Section 15.32.070 (“Dangerous buildings—Notice to remove”), Chapter 8.24 (“Property Blight”), or Article III of Chapter 15.08 (the Oakland Housing Code).

B. Any property owner, contractor, or other individual (“permittee”) who wishes to perform foundation removal work in the Fire-Damaged Area must obtain the necessary permit from the Building Official. Private contractors with valid workers’ compensation and Oakland business tax certificates and proof of owner permission to do foundation removal work may also take out the permit on behalf of the owner. All permittees must comply with all permit requirements of the Building Official. Permit requirements shall be those which are set by the Building Official and shall be consistent with policies and procedures of this chapter and other codes and regulations of the city. Permits must remain at the jobsite and be presented upon demand to any Oakland police officer or to the Building Official who requests to see said permit. (Prior code § 19-1.04)

**15.16.050 Cleanup, debris removal, and foundation removal standards.**

A. The following list shall be the cleanup, debris removal, and foundation removal standards for the Fire-Damaged Area. Every homeowner, contractor, or individual engaged in any cleanup, debris removal, or foundation removal work in the Fire-Damaged Area must comply with these requirements:

1. Meet all regulatory requirements, including but not limited to:
  - a. California Occupational Health and Safety Administration (Cal-OSHA) and all Federal OSHA regulations,

- b. State and Federal Environmental Protection Agency (Cal-EPA and EPA) requirements and regulations regarding waste materials handling, and
  - c. Federal Resource Conservation and Recovery Act (RCRA) requirements and regulations regarding disposal of hazardous waste;
  - 2. Remove all debris and ash including broken concrete, loose bricks and broken glass;
  - 3. Demolish and remove chimneys and unrepairable structures to grade;
  - 4. Demolish and remove all above-grade building stairways to foundation height;
  - 5. During debris removal and cleanup, all materials must be sprayed with water and kept wet to reduce airborne dust and contaminants;
  - 6. Rake clean all dirt areas and sweep improved surfaces;
  - 7. Remove all debris from site and transport it to a legal disposal site willing to accept the debris. Provide satisfactory evidence/receipt to the city that the debris was properly disposed;
  - 8. Maintain existing retaining walls on the property in a safe condition until removal, if applicable;
  - 9. Where driveway bridges have been demolished and/or destroyed as a result of fire damage a barrier shall be installed at the edge of travelled roadway (on unimproved streets), at the property line or back edge of sidewalk (on improved streets) to prevent vehicles from driving over the exposed embankment. The barrier shall be constructed of wood, treated to withstand deterioration, measuring eight inches by eight inches in width and shall span the entire width of driveway approach. The barrier shall be securely fastened/secured to the street pavement/concrete sidewalk surface with one-half inch steel bolts or rods embedded into the ground a minimum of twelve (12) inches and four feet on center. Barriers must be painted white;
  - 10. Protect public facilities and adjacent properties from harm;
  - 11. If debris box is ordered for the debris removal, it must be placed on private property or off the public street travel way;
  - 12. Contact USA Underground Alert to mark all utilities. Property owners should not interfere with such utilities;
  - 13. After cleanup, covering of the disturbed areas using erosion control blankets or jute netting is required by the city. Other erosion control protection measures are the responsibility of the property owner;
  - 14. Any city, California Conservation Corps, or private installed erosion control measures disturbed by the cleanup must be replaced in kind within twenty-four hours of their removal or disruption;
  - 15. Prevent disturbance or destruction of remaining wildlife resources;
  - 16. Protect existing survey monuments and property corners;
  - 17. Comply with all other regulations or laws of local, state and federal agencies;
  - 18. Dust masks must be worn at all times by anyone engaged in debris cleanup or removal or foundation removal.
- B. Property owners and/or contractors who perform debris removal and cleanup and/or foundation removal work shall adhere to the following standards, in addition to those contained in subsection A of this section:
1. Failure of the owner or private contractor to abide by these standards may result in a citation, fine or stop work order.
  2. No vehicles or equipment will be allowed to block streets at any time. Street closures will not be permitted unless approved forty-eight (48) hours in advance.
  3. Traffic control shall be maintained in accordance with the Work Area Traffic Control Handbook, 1991 edition.
  4. Only city-approved traffic routes may be used. All traffic should be routed to avoid occupied residential areas. A copy of the city-approved traffic plan is available at the Community Restoration Development Center ("CRDC") (or the Office of Planning and Building after closure of the CRDC).
  5. It is recommended that all trucks hauling debris or heavy equipment have a current Commer-

cial Vehicle Safety Alliance (CVSA) sticker displayed on the windshield.

6. It is required that all vehicles, including trucks hauling debris and equipment, be identified with the contractor's name and telephone number.

7. All vehicles within the project limits shall be parked in such a manner as to not obstruct the passage of any traffic, including semi-truck and trailer traffic.

8. All vehicles used for debris removal or foundation removal must be covered and appropriate dust prevention measures taken prior to the vehicle leaving the work site.

9. Contractors must abide by all federal, state and/or local regulations including personal asbestos monitoring. Data collected from this effort must be made available to other contractors and the city of Oakland. Monitoring sample analyses must be submitted to the CRDC on a daily basis while work is ongoing.

C. Any offsite sidewalks, curbs, driveways, street pavement, electroliers, vehicle traffic signs, or other public improvements damaged by a permittee's debris cleanup and/or removal or foundation removal work must be repaired and/or replaced by the permittee.

D. Within five days of beginning any foundation removal work, approved erosion control devices must be installed and maintained until permanent improvements are installed. (Prior code § 19-1.05)

#### **15.16.055 Construction hours.**

A. The hours of construction activity in the fire-damaged area of the Oakland hills shall be the hours of eight a.m. to nine p.m. on Saturdays, nine a.m. to six p.m. Sundays and Holidays, and the hours of seven a.m. to nine p.m. on weekdays. Any provision to the contrary contained in any ordinance, code, regulation, including Section 8.18.020, of the Municipal Code is suspended during the effective period of the ordinance codified in this chapter.

B. Violation of this section shall be enforced in the same manner as provided by Section 8.18.010 of the Municipal Code. (Ord. 12035 §§ 1, 3, 1998)

#### **15.16.060 Violation as infraction.**

Any contractor, property owner, or other individual, firm, or corporation who commits any of the following offenses at any time during the cleanup and rebuilding operation in the Fire-Damaged Area shall be guilty of any infraction, punishable as provided for in Section 1.28.020 of this code. However, this shall not be the sole and exclusive remedy and the city reserves the right to seek all legal and equitable relief as may be deemed appropriate.

A. Removes or causes to be removed any building foundation in the Fire-Damaged Area without the required permit;

B. Fails to remove a foundation by October 15, 1995, unless otherwise exempt from the foundation removal requirement;

C. Fails to install approved erosion control devices within five days of completion of debris removal in the Fire-Damaged Area;

D. Fails to install approved erosion control devices within five days after beginning any foundation removal operation in the Fire-Damaged Area;

E. Failure to replace in kind erosion control devices installed by the city, the California Conservation Corps, or private property owners, which are damaged or removed by a permittee's debris removal or foundation removal work, within twenty-four (24) hours after their damage or removal;

F. Failure to provide proof of proper disposal of debris or materials removed from the Fire-Damaged Area;

G. Forgery of any permit, any debris disposal receipt, or any other city documents;

H. Failure to keep at jobsite and/or failure to produce on demand any required permit when requested by an officer of the Oakland Police Department or by the Building Official;

I. Failure to repair or replace, to city standards, any damaged sidewalks, curbs, driveways, street pavement, electroliers, vehicular traffic signs, or other public improvements, which are damaged by debris cleanup or foundation removal operations;

J. Failure to spray water on or otherwise keep wet disturbed materials during any debris cleanup or foundation removal work;

## **15.16.060**

K. Failure to wear or to provide dust masks to anyone involved in debris cleanup or foundation removal while engaged in such work;

L. Failure to adhere to any permit requirements for final approval;

M. Failure to install any driveway barrier;

N. Failure to comply with the Oakland Planning Code, including but not limited to conducting of a commercial business in a residential zone. (Prior code § 19-1.06)

### **15.16.070 Stop work orders—Violations.**

At the time of the issuance of a warning notice or citation for any violation in Section 15.16.060, or when the Building Official deems it necessary to protect the public health, safety, or welfare, the Building Official may also issue an order to stop work. The stop work order shall list the nature of the violation necessitating the order's issuance and what corrective steps are necessary, as well as the time required to take such corrective steps. Anyone who violates that stop work order shall be guilty of a misdemeanor. (Prior code § 19-1.07)

### **15.16.080 Right to contest and hearing.**

Any property owner and/or agent or contractor of any property owner who has undertaken their own cleanup and debris removal and/or foundation removal operation may contest the order to stop work and secure the property or any alteration or change of any erosion control measures, by contacting the Building Official and requesting an office hearing. Notice of an intent to contest an order of the Building Official must be made within seven days of the issuance of any of these orders. Failure to contest will waive any rights the property owner and/or agent or contractor of any property owner may have. (Prior code § 19-1.08)

### **15.16.090 Conflicts of this chapter with other provisions of the Oakland Municipal Code.**

When conflicts arise between the contents of this chapter and any other provisions of the Oakland

Municipal Code, the most stringent requirements of the code shall prevail. (Prior code § 19-1.09)

### **15.16.100 Severability.**

If any part or provision of this chapter or the application thereof to any person or circumstances, is held invalid, the remainder of the chapter, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this chapter are severable and are intended to have independent validity. (Prior code § 19-1.10)

### **15.16.110 Administrative guidelines.**

The Building Official is authorized to establish administrative guidelines for the implementation of the requirements and standards set forth in this chapter. (Prior code § 19-1.11)

	<b>Chapter 15.18</b>	
	<b>FIRE SUPPRESSION, PREVENTION, AND PREPAREDNESS DISTRICTS</b>	
<b>Sections:</b>		
<b>15.18.010</b>	<b>Title.</b>	<b>15.18.190</b> <b>Liberal construction—Validity of proceedings—Exclusive remedy.</b>
<b>15.18.020</b>	<b>Finding and purpose.</b>	<b>15.18.200</b> <b>Provisions regarding notice.</b>
<b>15.18.030</b>	<b>Resolution—Determination and levy of assessment.</b>	<b>15.18.210</b> <b>Establishment of advisory committee.</b>
<b>15.18.040</b>	<b>Uniform schedules and rates— Risk classification.</b>	<b>15.18.220</b> <b>Annual budget.</b>
<b>15.18.050</b>	<b>Resolution—Presumption of compliance with requirements.</b>	<b>15.18.230</b> <b>Fees—Fines.</b>
<b>15.18.060</b>	<b>Written report—Filing— Contents.</b>	<b>15.18.240</b> <b>Validity of proceedings begun prior to the effective date of this chapter.</b>
<b>15.18.070</b>	<b>Zones or areas of benefit— Establishment—Levy of assessment.</b>	<b>15.18.010</b> <b>Title.</b>
<b>15.18.080</b>	<b>Notice of filing of report and hearing—Publication, posting and mailing.</b>	This chapter may be referenced as the “Oakland Fire Suppression, Prevention, and Preparedness District Ordinance.” (Ord. 12556 § 1, 2003)
<b>15.18.090</b>	<b>Written protest prior to hearing contents—Delivery.</b>	
<b>15.18.100</b>	<b>Hearing—Withdrawal of protest.</b>	<b>15.18.020</b> <b>Finding and purpose.</b>
<b>15.18.110</b>	<b>Majority protest—Effect.</b>	The Council finds as follows:
<b>15.18.120</b>	<b>Determination of existence of a majority protest.</b>	A. The Oakland Hills Fire of October 1991 brought into stark focus the need to take preventative steps both to reduce the likelihood of another such conflagration, and to reduce the severity of its consequences in the event that, despite increased efforts, another large fire should occur.
<b>15.18.130</b>	<b>Assessment—Determination by City Council in accordance with report or hearing—Ordinance or resolution—Levy.</b>	B. Although a disaster such as the October 1991 Fire has far-reaching consequences, the damage to the lives and property of the residents and property owners of such fire risk areas is of an altogether different order of magnitude than that suffered by the city-at-large. Therefore, it is the residents of the urban wildland interface areas and adjacent neighborhoods of the city (or other areas of the city with a cognizable, special fire danger) that will specially benefit from the suppression, preventative and preparedness procedures of a special benefit fire suppression, prevention and preparedness district; and it is those areas that should properly and equitably bear the costs of the extra services involved.
<b>15.18.140</b>	<b>Levy of annual assessments after the first year.</b>	C. The implementation of a locally-funded mechanism to implement a program of fire suppression, prevention and preparedness in areas of the city specially in need of such services to supplement and augment the provisions of state law is a matter of special local interest and concern and is a proper
<b>15.18.150</b>	<b>Collection—Costs—Deduction by County.</b>	
<b>15.18.160</b>	<b>Proceedings to change or amend the final report after adoption.</b>	
<b>15.18.170</b>	<b>Actions or proceedings to challenge resolutions levying assessment—Limitations.</b>	
<b>15.18.180</b>	<b>Other fees, charges, assessments and taxes.</b>	

subject for an ordinance adopted under the city's charter powers. (Ord. 12556 § 2, 2003)

#### **15.18.030 Resolution—Determination and levy of assessment.**

The City Council may, by resolution, adopted after notice and public hearing, create a special benefit fire suppression, prevention and preparedness district for designated areas of the City of Oakland, and may determine and levy an annual assessment for the district so established for fire suppression, prevention and preparedness services pursuant to this chapter. The duration of the existence of this assessment district may be specified by the City Council in the resolution creating the district, and, if not specified, shall continue in existence until terminated by City Council action in a resolution dissolving the district.

The assessment may be made for the purpose of providing fire suppression, prevention and preparedness services and programs including, but not limited to: inspection services to monitor and identify hazardous conditions; inspection services to identify fire code violations in order to provide notice of violations, abatement proceedings, imposition of fines and institution of formal legal enforcement measures; mitigation services to reduce and eliminate fire hazardous conditions; fire suppression and prevention education services and programs for area schools, churches and neighborhood homeowner associations; planning, personnel and material assistance to the Citizens of Oakland Respond to Emergencies (CORE) program; neighborhood access and evacuation training programs; signage, tow-away zones, and other services and facilities to reduce evacuation "bottlenecks"; parking programs to improve access for emergency vehicles; services and equipment for mechanical chipping of landscaping debris; debris removal or recycling; reduction of heavy fuel loads on open spaces; clearing of the rights-of-way of public paths (including stairs) and trails, improving and extending such paths in critical fire areas, and providing adequate signage; building and maintaining fire breaks; obtaining, furnishing, operating and maintaining fire suppression equipment or apparatus that is devoted to district operations; deployment of addi-

tional firefighting personnel in periods of increased fire hazard weather conditions; paying the salaries and benefits of firefighting or civilian personnel, or both, involved in providing these services, whether or not fire suppression or inspection services are actually used by or upon a parcel, improvement, or property. Funds from any district revenues shall be used solely for the purpose of enhancing fire suppression, prevention and preparedness services within the district. (Ord. 12556 § 3, 2003)

#### **15.18.040 Uniform schedules and rates—Risk classification.**

A. The resolution, by means of the adoption of a final report (as defined in Section 15.18.130 of this chapter) shall establish uniform schedules and rates based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The risk classification may include, but need not be limited to, the amount of water required for fire suppression on that property, the structure size, type of construction, structure use, and other factors relating to potential fire and panic hazards and liabilities, the costs of providing the fire suppression by the city to that property, and any other factors which reflect the benefit to the land resulting from the fire suppression, prevention and preparedness services. The assessment shall be related to the benefits to the property assessed.

B. The benefit assessment levies on land devoted primarily to agricultural, timber, or livestock uses, and being used for the commercial production of agricultural, timber, or livestock products, shall be related to the relative risk to the land and its products. The amount of the assessment shall recognize normal husbandry practices that serve to mitigate risk, onsite or proximate water availability, response time, capability of the fire suppression service, and any other factors which reflect the benefit to the land resulting from the fire suppression, prevention, and preparedness services provided. A benefit assessment shall not be levied for wildland or watershed fire suppression on land located in a state responsibility area as defined in Section 4102 of the Public Resources Code.

C. The use, risk and benefit calculations and classifications may take into account the character of each large parcel with regard to its proportion of development, partial development, limited kind of development, and partially undeveloped character. For the purposes of assessment of benefit, each such large parcel may be considered as being several parcels of differing character, and be assessed as such on a proportionate or separate category basis reflecting such mixed use when there is a substantially large percentage of partial development, limited kind of development and/or undeveloped land in proportion to the developed portion of the land. (Ord. 12556 § 4, 2003)

#### **15.18.050 Resolution—Presumption of compliance with requirements.**

Any resolution adopted by the City Council pursuant to this article establishing uniform schedules and rates for assessment for fire suppression, prevention, and preparedness services, which substantially conforms with the model ordinance that the State Fire Marshal is authorized to adopt pursuant to Section 13111 of the California Health and Safety Code, shall be presumed to be in compliance with the requirements of Section 15.18.040. (Ord. 12556 § 5, 2003)

#### **15.18.060 Written report—Filing—Contents.**

The City Council shall cause to be prepared and filed with the City Clerk a written report (the “Benefit Assessment Report”) which shall contain all of the following:

- A. A general description of the nature and objective of the programs or services to be funded;
- B. A description of each lot or parcel of property proposed to be subject to the assessment which may be accomplished by means of a map together with the assessor’s parcel number of each lot or parcel.
- C. The amount of the assessment for each lot or parcel for the initial fiscal year in which it is proposed to levy an assessment, and, when applicable, the maximum amount of the assessment which may be levied for each lot or parcel during any fiscal year.
- D. The basis and duration of the assessment.

E. The schedule of the assessment.

F. A statement as to the maximum amount by which the assessment may increase for the duration of the assessment period, if any.

G. A description specifying the requirements for protest and hearing procedures for the proposed assessment. (Ord. 12556 § 6, 2003)

#### **15.18.070 Zones or areas of benefit—Establishment—Levy of assessment.**

A. The City Council may establish zones or areas of benefit within the district and may restrict the imposition of assessment to areas lying within one or more of the zones or areas of benefit so established.

B. The benefit assessment shall be levied on a parcel, class of improvement to property, or use of property basis, or a combination thereof, within the boundaries of the zone, or area of benefit.

C. The assessment may be levied against any parcel, improvement, or use of property to which such services may be available whether or not the service is actually used. (Ord. 12556 § 7, 2003)

#### **15.18.080 Notice of filing of report and hearing—Publication, posting and mailing.**

The City Clerk shall cause notice, protest, and hearing procedures to comply with California Government Code Section 53753. The mailed notice shall also contain the name and telephone number of the person designated by the City Council to answer inquiries regarding the protest proceedings. (Ord. 12556 § 8, 2003)

#### **15.18.090 Written protest prior to hearing contents—Delivery.**

At any time not later than the close of the public hearing, any proposed assessee, whether a fee owner, lessee, or otherwise of the interest in the property which is proposed to be assessed and who will be directly obligated to pay any proposed assessment by the terms of the assessment, may make written protest against the proposed assessment. The protest

shall be in writing, shall contain a description of the property and the interest in the property which each signer of the protest represents, sufficient to identify the property, and, if the signers are not shown on the last equalized assessment roll as the owners of that property, shall contain or be accompanied by written evidence that the signers are the holders of the property interest proposed to be charged and who will be obligated to pay the proposed charge. All protests shall be delivered to the City Clerk as provided for in the notice and, for the purposes of Section 15.18.100, no other protests or objections shall be considered. (Ord. 12556 § 9, 2003)

#### **15.18.100 Hearing—Withdrawal of protest.**

A. At the time, date, and place stated in the notice, the City Council shall conduct a public hearing upon the proposed assessment and hear and consider all objections or protests, if any, to the proposed assessment and the report referred to in the notice and shall also hear and determine all protests. At the public hearing any interested person shall be permitted to present written and oral testimony. The City Council may continue the hearing from time to time.

B. Any written protest may be withdrawn, in writing, by the person who made the protest at any time prior to the conclusion of the protest hearing or any adjournment of the hearing.

C. At the conclusion of the public hearing the City Clerk shall direct the tabulation of the assessment ballots submitted, and not withdrawn, in support of or opposition to the proposed assessment. (Ord. 12556 § 10, 2003)

#### **15.18.110 Majority protest—Effect.**

A majority protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed the assessment ballots submitted, and not withdrawn, in its favor, weighing those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted. If the City Council finds that a majority protest exists, the City Council shall not impose, extend, or

increase the assessment to which there was a majority protest. (Ord. 12556 § 11, 2003)

#### **15.18.120 Determination of existence of a majority protest.**

If it shall be necessary, in order to find whether a majority protest exists, to determine whether any or all of the signers of written protests are the holders of property interests proposed to be assessed and who will be obligated to pay the proposed assessment, the City Council shall make the determination from the latest equalized assessment roll, any written evidence submitted with a written protest, and any other evidence received at the hearing. The City Council shall be under no duty to obtain or consider any other evidence as to the holding of property interests, and its determination of valid protests shall be final and conclusive. (Ord. 12556 § 12, 2003)

#### **15.18.130 Assessment—Determination by City Council in accordance with report or hearing—Ordinance or resolution—Levy.**

If no protests or objections in writing have been delivered to the City Clerk within the time permitted, or if valid protests have been found by the City Council to represent less than the amount required to constitute a majority protest, the City Council may, thereafter, proceed to form the district and adopt, revise, change, reduce (but may not increase), or modify any aspect of the benefit assessment report including the proposed assessment, determine the final contents of such written report and levy the first year assessment in accordance therewith. The report as finally adopted shall be called the "final report." (Ord. 12556 § 13, 2003)

#### **15.18.140 Levy of annual assessments after the first year.**

Each year, prior to levying the annual assessment authorized under this chapter pursuant to the final report, the City Council shall cause to be prepared and filed with the City Clerk an annual written statement ("annual report") setting forth as nearly as possible the use to which the funds, resulting from the

assessment levied the previous year, have been and are being put. The annual report shall set forth the expected uses of the assessment proposed to be levied for the next fiscal year and shall set forth the proposed amount of the assessment on each parcel subject to the method of assessment and limitation on assessment of the final report. The City Council may preliminarily accept the annual report and set a public hearing thereon. The City Clerk shall cause notice of the filing of the annual report and of the time, date, and place of the public hearing thereon to be published pursuant to Section 6066 of the California Government Code and to be posted in at least three public places within the city. Following the public hearing, the City Council may confirm or reduce (but may not increase) the assessment proposed in the annual written statement and may levy the assessment by resolution. Any reduction shall be subject to the method of assessment in the final report. (Ord. 12556 § 14, 2003)

#### **15.18.150 Collection—Costs—Deduction by County.**

The City Council may provide for the collection of the assessment in the same manner and at the same time and in the same installments as the general taxes of the city on real property are payable and are subject to the same penalties as other fees, charges, and taxes fixed and collected by or on behalf of the city. If the assessment is collected by the county, the county may deduct its reasonable costs incurred for that service before remittal of the balance to the city. In the event the City Council does provide for collection of the assessment by the county hereunder, the City Clerk shall annually, following the levy of the assessment by the City Council, and on a timely basis to permit its inclusion on the county tax roll, convey to the County Auditor an auditor's record showing, for each parcel subject to assessment, the amount of the assessment for the current fiscal year. The City Clerk shall take whatever steps are reasonably necessary to enable the County Auditor to accurately place the annual assessments on the tax rolls each year. The Clerk's costs in doing so may be paid out of the proceeds of the assessment. Additionally, the city

may recover from the proceeds of the assessment any other costs it incurs with regard to the formation or the continuing operation of the district, including but not limited to the costs of the engineer's report, the noticing and conducting of the public hearing and majority protest procedure, annual report, survey, public outreach, and the costs of preparing and levying the assessment. All proceeds of the assessment are, at all times, to be maintained separately, and segregated from, the General Fund. (Ord. 12556 § 15, 2003)

#### **15.18.160 Proceedings to change or amend the final report after adoption.**

The City Council may conduct proceedings to change or amend the final report. Such proceedings may alter the method and amount of the assessment, may increase or decrease the authorized services, and may change the boundary of a zone or area of benefit, or may add or subtract zones or areas of benefit. The procedure to be used in conducting change proceedings is the same as that required for the initial authorization of the assessment as set forth in this chapter. Proceedings to add or annex territory to that already subject to assessment shall be conducted only with respect to the area to be added or annexed. Proceedings to increase the assessment (in fact or merely in relation to other areas subject to assessment) on a portion of the area subject to assessment shall be conducted only in the area subject to the proposed increase. (Ord. 12556 § 16, 2003)

#### **15.18.170 Actions or proceedings to challenge resolutions levying assessment—Limitations.**

Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure applies to any judicial action or proceedings to validate, attack, review, set aside, void or annul a resolution adopting a final report and levying an initial assessment or modifying or amending a final or annual report and levying an assessment. Annual assessments, after the first year and in conformity with an adopted final or annual report providing for a continuation of the fee or assessment at the same or a lower rate or in accor-

dance with an automatic adjustment provision for an assessment, are not subject to any additional legal challenge at the time of the renewal of the assessment in accordance with such continuation of or automatic adjustment of the assessment. Any ground of challenge not raised by a complainant in a written or oral protest submitted with respect to a public hearing held in connection with the adoption or modification of such final or annual report, is considered to have been waived by that complainant, and may not be raised by that complainant in any legal challenge to assessments levied in conformity with an approved final or annual report. (Ord. 12556 § 17, 2003)

#### **15.18.180 Other fees, charges, assessments and taxes.**

This chapter does not limit or prohibit the levy or collection of any other fee, charge, assessment, or tax for fire suppression services authorized by any other provisions of law. (Ord. 12556 § 18, 2003)

#### **15.18.190 Liberal construction—Validity of proceedings—Exclusive remedy.**

This chapter shall be liberally construed in order to effectuate its purposes. No error, irregularity, informality, and no neglect or omission of any officer, in any procedure taken under this division, shall avoid or invalidate such proceeding or any assessment. The exclusive remedy of any person affected or aggrieved thereby shall be by appeal to the City Council. (Ord. 12556 § 19, 2003)

#### **15.18.200 Provisions regarding notice.**

No step in any proceeding shall be invalidated or affected by any error or mistake or departure from the provisions governing the giving of notice under this chapter. The failure of the City Clerk to mail any notice or the failure of any person to receive the notice shall not affect in any way whatsoever the validity of any proceedings taken under this division, nor prevent the City Council from proceeding with any hearing so noticed. No notice, nor any publication of any notice, order, resolution, or other matter, other than as expressly provided in this chapter, shall be

necessary to give validity to any of the proceedings provided in this chapter. (Ord. 12556 § 20, 2003)

#### **15.18.210 Establishment of advisory committee.**

A. Appointment. The City Council in its discretion may appoint an advisory committee for the district to advise and/or make recommendations to the City Council on the operation of the district. Such appointment may take place in the resolution creating the district or in a subsequent resolution of the City Council.

B. Terms of Appointment. The terms of appointment shall be as specified in the resolution establishing the advisory committee. The members of the advisory committee shall serve without salary or compensation.

C. Powers and Duties of the Advisory Committee. The advisory committee shall have such powers and duties as are determined by the City Council in its resolution creating the advisory committee. (Ord. 12556 § 21, 2003)

#### **15.18.220 Annual budget.**

The City Manager shall prepare an annual budget which includes the assessment rate for the next fiscal year as well as the programs to be funded by the assessment district revenue, including revenue from fines and code enforcement activities. The budget may include accounts which may be used to fund contract services to meet District objectives. The City Council will retain final approval of all contracts. The annual budget will be submitted to the City Council for final approval. (Ord. 12556 § 22, 2003)

#### **15.18.230 Fees—Fines.**

Fees and fines generated by the District's enforcement activities may be collected in any manner provided for the collection of other fees and fines by the City and any special provisions therefore may be specified in the resolution creating the district or in a subsequent resolution by Council. Fees and fines generated by the District's enforcement activities shall be returned to the District's accounts to support

future programs and services. (Ord. 12556 § 23, 2003)

**15.18.240     Validity of proceedings begun  
prior to the effective date of this  
chapter.**

Proceedings undertaken according to the terms of this chapter, but taken prior to its effective date, shall nonetheless be valid, provided only that no public hearing may be held, nor may any final report be adopted, until after the effective date of this chapter.

(Ord. 12556 § 24, 2003)



## Chapter 15.20

### GEOLOGIC REPORTS

**Sections:**

- 15.20.010      Purpose.**
- 15.20.020      Scope.**
- 15.20.030      Definitions.**
- 15.20.040      Applicable projects.**
- 15.20.050      Requirements.**
- 15.20.060      Geologic report—Map contents.**
- 15.20.070      Geologic report—Text contents.**
- 15.20.080      Geologic report—Cost of preparation.**
- 15.20.090      Geologic report—Evaluation.**
- 15.20.100      Waiver of requirements for geologic reports.**
- 15.20.110      Additional report.**

**15.20.010      Purpose.**

The purpose of this chapter is to mitigate the hazard due to fault rupture by limiting the placement of structures for human occupancy across the trace of active faults. (Prior code § 2-8.01)

**15.20.020      Scope.**

Unless specifically exempted in Section 15.20.040, this chapter applies to any new structures, major additions or alterations to any existing structures, replacements of existing structures and subdivisions located wholly or partly within the Special Studies Zone. (Prior code § 2-8.02)

**15.20.030      Definitions.**

For the purposes of this chapter certain words and phrases are defined, unless it shall be apparent from their context that a different meaning is intended:

“Active fault” means a fault where surface displacement has occurred within Holocene time.

“Fault” means a fracture or zone of closely associated fractures along which rocks on one side have been displaced with respect to those on the other side. Most faults are the result of repeated displacement which may have taken place suddenly or by slow creep or by a combination thereof.

“Fault trace” means the line formed by the intersection of a fault and the earth’s surface.

“Geologic event” means the occurrence of any movement of the earth surface relating to earthquake faults. The determination of such ground movement shall be based on field observation, established geologic data or actual evidence of earth surface movement.

“Geologic Report” means a report prepared by a geologist for a particular site which is directed toward the problem of potential surface fault displacement and the damage which would result therefrom.

“Geologist” means a geologist registered as such by the Department of Professional and Vocational Standards of the state of California.

“Habitable space” means space in a structure for living, sleeping, eating or cooking. For the purpose of this chapter, habitable space shall include areas designed and built as occupiable space such as living rooms, family rooms, dining rooms, bedrooms, kitchens, bathrooms, hallways and other similar areas. Unfinished underfloor spaces, crawl spaces, garage, and storage, utility or closet spaces are not considered habitable space.

“Major addition or alteration” means addition or alteration, as defined in Oakland Building Code, to an existing structure which exceeds fifty percent of the value of the structure within any twelve-month period.

“Replacement” means the reconstruction, renewal, restoration, or upgrade to current building code of any part of an existing building damaged or destroyed by an involuntary event. For the purpose of this chapter, replacement work shall be limited to the pre-damaged size, location, occupancy and use of the existing building.

“Special Studies Zones” means those areas within the boundaries of the Special Studies Zone as adopted by the California State Mining and Geology Board pursuant to the Alquist-Priolo Geologic Hazard Zones Act.

“Special Studies Zone Map” means that certain map delineating the Special Studies Zone on file January 1, 1982 in the Office of Public Works, and

all subsequent revisions thereof adopted by resolution of the Council.

“Story” means that portion of a building included between the floor surface of any floor and the floor surface of the floor next above, except that the topmost story shall be that portion between the floor surface of the topmost floor and the ceiling or roof above. For the purpose of this chapter, any floor level which qualifies as a mezzanine or having less than three hundred (300) square feet of floor area of habitable space shall not be considered a story.

“Structure for human occupancy” means any building or structure that is regularly, habitually or primarily occupied by humans, except for detached buildings or structures classed as Group J Occupancies in the Oakland Building Code.

“Technically qualified personnel” are those persons deemed qualified by the California State Mining and Geology Board to evaluate geologic and engineering reports. (Prior code § 2-8.03)

#### **15.20.040 Applicable projects.**

This chapter shall apply to the following projects:

A. New Structure. Any new structure for human occupancy with the exception of:

1. Single-family wood frame dwelling located within a real estate development for which a geologic report has been approved;

2. A single-family wood frame dwelling not exceeding two stories when such dwelling is not part of a development of four or more dwellings and is not located within one hundred (100) feet of a potentially active fault as depicted on the Special Studies Zone Map or of a field located active fault.

B. Major Addition or Alteration. Any major addition or alteration to an existing structure for human occupancy with the exception of:

1. Single-family wood frame dwelling located within a real estate development for which a geologic report has been approved;

2. A single-family wood frame dwelling not exceeding two stories.

C. Replacement. Any replacement of an existing structure for human occupancy if the damage is

caused or related to geologic event with the exception of:

1. Single-family dwelling;
2. Replacement to any existing structure which does not exceed fifty (50) percent of the value of the structure within any twelve (12) month period.

D. Subdivision. Any subdivision which requires a tentative subdivision map pursuant to the provisions of this code for a proposed subdivision except for a subdivision which consists solely of the division of an existing structure for human occupancy. Any land determined to be unbuildable due to the location of a fault trace shall be so designated on the tentative map. (Prior code § 2-8.04)

#### **15.20.050 Requirements.**

City requires four copies of geologic report defining and delineating any fault hazard prior to the approval of any applicable project as defined in Section 15.20.040, and:

A. If no fault hazard is identified, no additional requirement in the chapter shall be applied.

B. If fault hazards are determined, no structures for human occupancy shall be permitted to be placed:

1. Across an active fault trace;
2. Within fifty (50) feet of any active fault trace unless the geologic investigation can demonstrate that the site is not underlain by active branches of the fault. In such case the structure can be placed closer to the fault as recommended by the geologist and approved by the city but not across the fault. (Prior code § 2-8.05)

#### **15.20.060 Geologic report—Map contents.**

Each geologic report shall be accompanied by a map of the site being investigated. The map shall conform to the requirements set forth in this subsection.

A. The following information developed for a survey of the site by a civil engineer registered as such by the state of California, or a land surveyor licensed by the state of California, shall appear on a plat of a survey of the site:

1. The exterior boundary lines of the site and their courses;
  2. The record distance along the street property line from a side line of the property to the nearest intersecting street;
  3. Contour lines at not more than five-foot intervals;
  4. The location of the proposed improvements and the grades at which they are to be constructed, if applicable;
  5. The location of existing buildings or other pertinent structures on the property, if applicable;
  6. The location of the existing curbs, sidewalks, public sewers, public conduits, waterways and culverts on, or affecting, the property and any existing easements required in connection therewith;
  7. The location of the proposed house sewer connecting the proposed improvements to the main sewer or septic tank with the flow line elevation shown at the main sewer connection, if applicable.
- B. The geologist preparing the geologic report shall cause the following information to be placed on the map:
1. The location of any potentially active or active fault traces on the site;
  2. The location of test holes, borings or trenches;
  3. A typical geologic cross-section of the site;
  4. Any other items the geologist may deem necessary in rendering an opinion in the geologic report.
- C. The following statement, together with the signature and registration number of the geologist preparing the geologic report, shall be placed on the map:

The locations and limitations of the geologic features shown on this map are accurate representations of said features as they exist on the ground, were placed on this map by me or under my supervision, and are accurate to the best of my knowledge.

(Signed) \_\_\_\_\_  
Number \_\_\_\_\_

(Prior code § 2-8.06)

#### **15.20.070 Geologic report—Text contents.**

The geologic report of the site being investigated shall include an analysis of the geologic conditions, together with a statement by the geologist describing potential dangers and whether or not it is feasible to build on the site. Recommended restrictions on proposed construction on the site shall be included, or a statement by the geologist that the site is in all probability free from danger related to earthquake fault traces and that no further studies are necessary.

The signature and registration number of the geologist and the date shall follow the final paragraph of the report. (Prior code § 2-8.07)

#### **15.20.080 Geologic report—Cost of preparation.**

The applicant or subdivider shall bear the entire cost of preparation of the geologic report. (Prior code § 2-8.08)

#### **15.20.090 Geologic report—Evaluation.**

Geologic reports submitted pursuant to this chapter shall be evaluated by technically qualified personnel employed or retained by the city. Personnel reviewing the geologic report shall approve the report, reject it, or withhold approval pending the submission by the applicant or subdivider of further geologic and engineering studies to more adequately define active fault traces.

No building permit or subdivision map requiring the submission of a geologic report shall be granted or approved without approval of the geologic report by technically qualified personnel employed or retained by the city. (Prior code § 2-8.09)

#### **15.20.100 Waiver of requirements for geologic reports.**

A. The geologic report otherwise required by Section 15.20.020 may be waived with the approval of the State Geologist where, in the judgement of technically qualified personnel employed or retained by the city, sufficient information regarding the site is available and no undue geologic hazard exists.

**15.20.100**

B. An applicant or subdivider seeking a waiver pursuant to this section shall furnish such information which technically qualified personnel employed or retained by the city shall deem necessary in passing on the waiver application. (Prior code § 2-8.10)

**15.20.110 Additional report.**

After a geologic report has been approved or waived pursuant to this chapter, no subsequent geologic report shall be required for the same site; provided, however, the Director of Public Works may call for the preparation of a new geologic report or amendments to an existing report where:

- A. He or she has reason to believe that geologic conditions have changed.
- B. Improvements in the state of the art of geology have rendered existing reports inaccurate or incomplete. (Prior code § 2-8.12)

<b>Chapter 15.24</b>	<b>15.24.220</b>	<b>Scope of article.</b>
<b>EARTHQUAKE-DAMAGED STRUCTURES</b>	<b>15.24.230</b>	<b>Application of article.</b>
<b>Sections:</b>	<b>15.24.240</b>	<b>Inspections.</b>
<b>Article I. General Provisions</b>	<b>15.24.250</b>	<b>Definitions.</b>
<b>15.24.010 Purpose of chapter.</b>	<b>15.24.260</b>	<b>Earthquake Damage Abatement Board (EDAB).</b>
<b>15.24.020 Scope of chapter.</b>	<b>15.24.270</b>	<b>Mandatory abatement required.</b>
<b>15.24.030 Inspections.</b>	<b>15.24.280</b>	<b>Identification of buildings.</b>
<b>15.24.040 Definitions.</b>	<b>15.24.290</b>	<b>Notification of owner.</b>
<b>15.24.050 Alteration, repair, restoration and rehabilitation standards.</b>	<b>15.24.300</b>	<b>Notice content and procedures.</b>
<b>15.24.060 Variance.</b>	<b>15.24.310</b>	<b>Time of completion.</b>
<b>15.24.070 Appeals—Life safety and structural.</b>	<b>15.24.320</b>	<b>Appeal of Building Official's determination.</b>
<b>15.24.080 Damage assessment report.</b>	<b>15.24.330</b>	<b>Processing and hearing of appeal of Building Official's determination.</b>
<b>15.24.090 Penalties.</b>	<b>15.24.340</b>	<b>Conceptual abatement plan public hearing.</b>
<b>15.24.100 Other remedies.</b>	<b>15.24.350</b>	<b>Standards for repair and demolition.</b>
<b>15.24.110 Seismic hazard exemption.</b>	<b>15.24.360</b>	<b>Damage abatement work performed by city.</b>
<b>15.24.120 Certification.</b>	<b>15.24.370</b>	<b>Design review.</b>
<b>Article II. Immediate Hazard and Danger Structures</b>	<b>15.24.380</b>	<b>Penalties.</b>
<b>15.24.130 Abatement and administration.</b>	<b>15.24.390</b>	<b>Ground floor occupancy.</b>
<b>15.24.140 General standards.</b>	<b>15.24.400</b>	<b>Fees.</b>
<b>15.24.150 Right of entry.</b>	<b>15.24.410</b>	<b>Abatement liens.</b>
<b>15.24.160 Violation—Penalty.</b>	<b>15.24.420</b>	<b>Access to private property.</b>
<b>Article III. Nonhistoric, Earthquake-damaged Structures</b>	<b>Article I. General Provisions</b>	
<b>15.24.170 Damage assessment report—Performance of work.</b>	<b>15.24.010 Purpose of chapter.</b>	
<b>15.24.180 Design review and appeals.</b>	A major purpose of this chapter is to provide a just, equitable, expedient and practicable method whereby structures that are damaged by earthquake may be altered, repaired, restored, rehabilitated or demolished. (Prior code § 18-1.01)	
<b>Article IV. Historic, Earthquake-damaged Structures</b>	<b>15.24.020 Scope of chapter.</b>	
<b>15.24.190 Earthquake-damaged historic structures.</b>	The provisions of this chapter shall apply to all structures that are damaged by earthquake. (Prior code § 18-1.02)	
<b>15.24.200 Securing earthquake-damaged historic structures.</b>		
<b>Article V. Mandatory Earthquake Damage Abatement Program</b>		
<b>15.24.210 Purpose of article.</b>		

**15.24.030 Inspections.**

The City Health Officer, the Fire Marshal, the Planning Director, and the Building Official are authorized to make such inspections and take such actions as may be required to enforce the provisions of this chapter.

No owner, occupant or any other person having charge, care or control of any structure or premises shall fail or refuse, after authorized demand made as herein provided, to promptly permit entry therein by the Planning Director, Fire Marshal, City Health Officer or the Building Official for the purpose of inspection and examination pursuant to this chapter. (Prior code § 18-1.03)

**15.24.040 Definitions.**

For the purpose of this chapter, certain words, phrases, terms and their derivatives shall be construed as specified in this section. Words, phrases, and terms that are used in this chapter, but not specifically defined, shall have the meaning set forth in the applicable local, state, or federal code, if appropriate. Other such words, phrases and terms shall be accorded their ordinary meanings.

“Abandoned Historic Structure” means an earthquake-damaged historic structure that has been posted “unsafe” or “limited entry” by the Building Official and is a structure that is not occupied, inhabited, or used for its intended purposes, and is unsecured. For purposes of this chapter, an abandoned historic structure is unsecured when it is unprotected from unauthorized entry by members of the public or from damage and deterioration caused by the effects of environmental elements.”

“Abatement” means action necessary to make safe or demolish any earthquake-damaged structure.

“Abatement plan” means a plan prepared pursuant to Section 15.24.130 of this chapter.

“Building Official” means the city of Oakland Building Official or his or her designee.

“Current code” means the current edition of the California State Building Code, as amended from time to time and as amended by the city of Oakland.

“Damage assessment report” means a report prepared pursuant to the requirements of this chapter.

“Earthquake-damaged structure” means a structure damaged by earthquake, resultant aftershocks or other earthquake-related occurrences.

“Fire Marshal” means the city of Oakland Fire Marshal or his or her designee.

“Health Officer” means the Alameda County Health Officer or his or her designee.

“Historic structure” means a structure that meets one of the following requirements:

1. On the National Register of Historic Places;
2. Is a California Registered Historical Landmark or is a California Point of Historical Interest;
3. Has been declared to be a historic landmark by the Oakland City Council;
4. Is contributory to an S-7 preservation combining zone; or
5. on the preservation study list pursuant to Section 17.12.060 of the city of Oakland zoning regulations and has received either an “A” or “B” rating in the Oakland cultural heritage survey.

“Immediate hazard and danger” means a structure which has been determined by the Building Official to constitute an immediate health and safety hazard because the structure, or some portion thereof, has been damaged by earthquake, and is determined by the Building Official, using accepted practices, to be subject to immediate failure, detachment, dislodgment or collapse and is likely to injure persons, damage property or cause serious public safety problems.

“Planning Director” means the city of Oakland Planning Director or his or her designee.

“Public nuisance” means a structure that is an immediate hazard and danger.

“Public structure” means a structure for which a governmental entity is legally responsible, because of contract, lease or otherwise, for the repair of the structure.

“Structure” means and includes a building, bridge, fence, pole, street, wall, wire or other structure. The term “structure” includes portions of a structure.

“Temporary abatement” means nonpermanent repair work that causes a structure to cease being an immediate hazard and danger. Temporary abatement

shall include, but shall not be limited to, netting, bracing, facade alterations and other temporary repair works.

“Working day” means Monday through Friday, except officially designated city of Oakland holidays. (Prior code § 18-1.04)

#### **15.24.050 Alteration, repair, restoration and rehabilitation standards.**

Except as otherwise expressly provided in this chapter, the following regulations and standards shall apply to and govern the alteration, repair, restoration and rehabilitation of earthquake-damaged structures:

A. When the cost, as determined by the Building Official, of the alteration, repair, rehabilitation or restoration work is less than twenty-five thousand dollars (\$25,000.00), or, if the alteration, repair, rehabilitation or restoration work is not subject to the requirements of subsection B or C of this section, the actual alteration, repair, restoration or rehabilitation work shall comply substantially with current code. Alteration costs unrelated to earthquake damage will not be considered, when calculating the twenty-five thousand dollars (\$25,000.00) threshold.

B. The entire structure, after the structure is altered, repaired, restored or rehabilitated, shall be made to substantially comply with current code, as explained in subsection D of this section, if as a result of earthquake damage, the pre-earthquake seismic lateral capacity of the structure has been reduced by ten percent or more and the structure is one of the following:

1. An unreinforced masonry building, as defined by Chapter 12.2 of Division 1 of Title 2 of the Government Code, as amended from time to time;

2. A structure with either an “A,” “E” or “I” occupancy classification, as defined by the current code;

3. A residential structure containing five or more units;

4. A structure that is four or more stories in height;

5. A structure with concrete, tilt-up construction;

6. An office or retail structure with an occupancy load greater than one hundred (100);

7. A structure that is an “essential facility,” as defined in the current code; or

8. A structure housing, supporting or containing toxic or explosive substances that would be dangerous to the safety of the general public, if released.

C. The entire structure shall be made to substantially comply with current code, as explained in subsection D of this section, if the structure is not governed by either subsection A or B of this section, and if, as a result of earthquake damage, the pre-earthquake, seismic lateral capacity of the structure has been reduced by twenty (20) percent or more. However, earthquake-damaged single-family dwellings (Uniform Building Code occupancy category R3) shall be governed by the provisions of subsection (D)(4) of this section.

D. If, as a result of earthquake damage, the pre-earthquake, seismic lateral capacity of the structure has been reduced to an extent exceeding the limits indicated in subsections B and C of this section, the following shall apply:

1. The entire structure shall be made to substantially comply with the structural requirements of the current code, however the value of ZIC/Rw, (as set forth in Section 2312(e)(2)(A) of the current code), when used to determine the total design base shear in a given direction, need not exceed 0.133.

2. The Building Official may approve an alternative procedure, if the owner’s or applicant’s engineer or architect can demonstrate by rational analysis, to the satisfaction of the Building Official, that the structure, after alteration, repair, rehabilitation or restoration, will provide that level of safety as required by the intent of this chapter.

3. Unreinforced masonry bearing wall buildings may use appropriate provisions of the Structural Engineers Association of California/California Building Officials (SEAOC/CABO) Joint Recommended Unreinforced Masonry Building Seismic Strengthening Provisions, dated January 15, 1990 and as amended from time to time.

4. Single-family dwellings (UBC occupancy category R3) shall be made to substantially comply

only with the foundation, foundation attachment and cripple wall requirements of the current code. However, the structural capacity of the building above the cripple walls shall be fully analyzed and all major deficiencies in lateral load carrying capacity shall be corrected.

5. Fire and life safety features of the upgraded portions of the public structure shall meet the requirements of the current code.

Proposed alterations, repairs, restoration and rehabilitation of structure shall include an evaluation of the effects of such work to the building in its entirety. This evaluation shall include, but not be limited to, an investigation of the effects of any induced eccentricity and changes in the foundation and in story stiffness as a result of the proposed improvements.

In each case, the Building Official, using accepted practices in the building trades, shall have the authority to determine the seismic lateral capacity of each structure damaged by an earthquake. The term "pre-earthquake lateral capacity," as used in this section, shall mean the ultimate capacity of those elements that have participated in withstanding the lateral forces imposed on the building, whether they are designed structural elements or not. (Prior code § 18-1.05)

#### **15.24.060 Variance.**

In all cases in which a variance is requested, the applicant should include the request and justification for the variance in the damage assessment report prepared pursuant to Section 15.24.080 of this chapter. In addition, in any case in which a variance is granted, it shall be required that the structure, once altered, repaired, restored or rehabilitated, as a minimum, substantially complies with the structural requirements of the current code, with the design force level of base shear (the total design lateral force or shear at the base of the structure) reduced by no more than twenty-five (25) percent.

In addition to all other requirements imposed by this section, the granting of variances shall be subject to the following:

##### A. Force Level Variances.

1. The applicant may propose a design force level that reduces current code force requirements for base shear by no more than twenty-five (25) percent. Proposals for design force level reduction shall be limited to five percent intervals (i.e., five percent, ten percent, fifteen (15) percent, twenty (20) percent or twenty-five (25) percent), provided the cost/benefit ratio requirements described below are satisfied.

The applicant shall provide the city with the following information:

1. The cost of altering, repairing, restoring or rehabilitating the structure to current code force;
  2. The cost of altering, repairing, restoring or rehabilitating the structure to the design force proposed by the applicant;
  3. The cost of altering, repairing, restoring or rehabilitating the structure to seventy-five (75) percent of current code force;
  - 3a. The cost of altering, repairing, restoring or rehabilitating the structure to its pre-earthquake lateral capacity;
  4. The calculation which represents current code force requirements for the structure;
  5. The calculation which represents the proposed design force for the structure;
  6. The calculation which represents seventy-five (75) percent of the current code force requirements for the structure;
  - 6a. The calculation which represents the pre-earthquake lateral capacity of the structure.
2. Upon receipt of the information of subsection (A)(1) of this section, the city shall use the following formulae to determine Ratio "A" and Ratio "B" and to determine whether a variance may be granted pursuant to subsection (A)(1) of this section:

a. Ratio "A" shall equal:

$$\frac{1 \text{ (cost of current code force)} - 2 \text{ (cost of proposed design force)}}{4 \text{ (current code force)} - 5 \text{ (proposed design force)}}$$

b. \*Ratio "B" shall equal:

$$\frac{2 \text{ (cost of proposed design force)} - 3 \text{ (cost of 75% of current code force)}}{5 \text{ (proposed design force)} - 6 \text{ (75% of current code force)}}$$

\*If the proposed design force calculation is the same as 75% of current code, then Ratio "B" shall be determined by the following formula:

Ratio "B" shall equal:

$$\frac{2 \text{ (cost of proposed design force)} - 3a \text{ (cost of pre-earthquake lateral capacity)}}{5 \text{ (proposed design force)} - 6a \text{ (pre-earthquake lateral capacity)}}$$

A variance shall be granted, if Ratio "A" is 1.25 times or more greater than Ratio "B" and the difference between the cost of altering, repairing, restoring or rehabilitating the structure to the current code force level and the cost of altering, repairing, restoring or rehabilitating the structure to the proposed design force level is more than three percent of the replacement value of the structure.

If the applicant is not eligible to receive a variance pursuant to the above formula, a variance shall be granted, if the applicant is able to show that the required improvements under this chapter will make the achievement of required force levels economically unfeasible. As used in this section, the term "economically unfeasible" shall mean any set of facts that show that the market will not support a reasonable return on the investment that the applicant will have to make to provide the required force levels.

#### B. Structural and Life Safety Variances.

1. Structural Variances. Whenever it is determined, pursuant to Section 15.24.050 of this chapter, that an entire structure must be altered, repaired, restored or rehabilitated to conform to current code requirements, the Building Official, if he or she finds that there are practical difficulties involved in

meeting current code requirements, may grant variances for individual cases, provided that he or she first finds that a special individual reason makes the strict letter of the current code impractical to meet.

2. Life Safety Variances. The Building Official may accept equivalences which meet the intent of Section 15.24.050(D)(5) of this chapter.

Each variance application shall be approved or disapproved by the Building Official within fifteen (15) working days of the date of receipt of such application by the Building Official, or at the time the damage assessment report is approved or disapproved, whichever is later. (Prior code § 18-1.06)

#### **15.24.070 Appeals—Life safety and structural.**

Unless otherwise stated herein, any decision of the Building Official relating to structural or life safety determinations may be appealed by the building permit applicant to the Board of Examiners and Appeals. Such appeal shall be made within ten working days after the date of the Building Official's decision. Such appeal shall be made on a form prescribed by the Building Official and shall be filed with the Building Official. The appeal shall

be heard by the Board of Examiners and Appeals within thirty (30) working days of the date of receipt of the appeal by the city. Not less than five working days prior to the hearing date, the Building Official shall give notice to the appellant of the date, time and place of hearing. The Board shall be authorized to continue the appeal from time to time.

In considering the appeal, the Board shall determine whether, based upon the record, the Building Officials erred or abused his or her discretion. Error or abuse of discretion is shown, if it is established that the Building Official failed to follow the provisions of this chapter.

The decision of the Board shall be in writing and shall be considered final and nonappealable on the date it is issued. A copy of the Board's decision shall be mailed or otherwise delivered to the appellant by the Building Official within five working days of the date of the Board's decision. (Prior code § 18-1.07)

#### **15.24.080      Damage assessment report.**

Except as otherwise expressly set forth in this chapter, the owner, or the owner's agent, prior to the start of any alteration, repair, restoration or rehabilitation work on an earthquake damaged structure, shall obtain applicable permits and file with the Building Official a damage assessment report prepared by an architect, or civil or structural engineer licensed by the state of California. A damage assessment report shall be required only for those earthquake-damaged structures that have been posted by the Building Official as "unsafe" structures or "limited entry" structures, provided that a damage assessment report, also, shall be required for all earthquake-damaged structures for which the cost of the alteration, repair, rehabilitation or restoration work, as determined by the Building Official, is twenty-five thousand dollars (\$25,000.00) or more. Alteration costs unrelated to earthquake damage will not be considered, when calculating the twenty-five thousand dollar (\$25,000.00) threshold. No damage assessment report shall be required in any other case, unless expressly set forth in this chapter. The

damage assessment report shall include the following:

- A. A list of all owners of the structure;
  - B. The address of the structure;
  - C. An assessment which details the before and after earthquake condition of the structure, including but not limited to, vertical load capacity, exterior and interior ornamentation and appendages, fire, and life safety elements, and Title 24 (California Code of Regulations) energy and accessibility elements, where applicable;
  - D. A proposed program for repairing the structure, existing damage, hazards and public nuisance. The proposed program shall include a fully developed conceptual design that details the extent of the proposed repair, restoration and rehabilitation work, and the approximate cost of all repairs; and shall include a plan which identifies and describes any proposed modification to exterior finishes, whether or not necessitated by the proposed repairs;
  - E. A list of all variances or equivalences that will be requested.
  - F. Any other information required by any other section of this chapter and any other information determined by the Building Official, in a particular case, to be necessary because of the facts of that case;
  - G. For single-family dwellings (UBC occupancy category R-3), a description of any major deficiency in lateral load carrying capacity above the level of the foundation or cripple wall, if any, that has been identified by the owner's engineer or architect, and a method of correcting that deficiency. Cost estimates for correcting identified deficiencies shall be included.
- For purposes of this chapter, the report submitted to the city pursuant to this section shall not be considered filed, unless the express provisions of this section are met. Within ten working days after receipt of any such document, the Building Official shall notify the applicant whether the document is complete for filing. If notice is not given within the required time period, the document, at the end of the ten working day period, shall be considered complete for filing. However, the Building Official,

thereafter, shall not be prohibited from requesting additional information from the applicant. Damage assessment reports shall be reviewed, approved or disapproved by the Building Official within thirty (30) working days after the reports are filed, provided that damage assessment reports for nonhistorical Uniform Building Code occupancy category R3 structures shall be reviewed, approved or disapproved within fifteen (15) working days after the reports are filed.

Prior to preparation of the damage assessment report, the owner or the owner's agent of each structure described in Section 15.24.050B of this chapter shall participate in a pre-design conference with the Building Official. (Prior code § 18-1.08)

#### **15.24.090      Penalties.**

A. It is unlawful for the owner of any structure to fail to provide the city, within the required period, with a valid damage assessment report. After written notice from the city to the owner, the following penalties shall be imposed upon owners who fail to comply with the damage assessment report requirements of this chapter:

1. Except as otherwise provided herein, a five thousand dollar (\$5,000.00) penalty shall be imposed upon the owner of each historic structure and each structure identified in Section 15.24.050(B)(1) through (8) of this chapter, if a valid damage assessment report is not filed with the city within the one hundred twenty (120) working day period described in this chapter. Beginning at the end of the one hundred twenty (120) day period, a fine of one thousand dollars (\$1,000.00) per month, for each month the owner fails to submit a valid damage assessment report to the city, shall be imposed upon said owner.

However, the maximum fine imposed upon such owner shall not exceed fifteen thousand dollars (\$15,000.00). A penalty of five hundred dollars (\$500.00) shall be imposed upon the owner-occupied Uniform Building Code occupancy category R3 structure, if a valid damage assessment report is not filed with the city within the one hundred eighty (180) working day period described in this chapter.

2. For all other structures for which a damage assessment report is required by this chapter, a penalty of one thousand dollars (\$1,000.00) shall be imposed upon the owner of each structure who fails to provide the city with a valid damage assessment report within the required one hundred eighty (180) working day period identified in this chapter. Beginning at the end of the one hundred eighty (180) working day period, a fine of two hundred dollars (\$200.00) per month, for each month said owner fails to submit a valid damage assessment report to the city, shall be imposed upon said owner. However, the maximum fine imposed upon such owner shall not exceed three thousand dollars (\$3,000.00).

B. Assessed Against Property. The penalties imposed pursuant to this chapter shall be assessed against the real property to which the penalties relate and shall, in addition, be a personal obligation of the owner of the subject real property. The Building Official shall give the owner of such premises a written notice showing the amount of the penalty and requesting payment thereof. If the amount of such penalty is not paid to the Building Official within five working days after the date of such notice, the Building Official shall forward a report of the penalty to the City Council for confirmation.

The property owner shall be given at least ten working days' notice of the confirmation hearing before the City Council. Said notice shall be in writing. The amount of the penalty shall be confirmed by the City Council, unless the City Council finds, based upon evidence in the record, that the Building Official erred in imposing or computing the amount of the penalty. If such error is found, the City Council may modify the amount of the penalty, as warranted.

Upon confirmation of the penalty, the City Council shall direct that the Building Official shall record in the Office of the County Recorder of the county of Alameda, state of California, a certificate substantially in the following form:

## **NOTICE OF LIEN**

Pursuant to Chapter 15.24 of the Oakland Municipal Code, a penalty in the amount of \_\_\_\_\_ was assessed by the Building Official, and confirmed by the Oakland City Council, against the herein described real property and said amount has not been paid, nor any part thereof, and the City Council does hereby claim a lien upon the hereinafter described real property in said amount; the same shall be a lien upon said real property until said sum has been paid in full. The real property herein above mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California and particularly described as follows, to wit:

(insert description of property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_.

\_\_\_\_\_  
Building Official  
City of Oakland

**C. Occupancy Permit Revocation.** In addition to imposing the penalties set forth in subsection (A)(1) of this section, the Building Official, after notice to the owner, may revoke the occupancy permit for any structure for which an owner fails to satisfy the deadlines imposed by this chapter. The notice of revocation shall provide the owner with the right to provide the Building Official with evidence that the occupancy permit shall be revoked either because the structure is not subject to the provisions of this chapter or because the Building Official did not follow the provisions of this chapter.

Any decision by the Building Official to revoke an occupancy permit pursuant to this subsection C may be appealed by the owner or his or her agent to the Director of Public Works. Any such appeal shall be made within ten working days of the date of the Building Official's decision. The appeal shall

be made on a form approved by the Building Official and shall show how the Building Official has either committed error or has abused his or her discretion.

On appeal, the Director of Public Works shall affirm the decision of the Building Official, unless the Director finds, based upon the evidence in the record, that the Building Official has either committed error or abuse of discretion. The decision of the Director shall be in writing and shall be final. (Prior code § 18-1.09)

### **15.24.100 Other remedies.**

Notwithstanding any other provision of this chapter, the city shall be authorized to exercise any other remedy at law or equity for the enforcement of this chapter.

The Building Official shall have the authority, upon reasonable notice to the building permit applicant, to suspend the building permit and to stop the prosecution of work thereunder, if there is evidence that any term, condition or provision of the building permit or this chapter has been violated. (Prior code § 18-1.10)

### **15.24.110 Seismic hazard exemption.**

Any earthquake-damaged structure which is structurally upgraded under the procedures of this chapter and is in compliance with the structure upgrade standards specified in Section 15.24.050 of this chapter, shall not, within a period of fifteen (15) years, or as otherwise determined by California law from time to time, be identified as a seismic hazard to life pursuant to any other building standards adopted by Oakland after the date of the building permit, unless such building no longer meets the structural upgrade standards under which it was reconstructed. (Prior code § 18-1.11)

### **15.24.120 Certification.**

The owner of each earthquake-damaged structure, for which a damage assessment report is required, shall provide the Building Official with a certification by a California licensed architect, or civil or structural engineer that his or her proposed repair

program and the plans submitted for altering, repairing, restoring and rehabilitating said structure have been prepared to comply with applicable provisions and standards of this chapter. The certification required by this section shall be filed with the Building Official at the time application is made for building permits. (Prior code § 18-1.12)

## **Article II. Immediate Hazard and Danger Structures**

### **15.24.130 Abatement and administration.**

The Building Official, Fire Marshal, Planning Director and Health Officer are authorized to enforce the provisions of this chapter. Such authority, subject to the express provisions of this chapter, shall include, but shall not be limited to, the authority to order the abatement, alteration, repair and demolition of any structure that is an immediate hazard and danger. All abatement, alteration, repairs, restoration and demolition of immediate hazard and danger structures under this chapter shall be conducted in accordance with the procedure set forth pursuant to subsection B of this section. It is unlawful for any person to abate, alter, repair, restore or to demolish any immediate hazard and danger structure without prior permission from the Building Official and without following the applicable procedure set forth in this chapter. It is unlawful for any owner to fail or neglect to comply with any valid order of abatement of the Director of Public Works or Building Official made pursuant to this chapter.

A. Assessment of Immediacy. The Building Official shall determine whether the conditions associated with specific structures cause such structures to be immediate hazards and dangers.

B. Immediate Hazard and Danger Abatement Procedure. Structures which the Building Official determines to be an immediate hazard and danger, as described herein, shall be subject to the following process:

1. Notice and Order. If the circumstances and time permit, the Building Official shall post the structure and notify, by hand-delivery, telephone, telegraph, facsimile or other reasonable means, the

property owner, and any other party of record with an equitable or legal interest in said property, that the structure is an immediate hazard and danger and, as such, constitutes a public nuisance and must be abated. The notice shall set forth those factors which, in the opinion of the Building Official, make the structure an immediate hazard and danger. The notice shall provide that within forty-eight (48) hours from the time of issuance of the notice, the owner or other party of record shall submit an acceptable abatement plan, as defined herein, to the Building Official.

No prior notice shall be required, where the Building Official, after a consideration of all the facts, determines in writing that the structure is an immediate hazard and danger and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the city to give the owner notice prior to abatement, the Building Official may cause the public nuisance to be abated by the city with city forces or city contractors and the cost of abatement shall constitute a special assessment against the subject real property. The assessment shall be made and collected in the manner set forth in this chapter. In all other cases, the city, at the time of giving notice, shall record a copy of the notice against the subject property in the records of the Alameda County Recorder.

2. Appeal. The decision of the Building Official determining a structure to be an immediate hazard and danger may be appealed by the property owner or other interested party of record to the Director of Public Works of the city or his or her designee. Any such appeal shall indicate the basis of error by the Building Official and shall be hand-delivered to the Building Official within forty-eight (48) hours of the time of issuance of the notice given pursuant to this chapter. No appeal shall be considered filed, or effective, unless the appellant files a timely abatement plan with the Building Official. To be considered timely, the abatement plan must be filed within the time required by this chapter. Failure to appeal within the required forty-eight (48) hour appeal time

period shall constitute a waiver of the right to appeal to the Director of Public Works and the Building Official's determination and order shall stand.

3. **Form of Appeal.** All appeals of the Building Official's notice and order to abate shall:

a. Indicate the basis of error by the Building Official; and

b. Contain the telephone number (business and residence), home address and business address of the appellant.

4. **Hearing.** At the time of receiving a valid appeal, the Building Official shall schedule an appeal hearing before the Director of Public Works. The appellant shall be notified of the date, time and place of the hearing at the time the appeal is filed. Whenever practicable, the hearing shall be held within twenty-four (24) hours of the time a valid appeal is filed.

At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses of the city. All witnesses shall be sworn. A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be admitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this state.

At the close of the hearing, the Director of Public Works, or his or her designee, shall act to either uphold, overrule or modify the determination and order of the Building Official. The determination and order of the Building Official shall be upheld, unless the Director, or his or her designee, finds, based upon the evidence in the record, that the Building Official erred in determining that the structure is an immediate hazard and danger. The decision of the Director, or his or her designee, with the reasons therefor, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the appellant within twenty-four (24) hours of the time an oral decision is rendered.

If the Director, or his or her designee, upholds the decision of the Building Official, the property owner or other interested party of record shall be

ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an immediate hazard and danger, the Building Official's determination and order shall be vacated. The decision of the Director shall be final on the date it is rendered.

5. **Abatement Plan.** In those cases that the city provides notice and receives a timely abatement plan, the Building Official shall review the plan immediately and shall determine whether the plan is acceptable. To be acceptable, the plan must be reasonably calculated to cause immediate abatement of the public nuisance. If the abatement plan is approved, the owner or other interested party of record, within twenty-four (24) hours of obtaining approval of the plan from the Building Official or Director or Public Works, or his or her designee, shall abate the public nuisance in accordance with the order of the Building Official or the Director of Public Works, or his or her designee, and terms of the plan. Within twenty-four (24) hours of completion of the abatement work, the owner or other interested party of record shall provide the Building Official with a written certification from the owner's architect, structural or civil engineer which certifies that "the public nuisance," as described in the Building Official's abatement notice, has been abated.

If the work performed pursuant to the abatement plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the Building Official. The damage assessment report shall comply with the provisions of Section 15.24.080 of this chapter and shall be filed with the city within the time period set forth in this chapter. The damage assessment report shall be reviewed and approved according to the procedure set forth in this chapter.

In those instances where the property owner or other interested party of record either does not respond to the Building Official's notice of abatement, responds untimely, responds timely but fails to abate the public nuisance within the required time period, the immediate hazard and danger structure shall be subject to abatement by the Building Official. In all

such cases that the city determines to exercise its abatement powers under this chapter, the costs of abatement incurred by the city shall constitute a special assessment against the real property abated.

At the time the Building Official or the Director of Public Works orders abatement work to be done by the city or the city's contractors, the Building Official shall record a notice of prospective lien against the subject property. Such notice shall include a description of the proposed abatement work and an estimate of its costs.

Immediately upon completion of any abatement work, including but not limited to preparatory work and inspections, by the city and the city's contractor, the Building Official shall prepare a report of assessment. Said report shall describe the work performed, the date(s) on which it was performed and the costs incurred by the city. The Building Official shall cause a copy of said report to be served on the subject property owner and all other interested parties of record. Said report shall be accompanied by a notice of the date, time and place of the confirmation hearing before the Oakland City Council. Said notice shall provide the owner or other interested party with at least five working days' prior notice of said confirmation hearing. In those cases in which the city abates the public nuisance without providing the owner or other party of record with prior notice, the notice shall state why the immediate hazard and danger structure was abated.

The notice and report shall be placed in a sealed envelope, postage prepaid, addressed to the owner or other interested party at his or her last known address as the same appears on the last equalized assessment rolls of the city, and deposited, registered or certified mail, return receipt requested in the United States mail. Service shall be deemed completed at the time of deposit in the United States mail.

A copy of the report of the assessment shall be posted in the Office of the City Clerk at least three days prior to the time when the report will be submitted to the City Council.

At the time set forth in the notice, the City Council shall hear the matter and either modify or con-

firm the assessment report. The Council shall confirm the report as presented by the Building Official, unless the Council, after a review of the evidence in the record, finds that either the work assessed was not performed or that there was an error made in calculating the amount owed. After the assessment is made and confirmed, it shall be a lien on the said property, until said sum, with interest at the maximum legal rate per annum, has been paid in full. Interest shall begin to run on the date the amount is confirmed.

Such lien attaches upon recordation in the Office of the County Recorder, Alameda County, by certified copy of the resolution of confirmation. After confirmation of the report, a certified copy shall be filed with the County Auditor, Alameda County, on or before August 10th. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedure for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes.

C. Public Nuisance. All structures or portions thereof which, after inspection by an authorized city official, are determined to be an immediate hazard and danger either to the public, occupants of the subject structure or any adjacent structure are declared to be public nuisances and shall be abated by the owner in accordance with the procedure specified in this chapter.

D. Suspension of Abatement Work. Notwithstanding any provision herein to the contrary, the Building Official shall be authorized to suspend abatement work by the city, or the city's contractor, and allow the property owner or other interested party to complete the abatement work. All costs incurred by the city prior to the suspension, including inspection, abatement and monitoring costs shall be collected in the manner set forth in subsection B of this section.

**E. Change of Status.** Once the conditions making a structure an immediate hazard and danger have been abated pursuant to this chapter, the structure shall no longer be considered an immediate hazard and danger. However, if the abatement work is temporary in nature, as determined by the Building Official, the structure shall remain subject to the provisions of this chapter. (Prior code § 18-2.01)

#### **15.24.140 General standards.**

The following standards shall be followed by the Planning Director, Fire Marshal, Health Officer and Building Official in approving or ordering the abatement, alteration, repair, restoration, rehabilitation, vacation or demolition of any immediate hazard and danger structure:

**A.** If the structure reasonably can be immediately repaired or secured so that it will no longer exist as an immediate hazard and danger structure, it shall be ordered to be immediately repaired or secured; otherwise, it shall be ordered to be demolished.

**B.** If a structure is determined to be an immediate hazard and danger to either the public, occupants of the subject structure or any adjacent structure, it may be ordered vacated. Nothing contained herein, however, shall require the city to abate any immediate hazard and danger. (Prior code § 18-2.02)

#### **15.24.150 Right of entry.**

Whenever necessary to make an inspection to enforce any provision of this chapter, or, whenever the Planning Director, Fire Marshal, City Health Officer or the Building Official has reasonable cause to believe that there exists in any structure any condition which makes such structure an immediate hazard and danger, so as to constitute a public nuisance, as defined herein, the Planning Director, the Fire Marshal, City Health Officer and the Building Official may enter such structure at all reasonable times to inspect the same or to perform any duty authorized or imposed upon them by this chapter. (Prior code § 18-2.03)

#### **15.24.160 Violation—Penalty.**

Any person violating any provision of Section 15.24.130 through 15.24.150 of this chapter shall be guilty of a misdemeanor. (Prior code § 18-2.04)

### **Article III. Nonhistoric, Earthquake-Damaged Structures**

#### **15.24.170 Damage assessment report—Performance of work.**

Except as otherwise expressly set forth in this chapter, it is unlawful to alter, repair, restore or rehabilitate an earthquake-damaged structure, unless there exists for the structure a valid building permit and a damage assessment report, prepared pursuant to Section 15.24.080 of this chapter, that has been approved by the Building Official.

After written notice from the Building Official, the owner of each earthquake-damaged structure, which meets the requirements of Section 15.24.050(B)(1), (2), (3), (4), (5), (6), (7), or (8) of this chapter, shall provide the Building Official, within one hundred twenty (120) days of the date of the Building Official's notice, a damage assessment report for the structure identified in the notice. Unless otherwise expressly stated in this chapter, damage assessment reports for all other earthquake-damaged structures shall be submitted to the Building Official by the owner within one hundred eighty (180) working days of the date of notice from the Building Official.

All damage assessment reports shall be prepared pursuant to and in conformance with the provisions of Section 15.24.080 of this chapter. In each case in which a damage assessment report is disapproved, the Building Official, in his or her notice to the applicant, shall state the reasons for disapproval. (Prior code § 18-3.01)

#### **15.24.180 Design review and appeals.**

Unless otherwise stated in this chapter, the owner or the owner's agent, prior to the start of any alterations, abatement works, repair, restoration or rehabilitation works on, or the making of any significant changes to, a nonhistoric, earthquake-damaged struc-

ture that is subject to design review under city codes and regulations, shall submit a design review application to the city and have it approved by the Planning Director. The design review application shall be submitted at the same time the assessment report is filed.

Design review applications shall be reviewed and approved or disapproved by the Planning Director. To aid in his or her review of an application, the Planning Director may obtain advice from the Building Official or outside professionals. Except as otherwise stated herein, the Planning Director's decision shall be made within thirty (30) working days of the date of the city's receipt of a completed design review application. Upon receipt of each design review application, the Planning Director may, at his or her discretion, refer the application to the City Planning Commission rather than acting on it himself or herself. If the application is referred to the Planning Commission, the Planning Commission's decision on the application should be made within forty-five (45) working days of the date the application was received by the city. In all other cases, the Planning Director's decision shall be made within thirty (30) working days of the date of the city's receipt of the completed design review application. Applications for altering, abating, repairing, restoring or rehabilitating or demolishing any nonhistoric structure that is subject to design review shall be required to meet the applicable criteria of the city's zoning regulations and applicable criteria of this chapter.

Unless otherwise stated in this chapter, any decision of the Planning Director or Building Official relating to the damage assessment report or the Planning Director's decisions relating to the design review application may be appealed by any interested person as follows:

A. If the appeal involves only structural or life safety issues, which if implemented will not affect the exterior characteristics of the structure, the appeal shall be made and decided pursuant to the procedures and provisions of Section 15.24.070 of this chapter. Such appeals may only be made by the building permit applicant; and

B. If the appeal involves issues or proposals that may affect structural or life safety components and the exterior characteristics of the structure, the appeal shall be made and decided pursuant to the procedures set forth in Section 15.24.190D of this chapter.

C. If the appeal involves only issues or proposals that will affect only the exterior characteristics of the structure, with no implications for the structural or life safety portions of the structure, the appeal shall be made and decided pursuant to the procedures set forth in other applicable city codes and regulations. (Prior code § 18-3.02)

#### **Article IV. Historic, Earthquake-Damaged Structures**

##### **15.24.190     Earthquake-damaged historic structures.**

Notwithstanding any other law, procedure, regulation or provision of this chapter, it is unlawful for any person to alter, abate, repair, restore, rehabilitate, demolish, or make significant changes to any earthquake-damaged structure that is a historic structure, unless the procedures of this chapter have been followed and applicable permissions have been granted, including but not limited to applicable building or demolition permits.

The provisions of the State Historic Building Code, as contained in Part 8, Title 24 of the California Administrative Code and as amended from time to time, may be used for the alteration, abatement, repair, restoration and rehabilitation of historic earthquake-damaged structures.

A. **Damage Assessment Report Required.** Prior to the start of any alterations, abatement works, repairs, restoration or rehabilitation works on, or the making of any significant changes to, an earthquake-damaged historic structure, the owner, or the owner's agent, shall obtain required permits and submit a damage assessment report to the city and have it approved by the Building Official and the Planning Director. The damage assessment report shall be submitted to the city within one hundred twenty (120) days of the date of the Building

Official's notice to the applicant indicating that one is required. All damage assessment reports shall be prepared pursuant to and in conformance with the provisions of Section 15.24.080 of this chapter. Damage assessment reports shall be reviewed, approved or disapproved by the Building Official and the Planning Director within thirty (30) working days after the report is filed.

**B. Design Review.** Unless otherwise expressly provided in this chapter, the owner or the owner's agent, prior to the start of any alterations, abatement works, repairs, restoration or rehabilitation works on, or the making of any significant changes to, an earthquake-damaged historic structure, shall submit a design review application to the city and have it approved by the Planning Director. The design review application shall be submitted at the same time the damage assessment report is filed.

Except as otherwise set forth herein, design review applications shall be reviewed and approved or disapproved by the Planning Director. To aid in his or her review of an application the Planning Director may obtain advice from the Building Official or outside professionals. Except as otherwise stated herein, the Planning Director's decision shall be made within thirty (30) working days of the date of the city's receipt of a completed design review application. Upon receipt of each design review application, the Planning Director shall notify the Landmarks Board of the receipt of said application. Any member of the Landmarks Board, within five working days of the date of said notice, may notify the Planning Director in writing that he or she wishes the application to be considered by the Landmarks Board. If such notice is given by a member of the Board, the Planning Director shall immediately forward the application to the Board and the subject application shall be considered and a recommendation, if any, shall be made to the Planning Director by the Landmarks Board within thirty (30) working days of the date of the application. In all such cases, the Planning Director's decision shall be made within forty-five (45) working days of the date of the city's receipt of the completed design review application. Applications for altering, abat-

ing, restoring or rehabilitating or demolishing historic structures which are contributory to an S-7 preservation combining zone shall be required to satisfy the criteria of Sections 17.84.010 through 17.84.070 and 17.136.070 of the city's zoning regulations. Applications for altering, abating, repairing, restoring or rehabilitating or demolishing any other historic structure shall be required to meet the criteria of Sections 17.102.030 and 17.136.070 of the city's zoning regulations.

Alteration, repair, restoration, rehabilitation, and demolition applications for structures that are on either the National Historic Register, the State Historic Record, either California Registered Historical Landmarks, California Points of Historical Interest, on the National Register of Historic Places, or that have been declared to be landmarks by the Oakland City Council shall be forwarded by the city to the State Office of Historic Preservation for consideration, after an interim approval has been made by the city pursuant to this chapter. Said referral shall be made within five working days of a final decision made by the city. Within five working days of receiving a determination from the state, the Planning Director shall notify the permit applicant of the state's approval or disapproval of his or her application. There shall be no referral to the state of the city's decisions on applications related to any potentially historic structures. As used herein, the term "potentially historic structure" shall mean structures described in subsection 5 of the "historic structure" definition in Section 15.24.040 of this chapter.

**C. Appeals.** Unless otherwise stated in this chapter, any decision of the Planning Director or Building Official relating to the damage assessment report or the Planning Director's decisions relating to the design review application may be appealed by any interested person as follows:

1. If the appeal involves only structural or life safety issues, which if implemented will not affect the exterior or historic characteristics of the structure, the appeal shall be made and decided pursuant to the procedures and provisions of Section 15.24.070 of this chapter. Such appeals may only be made by the building permit applicant.

2. If the appeal involves issues or proposals that may affect structural or life safety components and the exterior or historic characteristics of the structure, the appeal shall be made and decided pursuant to the procedures set forth in subsection D of this section.

3. If the appeal involves only issues or proposals that may affect only the exterior or historic characteristics of the structure, with no implications for the structural or life safety portions of the structure, the appeal shall be made and decided pursuant to the procedures set forth in other applicable city codes and regulations.

**D. Board of Earthquake Appeals for Historic Structures Procedure.** In order to provide for final interpretations of the provisions of Article IV of this chapter, there is established a Board of Earthquake Appeals for Historic Structures. The Board shall consist of seven members, including three members from the Board of Examiners and Appeals, three members from the Planning Commission and one member from the Landmarks Board. Board of Earthquake Appeals for Historic Structures members shall be appointed to and removed from the Board by their respective boards pursuant to procedures adopted by each board.

Appeals to the Board of Earthquake Appeals for Historic Structures shall be made within ten working days after the date of a decision by the Building Official or Planning Director. The Building Official's and Planning Director's decision shall be considered final, if no appeal is taken within the ten working days appeal period. Thereafter, no appeal shall be allowed.

Such appeal shall be made on a form prescribed by the Planning Director and shall be filed with the Planning Director. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Planning Director or Building Official. Upon receipt of the appeal, the Planning Director shall place the matter on the agenda of the next available meeting of the Board of Earthquake Appeals for Historic Structures. Not less than ten working days prior to the hearing date, the Planning

Director shall give notice to the appellant of the date, time and place of the hearing.

In considering the appeal, the Board shall determine whether, based upon the record, the Building Official or Planning Director erred or abused his or her discretion. Error or abuse of discretion is shown, if it is established that the Building Official or Planning Director failed to follow the provisions of this chapter.

The decision of the Board shall be made in writing, shall be nonappealable and shall be considered final on the date it is issued. A copy of the Board's decision shall be mailed or otherwise delivered to the appellant by the Planning Director within five working days of the date of the Board's decision. (Prior code § 18-4.01)

#### **15.24.200 Securing earthquake-damaged historic structures.**

Notwithstanding any other law, procedures, regulation or provision of this chapter, this article shall govern the duty of owners and other interested parties of record to secure earthquake-damaged historic structures. The procedures, including appellate procedures, set forth in this article shall govern over any conflicting procedures contained in any other law, procedure or regulation.

**A. Duty to Secure.** It is unlawful for any owner or other interested party of record to maintain or to allow an earthquake-damaged historic structure to be maintained as an abandoned historic structure. It shall be the duty of the owner and other interested parties of record of each earthquake-damaged historic structure to secure each such structure to prevent unauthorized entry by members of the public and to prevent damage and deterioration caused by the effects of environmental elements. It is unlawful for the owner or interested party of record of any earthquake-damaged historic structure to fail to secure such structure pursuant to the requirements of this article.

**B. Order To Secure.** The Building Official, upon determining that an earthquake-damaged historic structure is being maintained as an abandoned historic structure, shall provide the owner with an order

to secure. The order to secure shall be in writing and shall be delivered personally or by certified mail to the property owner and any other party of record with an equitable or legal interest in said property. The order shall set forth those factors which, in the opinion of the Building Official, cause the structure to be an abandoned historic structure. The order shall provide that, within five days from the date set forth in the order, the owner shall begin and prosecute to completion the work of securing the structure pursuant to the terms of the order and of this article. The order shall include a date by which the work must be completed. The Building Official, in establishing such date, shall take into consideration the condition of the structure and the amount of work that must be done to secure it.

The decision of the Building Official determining that an earthquake-damaged historic structure is an abandoned historic structure may be appealed to the Director of Public Works or his or her designee by the property owner or any other interested party of record. Any such appeal shall be in writing and shall indicate the basis of error by the Building Official and shall be hand-delivered to the Building Official within five days of the date set forth in the Building Official's order. Failure to appeal within the required five-day period shall constitute a waiver of the right to appeal to the Director of Public Works and the Building Official's determination and order shall stand as final. An appeal that is properly and timely filed shall cause the Building Official's determination and order to be suspended until such time as the matter is heard and resolved by the Director of Public Works.

**C. Hearing.** At the time of receiving a valid appeal, the Building Official shall schedule an appeal hearing before the Director of Public Works. The appellant shall be notified of the date, time and place of the hearing at the time the appeal is filed. The hearing shall be held as soon as practicable.

At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses of the city. All witnesses shall be sworn. A record of the entire proceeding shall be made by tape recording. Any relevant evidence may

be admitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this state.

At the close of the hearing, the Director of Public Works or his or her designee shall act to either uphold, overrule or modify the determination and order of the Building Official. The determination and order of the Building Official shall be upheld, unless the Director or his or her designee finds, based upon submitted evidence in the record, that the Building Official erred in determining that the subject structure is an abandoned historic structure. The decision of the Director or his or her designee must be made within two days and may be given orally or in writing. If given orally, the decision shall be memorialized in writing and served upon the appellant within five days of the date of the oral decision.

If the Director or his or her designee upholds the decision of the Building Official, the property owner or other interested party of record shall be ordered to secure the structure within the time set forth in the decision by the Director or his or her designee. If the Building Official is determined to have erred, his or her determination and order shall be vacated. The decision of the Director or his or her designee shall be final on the date it is rendered.

**D. Specifications for Securing Earthquake-Damaged Historic Structures.** All openings, including, but not limited to, doorways, windows, cracks, gaps, holes and other apertures, shall be secured to meet the following minimum standards so as to prevent unauthorized entry by members of the public and to prevent damage and deterioration caused by the effects of environmental elements:

1. Securing of earthquake-damaged historic structures shall consist of emplacement of one-half inch exterior grade plywood, on the exterior side with paint matching the predominate color of the structure, across all openings on the ground level floor and floor immediately accessible to entry, other than those where mechanical assistance would be required to effect entry. Plywood shall be cut to the size of the opening and fastened by means of

two-inch by four-inch strongback placed on the inside of the building and attached with metal bolts. There shall be no nailing of the plywood to the window frame or sash. At least one door providing entry to each unit of the structure shall be secured by means of one-half inch exterior grade plywood cut to the door opening size and fastened by means of hinges and secured with a hasp and padlock. The lock shall be a MASTER-3NKA or equivalent. Broken windows on upper floors shall be secured by one-half inch exterior grade plywood, painted on the exterior side with paint matching the predominate color of the structure. Plywood shall be cut to the size of the opening and placed on the interior side of the window and shall be fastened by means of two-inch by four-inch strongback placed on the inside of the structure and attached with metal bolts.

2. All doors and windows not secured as set forth in subsection (D)(1) of this section, shall be kept closed and locked.

3. All other openings, including cracks, gaps, holes and other apertures, which either may be used to gain unauthorized entry or may allow environmental elements to invade the interior portions of the structure shall be secured with appropriate building materials, with the exterior portions of the materials, being painted the color matching the predominate color of the structure that surrounds the secured opening.

4. All secured areas, in compliance with applicable codes and regulations, shall be kept free of graffiti, bills, posters and litter.

E. Penalties. It is unlawful for the owner or any other interested party of record to maintain, or cause to be maintained, an abandoned historic structure, or to fail to comply with an order to secure imposed by the Building Official, the Director of Public Works or his or her designee. After written notice from the city to the owner or other interested party of record, the following penalties shall be imposed upon owners who fail to comply with the provisions of this article:

1. Except as otherwise provided herein, a five-hundred-dollar (\$500.00) penalty shall be imposed upon the owner or other interested party of record

of each abandoned historic structure for each day, or partial day, such structure is maintained as an abandoned historic structure. For purposes of this article, each day, or partial day, that a structure remains an abandoned historic structure shall be considered a separate violation of this article.

2. If the work of securing the structure is completed by the city or its contractors, the penalty imposed upon the owner or other interested party of record shall be a penalty which either equals the amount required by subsection (E)(1) of this section or ten percent of the actual costs incurred by the city in securing or having the structure secured pursuant to the provisions of this article, whichever is greater.

3. The penalties imposed pursuant to this article shall be assessed in the manner and pursuant to the procedures set forth in Section 15.24.090B of this chapter. In addition, the penalties shall be a personal obligation of the owner of the subject real property.

F. Occupancy Permit Revocation. In addition to imposing the penalties set forth in subsection E of this section, the Building Official, following the procedures set forth in Section 15.24.090C of this chapter, may revoke the occupancy permit for any abandoned historic structure for which an owner fails to satisfy the requirements of this article. The procedures and regulations governing appellate review of the Building Official's revocation decision shall be as set forth in Section 15.24.090C of this chapter.

G. Right of Entry. Whenever an order to secure of the Building Official, Director of Public Works or his or her designee is not complied with within the time set forth in the order, the Building Official, Director of Public Works or his or her designee, whichever is applicable, shall be authorized to enter the structure and to secure it pursuant to the requirements set forth in subsection D of this section. Instead of using city forces to perform the work, the Building Official, Director of Public Works or his or her designee, subject to the city's contracting regulations, may order the work to be performed by contractors. Contractors hired by the city, in prosecuting the work authorized by this article, shall have

the same rights of entry accorded the Building Official, Director of Public Works or his or her designee.

**H. Costs of Securing.** All costs and expenses incurred by the city, including staff costs resulting from the contracting process, shall become a personal obligation of the owner of the related real property and, in addition, shall become a special assessment against the property.

At the time the Building Official, Director of Public Works or his or her designee, orders security work to be done by the city or the city's contractors, the Building Official shall record a notice of prospective lien against the subject property. Such notice shall include a description of the proposed security work and an estimate of its costs.

Immediately upon the completion of any work of securing an abandoned historic structure by city forces or city contractors, the Building Official shall prepare a report of assessment. Said report shall describe the work performed, the dates on which it was performed and the costs incurred by the city. The Building Official shall cause a copy of the report to be served on the subject property owner and all other interested parties of record. Said report shall be accompanied by a notice of the date, time and place of the confirmation hearing before the Oakland City Council. Said notice shall provide the owner or other interested party with at least five working days' prior notice of said confirmation hearing.

The notice and report shall be placed in a sealed envelope, postage prepaid, addressed to the owner or other interested party at his or her last known address as the same appears on the last equalized assessment rolls of the city, and deposited, registered or certified mail, return receipt requested in the United States mail. Service shall be deemed complete at the time of deposit in the United States mail.

A copy of the report of the assessment shall be posted in the Office of the City Clerk at least three days prior to the time when the report will be submitted to the City Council.

At the time set forth in the notice, the City Council shall hear the matter and either modify or confirm the assessment report. The Council shall confirm the report as presented by the Building Official, unless the Council, after a review of the evidence in the record, finds that either the work assessed was not performed or that there was an error made in calculating the amount owed. After the assessment is made and confirmed, it shall be a lien on said property, until said sum, with interest at the maximum legal rate per annum, has been paid in full. Interest shall begin to run on the date the amount is confirmed.

Such lien shall attach upon recordation in the Office of the County Recorder, Alameda County, by certified copy of the resolution of confirmation. After confirmation of the report, a certified copy shall be filed with the County Auditor, Alameda County, on or before August 10th. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes. (Prior code § 18-4.02)

## **Article V. Mandatory Earthquake Damage Abatement Program**

### **15.24.210 Purpose of article.**

The purpose of this article is to provide for the abatement of the public nuisances created by earthquake-damaged buildings and to promote the health, safety, and general welfare of the community by requiring a level of maintenance of property which will protect and preserve the appearance, social and economic stability of the city and which will also protect the public from the health and safety hazards and the impairment of property values which result from the neglect and deterioration of property. The

purpose is also to protect and preserve earthquake-damaged historic buildings which may be in a state of disrepair resulting in degradation of their historic fabric. As such, all proposals for abatement of earthquake-damaged historic structures shall be subject to all applicable city, state and federal approval processes and permitting requirements. (Prior code § 18-5.01)

#### **15.24.220 Scope of article.**

Subject to Section 15.24.230, the scope of this article shall include any building in Oakland which has been damaged by earthquake, has been designated by the city as an "Unsafe Building" or posted "Limited Entry" has been abandoned and is a public nuisance, as defined by this article. (Prior code § 18-5.02)

#### **15.24.230 Application of article.**

The provisions of this article shall apply to privately owned buildings that are public nuisances, as defined by Section 15.24.250, and that are located in the city's central business district, as described in Section 15.24.220, except this article shall not apply to the following:

- A. A detached Group R Division 3 Occupancy, single-family dwelling; or
- B. Accessory building serving Group R Division 3 Occupancy, single-family dwelling.

Notwithstanding any other provision of this chapter, or any provision of any other law or regulation, the provisions of this article shall apply only to the buildings described in this section and Section 15.24.220. For purposes of this article, the term "central business district" shall mean that geographical area of the city: commencing at the point of intersection of the Embarcadero Street with Castro Street; thence northerly along the Castro Street to the intersection of 22nd Street and San Pablo Avenue; thence southerly along San Pablo Avenue to the 21st Street; thence easterly along 21st Street to the extension of the rear lot line of the northwest corner lot of 21st Street and Telegraph Avenue; thence northerly along the rear lot lines of properties facing Telegraph Avenue from the west to West

Grand Avenue; thence along West Grand Avenue to Harrison Street; thence southerly along the Harrison Street to the Lakeside Drive; thence southerly along Oak Street to the point of intersection extension of Oak Street to the city limits on the Oakland Estuary; thence westerly along the Oakland Inner Harbor to the intersection of Oakland Harbor and extension of Castro Street; thence northerly along the extension of Castro Street to the point of commencement. (Prior code § 18-5.03)

#### **15.24.240 Inspections.**

Inspection authority for the purposes of enforcing and implementing the provisions of this article shall be as set forth in Section 15.24.030 of this chapter, provided that the city may use any legal means, including inspection warrants, to gain access to buildings governed by this article. (Prior code § 18-5.04)

#### **15.24.250 Definitions.**

For the purpose of this article, certain words, phrases, terms and their derivatives shall be construed as specified in this section. Words, phrases, and terms that are used in this article, but not specifically defined, shall have the meaning set forth in the applicable local, state, or federal code, if appropriate. Other such words, phrases and terms shall be accorded their ordinary meanings.

"Abandoned building" means any earthquake-damaged building which has been vacant for more than a year.

"Abatement" means action necessary to remove the conditions which cause an earthquake-damaged building to be a public nuisance. The term "abatement" shall include the words "abatement work" and "abate."

"Building," subject to the provisions of Sections 15.24.220 and 15.24.230, means any structure used or intended for supporting or sheltering any use or occupancy.

"City Planning Director" means the city of Oakland Director of City Planning Department or his or her designee.

“Conceptual abatement plan (CAP)” means a program of proposed actions to be undertaken for abatement of public nuisances in an earthquake-damaged building pursuant to the provisions of this article, including all required approval processes and permits. The CAP shall provide information on the extent of the damage, estimated cost of repair, proposed abatement work and schedule, present condition of the exterior and shall include building plans and/or recent photographs, Damage Assessment Report approved by the city and a maintenance program for any building proposed to be repaired for nonoccupancy. If the earthquake-damaged building is a historic structure, the CAP shall reflect the requirements of all applicable city, state and federal codes and statutes governing such structures.

“Current Uniform Code for Building Conservation (current UCBC)” means the latest edition of the Uniform Code for Building Conservation, as adopted by the International Conference of Building Officials.

“Day” means a calendar day.

“Office of Economic Development and Employment Director” means the city of Oakland Director of the Office of Economic Development and Employment or his or her designee.

“Office of Public Works Director” means the city of Oakland Director of the Office of Public Works or his or her designee.

“Owner” means any individual, group of individuals, corporation, firm or any other entity holding a legal or equitable interest in a piece of real property, as recorded in the records of the Alameda County Recorder’s Office. The term “legal owner” does not include those individuals or entities holding only an equitable interest.

“Public nuisance” means any building located in the city’s central business district that has been damaged by earthquake and, because of facade and/or structural damage, poses a threat to adjacent properties or humans and has been designated either “limited entry” or “unsafe” by the city’s Building Official.

In addition to the definitions set forth in this section, the definitions set forth in Section 15.24.040

of this chapter, where applicable, shall apply to this article. To the extent the definitions of this article conflict with definitions of any other section of this chapter or any other law or regulation, the definitions of this article shall govern and supersede all other definitions. (Prior code § 18-5.05)

#### **15.24.260      Earthquake Damage Abatement Board (EDAB).**

To provide for an efficient and equitable review of certain actions and requirements pursuant to the provisions of this article, there shall be and is created an Earthquake Damage Abatement Board (EDAB). The EDAB shall be composed of the Directors of the Office of Economic Development and Employment, City Planning and the Office of Public Works and two at-large community members. The two at-large community members shall be appointed by the Mayor and confirmed by the City Council. The at-large members shall serve, without compensation, at the pleasure of the Mayor and Council and may be removed pursuant to the procedures established by Section 501 of the Charter of the city of Oakland. One of the two at-large members shall have an architectural and preservation background and the other one shall have a real estate and business background. The Building Official shall act as secretary to said Board but shall have no vote upon any matter before the Board.

The EDAB shall adopt rules of procedure for conducting its business and shall render all decisions, which shall be supported by written findings, in writing.

The authority of the Board shall be limited to the following:

A. General Authority. The general authority of the EDAB shall be as follows:

1. Verifying that the CAP complies with this article;
2. Establishing intermediate and ultimate time frames to commence and complete the abatement work;
3. Granting extensions, if “good cause” is demonstrated. As set forth herein, the term “good cause” shall mean a factual showing by the applicant that

he or she has made a good faith effort to comply with the provisions of this chapter and that, because of particular facts, the granting of an extension would be equitable;

4. The EDAB shall have no authority to approve the CAP.

B. Appellate Authority. The appellate authority of the EDAB shall be to determine whether:

1. The Building Official abused his or her discretion in determining that a building is a public nuisance.

2. The Building Official erred in determining and/or calculating the cost of abatement work to be or actually performed by the city or its contractors.

3. The Building Official erred in providing notice pursuant to Sections 15.24.290 and 15.24.300.

The EDAB shall have no authority to review any decision or finding of the Building Official, unless such decision or finding falls within one of the appellate categories established by subsection A or B of this section. (Prior code § 18-5.06)

#### **15.24.270 Mandatory abatement required.**

Every owner of each earthquake-damaged building that has been finally determined, pursuant to the provisions of this article, by the city to be a public nuisance shall abate, within the time established by the city, such public nuisance.

No owner shall refuse or fail to carry out the abatement orders of the city that are made pursuant to this article. Refusal or failure to comply with any such order shall be unlawful and shall be constituted as a violation of this article. (Prior code § 18-5.07)

#### **15.24.280 Identification of buildings.**

From time to time and whenever necessary, the Building Official shall compile a list which shall contain every earthquake-damaged building that is described in Sections 15.24.220 and 15.24.230. Each building of the list, until it is abated, shall be designated a public nuisance. (Prior code § 18-5.08)

#### **15.24.290 Notification of owner.**

Upon determining that a particular earthquake-damaged building is a public nuisance, the Building Official shall send a notice of abatement to the building's owner(s). The content of the notice and the procedures relating to its issuance shall be as set forth in Section 15.24.300, subsections A and C. (Prior code § 18-5.09)

#### **15.24.300 Notice content and procedures.**

A. Contents of Building Official's Notice of Abatement. The Building's Official Notice to the owner, as required by Section 15.24.290, shall contain:

1. The street address and a legal description of the property sufficient for identification of the premises upon which the building is located;

2. A statement that the Building Official has determined pursuant to this article, that the subject building is a public nuisance;

3. A statement setting forth the reasons which support the Building Official's determinations;

4. A statement ordering the owner to submit, within thirty (30) days of the date of the notice and order of abatement, seven copies of a conceptual abatement plan (CAP), as defined in Section 15.24.250, to the EDAB;

5. A statement indicating that the EDAB's review of the CAP shall not constitute approval and the owner's repair or demolition plan must be approved by all applicable city, state and federal bodies;

6. A statement ordering the owner to attend a public hearing on the CAP. The public hearing shall be conducted by the EDAB. The date of the hearing shall be included in the notice and order of abatement;

7. A statement advising the owner that the owner, within the time set forth in this article and pursuant to the provisions of Section 15.24.320, may appeal the Building Official's public nuisance determination to the EDAB. The owner shall be advised further that failure to seek a timely appeal, shall constitute a waiver of his or her right to subse-

quently appeal the validity of the Building Official's determinations;

8. A statement advising the owner that, if the owner fails to either make a timely appeal of the Building Official's public nuisance determination to the EDAB or fails to comply with the notice and order within the time specified, the Building Official, pursuant to this article, shall be authorized to record a notice of noncompliance and public nuisance against the owner's property. Also, the owner shall be advised that, in such case, the city shall be authorized, but not required, to proceed with the abatement work and shall charge the costs of such abatement, plus an amount equal to forty (40) percent of such cost, which shall compensate the city for administering the abatement contract and supervising the abatement work, to the property owner and that such amount, after confirmation and recordation, shall constitute a lien against the subject property;

9. A statement advising the owner that the filing of an appeal, in and of itself, will not suspend the date by which the owner must submit the CAP or attend the public hearing on the CAP described in the notice and order of abatement;

10. A statement indicating that the owner's repair or demolition plan shall be subject to all applicable city, state and federal permit requirements, including, but not limited to, environmental review and design review requirements, and that the governing city, state or federal body, not the EDAB, shall determine whether to issue the required permits;

11. A statement indicating that the owner, at the time of applying for applicable city, state and federal permits and approvals, must submit a copy of the CAP, as reviewed and determined complete by the EDAB, to the approving and permitting agency.

**B. Contents of Notice of EDAB'S Determination.** The Building Official shall notify the owner of the EDAB's review determination, as required in Section 15.24.340. The contents of the notice shall be as follows:

1. A statement ordering the owner to abate the public nuisance and informing the owner what work

has to be completed to cause the abatement of the public nuisance;

2. A statement ordering the owner to commence and complete the abatement work within the intermediate and/or ultimate time frame(s) set by the EDAB;

3. A statement indicating that the owner's repair or demolition plan must be approved by each city, state and federal board, commission, council, department and office with governing jurisdiction, and that all such approvals and permits must be obtained prior to the start of any demolition or repair work;

4. A statement advising the owner that, if the owner fails to comply with the notice and order within the time specified, the Building Official, pursuant to this article, shall be authorized to record a notice of noncompliance and public nuisance against the owner's property. Also, the owner shall be advised that, in such case, the city shall be authorized, but not required, to proceed with the abatement work and shall charge the costs of such abatement, plus an amount equal to forty (40) percent of such cost, which shall compensate the city for administering the abatement contract and supervising the abatement work, to the property owner and that such amount, after confirmation and recordation, shall constitute a lien against the subject property.

**C. Notice Procedure.** When issuing notices described in this section and Sections 15.24.290 and 15.24.340, the Building Official shall follow the procedures set forth below:

1. **Service of Notice and Order.** The notice and order shall be served upon the owner, posted on the property, served on the owners of all properties lying within three hundred (300) feet, in any direction, of the property on which the public nuisance exists and on any other entity, organization or individual who, prior to the issuance of notice hereunder, requests in writing that notice be given under this subsection. The city's failure to provide any such requested notice shall not prohibit the city from taking actions under this article, nor shall it serve as a basis for invalidating any action already taken. The failure of the Building Official to serve any person required herein to be served shall not

invalidate any proceeding hereunder as to any other person duly served or relieve any duly served person from any duty or obligation imposed on him or her by the provisions of this article.

2. Method of Service. Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his or her address as it appears on the last equalized assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.

3. Proof of Service. Proof of service of the notice and order shall be certified to at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgement of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official. (Prior code § 18-5.10)

#### **15.24.310 Time of completion.**

Every notice and order of abatement of the EDAB shall contain a time of completion date. The order also may contain intermediate completion dates for specific portions of the abatement work. The time of completion date(s) shall be the date(s), as determined by the EDAB, by which the owner must complete the abatement work required by this article. In determining the time of completion date(s), the EDAB shall consider the nature of the public nuisance, the time needed to acquire other required permits and approvals, the age and location of the building, the extent of the earthquake dam-

age, historic building designation, the potential development of the site and the provisions of this article. The date(s) established by EDAB shall be reasonably related to these factors and the purposes established by Section 15.24.210. The owner's economic condition or the economic viability of the building shall not be considered in establishing intermediate and/or ultimate completion dates. (Prior code § 18-5.11)

#### **15.24.320 Appeal of Building Official's determination.**

Any person, or his or her representative, entitled to service under Section 15.24.300C may appeal any of the determinations of the Building Official that are described in Section 15.24.260B. No other determinations of the Building Official shall be appealable.

Any such appeal shall be made in writing, on a form approved by the Building Official, within five days of the date of the Building Official's notice of order and abatement. The written appeal shall include:

A. A brief statement setting forth the legal or equitable interest, if any, of each of the appellants in the building and land involved in the appeal;

B. A brief statement in ordinary and concise language which cites the specific subsection of Section 15.24.260 under which the appeal is brought, together with any facts claimed by the appellant to support his or her contentions that the Building Official erred or abused his or her discretion;

C. A brief statement in ordinary and concise language of the relief sought, and the reasons why it is claimed the protested action or an order should be reversed, modified or otherwise set aside;

D. The signatures of all parties named as appellants and their official mailing address. (Prior code § 18-5.12)

#### **15.24.330 Processing and hearing of appeal of Building Official's determination.**

Appeals brought pursuant to Section 15.24.260B

shall be heard and decided by the EDAB within fifteen (15) days of the date of receipt of the appeal by the city. Not less than ten days prior to the hearing date, the Building Official shall give written notice to the appellant, and any other party who has indicated that he or she wants notice of the appeal, of the date, time and place of the hearing. The EDAB shall be authorized to continue the appeal from time to time. The EDAB, upon request of the appellant, if good cause appears, may extend the period in which the appeal must be decided.

In considering the appeal, the EDAB's decision, depending upon the matter appealed, shall be based upon at least one of the subsections of Section 15.24.260B.

The decision of the EDAB shall be in writing, supported by findings and shall be final on the date it is issued. The decision of the EDAB, in response to owner's appeal of the Building Official's determination, shall be nonappealable. Within ten days of the date of the EDAB's decision, the Building Official shall mail, certified, or otherwise deliver a copy of the EDAB decision to the appellant and any other party who has requested a copy of the decision. (Prior code § 18-5.13)

#### **15.24.340 Conceptual abatement plan public hearing.**

In each case in which an owner is notified to submit a conceptual abatement plan, the Building Official, within sixty (60) days of the date of that notice, shall schedule a public hearing on the CAP before the EDAB. The Building Official shall provide at least seven days' prior notice of the subject hearing to all persons entitled to notice under Section 15.24.300C.

Prior to submitting the CAP to the EDAB, the Building Official shall review the CAP and make recommendations to the EDAB. The EDAB shall not be bound by the Building Official's recommendations.

Upon receipt of the CAP, the EDAB shall hold a noticed public hearing and shall determine whether the CAP complies with the requirements of this article and whether if implemented, the CAP will

cause the abatement of the public nuisance that is the subject of the CAP. If the EDAB finds that the CAP complies with this article, it shall issue a notice and order of abatement which shall indicate the commencement and completion dates for the abatement work. Also, the notice and order of abatement shall indicate any intermediate date(s) set by the EDAB. If the EDAB finds that the CAP does not comply with the minimum requirements of this article, the owner shall be in violation of this article and subject to penalties per Section 15.24.380 and city action per Section 15.24.360, unless the EDAB, for good cause, grants an extension. The determination of the EDAB shall be made in writing, supported by findings, and shall be final on the date it is made. Within five days of the date of the determination of the EDAB, the Building Official shall mail, certified, or personally deliver, a copy of the determination and shall issue a notice and order of abatement to the owner, all persons entitled to notice under Section 15.24.300C and to any other person who has requested special notice. The contents of the notice and the procedures relating to its issuance shall be as set forth in Section 15.24.300B and C. The determination of the EDAB shall be final and shall not be appealable to the City Council. (Prior code § 18-5.14)

#### **15.24.350 Standards for repair and demolition.**

The provisions of the State Historic Building Code, as contained in Part 8, Title 24 of the California Administrative Code, and as amended from time to time, may be used for the alteration, abatement, repair, restoration and rehabilitation of historic earthquake-damaged structures.

For abatement of an earthquake-damaged building, at least one of the following standards shall be used to comply with this article's abatement requirements:

A. Repair for Occupancy. If the building is to be used for occupancy, it shall be repaired in accordance with Articles I, II, III, and IV of this chapter, whichever is applicable.

**B. Demolition.** If the owner chooses to demolish the building, he or she shall follow the procedures set forth in Oakland Demolition Ordinance No. 10892 C.M.S. (Chapter 15.36), Oakland zoning regulations and other applicable laws and regulations, including, but not limited to, other applicable city, state and federal laws and regulations governing historic structures.

**C. Repair for Nonoccupancy.** If the owner does not want to repair the building for occupancy, he or she shall abate the public nuisance by following the standards outlined below:

1. Repair only damaged portion of structural systems in accordance with the current code, or any other lesser standard that will reasonably protect the public safety, as determined on a case-by-case basis by the Building Official. The public safety shall be considered reasonably protected if the facade and/or structural elements of the building, which were damaged by earthquake, will no longer constitute a public nuisance, as defined by this article.

2. Repair exterior in accordance with the standards described below:

The exterior of the buildings shall be repaired such that it shall not substantially impair the visual, architectural, or historic value of the earthquake-damaged building. Consideration shall be given to design, form, scale, color, materials, texture, lighting, detailing, and ornamentation, landscaping, signs, and any other relevant design element or effect, and, where applicable, the relation of the above to the original design of the building. Subject to subsection (C)(5) of this section the exterior shall be repaired in accordance with the current code, or equivalent standard, as determined by the Building Official.

The damaged portion of the potential falling hazards, such as parapets, cornices, decorative statuary, veneer, awnings, and rooftop tanks or equipment near edges of buildings, shall be repaired in accordance with the current code, or equivalent standard, as determined by the Building Official.

Any existing scaffolds, fences and/or other temporary structures around the building shall be removed.

All the openings including, but not limited to, doorways and windows, shall be secured by one-half inch plywood, painted on the exterior side with paint matching the predominate color of the structure. Plywood shall be placed on the interior side of the opening and shall be fastened by means of two-inch by four-inch strongback placed on the inside of the structure and attached with metal bolts. The design securing the openings shall be reviewed by the Building Official.

3. Exterior repair of historic buildings which are contributory to a S-7 preservation combining zone shall be required to satisfy the criteria of Sections 17.84.010 through 17.84.070 and 17.136.070 of the city's zoning regulations and any other applicable code, regulation or law. Exterior repair of other historic buildings shall be required to meet the criteria of Sections 17.102.030 and 17.136.070 of the city's zoning regulations and any other applicable code, regulation or law. Exterior repair of all other buildings which are subject to design review under the zoning regulations shall be required to satisfy the criteria of Section 17.136.070 and any other applicable code, regulation or law.

4. Maintenance. All buildings repaired for non-occupancy standards, shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by this article shall be maintained in conformance with the applicable standards under which repaired. Exterior of the buildings shall be kept free of graffiti, bills, posters and litter. The owner shall be responsible for maintenance of the buildings. To determine compliance with this subsection, the Building Official may cause any building to be reinspected. Failure to comply with the provisions of this subsection shall constitute a violation of this article and shall resubject the owner to all of the mandatory abatement provisions of this article.

5. As an exception, the Building Official may allow the ground floor of a building to be occupied in accordance with Section 15.24.390. (Prior code § 18-5.15)

**15.24.360     Damage abatement work  
performed by city.**

A. **Damage Abatement Work.** When any building owner fails to submit the CAP, or to accomplish the abatement work in compliance with the notice of the Building Official, the EDAB shall recommend that the city prepare the abatement plan. The city may, but shall not be required to, perform the inspection and prepare the damage abatement plan and submit to EDAB for its review. If the city elects to prepare the plan, EDAB shall hold a public hearing to determine the appropriate abatement action on the building. The owner and other parties described in Section 15.24.300c of this article shall be given seven days' prior notice of the hearing. The EDAB shall inform the owner and the Building Official of its decision in writing.

If the EDAB recommends and the city elects to perform the abatement work, the Building Official may issue an order to have the work accomplished by personnel of the city or by private contract under his or her direction. Plans and specifications thereof may be prepared by the Building Official or his or her staff or he or she may employ such architectural and engineering assistance on a contract basis as he or she may deem reasonably necessary.

B. **Costs.** The cost of preparing the abatement plan and performing such work, plus an administrative fee of forty (40) percent of such cost, to cover the cost for the city administering and supervising the contract against the property involved, shall be made a personal obligation of the property owner and shall constitute a lien against the property. The cost of repair or demolition performed by the city shall be recovered from the owner in accordance with the lien procedures of Section 15.24.410.

C. The city shall be authorized to accept or reject any EDAB recommendation that the city perform the abatement work. The city's decision, which shall be based upon whether available resources exist, shall be entirely discretionary and nonappealable. (Prior code § 18-5.16)

**15.24.370     Design review.**

The owner or the owner's agent or the city, prior to start of any repair or demolition work under this article, shall submit a design review application to the City Planning Department and have it approved.

The procedures for design review for each non-historic building and each historic building shall be in accordance with Sections 15.24.180 and 15.24.190B, respectively, of this chapter. (Prior code § 18-5.17)

**15.24.380     Penalties.**

It is unlawful for the owner of any earthquake-damaged building subject to this article to fail to provide the city, within the required period, with an acceptable CAP or not to proceed and complete the abatement work within the time specified by the EDAB. After written notice from the city to the owner, the following penalties shall be imposed upon owners who fail to comply with the requirements of this article:

Except as otherwise provided herein, a ten-thousand-dollar (\$10,000.00) penalty shall be imposed upon the owner of the earthquake-damaged building, if an acceptable CAP is not filed with the city within the period described in this article. Beginning at the end of the specified period, a fine of ten thousand dollars (\$10,000.00) per month, for each month the owner fails to comply with the requirements of this article, shall be imposed upon said owner. However, the maximum fine imposed upon such owner for each building shall not exceed sixty thousand dollars (\$60,000.00).

The penalties imposed pursuant to this chapter shall be assessed against the real property to which the penalties relate and shall, in addition, be a personal obligation of the owner of the subject real property. For purposes of this section, this personal obligation requirement shall apply to individuals and entities. The Building Official shall give the owner of such premises a written notice showing the amount of the penalty and requesting payment thereof. If the amount of such penalty is not paid to the Building Official within five days after the date of

such notice, the Building Official shall forward a report of the penalty to the EDAB for confirmation.

The property owner shall be given at least ten days' notice of the confirmation hearing before the EDAB. Said notice shall be in writing. The amount of the penalty shall be confirmed by the EDAB, unless the EDAB finds, based upon evidence in the record, that the Building Official erred in imposing or computing the amount of the penalty. If such error is found, the EDAB may modify the amount of the penalty, as warranted.

Upon confirmation of the penalty, the EDAB shall direct that the Building Official shall record in the Office of the County Recorder of the county of Alameda, state of California, a certificate substantially in the following form:

#### **NOTICE OF LIEN**

Pursuant to Chapter 15.24, Article V of the Oakland Municipal Code, a penalty in the amount of \$ \_\_\_\_\_ was assessed by the Building Official, and confirmed by the Earthquake Damage Abatement Board (EDAB), against the herein described real property and said amount has not been paid, nor any part thereof, and the City of Oakland does hereby claim a lien upon the hereinafter described real property in said amount; the same shall be a lien upon said real property until said sum has been paid in full. The real property herein above-mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California and particularly described as follows, to wit:

(insert description of property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 19 \_\_\_\_.

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Building Official  
City of Oakland

Such lien attaches upon recordation of the notice of lien. The description of the parcel in the notice of lien shall be that used for the same parcel as the County Assessor's map book for the current year. The County Assessor shall enter each assessment on the county tax roll opposite the affected parcel of land. The amount of the assessment shall be collected and shall be subject to the same penalties and the same procedures for foreclosure and sale, in case of delinquencies, as provided for ordinary municipal taxes. (Prior code § 18-5.18)

#### **15.24.390 Ground floor occupancy.**

After abatement work of earthquake damage on a building has been completed, the Building Official, without allowing full occupancy of a building, may issue a certificate of occupancy for use of the ground floor of a building, if he or she determines, based upon substantial evidence, that the public nuisance has been abated and that no substantial hazard will result from occupancy of the ground floor area of the building. In all cases where the Building Official issues a certificate of occupancy for use of the ground floor in a building, all abatement work done on the ground floor must meet current code. (Prior code § 18-5.19)

#### **15.24.400 Fees.**

The owner shall pay the fee as established by the master fee schedule to the Development Services Department to recover the cost for implementation of this article. (Prior code § 18-5.20)

#### **15.24.410 Abatement liens.**

The City Council shall in each instance determine whether the city shall elect to prepare a CAP and/or perform abatement work as recommended by the EDAB. The Building Official shall provide the owner and any other party entitled to notice pursuant to Section 15.24.300C with at least seven days' prior notice of the meeting at which the City Council will be asked to determine whether the city should elect to prepare the CAP and/or perform the abatement work. The notice shall include a description of the proposed abatement work and the Build-

ing Official's estimate of the costs. Such owner and other party shall have the right to appear before the City Council to contest or oppose the EDAB's recommendation that the city prepare the CAP and/or perform the abatement work.

In those instances where the city elects to prepare the CAP and/or perform the abatement work, the costs incurred by the city, in addition to being a personal obligation of the owner, shall constitute a special assessment against the property on which the public nuisance existed.

At the time the city elects to prepare the CAP or perform the abatement work, the Building Official shall record a notice of prospective lien against the subject property. Such notice shall include a description of the prepared abatement work and an estimate of its costs. The notice shall indicate that the actual costs may exceed the city's estimate.

Immediately upon completion of preparation of any CAP or performance of any abatement work by the city and/or the city's contractor, the Building Official shall prepare a report of assessment. Said report shall describe the work performed, the date(s) on which it was performed and the costs incurred by the city. The Building Official shall cause a copy of said report to be served on the subject property owner. Said report shall be accompanied by a notice of the date, time and place of the confirmation hearing before the Oakland City Council. Said notice shall provide the owner with at least five days' prior notice of said confirmation hearing.

The notice and report shall be placed in a sealed envelope, postage prepaid, addressed to the owner or other interested party at his or her last known address as the same appears on the last equalized assessment rolls of the city, and deposited, registered or certified mail, return receipt requested in the United States mail. Service shall be deemed completed at the time of deposit in the United States mail.

A copy of the report of the assessment shall be posted in the Office of the City Clerk at least three days prior to the time when the report will be submitted to the City Council.

At the time set forth in the notice, the City Council shall hear the matter and either modify or confirm the assessment report. The Council shall confirm the report as presented by the Building Official, unless the Council, after a review of the evidence in the record, finds that either the work assessed was not performed or that there was an error made in calculating the amount owed. After the assessment is made and confirmed, in addition to being a personal obligation of the owner, it shall be a lien on the said property, until said sum, with interest at the maximum legal rate per annum, has been paid in full. Interest shall begin to run on the date the amount is confirmed.

Such lien attaches upon recordation in the Office of the County Recorder, Alameda County, by certified copy of the resolution of confirmation. After confirmation of the report, a certified copy shall be filed with the County Auditor, Alameda County, or on or before August 10th. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the county tax roll opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes. (Prior code § 18-5.21)

#### **15.24.420 Access to private property.**

In each case in which the city, in implementing the provisions of this article, requires access to private property to enable the city to either perform an inspection, prepare a CAP and/or perform abatement work, the city shall seek prior approval for entry from the legal owner. If the legal owner fails or refuses to grant rights of entry to the city, the city shall obtain entry by any legal means, including, but not limited to, court order. (Prior code § 18-5.22)

**Chapter 15.26****MANDATORY SEISMIC SCREENING OF  
MULTIPLE STORY RESIDENTIAL  
BUILDINGS****Article I.****Scope****Sections:**

- 15.26.010 Title.**
- 15.26.020 Intent.**
- 15.26.030 Purpose.**
- 15.26.040 Application.**
- 15.26.050 Amendments.**
- 15.26.060 Effect of adoption and repeals.**

**Article II.****Administrative****Sections:**

- 15.26.100 Definitions.**
- 15.26.110 Authority.**
- 15.26.120 Right of Entry.**
- 15.26.130 Fees, penalties, and collections.**
- 15.26.140 Enforcement.**
- 15.26.150 Appeals of the Building Official's decision or determination.**
- 15.26.160 Notification of the Building Official's decision or determination.**

**Article III.****Technical****Sections:**

- 15.26.200 Level 1 screening.**
- 15.26.210 Level 2 evaluation.**
- 15.26.220 Format.**
- 15.26.230 Compliance.**
- 15.26.240 Occupant and tenant advisory.**

**Article I.****Scope****15.26.010 Title.**

This Chapter shall be known as the "Mandatory Seismic Screening Of Multiple Story Residential Buildings," may be cited as such, and will be referred to herein as "this Chapter." (Ord. No. 12966, § 2, 7-28-2009)

**15.26.020 Intent.**

This Chapter is intended to promote public safety and welfare and safeguard life and limb, health, and property through a mandatory program for screening residential buildings which are most vulnerable to earthquake damage and catastrophic collapse. The non-engineered (prescriptive) analytical standards set forth herein will serve to screen buildings for potentially critical structural deficiencies in the lateral force resisting system of the ground-floor and the potential risk for seismically induced damage from an earthquake.

This Chapter is not intended to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms set forth herein, and these standards are not intended to endorse, authorize, or approve any prior work accomplished without required permits, inspections, fees, or final approvals.

(Ord. No. 12966, § 2, 7-28-2009)

**15.26.030 Purpose.**

A. Level 1 Screening—Non-Engineered Analysis (Prescriptive).

1. This Chapter establishes standards for non-engineered analysis (prescriptive) without requiring plans or structural calculations prepared by a registered design professional to screen residential buildings for the potential capacity to resist seismically induced lateral loads and potentially identify critical structural deficiencies which would foment catastrophic collapse. Sufficient documentation shall be submitted to accurately establish existing

conditions. When the Building Official determines that existing conditions are beyond the scope of these standards, a Level 2 Evaluation shall be submitted by the owner to the Building Official.

2. These standards are intended to screen residential buildings for potential critical structural deficiencies in the lateral force resisting system but will not necessarily quantify the level of risk for property damage and injury to occupants and loss of life from an earthquake.

3. Alternate details and methods equivalent to or exceeding these standards are permitted when approved by the Building Official. Sufficient written documentation shall be submitted by the owner to substantiate such equivalency, as determined by the Building Official.

#### B. Level 2 Evaluation—Engineered Analysis (Non-Prescriptive).

1. This Chapter also allows an owner to perform an engineered analysis (non-prescriptive) which is equivalent to or exceeds the standards set forth in this Chapter for a non-engineered analysis (prescriptive). Structural calculations shall be prepared by a registered design professional. Analysis and documentation with respect to lateral strength, deflection, and soil capacity shall be in accordance with the Oakland Building Construction Code and approved by the Building Official.

**Exception:** Pursuant to California Health and Safe Code Sections 19160 et seq., the provisions of Appendix A4 of the International Existing Building Code and associated amendments promulgated by the Structural Engineers Association of California may be used for evaluating residential buildings.

2. Engineered methods (non-prescriptive) for evaluating critical structural deficiencies may incorporate the standards set forth in this Chapter for a non-engineered analysis (prescriptive) if approved by the Building Official.

(Ord. No. 12966, § 2, 7-28-2009)

#### 15.26.040 Application.

A. Inclusion. This Chapter applies to multiple-story buildings that were designed before the adop-

tion by the State of California on January 1, 1991, of the 1988 edition of the Uniform Building Code, and are classified either as a Residential Group R-1 or R-2 occupancy and have five or more dwelling units and have an attached Assembly Group A, Business Group B, Mercantile Group M, Storage Group S, or Utility and Miscellaneous Group U occupancy located on the ground-floor.

B. Historic Buildings. Residential buildings that have been qualified as historic shall be permitted to use alternate building regulations, as set forth in the California Historical Building Code, to preserve their original or restored architectural elements and features.

(Ord. No. 12966, § 2, 7-28-2009)

#### 15.26.050 Amendments.

Where any Section, Subsection, sentence, clause, phrase, or other part of this Chapter are amended subsequently, all provision of the original Section not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto.

(Ord. No. 12966, § 2, 7-28-2009)

#### 15.26.060 Effect of adoption and repeals.

A. Legislation. Unless expressly stated herein, this Chapter is not intended to amend, repeal, or supersede provisions of any other City codes, regulations or ordinances, including the demolition ordinance, Earthquake Damage Structures Code, Unreinforced Masonry Buildings Code, Dangerous Building and Structures Code, Planning Code, Building Construction Code, Building Maintenance Code, Fire Code, or Voluntary Seismic Strengthening For Residential Buildings Code.

B. Conflict. In any specific Section or case where there is a conflict within or between or among provisions, the most restrictive which prescribes and establishes the higher standard of safety or public benefit shall prevail and control.

C. Validity. Neither the adoption of this Code nor the repeal by the ordinance codified in this Chapter of any City ordinance shall in any manner affect the prosecution for violation of ordi-

nances, which violations were committed prior to the effective date hereof or be construed as a waiver of any license or penalty at said effective date due and unpaid under such ordinance relating to the collection of any such license or penalty or the penal provisions applicable to any violations hereof.

(Ord. No. 12966, § 2, 7-28-2009)

## **Article II.**

### **Administrative**

#### **15.26.100 Definitions.**

The following words and phrases, wherever used in this Chapter, shall be construed as defined in this Section unless otherwise required by the context. The singular shall be taken to mean the plural and the plural shall mean the singular when required by the context of this Chapter. The following definitions will not necessarily apply to other portions of this Chapter:

"Building Official" means the Building Official of the City, as identified in the Oakland Building Construction Code, or his or her designee, and successors in title.

"Certified inspector" means an individual possessing a valid certification issued by an approved national organization to perform building or home inspections.

"City" means the City of Oakland, a municipal corporation.

"City Administrator" means the City Administrator of the City of Oakland or his or her designee, and successors in title.

"Critical structural deficiency" means a structural weakness in the first story of the lateral force resisting system of a residential building which has open-front wall lines in the ground-floor that could initiate catastrophic collapse due to seismically induced loading.

"Ground-floor" means the first story of a building as defined in the Oakland Building Construction Code.

"Group A," "Group B," "Group M," "Group R," "Group S," and "Group U" means occupancy classifications as defined and used in the Oakland Building Construction Code.

"Level 1 screening" means an approved non-engineered analysis that is prepared under the responsible charge of a registered design professional or by a licensed contractor or a certified inspector to identify residential buildings which may have critical structural deficiencies.

"Level 2 evaluation" means an approved engineering analysis that is prepared under the responsible charge of a registered design professional to identify critical structural deficiencies in a residential building.

"Licensed contractor" means an individual possessing a valid license issued by the State of California to construct residential buildings.

"Oakland Building Construction Code" means the most current edition of the California Building Code with amendments adopted by the City, as set forth in Chapter 15.04, and successors in title.

"Owner" means any individual or group of individuals or firm or any other entity holding legal or equitable title to the real property.

"Registered design professional" means an architect or engineer possessing a valid license issued by the State of California to perform civil or structural related design, material classification and analysis, and structural observation.

"Residential building" means a building which conforms to the occupancy limitations and density minimums set forth in Subsection 15.26.040 B. (Ord. No. 12966, § 2, 7-28-2009)

#### **15.26.110 Authority.**

A. The Building Official and his or her designees are hereby authorized and directed to enforce all of the provisions of this Chapter.

B. The Building Official may adopt administrative rules and regulations as required to implement this Chapter.

(Ord. No. 12966, § 2, 7-28-2009)

**15.26.120 Right of Entry.**

A. When it is necessary to make an inspection to enforce the provisions of this Chapter, the Building Official or his or her designee may enter the building or premises at reasonable times to inspect or to perform the duties imposed by this Chapter, provided that if such building or structure or premises be occupied that credentials be presented to the occupant and entry requested. If such building or premises be secured against entry, the Building Official shall first make a reasonable effort to locate the record owner of the property or other adult person having lawful charge or control of the building or structure or premises and request entry. If such entry is refused, the Building Official shall have resource to the remedies provided by law to secure entry.

B. No person authorized by this Chapter to enter buildings shall enter an occupied unit or space or other non-public area without the consent and presence of the owner or the owner's designated agent or the lawful and adult occupant of the unit or space or other non-public area or without a proper written order executed and issued by a court having jurisdiction to issue the order.

(Ord. No. 12966, § 2, 7-28-2009)

including, but not limited to, injunctive or other judicial relief, and the impositions of penalties pursuant to the provisions of Chapter 1.12.

B. Violations of this Chapter shall be subject to the provisions of Chapter 1.28.

(Ord. No. 12966, § 2, 7-28-2009)

**15.26.150 Appeals of the Building Official's decision or determination.**

A. The owner may appeal a decision or determination by the Building Official or his or her designee made relative to the applications of Article III of this Chapter by filing a written request which shall contain the following information:

1. A brief statement in ordinary and concise language of that specific action protested, together with any material facts claimed to support the contentions of the appellant.

2. A brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed the protested action was a result of error or abuse of discretion and therefore should be reversed, modified, or otherwise set aside.

Such written appeal together with fees as may be established in the master fee schedule shall be received by the Building Official within 21 calendar days from the date of the service, as set forth in Section 15.26.160 of the issuance of such decision or determination. Failure by the record owner to file such written appeal along with full payment of fees within the period of time prescribed herein shall constitute a waiver by the owner of an administrative adjudication of such action or to any portion thereof.

B. The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of administrative actions made by the Building Official or his or her designee.

(Ord. No. 12966, § 2, 7-28-2009)

**15.26.140 Enforcement.**

A. The City shall be authorized to exercise any other remedy at law or equity for enforcement of this Chapter. Procedures and actions under this Chapter may be utilized in conjunction with, or in addition to, any other procedure applicable to the regulation of buildings, structures, or property,

**15.26.160 Notification of the Building Official's decision or determination.**

The initial notice shall be served to the owner by one or more of the following methods of service:

- A. Personal delivery with acknowledged receipt; or
- B. Mailing with certified postage to the record owner's address as it appears on the last equalized assessment roll of the Alameda County Tax Assessor or as otherwise may be known to the Building Official; or
- C. Constructive public notification, including but not limited to the following:
  - 1. Publication in a newspaper of general circulation; or
  - 2. Conspicuous posting on or in the vicinity of the property.

Failure to serve any person required by this Code to be served or failure of said person to receive said notification shall not invalidate any proceedings hereunder as to any other person duly served or relieve any such person from any duty or obligation imposed by this Code.

(Ord. No. 12966, § 2, 7-28-2009)

### Article III.

#### Technical

**15.26.200 Level 1 screening.**

A. Non-Engineered Analysis (Prescriptive). The owner shall employ a registered design professional or a licensed contractor or a certified inspector to prepare a written non-engineered analysis (prescriptive) in an approved format and in accordance with the provisions of this Section to screen the lateral force resisting system of the ground-floor of a residential building.

B. Scope. A non-engineered analysis (prescriptive) shall include the following information:

1. Scaled drawing with horizontal dimensions (feet and inches) of the exterior ground-floor walls, set-backs from property lines and public right-of-way, and location of occupancies on the ground-floor.

2. Locations and horizontal dimensions of cantilevered portions of the second story supported by the exterior ground-floor walls.

3. Locations and vertical and horizontal dimensions of fenestration, doors, and similar openings in the exterior ground-floor walls.

4. Locations and vertical and horizontal dimensions of foundation cripple walls.

5. Locations and approximate gradient of sloping ground surface adjoining the exterior ground-floor walls.

6. Ratios, expressed as percentages, of the vertical square footage of each planar section of exterior ground-floor wall and the combined square footage of the openings therein.

7. Additional arithmetical computations and scaled drawings with locations and dimensions as may be required by the Building Official.

(Ord. No. 12966, § 2, 7-28-2009)

**15.26.210 Level 2 evaluation.**

A. Engineered Analysis (Non-Prescriptive). As an alternative to a Level 1 Screening, the owner may employ a registered design professional to prepare a written engineered analysis (non-prescriptive) in an approved format and in accordance with the provisions of this Section to evaluate the lateral force resisting system of the ground-floor of a residential building.

B. Scope. The scope of the engineered analysis (non-prescriptive) shall be in accordance with the provisions of Subsection 15.26.030 B.

(Ord. No. 12966, § 2, 7-28-2009)

**15.26.220. Format.**

The format for a Level 1 Screening and a Level 2 Evaluation shall include the following information:

- A. Date the field inspection was performed.
- B. Name, address, and telephone number of owner.
- C. Types of occupancies or uses within the building.
- D. Photographs of front, side, and rear elevations of the building.

**15.26.220**

- E. Name of building (if any) and approximate date of construction.
  - F. Number of residential and non-residential units within the building.
  - G. Name, address, telephone number, and signature of the preparer and qualifying license number or certificate.
  - H. Additional information as may be required by the Building Official.
- (Ord. No. 12966, § 2, 7-28-2009)

**15.26.230    Compliance.**

The owner shall submit a written Level 1 Screening or a written Level 2 Evaluation to the Building Official within two calendar years following the effective date of this Chapter, or by such earlier date as may be required by the Building Official upon notification to the owner as set forth in Section 15.26.160. Failure of the owner to comply fully with the provisions of this Chapter and this Section shall be sufficient cause for administrative and non-administration actions set forth in Sections 15.26.130 and 15.26.140.

(Ord. No. 12966, § 2, 7-28-2009)

**15.26.240    Occupant and tenant advisory.**

If a Level 2 Evaluation is performed, the owner shall advise all current and prospective residential occupants and non-residential tenants of the residential building in a method and written format approved by the Building Official within six months following submittal of the Level 2 Evaluation to the Building Official, and periodically thereafter as determined by the Building Official.

(Ord. No. 12966, § 2, 7-28-2009)

## Chapter 15.28

### **UNREINFORCED MASONRY BUILDINGS**

**Sections:**

- 15.28.010 Title.**
- 15.28.020 Purpose.**
- 15.28.030 Scope.**
- 15.28.040 Authority.**
- 15.28.050 Right of entry.**
- 15.28.060 Definitions.**
- 15.28.070 URM buildings hazard mitigation process.**
- 15.28.080 Voluntary and mandatory retrofit standards for bearing wall buildings.**
- 15.28.090 Mandatory retrofit standards for frame buildings with URM walls and buildings with URM veneer.**
- 15.28.100 Engineering analysis reports (EARs).**
- 15.28.110 Future retrofitting legislation.**
- 15.28.120 Change of occupancy.**
- 15.28.130 Addition, alteration or repair.**
- 15.28.140 Design review.**
- 15.28.150 Penalties for noncompliance.**
- 15.28.160 Appeals process.**
- 15.28.170 Recovery of penalties.**
- 15.28.180 Remedies.**
- 15.28.190 Fees.**

**15.28.010 Title.**

This chapter shall be known as the unreinforced masonry (URM) ordinance.  
(Prior code § 18-6.01)

**15.28.020 Purpose.**

It is generally acknowledged that the City will experience earthquakes in the future due to its proximity to both the San Andreas and Hayward faults, and may reasonably be expected to experience moderate to severe ground shaking in the

event of a significant earthquake. Such ground shaking may result in serious injury or death due to damage or collapse of buildings in Oakland. Buildings constructed of unreinforced masonry have been widely recognized for experiencing life safety hazardous damage including partial or total collapse during moderate to strong earthquakes.

The purpose of this chapter is to promote public safety by mitigating the potential hazards of those buildings in Oakland that were built of unreinforced masonry walls and were subject to the building code prior to November 26, 1948 (the effective date of the building code requiring earthquake resistant design of buildings). The purpose of this chapter is also to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry buildings.

The provisions of the retrofit standards for unreinforced masonry buildings in this chapter are intended as minimum standards to reduce the risk of life loss or injury. Compliance with these provisions will not meet the requirements of the current code and will not necessarily prevent loss of life or injury, or prevent earthquake damage to rehabilitated buildings.

Furthermore, the intent of this chapter is to mandate a portion of the state recommended standard (Uniform Code for Building Conservation). In doing so, it is the intent of this chapter to continue to construe the building as a potential hazardous building upon completion of the mandatory portion of this chapter and until such time that the building is upgraded to the Uniform Code for Building Conservation.  
(Prior code § 18-6.02)

**15.28.030 Scope.**

The provisions of this chapter shall apply to all existing unreinforced masonry buildings constructed to building standards prior to the November 26, 1948 Oakland Building Code. This chapter shall not apply to any of the following:

A. A detached Group R Division 3 Occupancy or a detached Group R Division 1 Occupancy having only five living units or less; or

B. Accessory buildings serving Group R Division 3 Occupancies or accessory buildings serving Group R Division 1 Occupancies having only five living units or less; or

C. A building which has been structurally upgraded after November 26, 1948 to comply with the earthquake regulation of the Oakland Building Codes in effect at the time the building permit was obtained from the City of Oakland.

(Prior code § 18-6.03)

#### **15.28.040 Authority.**

The Building Official or designee is authorized and directed to enforce all provisions of this chapter.

Unless otherwise noted, the provisions of the current code shall apply; however, this chapter shall not preclude the enforcement of any federal, state or other local codes, laws or ordinances.

The Building Official shall have the power to render interpretations of this chapter and to adopt and enforce rules and regulations supplemental to this chapter as he or she may deem necessary in order to clarify the application of the provisions of this chapter. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this chapter.

(Prior code § 18-6.04)

#### **15.28.050 Right of entry.**

Whenever necessary to make an inspection to enforce any of the provisions of this chapter, or whenever the Building Official has reasonable cause to believe that there exists in any building or upon any premises any condition which constitutes a violation of the provisions of this chapter, the Building Official may enter such building or premises at all reasonable times to inspect the same or perform any duty imposed upon the Building Official by this chapter; provided that:

A. If such building or premises be occupied, he or she shall first present proper credentials and request entry; and

B. If such building or premises be unoccupied, he or she shall first make a reasonable effort to

locate the owner or other persons having charge or control of the building or premises and request entry.

Any such request for entry shall state that the property owner or occupant has the right to refuse entry and that in the event such entry is refused, inspection may be made only upon issuance of an inspection warrant by a duly authorized magistrate. In the event the owner and/or occupant refuses entry after such request has been made, the Building Official is empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

(Prior code § 18-6.05)

#### **15.28.060 Definitions.**

For the purposes of this chapter, certain words, phrases, terms and their derivatives shall be construed as specified in this section. Words, phrases, and terms that are used in this article, but not specifically defined, shall have the meaning set forth in the applicable local, state or federal code, if appropriate. Other such words, phrases and terms shall be accorded their ordinary meanings.

"Building," for the purpose of determining occupant load, means any contiguous or interconnected structure; for purposes of engineering evaluation, means the entire structure or portion thereof which will respond to seismic forces as a unit.

"Complexity of work," for the purpose of prioritizing buildings, shall be based on cost and difficulty of upgrading work.

"Current code (current UBC)" means the current edition of the California State Building Code, as amended from time to time and as amended by the City of Oakland.

"Current Uniform Code of Building Conservation (current UCBC)" means the seismic provision for unreinforced masonry bearing wall buildings in the current edition of the Uniform Code of Building Conservation as adopted by the California State Building Code.

"Day" means calendar day.

"Historic structure" means a structure that meets one of the following requirements:

1. Is listed on the National Register of Historic Places;



2. Is a California Registered Historical Landmark or is a California Point of Historical Interest;
3. Is a landmark pursuant to Section 17.102.030 of the Oakland zoning regulations;
4. Is contributory to an S-7 preservation combining zone pursuant to Section 17.84.010 of the Oakland zoning regulations; or
5. Has received an "A" or "B" rating in the Oakland cultural heritage survey. Prior to the issuance of a building permit for work pursuant to this chapter, the URM building shall be surveyed and rated by the Oakland cultural heritage survey to determine if the building is a historic structure, as defined herein.

"Masonry" means that form of construction composed of stone, brick, concrete, gypsum, hollow clay tile, concrete, block or tile or other similar building units or materials or combination of these materials.

"Nonstructural falling hazards" means any ornamentation and appendage on the exterior of the building that is constructed of dense materials such as masonry or concrete attached directly or indirectly to unreinforced masonry, which may fall onto pedestrians or adjacent buildings or occupants of buildings, such as cornices, chimneys, balconies, stacks, towers, decorative statuary, and roof top tanks or equipment on buildings. For the purpose of this chapter, lintels, veneers and sills shall not be considered falling hazards.

"Nonstructural URM wall elements" means any URM wall element which does not participate in resisting lateral or vertical forces on the building by design or actual condition.

"Owner" means any individual or group of individuals or firm or any other entity holding legal or equitable title to the real property.

"Potentially hazardous URM building" means any URM building, other than those exempted from this chapter per Section 15.28.030 that does not meet the applicable retrofit standards specified in Sections 15.28.080 and 15.28.090.

"Reinforced masonry" means any masonry construction that meets the minimum reinforcing requirements which are as follows: the minimum area of reinforcing bars shall be not less than 0.001 times

the gross cross-sectional area of the wall, not more than two-thirds of which may be used in either direction and no required vertical reinforcement shall be less than three-eighths inch in diameter.

"Structural deficiencies" means structural elements which do not meet the applicable standards identified in Sections 15.28.080 and 15.28.090.

"Structural URM wall elements" means any non-bearing URM wall element, whether intentionally designed or not, that participates in resisting lateral forces caused by earthquake motion.

"Unreinforced masonry (URM)" means any masonry construction that does not meet the minimum reinforcement requirements of reinforced masonry, as defined in this section.

"URM building" means any building containing walls constructed, wholly or partially, with unreinforced masonry. Types of unreinforced masonry buildings include but are not limited to:

1. "URM bearing wall building or structure" means any structure which has unreinforced masonry wall which provides support for a floor or roof for which the total superimposed load exceeds one hundred (100) pounds per linear foot of wall.

2. "Frame building or structure with URM walls" means any structure with a structural frame of concrete, steel, or wood, with either infill walls or nonbearing walls constructed of unreinforced masonry or structural URM wall elements.

3. "Building with URM veneer" means any structure other than 1 and 2 of this definition with nonstructural unreinforced masonry exterior facing for the purpose of ornamentation, protection or insulation. (Prior code § 18-6.06)

#### **15.28.070     URM buildings hazard mitigation process.**

The following process shall be followed for abatement of the hazards posed by potentially hazardous URM buildings.

A. Establish List and Priority and Notify Owner. The Building Official shall establish and maintain a list of potentially hazardous URM buildings and shall notify the owners in writing that their buildings have been identified as potentially hazardous

and of their obligation to mitigate the potential hazard in compliance with this chapter. The notice shall include the priority level for each building, as determined by the Building Official, and shall refer the owner to the appropriate time period for compliance, as specified in subsection C of this section. The time period shall commence on the date of the notice.

The priority levels for each potentially hazardous URM building will be determined by the Building Official and shall be based on the type of soil on which the building is located, number of stories, pedestrian and vehicle traffic adjacent to the building, use of building, number of occupants and complexity of retrofit work.

The owner may appeal the priority level of his or her building in accordance with Section 15.28.160B.

**B. Filing Engineer's Report and Building Permit Application.** The owner shall file with the Building Official an engineering analysis report (EAR) with an acceptable building permit application to comply with the applicable mandatory retrofit standard within the time specified in subsection C of this section. The requirements of the EAR shall be in accordance with Section 15.28.100.

**C. Schedule to Complete Work.** The owner shall file a building permit application and complete the retrofit work in accordance with the applicable mandatory retrofit standard in Sections 15.28.080B and 15.28.090 within the time specified in the following tables. Failure to comply with the program within the specified time frame shall be in violation of this chapter and subject to the penalties and remedies described in Sections 15.28.150 and 15.28.160.

**TABLE 1 — BUILDINGS WITH URM BEARING WALLS**

PRIORITY LEVEL	SUBMISSION OF BUILDING PERMIT APPLICATION FOR MANDATORY STANDARD (Years)	CONSTRUCTION COMPLETE (Years)
1	1.0	2.0
2	2.0	3.0
3	3.0	4.0

**TABLE 2 — FRAME BUILDING WITH URM INFILL WALLS AND BUILDINGS WITH URM VENEER**

PRIORITY LEVEL	SUBMISSION OF BUILDING PERMIT APPLICATION FOR MANDATORY STANDARD (Years)	CONSTRUCTION COMPLETION (Years)
1	3.0	5.0
2	4.0	6.0
3	5.0	7.0

Note: Time interval is measured from the date of the notice.

**D. Removal of Building from City's URM List.** URM bearing wall building, upgraded to the mandatory retrofit standard in Section 15.28.080B, shall be issued a "Certificate of Compliance of the Mandatory Requirements," but remain on the city's list of potentially hazardous URM buildings. After the building has been upgraded or demonstrated to be in compliance with the applicable voluntary standards for URM bearing wall building in Section 15.28.080C or the mandatory standard for URM infill wall and URM veneer building in Section 15.28.090, to the satisfaction of the Building Official and the final inspection of the building permit work is approved, the Building Official shall remove that building from the inventory list of potentially hazardous URM buildings. URM bearing wall building upgraded to the voluntary standard in Section 15.28.080C shall be exempted from any further seismic mitigation legislation per Section 15.28.110.

**E. Historic Buildings.** Prior to the issuance of a building permit for work pursuant to this chapter, the URM building shall be surveyed and rated by the Oakland cultural heritage survey to determine if the building is a historic structure as defined herein.

All historic structures may use the applicable provisions in the State Historical Building Code established under Part 8 in Title 24 of the California Code of Regulations.

**F. Environmental Impact Mitigation.** The owner shall provide advance written notice to tenants of the intent to perform the seismic retrofit activities, apprise tenants of the work schedule, provide dust barriers as needed, avoid unsafe or hazardous conditions for both tenants and construction workers during construction, remove debris, take vermin and pest control measures if necessary, provide alternative services if normal utilities are interrupted, and take corrective measures to minimize safety concerns regarding hazardous materials created by the retrofit activity consistent with the mitigation plan attached to the Negative Declaration ER90-47. (Prior or code § 18-6.07)

#### **15.28.080 Voluntary and mandatory retrofit standards for bearing wall buildings.**

**A. General.** The owner of a building with URM bearing walls shall upgrade his or her building to the mandatory retrofit standards specified in subsection B of this section, within the time specified in Section 15.28.070C. Upgrading the building to the voluntary standards specified in subsection C of this section will cause the removal of the building from the city's inventory list of URM buildings as indicated in Section 15.28.070D.

**Exception:** Buildings with only some URM walls (that includes URM bearing walls) will not be subject to the upgrade standard in this section and will be removed from the city's URM list provided:

1. All the URM wall elements provide less than one percent of the total lateral load resisting system in all directions as defined in this chapter, and less than five percent of the vertical load carrying system.

2. When required by the Building Official, the engineer/architect provides acceptable analysis and documentation, to substantiate compliance with this exception.

##### **B. Mandatory Retrofit Standards for Bearing Wall Buildings.**

1. **Building Elements To Be Upgraded.** As a minimum, the following elements shall be upgraded to mitigate potential falling hazards:

- a. Secure the roof and floors to the building's exterior walls if such attachment is lacking or determined as inadequate. The connections between roof/floors and walls shall be designed for the out of plane forces on the walls (tension blots);

- b. Brace or reinforce parapets;

- c. Remove, upgrade or repair nonstructural falling hazards;

- d. Stairways, corridors, exit balconies, exit courts and exit passageways in all buildings covered by this chapter shall be protected from falling hazards.

2. **Design Standard and Excluded Building Elements.** In designing the upgrades for the above items, the minimum lateral forces specified in the

current UCBC shall apply to elements in subsection (B)(1)(a) of this section and current code shall apply to elements in subsections (B)(1)(b) and (c) of this section.

Walls, parapets, and other building elements which due to their locations or the height of the adjacent structure pose negligible hazards to life and adjacent property in the event of failure or instability, (such as parapets on the sides of buildings which are adjacent to another building of equal or more in height) may be excluded from the required work within the specified time in Section 15.28.070C provided the owner agrees to execute an agreement with the city to defend, hold the city harmless and indemnify the city for any damage, injury or loss of life that may arise as a result of changed conditions to the adjacent structure (such as removal of the adjacent building). The owner must record the agreement with the County Recorder, and supply a copy of the recorded agreement to the city.

C. Voluntary Retrofit Standards for Bearing Wall Buildings. If the owner elects to voluntarily upgrade his or her building to the retrofit standard in this subsection his or her building will be removed from the city's potentially hazardous URM list.

1. The entire building shall be retrofitted in accordance with the current UCBC. All destructive materials testing in accordance with the current UCBC is required only when those elements are used as part of the structural design. The decision of whether or not to test existing materials is fully the responsibility of the engineer/architect, and the city assumes no liability for damage, injury or harm caused by such testing. However, in the absence of acceptable test data, the engineer/architect shall use allowable stresses from existing materials in accordance with the current UCBC or as approved by the Building Official.

2. Proposed alterations, additions, restoration and rehabilitation of buildings with URM bearing walls shall include an evaluation of the effects of such work to the building in its entirety. This shall include, but not be limited to, an investigation of the effects of any induced eccentricity and changes in

the foundation and in story stiffness as a result of the proposed improvements.

3. Stairways, corridors, exit balconies, exit courts and exit passageways in all buildings covered by this chapter shall be protected from falling debris. Vertical supports for stairways shall be shown to retain their integrity after an earthquake.

Exception: When the lower story or stories of a building are of URM construction (or, contain at least one URM bearing wall) but the structural system of the upper stories consists of the only wood frame or steel stud construction, then only the URM stories need be upgraded to the standards set forth in subsection C of this section, and the other stories need not be upgraded. NOTE: This alternative does not satisfy the upgrade standard referenced in Sections 15.28.110 and 15.28.120. (Prior code § 18-6.08)

#### **15.28.090      Mandatory retrofit standards for frame buildings with URM walls and buildings with URM veneer.**

The owner of a framed building with URM infill walls and buildings with URM veneer shall upgrade his or her building to the retrofit standards specified in this section, within the time specified in Section 15.28.070C.

As a minimum, the following elements shall be upgraded to mitigate the potential falling hazards:

A. Brace or reinforce parapets and remove, upgrade or repair nonstructural falling hazards. In designing the upgrade for these items the current code shall apply;

B. Stairways, corridors, exit balconies, exit courts and exit passageways in all buildings covered by this chapter shall be protected from falling hazards;

C. Walls, parapets, and other building elements which due to their locations or the height of the adjacent structure pose negligible hazards to life and adjacent property in the event of failure or instability such as parapets on the sides of buildings which are adjacent to another building of equal or more in height, may be excluded from the required work within the specified time in Section 15.28.070C

provided the owner agrees to execute an agreement with the city to defend, hold the city harmless and indemnify the city for any damage, injury or loss of life that may occur due to the absence of the upgrade work and agrees to perform the upgrade work at some future time to abate any hazards that may arise as a result of changed conditions to the adjacent structure. The owner must record the agreement with the County Recorder, and supply a copy of the recorded agreement to the city.

**Exception:** Buildings with only some interior URM walls composed of structural URM elements that provide less than one percent of the total existing lateral resisting system in all directions and/or nonstructural URM interior wall elements as defined in this chapter, will not be subject to the structural upgrade standard in this section. When required by the Building Official, the engineer/architect shall provide an acceptable analysis and documentation to substantiate that the building qualifies for this exception. (Prior code § 18-6.09)

#### **15.28.100    Engineering analysis reports (EARs).**

**A. General.** The EARs shall be filed with the applicable building permit and prepared to demonstrate the proposed permit work will comply with the applicable standards specified in Section 15.28.080 for the bearing wall buildings or Section 15.28.090 for frame buildings with URM infill walls and for buildings with URM veneer.

**B. Preparer of Report.** Building owners shall employ a civil or structural engineer or architect, registered by the state of California, herein called "engineer/architect," to prepare the engineering plan and calculations acceptable to the Building Official for the proposed retrofit work applicable to the building permit application and to prepare the EARs in accordance with this section.

**C. Scope of Analysis.** The scope of analysis need only address the proposed permit work with the following information:

**1. Building Permits for Mandatory Upgrade Work.** The following analysis for the mandatory upgrade of URM bearing wall buildings and the

upgrade for frame buildings with nonbearing URM walls and for buildings with URM veneer shall be performed:

- a. Parapet stability;
  - b. Nonstructural falling hazards anchorage and stability;
  - c. Wall to diaphragm anchorage for tension anchors (for bearing wall buildings only);
  - d. Evaluation of falling hazards for exits.
- 2. Building Permit for Voluntary URM Bearing Wall Upgrade Work.** The following analysis for the voluntary upgrade of URM bearing wall buildings shall be performed:
- a. General compliance with the current UCBC:
  - i. Required retrofitting,
  - ii. Materials testing;
  - b. Structural analysis:
  - i. Out-of-plane loads on walls; tension anchors and bracings,
  - ii. Wall to diaphragm anchors for shear,
  - iii. In-plane strengthening of walls; repairs and repointing,
  - iv. Diaphragm capacity,
  - v. Other analysis as required by current UCBC,
  - vi. Integrity of stairway and falling hazards for exits.

**D. Format of Report.** The engineering reports for all building permits shall conform with the format in this subsection. This format is not meant to be a constraint on the engineer/architect preparing the report, but rather it shall be considered as the minimum acceptable information to be submitted.

- 1. General Information.**
  - a. Date report is completed;
  - b. The building address with the County Assessor's parcel number;
  - c. Name of building (if any);
  - d. Name, address, and telephone number of owner;
  - e. Names, addresses, and telephone numbers of property beneficiaries;
  - f. The type of occupancy uses within the building and the occupant loads;
  - g. The number of residential, commercial and other units in the building;

h. The dates of original design, construction, additions or substantial structural alternations (if known) of the building;

i. The name of the original designer and contractor (if known), and the name and address of the designer and contractor (if known), for any subsequent additions or substantial structural alternations;

j. Affirmative of whether or not the original building plans are available and name and address of person who has plans;

k. Scaled plan to show footprint of building in relation to property line (if known), sidewalk, and street area, and adjacent buildings;

1. Photos or sketches of elevation to show adjacent buildings.

2. Summary of Existing Conditions. The engineer/architect shall investigate the building for compliance with the applicable standard in Section 15.28.080 or 15.28.090 related to the proposed building permit application, describe the vertical load carrying systems and identify any URM bearing walls. The engineer/architect shall also include a description of all parapets and nonstructural falling hazards, their construction, supports, materials and any testing and test data.

3. Deficiencies and Corrective Measures. The engineer/architect shall submit structural analysis in accordance with the applicable provisions in subsection C of this section to identify deficiencies and design corrective measures to meet the minimum requirements of the applicable retrofit standards.

4. Proposed Upgrade/Corrective Work. The engineer/architect shall describe the upgrades or corrective work required for the building under the proposed building permit and provide an estimated cost for the work.

5. Engineer/Architect Certification. Name, work address, work phone number, California state professional license number and signature of engineer/architect who authored the report. (Prior code § 18-6.10)

#### **15.28.110 Future retrofitting legislation.**

A. No URM building which has been upgraded to the standard set forth in this section shall, within a period fifteen (15) years after completion of the work required for such upgrade, or such other period as the state of California may from time to time adopt, be identified as a "seismic hazard to life" pursuant to any other seismic mitigation building standard adopted by the city, unless:

1. Such building no longer meets the structural upgrade standards under which it was retrofitted; or

2. The occupancy classification for such building is changed.

B. A building qualifies for this exemption from future retrofitting legislation if it meets the following standard:

1. For URM bearing wall buildings, complete building upgrade to the standards of Section 15.28.080C;

2. For any frame building with URM infill walls, or building with URM veneer, complete building upgrade to the city's Interim Standard Ordinance No. 11274 C.M.S. (Prior code § 18-6.11)

#### **15.28.120 Change of occupancy.**

URM bearing wall buildings may change their current occupancy classification to the uses listed below without meeting the seismic provisions for a new building in the current code (UBC) if the entire building complies with the seismic retrofit standard of the UCBC in effect at the time of the change in use and the standards in Section 15.28.080C:

Current occupancy may be changed to:

GROUP	DESCRIPTION OF OCCUPANCY
A	3 - Drinking and dining establishment if the A-3 component is less than 2 stories and is occupied by no more than 100 occupants 4 - Stadiums, reviewing stands and amusement parks
B	All B uses as defined in the UBC (i.e., repair garages, offices, retail, small drinking and dining establishment)
H	4
M	All uses defined in the UBC (i.e., private garbage)
R	All residential uses as defined in the UBC

(Prior code § 18-6.12)

#### 15.28.130 Addition, alteration or repair.

Whenever addition, alteration or repair work to a potentially hazardous URM building involves any one of the following conditions, the building shall be upgraded to comply with the applicable standards specified in Sections 15.28.080C and 15.28.090 prior to the approval of the addition, alteration, or repair work shall mean the cumulative addition, alteration or repair work performed on the building within any four-year period.

A. The total cost for all addition, alteration and repair work exceeds fifty (50) percent of the total replacement cost of the existing building. The valuation of the work and the replacement cost of the existing building shall be determined by the Building Official.

B. Vertical loading is increased by five percent on the affected supporting elements of the roof or floor of a building.

C. More than fifty (50) percent of the total floor and roof areas of the building are involved in substantial structural alteration.

D. The cumulative area of additions excluding basement additions, exceeds thirty (30) percent of the total floor and roof areas of the building excluding basement.

When the owner believes the Building Official made an error in his or her determination of this section, the owner may appeal the determination to the Board of Examiners and Appeals in accordance with Section 15.28.160C. (Prior code § 18-6.13)

#### 15.28.140 Design review.

A. Nonhistoric Structures. For nonhistoric structures, the owner or owner's agent prior to the start of any alterations, restoration, retrofit or making of any significant changes to a nonhistoric, unreinforced masonry structure that is subject to design review under city codes and regulations shall submit a design review application to the city and have it approved by the Planning Director. The design review application shall be submitted prior to or in conjunction with the filing of the building permit application and the engineering analysis report. A building permit application for complete demolition of nonhistoric structure is not subject to design review.

Design review applications shall be reviewed and approved or disapproved by the Planning Director. To aid in his or her review of an application, the Planning Director may obtain advice from the Building Official or outside professionals. The Plan-

ning Director's decision will be made within forty-five (45) days of the date of the city's receipt of a completed design review application. However, upon receipt of each design review application, the Planning Director may, at his or her discretion, refer the application to the City Planning Commission rather than acting on it himself or herself. If the application is referred to the Planning Commission, the Planning Commission's decision on the application will be made within sixty (60) days of the date the application was received by the city. Applications for altering, abating, repairing, restoring or rehabilitating any nonhistoric structure that is subject to design review shall be required to meet the applicable criteria of this chapter. Any decision of the Building Official relating to the structural upgrading design requirements or of the Planning Director related to the design review application for a nonhistoric structure can be made in accordance with Section 15.28.160D.

B. Unless otherwise expressly provided in this chapter, the owner or the owner's agent, prior to the start of any alterations, restoration, retrofit, or the making of any significant changes to a URM historic structure, shall submit a design review application to the city prior to or in conjunction with the filing of the building permit application and engineering analysis report, and have it approved by the Planning Director.

Except as otherwise set forth in this chapter, design review applications shall be reviewed and approved or disapproved by the Planning Director. To aid in his or her review of an application, the Planning Director may obtain advice from the Building Official or outside professionals. The Planning Director's decision will be made within forty-five (45) days of the date of the city receipt of a completed design review application. However, upon receipt of a completed design review application, the Planning Director will notify the Landmarks Preservation Advisory Board. If such notice is given by a member of the Board, the Planning Director shall immediately forward the application to the Board and the subject application shall be considered and a recommendation, if any, shall be made to the

Planning Director by the Landmarks Board within forty-five (45) days of the date of the application. In all such cases, the Planning Director's decision will be made within sixty (60) working days of the date of the city's receipt of the completed design review application. Applications for altering, abating, restoring or rehabilitating or demolishing historic structures which are contributory to an S-7 preservation combining zone shall be required to satisfy the criteria of Sections 17.84.010 through 17.84.070 and 17.136.070 of the city's zoning regulations. Applications for altering, repairing, restoring or rehabilitating or demolishing any other Historic Structure shall be required to meet the criteria of Sections 17.102.030 and 17.136.070 of the city's zoning regulations. Any decision of the Building Official relating to the structural upgrading design requirements or the Planning Director relating to the design review application for a historic structure may be appealed in accordance with Section 15.28.160E. (Prior code § 18-6.14)

#### **15.28.150 Penalties for noncompliance.**

All monetary penalties shall be credited to the Seismic Safety Division of the Office of Planning and Building to fund the implementation and enforcement of this chapter.

It is unlawful for the owner of a potentially hazardous URM building subject to this chapter to fail to comply with the provisions of this chapter. After written notification thereof from the city to the owner, the following penalties shall be imposed upon owners who fail to comply with the requirements of this chapter:

A. Failure to File Building Permit Application and Engineering Analysis Report on Time. Each owner who fails to file a building permit application and Engineering Analysis Report for any building subject to this chapter within the time period specified in Section 15.28.070C for such building shall, in addition to any other penalty or remedy which may be assessed pursuant to this chapter or other applicable law, be fined the sum of one thousand dollars (\$1,000.00). This penalty shall attach the day following the last day of the period during which

the owner is to file said application and report. The maximum fine under this subsection shall be five thousand dollars (\$5,000.00) per building.

B. Failure to Complete Upgrades. Each owner who fails to complete the building upgrades required by this chapter within the period specified in Section 15.28.070C for such building shall, in addition to any other penalty or remedy which may be assessed pursuant to this chapter or other applicable law, be fined the sum of two thousand dollars (\$2,000.00). This penalty shall attach the day following the last day of the period during which the owner is to complete said upgrades. An additional two thousand dollar (\$2,000.00) penalty shall be imposed each calendar month thereafter that the owner fails to complete said upgrades. The maximum fine under this subsection shall be ten thousand dollars (\$10,000.00) per building.

C. Noncompliance Actions. In addition to the fines, authorized by subsections A and B of this section, the Building Official may take the following actions in the event of any failure to comply with the requirements of this chapter:

1. Notify all parties with financial interest in the property (such as mortgage lenders, lien holders, insurance bearers) and the tenants that the building is a potentially hazardous URM building and is in violation with this chapter;

2. File a statement with the County Recorder Office describing the potential hazards of the building and the violations of this chapter. Upon correction of the violation of this chapter the Building Official will file a release of any order of unreinforced masonry building hazard mitigation that may have been recorded;

3. Post a sign on building to designate it as a potentially hazardous URM building. The signs shall be located at well lighted locations, readily visible by the occupants and public when entering the building and shall be protected from damage. Location, form and content of the sign is subject to the Building Official's approval. The building owner shall be responsible for installing and maintaining the signs and immediately replacing them, at the owner's expense, as necessary. When the owner

corrects all violations of this chapter to the satisfaction of the Building Official, the posting of the building required by this section shall be removed. However, if the owner violates any aspect of this chapter after the posting has been removed, the Building Official will report the building immediately.

4. The Building Official may revoke the certificate of occupancy permit upon thirty (30) days' notice and evacuate the building three years after the due date of completion of the work as specified in Section 15.28.070C, if the owner fails to complete the mandatory upgrade work within the specified time in Section 15.28.070C. The certificate of occupancy permit will be reissued after the upgrade work is completed and the final inspection for the building permit is approved. The owner may appeal any action or penalty for noncompliance in accordance with Section 15.28.160F. (Prior code § 18-6.15)

#### **15.28.160 Appeals process.**

A. Exemption from URM Program. If the owner believes that his or her building is not a potentially hazardous URM building or is otherwise exempted from the provisions of this chapter, the owner shall submit evidence, such as original drawings or test results, to substantiate the claim. The Building Official will review the evidence submitted by the owner and will remove the building from the city's list of potentially hazardous URM buildings if the Building Official determines that the building is exempted or in compliance with this chapter.

B. Appeal of Priority Level. If the owner of a priority level 1 or 2 URM building can demonstrate by written notice evidence his or her inability to obtain financial assistance to perform the mandatory upgrade or believes the Building Official made an error in determining the priority level for his or her building, the owner may appeal the Building Official's determination of the priority level to the Board of Examiners and Appeals. The appeal shall be filed with the Building Official within ninety (90) days of the date of notification and the Board shall not be authorized to extend the schedule to

complete the work beyond the priority 3 work schedule.

Such appeal shall be made on a form prescribed by, and filed with, the Building Official. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Building Official. The appeal will be heard by the Board of Examiners and Appeals within thirty (30) days of the date of receipt of the appeal by the city. Not less than seven days prior to the hearing date, the Building Official shall give notice to the appellant of the date, time and place of the hearing. The Board shall be authorized to continue the hearing from time to time.

In considering the appeal, the Board shall determine whether, based upon the record, the Building Official erred or abused his or her discretion. Error or abuse of discretion is shown if it is established that the Building Official failed to follow the provisions of this chapter.

The decision of the Board shall be in writing and shall be considered final and nonappealable on the date it is issued. A copy of the Board's decision shall be mailed or otherwise delivered to the appellant by the Building Official within seven days of the date of the Board's decision.

**C. Appeal of Addition, Alterations, or Repair.** When the owner believes the Building Official made an error in his or her determination regarding additions, alterations or repairs, the owner may appeal the determination to the Board of Examiners and Appeals. Such appeal shall be made within thirty (30) days after the date of the Building Official's written decision.

Such appeal shall be made on a form prescribed by, and filed with, the Building Official. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Building Official. The appeal will be heard by the Board of Examiners and Appeals within thirty (30) days of the date of receipt of the appeal by the city. Not less than seven days prior to the hearing date, the Building Official shall give notice to the appellant of the date, time and place of the hearing. The Board shall

be authorized to continue the hearing from time to time.

In considering the appeal, the Board shall determine whether, based upon the record, the Building Official erred or abused his or her discretion. Error or abuse of discretion is shown if it is established that the Building Official failed to follow the provisions of this chapter.

The decision of the Board shall be in writing and shall be considered final and nonappealable on the date it is issued. A copy of the Board's decision shall be mailed or otherwise delivered to the appellant by the Building Official within seven days of the date of the Board's decision.

**D. Appeal of Design Review of Nonhistoric Structures.** Any decision of the building Official relating to the structural upgrading design requirements or of the Planning Director relating to the design review application for a nonhistoric structure that is subject to design review, may be appealed by interested persons as follows:

1. If the appeal involves only administrative, structural or life safety issues which will not affect the exterior characteristics of the structure, the appeal shall be made and decided pursuant to the procedures and provisions of subsection C of this section. Such appeal may only be made by the building permit applicant.

2. If the appeal involves administrative, structural or life safety issues that may affect the exterior characteristics of the structure, the appeal shall be made and decided pursuant to the procedures set forth in subsection (E)(2) of this section.

3. If the appeal involves issues or proposals that will affect only the exterior characteristics of the structure, with no implications for the structural or life safety portions of the structure, the appeal shall be made and decided pursuant to the procedures set forth in other applicable city codes and regulations.

**E. Appeal of Design Review of Historic Structures.** Any decision of the Building Official relating to the structural upgrading design requirements or of the Planning Director relating to the design review application for a historic structure, may be appealed as follows:

1. If the appeal involves only administrative, structural or life safety issues which will not affect structure, the appeal shall be made and decided pursuant to the procedures and provisions of subsection C of this section. Such appeals may only be made by the building permit applicant.

2. If the appeal involves administrative, structural or life safety issues that may affect the exterior or historic characteristics of the structure, the appeal may be taken by any interested person and shall be made and decided pursuant to the following procedure:

a. Appeals to the Board of Earthquake Appeals for Historic Structures shall be made within fifteen (15) days after the date of a decision by the Building Official or Planning Director. The Building Official's and Planning Director's decision shall be considered final, if no appeal is taken within the fifteen (15) day appeal period. Thereafter no appeal shall be allowed.

b. Such appeal shall be made on a form prescribed by the Planning Director and shall be filed with the Planning Director. The appeal shall state specifically wherein it is claimed there was an error of discretion by the Planning Director or Building Official. Upon receipt of the appeal, the Planning Director shall place the matter on the agenda of the next available meeting of the Board of Earthquake Appeals for Historic Structures. Not less than seven days prior to the hearing date, the Planning Director shall give notice to the appellant and to the owner if different from the appellant specifying the date, time and place of the hearing.

c. In considering the appeal, the Board shall determine whether, based upon the record, the Building Official or Planning Director erred or abused his or her discretion. Error or abuse or discretion is shown if it is established that the Building Official or Planning Director failed to follow the provisions of this chapter.

d. The decision of the Board shall be made in writing, shall be nonappealable and shall be considered final on the date it is issued. A copy of the Board's decision shall be mailed or otherwise delivered to the appellant and to the owner if different

from the appellant by the Planning Director within seven days of the date of the Board's decision.

E. Appeal of Noncompliance Penalties and Action. Any decision by the Building Official to impose penalties or take actions in the event of any failure to comply with the requirements of this chapter may be appealed by the owner or the owner's agent to the Board of Examiners and Appeals. Any such appeal shall be made within thirty (30) days of the date of the Building Official's mailing of notification. The appeal shall be made on a form approved by the Building Official and shall show how the Building Official has either committed an error or has abused his or her discretion.

In considering the appeal, the Board shall determine whether, based upon the record, the Building Official erred or abused his or her discretion. The decision of the Board shall be in writing and shall be final. The certificate of occupancy will not be revoked until the decision of the Board is final and in writing. (Prior code § 18-6.16)

#### **15.28.170 Recovery of penalties.**

The penalties imposed on the building owner shall be assessed against the real property subject to this chapter and shall, if addition, be an obligation of the owner of the subject property. In the event the owner of a building is a group of individuals, firms, or other entities or any combination thereof, the obligation imposed by this section shall be joint and several. The Building Official shall give the owner of such premises a written notice showing the amount of the fine and requesting payment thereof. If the amount of such fine is not paid to the Building Official within thirty (30) days after the date of such notice, the Building Official shall forward a report of the penalties to the City Council for confirmation.

The property owner shall be given at least fifteen (15) days' written notice of the confirmation hearing before the City Council. The amount of the penalties shall be confirmed by the City Council, unless the City Council finds, based upon evidence in the record, that the Building Official erred in imposing or in computing the amount of the penalty. If such

error is found, the City Council may modify the amount of the penalty, as warranted.

Upon confirmation of the penalty, the City Council shall direct the Building Official to record in the Office of the County Recorder of the county of Alameda, state of California, a certificate substantially in the following form:

#### **NOTICE OF SPECIAL ASSESSMENT PLAN**

Pursuant to Chapter 15.28 of the Oakland Municipal Code, the penalty of \_\_\_\_\_ was assessed by the Building Official, and confirmed by the Oakland City Council, against the described real property and said amount has not been paid, in full, and the City of Oakland does hereby claim a special assessment lien upon the hereinafter described real property in said amount; the same shall be a lien upon said real property until said sum has been paid in full. The real property herein above mentioned and upon which a lien is claimed is that certain parcel of land lying and being in the City of Oakland, County of Alameda, State of California and particularly described as follows to wit:

(INSERT DESCRIPTION OF PROPERTY)

Dated This \_\_\_\_\_ day of \_\_\_\_\_, in the year \_\_\_\_\_

\_\_\_\_\_  
Building Official

Such lien attaches upon recordation of the notice of special assessment lien. The description of the parcel in the notice of lien shall be that used for the same parcel as the County assessor's map book for the current year. The County Assessor shall enter each assessment on the county tax roll opposite the affected parcel of land. The amount of the assessment shall be collected and shall be subject to the same penalties and the same procedures for foreclosure and sale, in case of delinquencies, as provided for ordinary municipal taxes. (Prior code § 18-6.17)

#### **15.28.180 Remedies.**

It is unlawful for the owner of any building within the scope of this chapter to violate any provision of this chapter.

In addition to the penalties in Section 15.28.150 the following remedies are available to the city and may be imposed independently or in combination with each other at the sole discretion of the Building Official, unless otherwise noted herein.

A. Maintenance of a potentially hazardous URM building beyond the time specified in Section 15.28.070C for completion of upgrades to such building shall be and is declared a public nuisance.

B. The city may seek injunctive relief on behalf of the public to enjoin a building owner's violation of this chapter.

C. The city may withhold the issuance of any building permit and/or may suspend the existing building permits on the subject building unless otherwise authorized by the building permits on the subject building unless otherwise authorized by the Building Official for emergency repairs.

D. The Building Official, after written notice to the owner, may revoke or suspend the occupancy permit for any structure for which the owner violates any of the provisions of this chapter. The notice of revocation or suspension shall provide the owner the right to provide the Building Official with evidence that the occupancy permit should not be revoked or suspended either because the structure is not subject to the provisions of this chapter or because the Building Official did not follow the provisions of this chapter.

E. Any person violating any provision of this chapter shall be guilty of an infraction.

F. These remedies are not exclusive and the city may utilize any other remedies available at law or equity. (Prior code § 18-6.18)

#### **15.28.190 Fees.**

The Office of Planning and Building may impose fees to implement this chapter pursuant to the master fee schedule. (Prior code § 18-6.19)

<b>Chapter 15.30</b>		<b>Article I Scope</b>
<b>VOLUNTARY SEISMIC STRENGTHENING FOR RESIDENTIAL BUILDINGS</b>		
	<b>Article I Scope</b>	
<b>Sections:</b>		
<b>15.30.010</b>	<b>Title.</b>	<b>15.30.010 Title.</b>
<b>15.30.020</b>	<b>Intent.</b>	This chapter shall be known as "Voluntary Seismic Strengthening for Residential Buildings." (Ord. 12812 § 1 (part), 2007)
<b>15.30.030</b>	<b>Purpose.</b>	
<b>15.30.040</b>	<b>Application.</b>	
<b>15.30.050</b>	<b>Amendments.</b>	
	<b>Article II Administrative</b>	<b>15.30.020 Intent.</b>
<b>15.30.100</b>	<b>Definitions.</b>	This chapter is intended to promote public safety and welfare and safeguard life and limb, health, and property through a voluntary program for structurally strengthening the portions of wood framed residential buildings that are most vulnerable to earthquake damage. The prescriptive structural strengthening standards set forth herein will reduce the risk of seismically-induced damage by improving the structural resistance of these buildings.
<b>15.30.110</b>	<b>Rules, regulations, and interpretations.</b>	
	<b>Article III Non-administrative</b>	<b>15.30.030 Purpose.</b>
<b>15.30.200</b>	<b>Structural weaknesses.</b>	A. Prescriptive Design.
<b>15.30.210</b>	<b>Seismic strengthening—General.</b>	1. This chapter establishes voluntary prescriptive design standards for the structural strengthening of underfloor enclosures to resist seismic loads without requiring plans or calculations prepared by a registered design professional or in accordance with the Oakland Building Construction Code. Sufficient documentation shall be submitted to accurately establish existing conditions. When the Building Official determines that existing conditions are beyond the scope of these prescriptive standards, an engineering analysis prepared by a registered design professional shall be submitted.
<b>15.30.220</b>	<b>Seismic strengthening—Quality control.</b>	2. Alternate details and methods equivalent to or exceeding the prescriptive design standards in this chapter are permitted when approved by the Building
<b>15.30.230</b>	<b>Prescriptive design—Framing.</b>	
<b>15.30.240</b>	<b>Prescriptive design—Foundations.</b>	
<b>15.30.250</b>	<b>Prescriptive design—Sill plates.</b>	
<b>15.30.260</b>	<b>Prescriptive design—Supplemental connector.</b>	
<b>15.30.270</b>	<b>Prescriptive design—Cripple walls.</b>	
<b>15.30.280</b>	<b>Prescriptive design—Deviations.</b>	
	<b>Article IV Financial Incentives</b>	
<b>15.30.300</b>	<b>Financial incentives—Qualifications.</b>	
<b>15.30.310</b>	<b>Financial incentives—Program.</b>	
<b>15.30.320</b>	<b>Financial incentives—Requirements.</b>	

Official. Sufficient documentation shall be submitted to substantiate such equivalence.

**B. Non-Prescriptive Design.**

1. This chapter also allows voluntary non-prescriptive designs equivalent to or exceeding the prescriptive design standards in this chapter. Seismic strengthening calculations, plans, and specifications for associated permits shall be prepared by registered design professionals. Analysis and documentation with respect to lateral strength, deflection, and soil capacity shall be in accordance with the Oakland Building Construction Code and approved by the Building Official.

2. Non-prescriptive designs for strengthening structural weaknesses set forth in Sections 15.30.200 (A)(1) through (A)(4) (inclusive) may incorporate the prescriptive design standards set forth in the Oakland Building Construction Code when approved by the Building Official. (Ord. 12812 § 1 (part), 2007)

**15.30.040 Application.**

**A. Exclusions.**

This chapter shall apply solely to existing, wood-framed, one- and two-story residential buildings classified either as a Group R, Division 3 occupancy or as a Group R, Division 3 occupancy with an attached Group U, Division 1 occupancy. The prescriptive design standards in this chapter shall not apply to buildings, or portions thereof, with any of the following structural elements or features:

1. Lateral force resisting system using or containing poles or columns embedded in the ground;
2. Cripple wall height exceeding four feet, as measured vertically at any point;
3. Building exceeding two stories in height or exceeding three thousand (3,000) square feet of combined floor area for a two story building or exceeding two thousand (2,000) square feet of floor area for a one story building, as defined in the Oakland Building Construction Code;
4. Building erected on a concrete slab-on-grade;
5. Building erected on or into sloping ground with a surface gradient steeper than three units horizontally to one unit vertically, as measured at any point;

6. Clay or concrete roof tiles with mortared edges;

7. Building framing other than wood;
8. Brick or stone veneer height exceeding four feet, as measured vertically at any point.

**B. Historic Buildings.**

Residential buildings that have been qualified as historic shall be permitted to use alternate building regulations, as set forth in the State Historical Building Code, to preserve their original or restored architectural elements and features. (Ord. 12812 § 1 (part), 2007)

**15.30.050 Amendments.**

Where any section, subsection, sentence, clause, phrase, or other part of the Oakland Building Construction Code recited in this chapter is amended subsequently, all provision of the original section not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto. (Ord. 12812 § 1 (part), 2007)

**Article II  
Administrative**

**15.30.100 Definitions.**

As used in this chapter, the following terms shall have the meanings set forth hereto:

**“Adhesive Anchor”** means an approved proprietary fastener placed in hardened concrete or masonry that derives its holding strength from a chemical adhesive compound placed between the wall of the hole and the embedded portion of the anchor.

**“Anchor Side Plate”** means an approved proprietary metal plate or plates used to connect a wood sill plate to the side of a concrete or masonry foundation.

**“Assembled Masonry”** means and includes adobe, burned clay, concrete or sand-lime brick, hollow clay or concrete block, hollow clay tile, rubble, cut stone, and unburned clay masonry in which the area of reinforcement is less than fifty percent (50%) of the minimum steel ratios required for reinforced masonry by the Oakland Building Construction.

**“Building Official”** means the Building Official of the City of Oakland, as identified in the Oakland

Building Construction Code, or his or her designee, and successors in title.

**“City”** means the City of Oakland, a municipal corporation.

**“City Administrator”** means the City Administrator of the City of Oakland or his or her designee, and successors in title.

**“Cripple Wall”** means a wood-framed wall extending from the top of the perimeter foundation to the underside of the lowest floor framing.

**“Expansion Anchor”** means an approved proprietary mechanical fastener placed in hardened concrete or masonry that is designed to expand in a self-drilled or pre-drilled hole of a specified diameter and depth and engage the sides of the hole in one or more locations to develop shear and/or tension resistance to applied loads without grout or chemical adhesive.

**“Group R, Division 3 occupancy”** means a one- or two-family residence, as defined and used in the Oakland Building Construction Code.

**“Group U, Division 1 occupancy”** means a private garage, as defined and used in the Oakland Building Construction Code.

**“Non-Prescriptive (Engineered) Design”** means a seismic strengthening method that is prepared under the responsible charge of a registered design professional in accordance with the Oakland Building Construction Code.

**“Oakland Building Construction Code”** means the most current edition of the California Building Code with amendments adopted by the City of Oakland, as set forth in Oakland Municipal Code, Title 15, Chapter 15.04, and successors in title.

**“Perimeter Foundation”** means a foundation system that is located beneath and provides support for the exterior walls of a building or structure.

**“Purchaser”** means an individual, group of individuals, limited partnership, limited liability company, corporation, or other entity who by recorded instrument acquires title through assignment, transfer, or other conveyance to real property located within the corporate limits of the City of Oakland that has been previously improved with a residential building.

**“Registered Design Professional”** means an architect or engineer possessing a valid license issued by the State of California to perform civil, structural, soil, or geotechnical related design, material classification and analysis, and structural observation.

**“Residential Building”** means a habitable structure for which a certificate of occupancy has not been revoked that is classified by the Building Official solely as a Group R, Division 3 occupancy or as a Group R, Division 3 occupancy with an attached Group U, Division 1 occupancy.

**“Seismic Strengthening”** means an approved improvement of the lateral force resisting system of the structure by an alteration of existing or addition of new structural elements.

**“Supplemental Connector”** means an approved proprietary metal framing connection.

**“Unreinforced Concrete”** means concrete in which the area of reinforcement is less than fifty percent (50%) of the minimum steel ratios required for reinforced concrete by the Oakland Building Construction. (Ord. 12812 § 1 (part), 2007)

#### **15.30.110 Rules, regulations, and interpretations.**

A. The Building Official may adopt administrative rules and regulations as required to implement this chapter and may make non-administrative interpretations as required to achieve the purposes of this chapter.

B. The City Administrator may adopt administrative rules and regulations as required to implement the financial incentives of this chapter. (Ord. 12812 § 1 (part), 2007)

### **Article III Non-Administrative**

#### **15.30.200 Structural weaknesses.**

A. Structural weaknesses shall include the following:

1. Sill plates or floor framing supported directly on the ground without an approved foundation system.

2. Perimeter foundation constructed of wood posts supported by isolated footings.

3. Perimeter foundation that is not continuous.

**Exception:** existing porches, storage rooms, and similar spaces that do not contain fuel-burning appliances.

4. Perimeter foundation constructed of unreinforced concrete or assembled masonry.

5. Sill plates not connected to the foundation in accordance with this chapter.

6. Cripple walls not braced in accordance with this chapter.

B. A separate permit for strengthening structural weaknesses set forth in Sections 15.30.200(A)(1) through (A)(4) (inclusive) shall be required as a condition of issuance of a permit for strengthening structural weaknesses set forth in Sections 15.30.200(A)(5) and (A)(6). (Ord. 12812 § 1 (part), 2007)

#### **15.30.210 Seismic strengthening—General.**

##### A. Scope.

1. Residential buildings may be seismically strengthened by newly installed construction and alteration of existing construction. Alternate prescriptive and non-prescriptive designs shall be equivalent to or exceed the performance levels of this chapter and be approved by the Building Official.

2. Alternative prescriptive designs with provisions for voluntary seismic retrofitting of wood-framed cripple walls have been developed by a committee representing the East Bay, Peninsula, and Monterey Bay Chapters of the International Code Council (ICC) with additional committee representation by other governmental organizations. Alternative prescriptive designs include those that were approved by the three chapters of ICC, the Association of Bay Area Governments (ABAG), the California Building Officials (CALBO), the Structural Engineers Association of Northern California, and the Earthquake Engineering Research Institute of Northern California in October 2004, with later amendments, and are considered equivalent to this chapter.

##### B. Wood Materials.

1. Wood materials that are part of the seismic strengthening system shall be free of defects which substantially reduce the structural capacity of the member. Wood material that is infested with or dam-

aged by fungus or insects shall be replaced with new material that provides an equivalent original dimension and structural capacity of the existing member. Newly installed material in contact with concrete or masonry shall be approved preservative treated wood or foundation-grade redwood in accordance with the Oakland Building Construction Code.

2. Fasteners, anchors, washers, plates, connectors, and similar metal attachments shall be corrosion resistant metal and shall not be detrimentally affected by wood preservative coatings or impregnations in accordance with the Oakland Building Construction Code. Installed fasteners shall not split wood members. (Ord. 12812 § 1 (part), 2007)

#### **15.30.220 Seismic strengthening—Quality control.**

##### A. Permits, Inspections, and Fees.

Applications, fees, permits, and inspection approvals shall be required for seismic strengthening and shall be in accordance with the Oakland Building Construction Code and the Master Fee Schedule.

##### B. Special Inspection.

Special inspection for a prescriptive design shall not be required, unless otherwise determined to be necessary by the Building Official. Special inspection for a non-prescriptive design shall be in accordance with the Oakland Building Construction Code and the requirements of the registered design professional in responsible charge of the work.

##### C. Structural Observation.

Structural observation shall not be required for a prescriptive design. Structural observation for a non-prescriptive design shall be in accordance with the Oakland Building Construction Code. (Ord. 12812 § 1 (part), 2007)

#### **15.30.230 Prescriptive design—Framing.**

##### A. Floor Joists—End Bearing.

End bearing of floor joists shall be restrained by a continuous rim joist (two-inch nominal thickness), or tightly-fitting, full-depth, lumber blocking (two-inch nominal thickness) or exterior grade structural wood panel sheathing (one-inch minimum thickness). Bottom edge fasteners for rim joists and perimeter edge

fasteners for blocking and sheathing shall be either 8d common angled ("toe") nails spaced apart four inches or equivalent supplemental connectors. Foundation blocking or sheathing shall be installed between alternate floor joists. Cripple wall blocking or sheathing shall be installed between each floor joist, except for obstructions (piping, underfloor ventilation and access, conduits, ducts, etc.). The perimeter of supplemental blocking shall be fastened to adjoining members.

**B. Floor Joists—Parallel Span.**

Floor joists that are parallel to a perimeter foundation shall have a parallel rim joist fully supported by the foundation sill plate or cripple wall top plate. Bottom edge fasteners for rim joists shall be either 8d angled ("toe") nails spaced apart four inches or equivalent supplemental connectors. (Ord. 12812 § 1 (part), 2007)

**15.30.240 Prescriptive design—Foundations.**

**A. Construction.**

Foundations shall be constructed in accordance with the Oakland Building Construction Code. Soil investigations or geotechnical studies shall not be required unless the building has structural distress from soil movement.

**B. Analysis.**

1. Foundations with structural weaknesses set forth in Sections 15.30.200(A)(1) and 15.30.200(A)(2) shall be replaced with a continuous perimeter foundation.

2. Foundations with structural weaknesses set forth in Sections 15.30.200(A)(3) and 15.30.200(A)(4) shall be either

a. replaced with a continuous perimeter foundation, or

b. analyzed for structural adequacy by a registered design professional for force levels determined by the formula:

$$V = 0.1375 W,$$

where  $V$ = base shear and  $W$ = tributary weight, and approved by the Building Official. Test reports to determine existing foundation material strengths, quality, and condition shall be submitted for review.

**15.30.250 Prescriptive design—Sill plates.**

**A. Connection.**

Sill plates shall be connected to foundations in accordance with the Oakland Building Construction Code, or as otherwise approved by the Building Official. Anchors within braced panels of cripple walls shall be spaced apart not more than thirty-two (32) inches (two-anchors minimum per continuous sill plate). Sill plates shall be drilled for fasteners used with anchor side plates before installation.

**B. Anchors.**

Adhesive and expansion anchors shall be installed with a metal plate washer between the nut and the sill plate or supplemental block. Washers shall be 2-inch x 2-inch x 3/16-inch. Expansion anchors shall not be used in assembled masonry or unreinforced concrete foundations. Adhesive anchors shall be used where expansion anchors cause surface cracking of the foundation or cannot be tightened as required by the manufacturer's recommendations. Supplemental blocks for through-anchor installation, when installed, shall be two-inch nominal thickness lumber and fastened to sill plates with not less than four 10d common nails. (Ord. 12812 § 1 (part), 2007)

**15.30.260 Prescriptive design—Supplemental connector.**

Supplemental connectors that are substituted for a group of individual fasteners shall provide a structural capacity equivalent to or exceeding the combined capacity of the fasteners. (Ord. 12812 § 1 (part), 2007)

**15.30.270 Prescriptive design—Cripple walls.**

**A. Bracing.**

1. Cripple walls shall be braced with exterior grade structural wood panel sheathing not less than 15/32-inch thickness. Plywood sheathing shall be not less than five plies.

2. Sheathing shall be fastened to cripple wall studs, top plate, and sill plate. Fasteners shall be 8d common nails spaced apart not more than four inches at sheathing edges and not more than twelve inches

at intermediate supports and shall be installed not less than 3/8-inch from sheathing edges.

3. Sheathing horizontal joints shall be continuously supported between studs by full-width and full-depth, two-inch nominal thickness lumber blocking. Sheathing vertical joints shall continuously supported by stud framing.

4. Supplemental studs ("sistered") shall be full-depth and full-height and fastened to existing studs with 16d common nails spaced apart not more than eight inches in a vertically staggered pattern (three nails minimum).

5. Top plates shall be lapped and fastened in accordance with the Oakland Building Construction Code or spliced with an equivalent supplemental connector installed on the sheathing face.

6. Supplemental blocking for sheathing bottom edge-nailing shall be full-width and full-depth between studs, twice nominal thickness lumber, and fastened to sill plates with 10d common nails spaced apart not more than six inches in an alternating pattern (four nails minimum).

7. Cutouts in sheathing and notches in top plates, sill plates, and existing studs for obstructions (piping, underfloor ventilation and access, ducts, etc.) shall be reinforced with supplemental connectors and approved by the Building Official.

#### B. Bracing Distribution.

##### 1. Braced End-Panels.

Cripple walls shall be braced at each end of the wall line, or elsewhere along the wall line when approved by the Building Official. The horizontal length of a braced end-panel shall be not less than eight feet, measured at any point.

##### 2. Braced Intermediate-Panels.

Cripple walls also may be braced with intermediate-panels spaced apart evenly between braced end-panels. The horizontal length of an intermediate-panel shall be not less than four feet, measured at any point, and not less than twice the vertical height of the braced panel for buildings with tile roofing or with portland cement plaster or brick or stone veneer exterior building surfaces.

### 3. Unbraced Sections.

Cripple walls may have unbraced sections between braced panels. The horizontal length of an unbraced section of wall line shall be

a. not more than sixteen (16) feet, measured at any point, for a one-story building with wood exterior building surfaces, and

b. not more than twelve (12) feet, measured at any point, for a one-story building with tile roofing or with portland cement plaster or brick or stone veneer exterior building surfaces, and

c. not more than eight feet, measured at any point, for two story buildings with tile roofing or with portland cement plaster or brick or stone veneer exterior building surfaces.

#### C. Ventilation.

1. Underfloor ventilation shall not be reduced.

2. Sheathed stud cavities shall be individually ventilated with two-inch diameter holes drilled through the bracing sheathing, and centered within the stud cavity, and located not less than one inch below the top plate, and one inch above the sill plate, and one inch above and below horizontal blocking. Cavities with stud height less than eighteen (18) inches shall have a single ventilation hole. (Ord. 12812 § 1 (part), 2007)

### **15.30.280 Prescriptive design—Deviations.**

Substantive deviations from the prescriptive design requirements in this chapter shall be analyzed by a registered design professional and approved by the Building Official. Calculations, plans, and specifications shall be in accordance with the Oakland Building Construction Code. (Ord. 12812 § 1 (part), 2007)

## **Article IV**

### **Financial Incentives**

### **15.30.300 Financial incentives—Qualifications.**

A. From time to time, the city may provide opportunities for purchasers and current owners of existing residential buildings to apply for financial incentives to voluntarily strengthen their residences

against earthquake damage. To qualify, purchasers and current owners shall complete either a prescriptive or non-prescriptive seismic strengthening upgrade in full conformance with the approved design and all conditions of the issued permit.

B. Purchasers and current owners shall not be eligible for financial incentives for work previously completed, with or without required permits, fees, or inspection approvals, which conforms with or exceeds either a prescriptive or non-prescriptive seismic strengthening design. Inspection of residential buildings by the Building Official to confirm the presence or absence of previously installed seismic strengthening and its structural capacity shall be a condition of permit issuance. (Ord. 12812 § 1 (part), 2007)

#### **15.30.310 Financial incentives—Program.**

Financial incentives, as may be available, shall include the following:

A. A determinate permit fee, as established in the Master Fee Schedule.

B. A portion of the real estate transfer tax for a newly purchased residential building, not to exceed one-half of one percent (0.5 %) of the purchase price of the residential building, as verified by the Building Official, or five thousand dollars (\$5,000.00), whichever is the lesser amount. (Ord. 12812 § 1 (part), 2007)

#### **15.30.320 Financial incentives— Requirements.**

A. To qualify for a determinate permit fee incentive, as may be available, the purchaser or current owner shall:

1. Submit a certified copy of the recorded instrument of ownership with a permit application to the Building Official.

2. Within one year following approval of the permit application for issuance, receive a certificate of completion of the work from the Building Official.

3. Within thirty (30) calendar days following issuance of a certificate of completion, submit an instrument approved by the Building Official establishing continuing ownership of the real property.

B. To qualify for a real estate transfer tax incentive, as may be available, the purchaser shall:

1. Within sixty (60) calendar days following recordation by the Alameda County Clerk-Recorder of a transfer of ownership of the real property to the purchaser, submit the following documentation with a complete permit application to the Building Official:

a. certified copy of the recorded instrument of ownership transfer, and

b. approved instrument establishing the purchase price of the residential building.

2. Within one year following approval of the permit application for issuance, receive a certificate of completion of the work from the Building Official.

3. Within thirty calendar days following issuance of a certificate of completion, submit an approved instrument to the Building Official establishing continuing ownership of the real property. (Ord. 12812 § 1 (part), 2007)



## Chapter 15.32

### DANGEROUS BUILDINGS AND STRUCTURES

#### Sections:

**15.32.090    High voltage wires restricted in certain districts.**

**15.32.090    High voltage wires restricted in certain districts.**

It is declared unlawful for any person engaged in the business of transmitting electrical energy by means of overhead wires, where such wires cross any street, alley or public place, or where such wires are placed on poles or super-structures erected or maintained on such streets, alleys or public places, to permit such wires to be used to transmit such electrical energy at a greater voltage than fifteen thousand (15,000) volts, in that portion of the city bounded and described as follows:

Commencing at a point on the northerly charter line of the City of Oakland and the southerly boundary line of the Town of Emeryville where the same is intersected by the easterly line of the right of way of the Southern Pacific Company; thence running easterly along said northerly charter line to the City of Oakland and the southerly boundary line of the Town of Emeryville to the point where said line intersects the westerly boundary of the City of Oakland and the easterly boundary line of the Town of Emeryville; thence running northeasterly, westerly and northerly, following the boundary line between the City of Oakland and the Town of Emeryville, to a point where said last named line intersects the southerly boundary line of the City of Berkeley; thence running along the northerly charter line of the City of Oakland, northeasterly, southerly and easterly to a point on said northerly boundary line of the City of Oakland where said last mentioned line is intersected by Indian Gulch Creek; thence running southwesterly in a straight line to a point where said Indian Gulch Creek is intersected by

the westerly line of Matthews Avenue in the City of Oakland; thence running along said westerly line of said Matthews Avenue to its intersection with the northerly line of Cambridge Street; thence running easterly along the northerly line of Cambridge Street to its intersection with the westerly line of Thirteenth Avenue; thence running northeasterly along the westerly line of Thirteenth Avenue to its intersection with the northerly boundary line of the City of Oakland; thence running easterly along said northerly boundary line of the City of Oakland to the easterly boundary line of said City of Oakland; thence southerly running along the easterly boundary line of the City of Oakland to a point where said easterly boundary line of the City of Oakland intersects the northerly line of the right of way of the Southern Pacific Company near Twenty-Fourth Avenue; thence running westerly along the northerly boundary line of the right of way of the Southern Pacific Company and crossing the north arm of Oakland Harbor to a point where the northerly line of First Street intersects the westerly line of Jackson Street; thence running westerly along the northerly line of First Street to a point where the said northerly line of First Street intersects the westerly line of Magnolia Street; thence running westerly in a straight line to a point where the easterly line of the right of way of the Southern Pacific Company intersects the northerly line of Seventh Street; thence running northerly along the eastern boundary line of the right of way of the Southern Pacific Company to a point where the same intersects the northerly charter line of the City of Oakland and the southerly boundary line of the town of Emeryville and point of beginning.

The Superintendent of Fire Alarm and Police Telegraph is directed to report to the City Manager all violations of the provisions of this section. (Prior code § 2-4.10)



## Chapter 15.34

### **CONSTRUCTION AND DEMOLITION DEBRIS WASTE REDUCTION AND RECYCLING REQUIREMENTS**

**Sections:**

- 15.34.010      Title.**
- 15.34.020      Purpose and intent.**
- 15.34.030      Definitions.**
- 15.34.040      Transportation of C&D debris.**
- 15.34.050      Submission of a waste reduction and recycling plan (WRRP).**
- 15.34.060      Review of WRRP.**
- 15.34.070      Submission of a completed summary report.**
- 15.34.080      City's rights to monitor and inspect.**
- 15.34.090      Appeals.**

**15.34.010      Title.**

The provisions of Section 15.34.010 through Section 15.34.090 inclusive, shall be known as the City of Oakland "Construction and demolition debris waste reduction and recycling requirements." (Ord. 12253 § 1 (part), 2000)

**15.34.020      Purpose and intent.**

The purpose of these provisions is to prescribe requirements designed to meet and further the goals of the California Integrated Waste Management Act of 1989 Assembly Bill 939 and the Alameda County Waste Reduction and Recycling Act of 1990 (Measure D). These requirements shall apply to affected projects as specified in this chapter.

The intent of these provisions is to divert at a minimum fifty (50) percent of C&D debris from landfills; process and return the materials into the economic mainstream thereby conserving natural resources; and stimulate markets for recycled and salvaged materials.

The City Manager or his/her designee is authorized to develop guidelines to implement the re-

quirements of this chapter, which may be amended from time to time. (Ord. 12253 § 1 (part), 2000)

**15.34.030      Definitions.**

For the purpose of this Chapter 15.34, the following definitions shall apply:

"Addition" means an extension or increase in floor area or height of a building or structure (as adopted in Section 15.04.005).

"Affected project" means a project that requires a waste reduction and recycling plan ("WRRP") because it meets one or more of the following criteria:

1. It is new construction;
2. It is nonresidential or apartment house demolition;

3. It is a nonresidential or apartment house addition or alteration, that has a permit valuation greater than or equal to fifty thousand dollars (\$50,000.00) in year 2000 dollars (subject to inflation adjustments.)

Affected projects exclude projects required to divert C&D debris under the 1997 requirements of the Modifications to the Standard Specifications for Public Works Construction (Ordinance No. 12049 C.M.S.).

"Alteration" means any change, addition or modification in construction or occupancy (as adopted in Section 15.04.005).

"Apartment house" means any building or portion thereof that contains three or more dwelling units and, for the purpose of this chapter, includes residential condominiums (as adopted in Section 15.04.005).

"Appeal" means the process outlined in Section 15.34.090.

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity that undertakes any construction, demolition, addition, or alteration project within the city.

"Building official" means the officer or other designated authority charged with the administration and enforcement of the California Building Code

(“CBC”) and the city’s amendments to the CBC (as adopted in Section 15.04.005).

“Construction” means the manner or method of building (as adopted in Section 15.04.005).

“Construction and demolition debris,” “C&D debris,” or “construction debris” means waste building materials resulting from construction, addition, remodeling, repair, alteration or demolition operations (as adopted in Section 8.28.010 and Section 15.04.005).

“Demolition” means the deconstructing, destroying, razing, tearing down, or wrecking of any facility including its foundation, covered by this chapter. As used herein, the word “demolition” shall include any partial demolition and any interior demolition affecting more than ten percent of the replacement value of the structure as determined by the Building Official. Demolition work includes: (1) proper disposal of recyclables, solid waste, and hazardous materials pursuant to applicable regulations and approved plans, if any, (2) termination of utilities serving the premises including permits and final inspections and approvals, (3) removal of driveways and repair of public sidewalks, as required, and (4) site cleanup and restoration including grading, landscaping, and fencing as required.

“Divert,” “diverted,” or “diversion” means to use C&D debris for any purpose other than disposal in a landfill, incineration facility, or alternative daily cover. Methods to divert materials from landfills include reuse, salvage, and recycling.

“Diversion attainment” means at least fifty (50) percent by weight of the total C&D debris is diverted on an affected project.

“Hearing Officer” means the city staff designated by the City Manager to whom appeals can be made under this chapter.

“Nonaffected projects” means projects that do not require a WRRP. Applicants for nonaffected projects shall be encouraged to divert at least fifty (50) percent of all project-related C&D debris.

“Recyclables” or “recycle” or “recycling” means residential, commercial, or industrial materials or by-products which are set aside, handled, packaged, or offered for collection in a manner different than

solid waste for the purpose of being reused or processed and then returned to the economic mainstream in the form of commodities (as adopted in Section 8.28.010).

“Reuse” means recovering material for repeated use in the same form. This includes materials that are reused at the same location as they are generated.

“Salvage” means the recovering of C&D debris from a building or demolition site for the purpose of recycling, reuse, or proper storage for future recycling or reuse.

“Source separated” means recyclables that have been segregated from solid waste by or for the generator thereof on the premises at which they were generated for handling different from that of solid waste. This does not require that different types of recyclable commodities be separated from each other, except from organic recyclable material (as adopted in Section 8.28.010).

“Summary report” means the report to be submitted to the Building Official at the conclusion of the affected project and prior to the final inspection, issuance of a temporary certificate of occupancy, or certificate of occupancy.

“Targeted materials” means the C&D debris listed on the WRRP form that could potentially be reused, recycled, or salvaged.

“WRRP” means waste reduction and recycling plan.

“WRRP form” means a form, provided by the city for the purpose of compliance with this chapter that must be submitted by the applicant for any affected project.

“WRR Review Official” means the Waste Reduction and Recycling Review Official who is the city staff designated and authorized by the City Manager and is responsible for implementing this chapter. (Ord. 12253 § 1 (part), 2000)

#### **15.34.040 Transportation of C&D debris.**

It is unlawful for any person other than the city’s licensed franchised collector or those persons employed by the franchise collector to collect or haul

any construction and demolition debris within the city except:

A. Source separated construction and demolition debris, including but not limited to those collected by a person under contract to the city and those collected through private arrangements between the generator and the collector. Loads, which consist of mixed paper and which contain more than ten percent by weight of residual, shall not be considered source separated recyclables. Loads which consist of recyclables other than mixed paper and which contain more than five percent by weight of residual shall not be considered source separated recyclables; or,

B. Construction and demolition debris: (1) removed from a premises by a licensed contractor as an incidental part of a total construction, remodeling or demolition service offered by that contractor, rather than as a separately contracted or subcontracted hauling service using debris boxes or similar apparatus, or (2) directly loaded onto a fixed body vehicle and hauled directly to a transfer station, or disposal facility. (Ord. 12253 § 1 (part), 2000)

#### **15.34.050 Submission of a waste reduction and recycling plan (WRRP).**

A. WRRP Forms. For affected projects, prior to issuance of a building or demolition permit, the applicant shall complete and submit a WRRP form to the city's Building Official. The completed WRRP form shall delineate all of the following:

1. The estimated volume or weight of the affected project C&D debris to be generated, listed by each type of material; and
2. Volume or weight of the C&D debris to be reused, salvaged or recycled listed by each type of material; and
3. The estimated volume or weight of C&D debris that will be landfilled listed by each type of material. (Ord. 12253 § 1 (part), 2000)

#### **15.34.060 Review of WRRP.**

A. Notwithstanding any other provision of this chapter, no building or demolition permit shall be issued by the city for any affected project prior to

approval of the WRRP by the WRR Review Official. Approval shall not be required if an emergency demolition is required to protect public health or safety pursuant to Section 15.36.080.

B. Using the established guidelines, the WRR Review Official shall approve a WRRP only if:

1. The WRRP provides all the information set forth in Section 15.34.050 of this chapter; and,
2. The WRRP indicates that at least fifty (50) percent by weight of all C&D debris generated by the project will be diverted; or
3. The Applicant demonstrates good cause as to why at least fifty (50) percent by weight of all C&D debris generated by the project will not be diverted.

If the WRR Review Official fails to approve the WRRP, he/she shall explain in writing the basis for denial. (Ord. 12253 § 1 (part), 2000)

#### **15.34.070 Submission of a completed summary report.**

A. Documentation. At the conclusion of each affected project and prior to the final inspection, issuance of temporary certificate of occupancy, or certificate of occupancy by the city, the applicant shall submit to the Building Official a summary report which contains the following documentation:

1. The actual volume or weight of C&D debris that was diverted by type of material, diversion method, and the actual volume or weight of C&D debris that was not diverted;
2. Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this Chapter 15.34;
3. Any barriers encountered that prohibited diversion of C&D debris; and
4. Any recommended actions that would further the efforts to recycle C&D debris.

B. Determination of Diversion. The WRR Review Official shall review the information submitted under Section 15.34.050(A) to determine whether the applicant has diverted fifty (50) percent by weight of the C&D debris based on established guidelines, as follows:

1. Diversion Attainment. The applicant shall be found to have achieved a diversion attainment if at

least fifty (50) percent by weight of the C&D debris generated by the affected project is diverted, and appropriate documentation as outlined in Section 15.34.070 is provided.

2. Good Faith Effort. When the WRR Review Official determines that the affected project has not achieved diversion attainment, he/she shall determine whether the applicant has made a good faith effort to comply with this Chapter 15.34. In making this determination, the WRR Review Official may consider information submitted by the applicant, the availability of markets for the C&D debris that was not diverted, the size and type of project, the documented efforts of the applicant to divert C&D debris, and barriers encountered.

3. Nonattainment. The WRR Review Official shall determine the affected project to have a nonattainment status if he/she determines that the applicant has not made a good faith effort to achieve diversion attainment or if the applicant fails to submit the documentation required by Section 15.34.070. All nonattainment information including applicant name, type and size of project, and any reason for nonattainment shall be documented by the WRR Review Official. (Ord. 12253 § 1 (part), 2000)

#### **15.34.080 City's rights to monitor and inspect.**

A. Audit. City's WRR Review Official may inspect and monitor all affected projects to determine levels of actual diversion activities and validate the information provided in the WRRP and summary report.

B. Supporting Documentation. Applicant shall retain the receipts or weight tickets for the quantities of materials reused, salvaged, recycled and landfilled as indicated in the summary report form for one year after the final inspection, and issuance of temporary certificate of occupancy or certificate of occupancy.

C. Materials Targeted for Diversion. The City Manager or his/her designee may change the C&D debris materials targeted for diversion from time to time, based on local markets and conditions to fur-

ther the intent of this chapter. (Ord. 12253 § 1 (part), 2000)

#### **15.34.090 Appeals.**

An appeal of the WRR Official's decision not to approve the WRRP shall be made to the Hearing Officer according to the following appeal procedures:

A. Within ten calendar days after the date of a written decision by the WRR Review Official to deny the WRRP, an appeal in writing from said decision must be filed with the WRR Review Official by the applicant or any other interested party on a form prescribed by the WRR Review Official. The appeal shall state specifically the error, abuse of discretion, or claim where the decision of the WRR Review Official was not supported by substantial evidence in the record.

B. Upon receipt of the appeal, the Hearing Officer shall set the date for consideration thereof and, not less than ten days prior thereto, give a written notice to the applicant and or appellant.

C. In deciding the appeal, the Hearing Officer shall consider the purpose and intent, as well as the letter, of the pertinent provisions of this Chapter 15.34, and shall affirm, modify, or reverse the written decision of the WRR Review Official.

D. The written decision of the Hearing Officer shall be final.

E. Appeal fees shall be in accordance with the city's master fee schedule. (Ord. 12253 § 1 (part), 2000)

## Chapter 15.35

### **GREEN BUILDING REQUIREMENTS FOR CITY BUILDING PROJECTS AND TRADITIONAL PUBLIC WORKS PROJECTS**

#### **Article I.**

##### **Green Building Practices**

**Sections:**

- 15.35.010 Title.**
- 15.35.020 Purpose and intent.**
- 15.35.030 Definitions.**
- 15.35.040 Green building practices for City building projects.**
- 15.35.045 Green building practices for traditional public works projects.**
- 15.35.046 Promoting green building practices in private development projects.**
- 15.35.050 Compliance.**

#### **Article II.**

##### **Civic Bay-Friendly Landscaping Requirements for All City of Oakland, Redevelopment Agency and Public-Private Partnership Projects That Include Landscaping**

**Sections:**

- 15.35.110 Title.**
- 15.35.120 Purpose and intent.**
- 15.35.130 Definitions.**
- 15.35.140 Compliance.**

#### **Article I.**

##### **Green Building Practices\***

###### **15.35.010 Title.**

The provisions of Section 15.35.020 through Section 15.35.050 inclusive, shall be known as the

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\*Editor's note—Ord. No. 12950, § 1, adopted July 7, 2009, enacted provisions intended to amend Chapter 15.35 with the addition of Chapter 15.35.100. To preserve the style of this Code, and at the discretion of the editor, the existing provisions of Chapter 15.35 (§§ 15.35.010—15.35.050) have been designated as Article I, and the provisions of Ord. No. 12950 have been designated as Chapter 15.35, Article II, §§ 15.35.100—15.35.140.

City of Oakland "green building requirements for City building projects and traditional public works projects."

(Ord. 12658 § 1 (part), 2005)

#### **15.35.020 Purpose and intent.**

To promote economic and environmental health in Oakland, it is key that the City itself, through the design, construction, operations and deconstruction of its own facilities, provide leadership to both the private and public sectors in the arena of energy efficiency and "green" building practices. The most immediate and meaningful way to do this is to require the integration of green building strategies in as many public City buildings as feasible.

Therefore, the purpose of these provisions is to prescribe green building requirements to covered City building projects and traditional public works projects.

The City Administrator or designee is authorized to develop rules and regulations to implement the requirements of this chapter, which may be amended from time to time.

(Ord. 12658 § 1 (part), 2005)

#### **15.35.030 Definitions.**

"Building" means any structure used or intended for supporting or sheltering any use or occupancy as defined in the California Building Code.

"City building project" means any new construction or renovation of a building owned or occupied by a City department or agency.

"Covered City building project" means:

1. All new building projects owned or occupied by a City department or agency that equal or exceed three million dollars (\$3,000,000.00) in construction costs (adjusted annually to the Building Cost Index published in the Engineering News-Record Magazine); or

2. All renovation projects of any building owned or occupied by a City department or agency that equal or exceed three million dollars (\$3,000,000.00) in construction costs (adjusted an-

nually to the Building Cost Index published in the Engineering News-Record Magazine), excluding all costs associated with seismic improvement.

"Compliance Official" means the person who is authorized and responsible for implementing this chapter for any given project. The Director of the Public Works Agency, his or her designee, shall be the Compliance Official for all covered City building projects and traditional public works projects.

"Green building practices" means a whole systems approach to the design, construction, and operation of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition and renovation. Green building practices such as those described in the LEED Rating System, recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive environment.

"Initiated" means officially identified and substantially funded to offset all the costs associated with the project.

"LEED™ Rating System™" means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Commercial Green Building Rating System™, or other related LEED™ Rating System, approved by the U.S. Green Building Council.

"LEED™ accredited professional" means an individual who has passed the LEED™ accreditation exam issued by the USGBC in applying LEED™ principles to building design.

"Renovation" means any change, addition, or modification to an existing building or structure, including, but not limited to, tenant improvements.

"Structure" means that which is built or constructed, and edifice or building of any kind or any piece of work artificially built or composed of parts joined together in some definite manner and permanently attached to the ground.

"Traditional public works project" means heavy construction projects such as pump stations, flood control improvements, roads, bridges, as well as

traffic lights, sidewalks, bike paths, bus stops and associated infrastructure on City owned and maintained property.

(Ord. 12658 § 1 (part), 2005)

#### **15.35.040    Green building practices for City building projects.**

A. All covered City building projects initiated on or after the final adoption of this ordinance, shall meet a minimum LEED™ "Silver" rating under the LEED Rating System and be so certified by the U.S. Green Building Council.

B. All covered City building projects shall have a LEED-accredited professional as a principal member of the design team from the beginning of the project.

C. For purposes of reducing operating and maintenance costs in all City facilities, City building projects that do not meet the threshold that triggers compliance with the requirements of this ordinance are required to meet as many LEED green building checklist as a way of documenting the green building practices that have been incorporated into the project.

(Ord. 12658 § 1 (part), 2005)

#### **15.35.045    Green building practices for traditional public works projects.**

The Public Works Agency shall continuously revise the project specifications used in bidding traditional public works projects to include the best green building practices applicable.

(Ord. 12658 § 1 (part), 2005)

#### **15.35.046    Promoting green building practices in private development projects.**

Although the requirements of this ordinance do not extend to private development projects, the City of Oakland promotes the use of green building strategies in private development projects by offering a number of resources and incentives.

All private development projects in the City of Oakland are strongly encouraged, for example, to take advantage of free services provided by the Oakland Energy Partnership's Energy Efficiency

Design Assistance Program and PG&E's Savings by Design Program for the purposes of integrating strong energy efficiency attributes into their projects. Other incentives include free green building technical assistance and grants, green building guidelines, and free public promotion for qualified projects. Other incentives to "green" private development projects are currently under development.

A resource sheet with more information about these incentives and resources is available at Oakland's Green Building Resource Center on the second floor of 250 Frank Ogawa Plaza, through the Planning Department in the Community and Economic Development Agency on the third floor of 250 Frank Ogawa Plaza, and in the Mayor's office of the City of Oakland at City Hall.

(Ord. 12658 § 1 (part), 2005)

#### **15.35.050 Compliance.**

A. The City Administrator shall promulgate any rules and regulations necessary or appropriate to achieve compliance with the green building practices stated in this chapter. The initial rules and regulations shall be promulgated after securing and reviewing comments from affected City agencies and departments.

B. The rules and regulations promulgated by the City Administrator's office under this section shall provide for at least the following:

1. The incorporation of the green building practices of this chapter into the appropriate design and construction contract documents prepared for the applicable City projects;

2. The designation of an appropriate Compliance Official(s) who shall have the responsibility to administer and monitor compliance with the green building practices set forth in this chapter and with any rules or regulations promulgated thereunder, and to grant waivers or exemptions from the requirements of this chapter, and to report to the City Council regarding green building compliance on all covered City building projects and traditional public works projects.

(Ord. 12658 § 1 (part), 2005)

#### **Article II.**

#### **Civic Bay-Friendly Landscaping Requirements for All City Of Oakland, Redevelopment Agency and Public-Private Partnership Projects That Include Landscaping\***

##### **15.35.110 Title.**

The provisions of Sections 15.35.110 through 15.35.150, inclusive, shall be known as the "Civic Bay-Friendly Landscaping Requirements for all City of Oakland, Redevelopment Agency and Public-Private Partnership Projects That Include Landscaping."

(Ord. No. 12950, § 1, 7-7-2009)

##### **15.35.120 Purpose and intent.**

Bay-friendly landscaping is a systematic approach to the design, construction and maintenance of landscaping that protects and enhances the health of the San Francisco Bay watershed and reduces waste. Bay-friendly landscaping shall apply to City, Redevelopment Agency and public-private partnership landscaping projects to the extent defined in this Chapter.

The City Administrator or his/her designee is authorized to develop rules and regulations to implement the requirements of this Chapter, which may be amended from time to time.

(Ord. No. 12950, § 1, 7-7-2009)

##### **15.35.130 Definitions.**

"Bay-Friendly Landscaping Scorecard" means the most recent version of the Bay-Friendly Landscaping points system originally developed by StopWaste.Org.

"Covered project" means any City, Redevelopment Agency or public-private partnership landscaping project with a cost of \$100,000.00 or more (based on 2009 dollars and adjusted annually to the Building Cost Index published in the Engineering News-Record Magazine) and a size of 10,000 square feet or more.

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\*Editor's note—See note at Article I.

"Initiated" means City and Redevelopment Agency projects that are officially identified and substantially funded; and, in the case of public-private partnerships, that have Council-approved agreements for development.

"Landscaping" means planted areas and associated hardscapes, exclusive of public streets and sidewalks.

"Landscaping project" means any new construction of, or renovation to, landscaping that is:

1. On land or right-of-way owned by or leased to the City or Redevelopment Agency;
2. Built by the City, Redevelopment Agency or public-private partnership; or
3. Built as mitigation for a City, Redevelopment Agency or public-private partnership project.

"Public-private partnership" means any formal agreement between the City or Redevelopment Agency and a third party for the purpose of jointly conducting a landscaping project.

"Renovation" means any change, addition or modification to an existing landscaping.

(Ord. No. 12950, § 1, 7-7-2009)

#### **15.35.140 Compliance.**

A. All covered projects initiated on or after the effective date of the ordinance from which this Article derives shall meet the Bay-Friendly Landscaping Scorecard requirements.

B. For the purposes of reducing operating and maintenance costs, all City, Redevelopment Agency and Public-Private Partnership Landscaping Projects that do not meet the definition of a covered project but are greater than 2,500 square feet are required to achieve as many Bay-Friendly Landscaping Scorecard points as practicable. The Bay-Friendly Landscaping Compliance Official shall make pertinent information regarding such projects available to StopWaste.Org.

C. The City Administrator shall designate a Bay-Friendly Landscape Compliance Official, who shall have the responsibility to:

1. Administer and monitor compliance with the provisions of this Article and with any rules or regulations promulgated hereunder;

2. Regularly review the project specifications used in bidding covered projects to ensure inclusion of applicable practices specified in the Bay-Friendly Landscaping Scorecard;

3. Facilitate the provision to StopWaste.Org of pertinent information regarding all Covered Projects and other Landscaping Projects greater than 2,500 square feet.

4. Grant ministerial exemptions to the provisions of this Chapter, as specified herein; and

5. Report to Council, at Council's request, on the implementation of the provisions of this Chapter.

D. A ministerial exemption from compliance with the provisions of this Chapter shall be granted by the Bay Friendly Landscaping Compliance Official for:

1. Any renovation of Landscaping of historical significance, as designated by the City Landmarks Board or the Local Register of Historical Resources; and

2. Any installation of turf, both natural and artificial, for the purpose of constructing a sports field or multiple-use field.

Notwithstanding these exemptions, landscaping projects that include the renovation of landscaping of historical significance or the installation of turf shall achieve as many Bay-Friendly Landscaping Scorecard points as practicable.

E. Compliance with the any and all provisions of this Chapter may be waived in unusual circumstances where the City Administrator, at his or her sole discretion, has determined that the public interest would not be served by complying with such provisions.

(Ord. No. 12950, § 1, 7-7-2009)

## Chapter 15.36

### DEMOLITION PERMITS

#### **Sections:**

- 15.36.010 Definitions.**
- 15.36.020 Unlawful to demolish without permit.**
- 15.36.030 Demolition of buildings or structures, owner's completion bond.**
- 15.36.040 Posting requirement.**
- 15.36.050 Demolition permit fees.**
- 15.36.060 Penalties.**
- 15.36.070 Unlawful to demolish structure without building permit.**
- 15.36.080 Exceptions.**
- 15.36.085 Design review procedure.**
- 15.36.090 Applicability of the California Environmental Quality Act (CEQA).**
- 15.36.100 Dust control measures.**

#### **15.36.010 Definitions.**

For purposes of this chapter, certain words and phrases are defined, and certain provisions shall be construed, as herein set out, unless it shall be apparent from their context that a different meaning is intended.

"Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure or building covered by this chapter. As used herein, the word "demolition" shall include any partial demolition and any interior demolition affecting more than ten percent of the replacement value of the structure as determined by the Building Official.

"Discretionary demolition permit" means a demolition permit for a building or structure where either the demolition project or the replacement project requires one or more discretionary zoning acts by the City.

"Facility" means structure or any part thereof.

"Ministerial demolition permit" means a demolition permit issued for unsafe structures, structures on a site where the demolition project or replacement project does not require any discretionary zoning permits, or where the owner intends to create a vacant lot pursuant to Section 15.36.080.

"Redevelopment Agency-sponsored project" means projects approved by the Agency for sites within redevelopment project areas.

"Redevelopment project areas" shall have the same definition herein as it is given by the Community Redevelopment Law.

"Residential structures" means and includes apartment buildings, single-family dwellings, cooperatives, condominiums, and hotels and motels which contain dwelling units, as said latter term is defined by the zoning regulations. This term shall not be applied to structures where no more than one dwelling unit exists in a building primarily devoted to a nonresidential use.

"Structure" means and includes anything that would require a building permit to construct, excluding, however, structures built or that could be built pursuant to a temporary building permit.

"Unsafe structures" means structures found by the Building Official or the City Council, to require immediate issuance of a demolition permit to protect the public health and safety.

(Ord. No. 13028, § 2(Exh. A), 7-20-2010; Prior code § 6-9.01)

#### **15.36.020 Unlawful to demolish without permit.**

It is unlawful to demolish or cause to be demolished any structure without first having obtained a demolition permit pursuant to the provisions of this chapter.

(Prior code § 6-9.02)

#### **15.36.030 Demolition of buildings or structures, owner's completion bond.**

Prior to the issuance of a permit to demolish a building or structure, as required in this chapter, the owner, or his or her agent, if the owner does

not hold a valid license from the Contractor's State License Board to demolish buildings or structures, shall file with the Building Official a surety company bond, or other satisfactory bond, executed by the owner of the property upon which the building or structure is to be demolished, as principal, and conditioned as follows: that all of the work to be performed, including, but not limited to, the demolition of building or structure, removal of debris, restoration of the premises, shall be pursuant to the conditions of the said permit and shall be fully performed and complied with within ninety (90) days from the issuance date of said permit. Such bond shall be in the principal amount of two thousand dollars (\$2,000.00) and shall name the City of Oakland as obligee.

In lieu of such surety bond, the owner may post a bond executed by him or her as principal and secured by a deposit of a certified check or cashier's check, made payable to the City, in the amount of two thousand dollars (\$2,000.00).

An extension of time of said completion may be granted by the Building Official when, in his or her discretion, circumstances shall so justify, but no such extension shall release any surety or principal.

**Exemptions:** When authorized by the Building Official, applicant's completion bond need not be filed for demolition of the following:

- A. Nonresidential, one-story buildings of Type V construction with an area not exceeding six hundred (600) square feet;

- B. Group M, Division 1, Occupancies of Type V construction;

- C. Small and Unimportant Structures.

It is unlawful to demolish a building or structure without the owner or his or her agent having first posted a bond pursuant to the terms of this chapter.

(Prior code § 6-9.03)

#### **15.36.040 Posting requirement.**

No demolition permit shall be issued pursuant to this chapter unless and until at least five notices of the filing of the application for demolition are

posted for thirty (30) days within three hundred (300) feet of the exterior boundaries in either direction of the property to be demolished. This posting requirement shall not apply to unsafe structures or to small or unimportant structures. In cases of occupied multistoried buildings, at least two of the five notices, where possible, shall be posted in the lobby, hallway or similar common area of the building.

Individuals or organizations desiring written notice, after paying the fee set forth in the City master fee schedule, may have their names and addresses placed on the Building Official's notice list. Thereafter, and at the time of providing notice by posting, the Building Official shall mail written notice of each application for demolition to each person and organization whose name appears on the Building Official's notice list. The master fee schedule notice fee shall be payable annually and, once paid, shall be valid for one calendar year. In addition, each individual and organization shall be responsible for annually updating the Building Official's notice list with his, her, or its name and address.

At the end of the thirty (30) day posting period, the Building Official shall be authorized to issue to the demolition permit applicant a ready-to-issue notice. Said notice shall indicate that the demolition permit is ready for issuance and shall be issued once all other required discretionary permits have been obtained. The ready-to-issue notice shall be effective for eighteen (18) calendar months. Extensions of up to six months of this eighteen (18) month period may be granted by the Building Official for delays related to other permits. No ready-to-issue notice shall be effective for more than two years. If the demolition permit is not issued within eighteen (18) months, or any extension thereof, the date of the ready-to-issue notice, the demolition permit application shall be void. A reapplication and new fees shall be required, thereafter, for the proposed demolition.

(Prior code § 6-9.04)

**15.36.050 Demolition permit fees.**

Demolition permit fees shall be paid to the Building Official. Such fees, from time to time, shall be established and set forth in the master fee schedule.

(Prior code § 6-9.05)

**15.36.060 Penalties.**

Unless otherwise stated herein, a civil penalty of one thousand dollars (\$1,000.00) for each violation of this chapter shall be assessed against the owner of any property upon which an illegal demolition, or partial demolition, has occurred. In the case of residential structures, the owner of such properties, in addition to being assessed any other penalties hereunder, shall be assessed five thousand dollars (\$5,000.00) per living unit, as such is defined by the zoning regulations, for each living unit that is demolished or partially demolished without the appropriate permit.

Upon determining that a violation has occurred hereunder and that a penalty should be assessed, the Building Official shall give notice to the owner of the affected property.

If said penalty is not paid within thirty (30) days from the date of such notice, the Building Official, as soon as practicable thereafter, shall submit a report to the City Council for confirmation. Said report shall include a list of the subject violations, the name of the property owner and the proposed assessment for each violation. After receipt of the report, the Council shall fix a time, date and place for hearing the report and any protests or objections thereto.

The City Council shall cause written notice of the hearing to be mailed to the owner of the property to which the assessment(s) apply not less than ten days prior to the date of the hearing. The said written notice shall be mailed to each person to whom such property is assessed in the most recent property ownership records provided to the city by the County Assessor on the date the Council causes notice to be mailed.

Upon confirmation of the report of penalty assessment(s) by the City Council, a lien on the

real property to which the assessment(s) applies shall be recorded with the Recorder of the county of Alameda. Thereafter, the unpaid charges shall constitute a special assessment against said property and shall be collected at such time as established by the County Assessor for inclusion in the next property tax assessment. The assessment shall be subordinate to all existing special assessment liens previously imposed upon the property and paramount to all other liens except for those of state, county and municipal taxes with which it shall be upon parity. The lien shall continue until the assessment is paid. All laws applicable to the levy, collection and enforcement of municipal taxes shall be applicable to said special assessments.

The penalties called for hereunder shall be in addition to any other fees assessed and the terms of the master fee schedule.

All penalties and assessments shall be paid in full before the owner or any other applicant shall be granted any building or other permit for the site.

(Prior code § 6-9.06)

**15.36.070 Unlawful to demolish structure without building permit.**

Except as herein stated, it is unlawful to demolish and no demolition permit shall be issued for the destruction of any structure until the applicant has obtained a building permit to construct a replacement structure. Nothing herein shall prohibit the Building Official from issuing, pursuant to Section 15.36.040, a ready-to-issue notice prior to the issuance of a building permit.

(Prior code § 6-9.07)

**15.36.080 Exceptions.**

A demolition permit may be obtained without first obtaining a building permit where:

- A. The owner intends to, and does, create a surface parking lot, for which no building permit is required, or a vacant lot.
- B. The structure to be demolished is declared an unsafe structure or a public nuisance by the Building Official or the City Council.

## **15.36.080**

This exception shall not apply to any case where there is sufficient evidence that the owner or the owner's agent intentionally caused such structure to become an unsafe structure or public nuisance.

C. The structure to be demolished is a:

1. Nonresidential, one-story building of Type V construction with an area not exceeding six hundred (600) square feet; or

2. Group M, Division 1, Occupancies of Type V construction; or

3. Small and unimportant structure.

D. The structure to be demolished is either:

1. Part of a Redevelopment Agency-sponsored project; or

2. Part of a project with a valid conditional use permit or planned unit development approval, where demolition has been expressly considered as part of the project approval process.

(Ord. No. 13028, § 2(Exh. A), 7-20-2010; Prior code § 6-9.08)

taminants into the atmosphere in such quantity as will violate any city or regional air pollution control rules, regulations, ordinances, or statutes.

Water or dust palliatives or combinations of both shall be applied continuously and in sufficient quantity during the performance of work and at other times as required. Dust nuisance shall also be abated by cleaning and sweeping or other means as necessary.

A dust control plan may be required as condition of permit issuance or at other times as may be deemed necessary to assure compliance with this section. Failure to control effectively or abate fugitive dust nuisance or the discharge of smoke or any other air contaminants into the atmosphere may result in suspension or revocation of the permit, in addition to any other applicable enforcement actions or remedies.

(Ord. 12152 § 1, 1999)

## **15.36.085 Design review procedure.**

Demolitions may be subject to the design review procedures contained in Chapter 17.136 of the Oakland Planning Code.

(Ord. No. 13028, § 2(Exh. A), 7-20-2010)

## **15.36.090 Applicability of the California Environmental Quality Act (CEQA).**

Ministerial demolition permits shall be deemed exempt from CEQA. Discretionary demolition permits shall be subject to environmental analysis under CEQA. Any effects of the demolition shall be assessed as part of the project proposed for the site.

(Prior code § 6-9.09)

## **15.36.100 Dust control measures.**

"Best manager practices" shall be used throughout all phases of work, including suspension of work, to alleviate or prevent fugitive dust nuisance and the discharge of smoke or any other air con-

## Chapter 15.40

### BUILDING NUMBERS

**Sections:**

- 15.40.010 Building numbers required.**
- 15.40.020 System and record of numbering.**
- 15.40.030 Application for designation and assignment of numbers.**
- 15.40.040 Correcting erroneous numbers.**
- 15.40.050 Unnumbered buildings and obliterated numbers.**
- 15.40.060 Violation an infraction.**

**15.40.010 Building numbers required.**

At all primary entrances from public streets within the city, building addresses shall be displayed as hereinafter provided. The address of each and every entrance shall be placed upon or immediately above the door or gate closing said entrance or adjacent to the fence or wall opening leading to an entrance. The numbers of such address shall be at least two inches in height and of corresponding width; moreover, such address shall be displayed in a manner so as to be clearly readable from the street both night and day.

The appropriate street number shall be displayed as specified above within ten days after the receipt by the owner, occupant, lessee, tenant, or subtenant of such building, of a notice from the Building Inspector of the number or numbers designated for such building; and all numbers other than the number provided for in this chapter for the respective entrances shall be removed from every building by the owners, occupants, lessees, tenants, or subtenants thereof within ten days from the service of said notice designating the appropriate numbers to be placed thereon. It shall be the duty of the Building Inspector to designate the respective numbers for buildings fronting on streets heretofore laid out or hereafter to be laid out or extended. (Prior code § 7-2.01)

**15.40.020 System and record of numbering.**

The system of numbering shall be the one shown upon that certain map entitled, "Map showing plan of assigning numbers by blocks and portions of blocks for house numbering purposes in the city of Oakland," which said map was adopted by Ordinance No. 3227 and is continued in full force and effect. A record of building numbers assigned shall be kept on the block maps in the office of the Building Inspector. (Prior code § 7-2.02)

**15.40.030 Application for designation and assignment of numbers.**

Upon the completion of a building or buildings or alterations, thereto changing entrances, it is unlawful for the owners, agents, occupants, tenants, lessees, or sublessees to assign or place any number thereon unless the same shall have been officially designated by the Building Inspector, and application must be made at the office of said Building Inspector for such designation of numbers. (Prior code § 7-2.03)

**15.40.040 Correcting erroneous numbers.**

In cases where incorrect numbers have been placed and remain or shall hereafter be placed on any house or building, the owner, agent, or other person as in this chapter provided, shall upon notification of the error by the Building Inspector correct the number within ten days after official notification. (Prior code § 7-2.04)

**15.40.050 Unnumbered buildings and obliterated numbers.**

In cases where a house remains unnumbered or where a house may have been numbered and the number since lost or destroyed or defaced as to be unintelligible, the owner, agent, or other person as in this chapter provided, shall cause said house to be numbered in accordance with the official notification of the Building Inspector within ten days. (Prior code § 7-2.05)

**15.40.060 Violation an infraction.**

Any person violating any provision of this chapter shall be deemed guilty of an infraction. (Prior code § 7-2.06)

## Chapter 15.44

### MOVING BUILDINGS

**Sections:**

- 15.44.010      Permit required.**
- 15.44.020      Hearing on permit application—Evidence required.**
- 15.44.030      Owner's completion bond.**
- 15.44.040      When permit shall be denied.**
- 15.44.050      Permit to expire if work thereunder not commenced within ninety (90) days.**
- 15.44.060      Appeals.**
- 15.44.070      Bond required.**
- 15.44.080      Surety bond conditions.**
- 15.44.090      Liability insurance required.**
- 15.44.100      Identification of building mover.**
- 15.44.110      Injury to or obstruction of streets.**
- 15.44.120      Cutting wires.**
- 15.44.130      Repairing or paying for damage done.**

**15.44.010      Permit required.**

It is unlawful for any person to move, or cause to be moved, any building in, on, upon, across or along or into any public street or highway in the city without first obtaining a permit in writing to do so. Application for such permit shall be filed with the Building Inspector and shall specify the size and character of the building to be moved, the place from which and the place to which said building is to be moved, the method of such moving, and the proposed route to be followed. Said application shall be accompanied by a recent photograph of the building to be moved. (Prior code § 6-2.48)

**15.44.020      Hearing on permit application—Evidence required.**

Upon the filing of such application for a permit, the Building Inspector shall set a hearing thereon to be held before the City Manager, at a designated

time. Written notice shall be mailed to the known owners of property situated within one hundred fifty (150) feet of the exterior boundaries of the lot on which said building is to be located, and notice thereof shall also be posted on said proposed location and upon the property from which such building is to be removed. Such notice mailed and posted shall set forth the character of the building to be moved, the place from which and the place to which it is to be moved, and the time and place of hearing upon the permit application. At such hearing all persons interested in property in the immediate vicinity of the proposed new location shall be entitled to file protests against such moving based upon the requirements of this chapter. No permit shall be granted unless the Building Inspector shall certify that the building to be moved is structurally sound. Prior to the said hearing the Director of Public Works/Superintendent of Streets shall designate the streets over or along which the building shall be moved if the permit is granted, and the applicant shall file written evidence of approval by the owners of utilities and the Superintendent of the Electrical Department as to poles, wires and equipment referred to in Section 15.44.120, together with written evidence of approval by the Park Department as to necessary trimming of or disturbance of trees and shrubs. (Prior code § 6-2.481)

**15.44.030      Owner's completion bond.**

A. Prior to the issuance of a permit to move a building the owner or lessee of the property upon which the building is to be located shall file with the Building Inspector a surety company bond executed by such owner or lessee as principal and conditioned as follows: that all of the work required to be done to complete the relocation, alteration and reconstruction of the building pursuant to the conditions of said permit shall be fully performed and completed within a reasonable time to be specified by the Building Inspector in the permit. Such bond shall be in principal amount equal to the estimated cost of the work proposed to be done plus ten percent thereof, and shall name the city of Oakland as obligee.

B. In lieu of such surety bond the owner or lessee may post a bond executed by him or her as principal and secured by a deposit or cash in the amount of said bond.

C. Alternatively, the owner or lessee may secure his or her obligations under the permit by: (1) depositing two thousand dollars (\$2,000.00) in the form of cash, cashier's check, letter of credit or certificate of deposit. Said letter of credit and certificate of deposit shall be subject to the approval of the City Attorney; (2) providing the city with a current title report specifying ownership, existing liens and value of the property to which the building will be moved; and (3) executing an agreement, which shall include covenants and conditions that run with the land, that authorizes the city, in the event the owner or lessee does not meet his or her obligations under the permit within the applicable time period, to have access to the subject property for the purposes of demolition and completion of the permit obligations. The agreement, also, shall contain legally binding language that will authorize the city, in such case, to place a lien on the real property without following any procedure other than that appearing in this chapter. Upon its execution said agreement shall be recorded. The lien created by the agreement shall be recorded only after default by the owner or lessee.

D. Buildings that are not completed within the applicable permit time period are declared a nuisance. In all such cases, demolition will occur automatically where: (1) fifty (50) percent or less of the work has been completed by the date prescribed in the permit or any amendment thereto; or (2) the cost to complete the permit obligations would exceed the appraised value of the real property. In arriving at the appraised value, the city shall deduct all liens of record.

E. If the building is between fifty (50) and one hundred (100) percent completed, the Building Inspector, based on each circumstance, shall determine whether the building should be demolished or completed. He or she, in making the determination, shall consider among other factors: (1) neighborhood conditions; (2) safety measures; (3) economic

costs; and (4) benefits to the immediate neighborhood.

F. In all such cases where the Building Inspector determines that the obligations have not been met by the property owner or lessee, the Building Inspector shall proceed, at the property owner's expense and pursuant to the authority of the agreement and this chapter, to complete said obligations or demolish the building, provided that the property owner or lessee and all parties of interest of record shall be given five days' prior written notice. Notice to the property owner or lessee shall be either by personal service or certified mail. In the case of demolition, the Building Inspector, in addition to notifying the owner or lessee and parties of interest, shall post at least five days prior to the start of work, the area in the immediate vicinity of the building. Said posting shall give notice of the date of the impending demolition.

G. Said work may be done either by city personnel or private contractors. The Building Inspector shall keep an itemized account of the costs. Upon completion of the work of completion or demolition, the City Manager or his or her designee shall cause written notice to be given to the owner or lessee and all parties of interest of record, personally or by certified mail, showing the itemized cost of such work by the city and giving notice of the day, hour and place when the City Council will hear and pass upon a report by the Building Inspector or his or her representative of said costs, together with any objections or protests, if any, which may be raised. The owner or lessee and all parties of interest of record shall be given at least five days' prior notice of said confirmation hearing.

H. Upon the day and hour fixed for the hearing, the City Council shall hear and pass upon the report of the Building Inspector or his or her delegated representative and shall hear such evidence as may be presented by any interested party. Thereupon, the City Council may make such revisions, corrections or modifications in the report as it deems just and shall thereafter confirm by resolution the report as submitted, revised, corrected or modified. The decision of the City Council shall be final. If the amount

of the expense to the city, as confirmed by the City Council, is not paid by the owner or lessee within fifteen (15) days after such confirmation by the City Council, said amount shall constitute a lien on said real property and the City Manager or his or her delegated representative shall record in the Office of the County Recorder of the county of Alameda, state of California, a certificate substantially in the following form:

### **NOTICE OF LIEN**

Pursuant to the authority granted by Resolution No. \_\_\_\_ C.M.S. of the City Council of the City of Oakland, adopted on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, and the provisions of Section 15.44.030 of the Oakland Municipal Code, the City Manager did on the \_\_\_\_\_ day of \_\_\_\_\_, 19\_\_\_\_\_, cause a certain building relocation, alteration, and reconstruction obligation located upon the hereinafter described real property to be completed at the expense of the owner or lessee thereof, in the amount of \$\_\_\_\_\_, and that said amount has not been paid, nor any part thereof, and the city does hereby claim a lien upon the hereinafter described real property in said amount, and the same shall be a lien upon said real property until said sum with interest at the rate of 6% per annum, from the date of the recording of said notice, has been paid in full and discharge of record. The real property hereinabove mentioned and upon which a lien is claimed is that certain piece or parcel of land lying and being in the City of Oakland, County of Alameda, State of California, and particularly described as follows, to wit:

(insert description of property)

Dated this \_\_\_\_\_ day of \_\_\_\_\_,  
19\_\_\_\_\_

CITY OF OAKLAND

By \_\_\_\_\_  
City Manager

and the same shall be a lien against the property described therein until the amount thereof, plus accrued interest from and after the date of the recording of said notice of lien, has been paid in full. All persons shall be deemed to have had notice of the contents thereof. The amount of such lien shall draw interest at the rate of six percent per annum from the date of recordation of said lien in the Office of the County Recorder.

I. An extension of time for the completion of obligations imposed pursuant to this section may be granted by the Building Inspector when, in his or her discretion, circumstances shall so justify. However, no such extension shall release any surety. Also, the bond and other surety instruments called for under subsections A, B, and C of this section shall be in addition to that required by Section 15.44.070.

J. Failure to complete the permit obligations within the applicable time period shall cause the building permit to terminate automatically. (Prior code § 6-2.4811)

### **15.44.040 When permit shall be denied.**

A. No permit shall be issued to move any building or structure which is so constructed or is in such condition as to be dangerous; or which is infested with pests or unsanitary; or which, if it is a dwelling or habitation, is unfit for human habitation; or which is so dilapidated, defective, unsightly or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable damage to or be materially detrimental to the property or improvements in the district within the immediate vicinity of the proposed new location; or if the proposed use is prohibited by the zoning laws of this city; or if the applicant is in default in paying any damages occasioned in moving any building; or if the structure is of a type prohibited, at the proposed location, by any law or ordinance of the city. Provided, however, that if the condition of the building or structure, in the judgement of the Building Inspector admits of practicable and effective repair, the permit may be issued upon terms and conditions recommended by the City Manager.

B. No permit shall be issued to move any building or structure if applicant shall fail or refuse to qualify for said permit within ninety (90) days from the filing of the application therefor. (Prior code §§ 6-2.482, 6-2.4821)

**15.44.050      Permit to expire if work  
thereunder not commenced within  
ninety (90) days.**

Every moving permit authorized by the City Manager shall expire automatically, and shall be null and void if the building or work authorized by such permit has not commenced within ninety (90) days from the date of the issuance thereof. Before such work may be the same as that required for a new permit. (Prior code § 6-2.4822)

**15.44.060      Appeals.**

Within ten days after the date of a decision by the City Manager on an application for a house-moving permit, an appeal from said decision may be taken to the City Council by the applicant or other interested parties. Such appeal shall be made on a form prescribed by the Inspectional Services Department and shall be filed with the Department and shall be filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the City Manager, or wherein the decision is not supported by the evidence in the record. Upon receipt of such appeal the Council shall set the time for the consideration thereof. The City Clerk shall notify the applicant of the receipt of said appeal and of the time set for consideration thereof; and the City Clerk shall, not less than five days prior to the day set for the hearing on the appeal, give written notice to the applicant and to any known adverse parties or their representatives of the time and place of the hearing. At such hearing the applicant shall show cause on the grounds specified in the notice of appeal why the action excepted to should not be approved. Such hearing may by Council be continued over from time to time and its findings on the appeal shall be final. (Prior code § 6-2.4823)

**15.44.070      Bond required.**

No permit to move a building authorized by the City Manager shall be issued until the permittee has filed with the City Clerk a surety bond executed by him or her as principal and by a surety company authorized to do business in this state as surety. The said bond shall name the city of Oakland as obligee and shall be in such principal amount as may be fixed by the City Manager based upon the facts and conditions surrounding the proposed relocation of the building. The said bond shall be conditioned as hereinafter required in this chapter. It shall not be cancelled or qualified until the City Manager shall certify that all of the conditions thereof have been satisfied. The permittee may, in lieu of said bond, deposit with the city cash in the amount of the principal of the said bond together with an indemnifying agreement conditioned as required for the conditioning of said bond. (Prior code § 6-2.483)

**15.44.080      Surety bond conditions.**

The condition of the obligation of the surety bond required by Section 15.44.070 shall be as follows: that such principal shall well, truly, honestly and faithfully perform and execute the duties of building mover as regulated by the provisions of Chapter 15.44 of the Oakland Municipal Code, and shall strictly comply with all the conditions and requirements of the said Oakland Municipal Code now in effect, or any ordinance of the city hereafter passed regulating the moving of buildings, and shall pay any and all loss or damage which may result by reason of any moving of buildings in the city by said principal, its agents, employees or workers, to any property owned or controlled by the city, or for which it may be responsible, and to any property belonging to any public utility company or public carrier, and shall further save, indemnify and keep harmless the city against all liabilities, judgments, costs and expenses which may in any wise accrue against said city in consequence of the granting of the permit by said city to said principal for moving buildings within said city; and shall, in all things, strictly comply with the conditions of such permit. (Prior code § 6-2.484)

**15.44.090 Liability insurance required.**

No permit to move a building authorized by the City Manager shall be issued until the permittee has filed with the City Clerk a policy of public liability and property damage, or approved certificate thereof, issued by a responsible insurance company authorized to do business in the state of California. Said policy shall insure the permittee and shall inure to the benefit of any and all persons suffering loss or damage either to person or property by reason of wrongful or negligent acts of moving the building. Said policy shall also contain a clause or special endorsement indemnifying and saving harmless the city of Oakland against any loss, damage, costs and expenses which may in any wise accrue against said city in consequence of the granting of the permit for moving any building. Such policy shall insure against loss from the liability imposed by law for injury to, or death of, any person in the amount or limit of fifty thousand dollars (\$50,000.00) on account of injury to, or death of, any one person, and, subject to the same limit as respects injury to, or death of, one person, of one hundred thousand dollars (\$100,000.00) on account of any one accident resulting in injury to, or death of, more than one person, and of twenty-five thousand dollars (\$25,000.00) for damage to property of others resulting from any one accident. Such policy shall certify therein that it shall not be cancelled except upon ten days' prior written notice thereof to the City Manager. Said liability insurance shall be a continuing liability up to the full amount thereof notwithstanding any recovery thereon. (Prior code § 6-2.485)

**15.44.100 Identification of building mover.**

A permit card showing the number of the permit, the moving route and the mover's name, address and telephone number shall be conspicuously posted on the building during the time it is being moved. (Prior code § 6-2.486)

**15.44.110 Injury to or obstruction of streets.**

The moving of any building in or upon or across

any public street or highway in the city as provided for in Section 15.44.010 shall be done in a careful manner and shall be prosecuted with diligence and shall be under the superintendence and control of, and performed to the satisfaction and approval of, the Director of Public Works/Superintendent of Streets. No person owning or having charge of the moving of any building through the public streets shall cause or allow the injury of any street, sidewalk, curb, tree, fence or private or public property by reason of such moving, nor permit the said building to be or stand on any street, lane, alley or public ground within the limits of one block for a period of time longer than twenty-four (24) hours unless such time is extended by the Director of Public Works/Superintendent of Streets, nor shall permit the same to obstruct the operation of any street railroad or railroad. The person in charge of the moving of any building through the public streets of the city shall notify the Director of Public Works/Superintendent of Streets and the Chief of Police of the time of the proposed movement at least forty-eight (48) hours before the commencement thereof and shall, at least forty-eight (48) hours in advance of reaching the track or tracks of any operative street railroad or railroad, notify the person having charge of and control over such track or tracks. (Prior code § 6-2.50)

**15.44.120 Cutting wires.**

When the moving of any building as provided for in Section 15.44.010 requires the cutting, temporary removal, raising or disturbing, of any wire or wires, or the temporary removal or disturbance of any pole or poles, of any public or private telegraph, telephone, electric light, street railroad or railway or any other wire passing along or over any street, lane or alley, the person in charge of such moving at least forty-eight (48) hours in advance of reaching such pole or wire shall notify the person having charge of and control over such pole or wire and the Superintendent of the Electrical Department of the city, and the person so notified shall cause such pole or wire to be removed or cut and replaced. The person to whom said permit is granted shall not at any

time, cut, move or in any way disturb such public utility or city property; and such work shall be done only by the authorized workers of the public utility interested, or if city property by the authorized workers of the city.

The person to whom said permit is granted shall pay to said public utility, or to said city, as the case may be, any and all costs or expense for the removal, rearrangement or replacement of any pole or structural support of wires, cables or equipment and of the wires and other equipment thereon and of any damage to such property. (Prior code § 6-2.51)

**15.44.130 Repairing or paying for damage done.**

When, in moving any building as provided for in Section 15.44.010, any damage is thereby occasioned to any fence, tree, street, sidewalk or to any pole or wire, or to any property belonging to the city, the person moving said building shall immediately repair or replace the damage so done, and in the event that repair or replacement cannot be made, the City Manager shall estimate the amount of damage actually done, and the person moving said building shall pay the damage so done; and in the event that upon three days' notice to the said person to repair or replace or pay said damage the repair or replacement or payment has not been made, such repair or replacement may be made by the city. The cost thereof and any such unpaid damages shall be immediately paid to the city by the permittee. (Prior code § 6-2.52)

## Chapter 15.48

### SETBACK LINES

**Sections:**

- 15.48.010 Building and structure defined.**
- 15.48.020 Proceedings for establishment.**
- 15.48.030 Authority of Council to establish.**
- 15.48.040 Resolution of intention—Publication, posting and notice.**
- 15.48.050 No building permit pending establishment.**
- 15.48.060 Protesting establishment of setback lines.**
- 15.48.070 Unlawful to construct buildings or other structures outside of setback lines.**
- 15.48.080 Violation of ordinance establishing setback lines.**

**15.48.010 Building and structure defined.**

For the purposes of this chapter the word "building" and the word "structure" shall not be construed to include a coping, a fence not higher than three feet, a retaining wall, or a walk or stairway leading to the building. (Prior code § 7-3.01)

**15.48.020 Proceedings for establishment.**

Proceedings for the establishment of setback lines along any portion of any street in the city may be initiated and conducted as in this chapter provided. A verified petition may be filed with the City Council asking that such setback line or lines be established. Said petition shall describe the street or streets or portion of street along which such setback lines are sought to be established and shall be accompanied by a sketch or map showing the street and lot lines and the proposed setback line or lines and the distance thereof from the regularly established property line of said street or streets.

The City Council shall thereafter cause an investigation to be made and, if satisfied that the proposed setback line or lines should be established as set forth in said petition or should be established so as

to include other and additional street or streets or portions of streets, may establish said line or lines in the manner hereinafter in this chapter described. (Prior code § 7-3.02)

**15.48.030 Authority of Council to establish.**

Whenever the public peace, health, safety, comfort, convenience, interest or welfare may so require, the said City Council of the city is authorized and empowered to determine the minimum distance back of the street line for the erection of buildings or structures along any portion of any street in the city and to order the establishment of a line to be known and designated as a setback line, between which said line and the street line no building or structure shall be erected, constructed or placed. (Prior code § 7-3.03)

**15.48.040 Resolution of intention—Publication, posting and notice.**

Before ordering the establishment of any setback line authorized by Section 15.48.030, the City Council shall pass a resolution of intention so to do, designating the setback line or lines proposed to be established. Said resolution shall be published once in the official newspaper of the city, and two copies of said resolution shall be posted conspicuously at least one hundred (100) feet apart upon the side of each street in front of each block or part of block of any street where such setback line is proposed to be established. Said resolution shall contain also a notice of the day, hour and place when and where any and all persons having any objection to the establishment of the proposed setback line or lines may appear before the City Council and present any objection which they may have to said proposed setback line or lines as set forth in said resolution of intention. Said time of hearing shall not be less than fifteen (15) days or more than thirty (30) days from the date of the adoption of the resolution of intention and said publication and posting of said resolution shall be made at least ten days before the time for said hearing. (Prior code § 7-3.04)

**15.48.050 No building permit pending establishment.**

After the adoption of said resolution of intention and prior to the time the ordinance establishing a setback line or lines in such proceedings becomes effective, no building permit shall be issued for the erection of any building or structure between any proposed setback line and the street line, and any permit so issued shall be void. (Prior code § 7-3.05)

**15.48.060 Protesting establishment of setback lines.**

At any time not later than the hour set for hearing objections and protests to the establishment of the proposed setback line or lines, any person having any interest in any land upon which said setback line is proposed to be established may file with the City Clerk a written protest or objection against the establishment of said setback line or lines designated in the resolution of intention. Such protests must be in writing and must be delivered to said City Clerk not later than the hour set for said hearing and no other protests or objections shall be considered by the City Council upon said hearing. All protestants may appear before the City Council at said hearing either in person or by counsel, and be heard in support of their protest or objection. At the time set for hearing, or at any time to which the said hearing may be continued, the Council shall proceed to hear and pass upon all protests or objections so made, and its decision shall be final and conclusive.

Said City Council shall have power and jurisdiction to sustain any protest or objection and abandon said proceeding, or deny any and all protests or objections and order by ordinance the establishment of said setback line or lines described in the said resolution of intention, or to order the same established with such changes or modifications as the Council may deem proper. (Prior code § 7-3.06)

**15.48.070 Unlawful to construct buildings or other structures outside of setback lines.**

From and after the taking effect of such ordinance establishing any setback line or lines, it is unlawful for any person to construct or place any building, wall, fence or other structure within the space between the street line and the setback line so established, and the Building Inspector of the city shall refuse to issue any permit for any building or structure to be erected within such space. (Prior code § 7-3.07)

**15.48.080 Violation of ordinance establishing setback lines.**

Any person violating any of the provisions of any ordinance establishing any setback line pursuant to the provisions of this chapter shall be deemed guilty of an infraction. (Prior code § 7-3.08)

## Chapter 15.52

### VIEWS

**Sections:**

- 15.52.010 Intent and findings.**
- 15.52.020 Definitions.**
- 15.52.030 Exemptions.**
- 15.52.040 Obstruction of view corridors.**
- 15.52.050 Standards for resolution of claims.**
- 15.52.060 Apportionment of costs.**
- 15.52.070 Attorney's fees.**
- 15.52.080 Civil penalty.**
- 15.52.090 Procedure.**
- 15.52.100 Procedure—City trees.**
- 15.52.110 Liabilities.**
- 15.52.120 Enforcement.**

**15.52.010 Intent and findings.**

This chapter is enacted in recognition of the following facts and for the following reasons:

A. Among the features that contribute to the attractiveness and livability of the city are its trees, both native and introduced, and its views of the San Francisco Bay area, obtained from the variety of elevations found throughout the city.

B. Trees, whether growing singly, in clusters, or in woodland situations, produce a wide variety of significant psychological and tangible benefits for both residents and visitors to the city. Trees contribute to the natural environment of the city by modifying temperatures and winds, replenishing oxygen to the atmosphere and water to the soil, controlling soil erosion, and providing wildlife habitat. Trees contribute to the visual environment of the city by providing scale, color, silhouette and mass, and by creating visual screens and buffers to separate land uses, and promote individual privacy. Trees contribute to the economic environment of the city by stabilizing property values and reducing the need for surface drainage systems. Trees contribute to the cultural environment of the city by becoming living landmarks of the city's history and providing a critical element of nature in the midst of urban congestion and settlement.

C. Views, whether of the San Francisco Bay with its vistas of the city of San Francisco, the varied bridges of the Bay Area, numerous islands and ships, or of the Oakland hills with its vistas of trees and the hills themselves, also produce a variety of significant and tangible benefits for both residents and visitors to the city. Views contribute to the economic environment of the city by substantially enhancing property values. Views contribute to the visual environment of the city by providing inspiring panoramic vistas, and creating distinctive supplements to architectural design. Views contribute to the cultural environment of the city by providing a unifying effect, allowing individuals to relate different areas of the city to each other in space and time.

D. It is recognized that trees and views, and the benefits derived from each, may come into conflict. Tree locations and species selections may produce both intended beneficial effects on the property where they are planted or occur as a result of natural regeneration as well as unintended deleterious effects on neighboring properties of equal or higher elevation. It is therefore in the interest of the public welfare, health and safety to establish standards for the resolution of view obstruction claims so as to provide a reasonable balance between tree and view related values for both private views and protected public views corridor. (Ord. 12752 (part), 2006; Ord. 12622 (part), 2004; prior code § 7-8.01)

**15.52.020 Definitions.**

For the purposes of this chapter, the meaning and construction of words and phrases hereinafter set forth shall apply:

“Claimant” means any individual owning real property in the city who files a bona fide claim as required by the terms and provisions of this chapter.

“Natural regeneration” means the process by which trees germinate as a result of natural, not human-directed, events such as the seeding by an established tree or the indiscriminate placement of seed by the wind, rain, birds or other animals.

“Obstruction” means any blocking or diminishment of a view attributable to the growth, maintenance or location of trees.

“Private view claim” means the written basis for arbitration or court action under the terms and condi-

tions of this chapter, submitted by the claimant, which clearly establishes the following:

1. The precise nature and extent of the alleged view obstruction, including all pertinent and corroborating physical evidence available. Such evidence may include, but is not limited to, photographic prints, negatives, or slides;

2. The exact location of all trees alleged to cause a view obstruction, the address of the property upon which the trees are located, and the present tree owner's name and address. This requirement may be satisfied by the inclusion of tree location, property address and tree owner information on a valid property survey or plot plan submitted with the view claim;

3. Any mitigating actions proposed by the parties involved to resolve the alleged view claim;

4. The failure of personal communication between the claimant and the tree owner to resolve the alleged view obstruction as set forth in Section 15.52.090A. The claimant must provide physical evidence that written attempts at conciliation have been made and failed. Such evidence may include, but is not limited to, copies of and receipts for certified or registered mail correspondence.

“Protected public view corridor” means only the wedged-shaped view, afforded by a specific vantage point and designated on the Site Development Map of the North Oakland Hill Area Specific Plan.

“Restorative action” means any specific requirement to resolve a view claim.

“Thinning” means the selective removal of entire branches from a tree so as to improve visibility through the tree and/or improve the tree's structural condition.

“Topping” means elimination of the upper portion of a tree's trunk or main leader.

“Tree” means any woody perennial plant, usually with one main trunk, attaining a height of at least eight feet at maturity.

“Tree owner” means any individual owning real property in the city upon whose land is (are) located the tree(s) that form the basis for the filing of a view claim.

“Tree removal” means the destruction of any tree by cutting, girdling, interfering with the water sup-

ply, applying chemicals, or regrading around the base of the trunk.

“Trimming” means the selective removal of portions of branches from a tree so as to modify the tree's shape or profile and/or improve the tree's appearance.

“View” means a distant vista or panoramic range of sight of Oakland, neighboring areas, or the San Francisco Bay that existed at the time a claimant acquired any property in the city. Views include, but are not limited to, skylines, bridges, distant cities, geologic features, hillside terrains and wooded canyons or ridges.

“View arbitrator” means any forester or landscape architect registered and licensed by the State of California, or any arborist registered and certified by the International Society of Arboriculture. (Ord. 12752 (part), 2006; Ord. 12622 (part), 2004: prior code § 7-8.02)

### **15.52.030 Exemptions.**

The following classes of trees, upon reaching a protected size in accordance with Section 12.36.020, are categorically exempted from the provisions of this chapter:

- A. All *Quercus agrifolia* (California or Coast Live Oak) and *Umbellularia californica* (Bay or California Laurel) trees;

- B. The following indigenous tree species, where present due to natural regeneration:

1. *Acer macrophyllum* (Bigleaf Maple),
2. *Acer negundo* (Box Elder),
3. *Aesculus californica* (California Buckeye),
4. *Alnus rhombifolia* (White Alder),
5. *Arbutus menziesii* (Madrone),
6. *Heteromeles arbutifolia* (Toyon),
7. *Salix lasiandra* (Yellow Willow),
8. *Salix lasiolepis* (Black Willow),
9. *Sambucus caerulea* (Blue Elderberry),
10. *Sequoia sempervirens* (Redwood);

- C. All trees located in city-owned parks;
- D. All city street trees. (Ord. 12622 (part), 2004: Prior code § 7-8.03)

### **15.52.040 Obstruction of view corridors.**

The planting of vegetation which will obstruct the view plane from the road within any protected public

view corridor is prohibited. Trees or vegetation which obstruct a protected public view corridor shall be removed or altered to eliminate or minimize view obstruction in conjunction with development of said property per the vegetation management prescriptions for the North Oakland Hill Area Specific Plan.

For parklands, preserves or other types of open spaces, obstructions of protected public view corridors shall be eliminated or minimized in accordance with said management prescriptions. (Ord. 12622 (part), 2004: prior code § 7-8.035)

#### **15.52.050 Standards for resolution of claims.**

A. The claimant shall have no right greater than that which existed at the time of the claimant's acquisition of the property involved in the view claim and shall provide evidence to provide the extent of said view.

B. The character of the view shall be determined by evaluating:

1. The vantage point(s) from which the view is obtained;
2. The existence of landmarks or other unique features in the view;
3. The extent to which the view is diminished by factors other than the tree(s) involved in the claim.

C. The character of the view obstruction shall be determined by evaluating:

1. The extent of the alleged view obstruction, measured to arrive at a percentage of the total view. Measurement of the alleged view obstruction shall be calculated by means of a surveyor's transit, or by photography, or both;

2. The extent to which landmarks or other unique features in the view are obstructed.

D. The extent of benefits and/or burdens derived from the tree(s) in question shall be determined with consideration given to the following factors:

1. Visual screening provided by the tree(s);
2. Wildlife habitat provided by the tree(s);
3. Soil stability provided by the tree(s), as measured by soil structure, degree of slope and extent of tree(s) root system;
4. Energy conservation and/or climate control provided by the tree(s);
5. Effects on neighboring vegetation created by the tree(s);

6. Visual quality of the tree, including but not limited to species characteristics, size, growth, form, vigor, and location;

7. The economic value of the tree(s) as measured by the criteria developed by the International Society of Arboriculture;

8. Other tree-related factors, including but not limited to:

- a. Indigenous tree species,
- b. Specimen tree quality,
- c. Rare tree species,
- d. Historic value.

E. Restorative actions shall be limited to the following:

1. No action;
2. Trimming;
3. Thinning;
4. Topping;
5. Tree removal with necessary replacement plantings.

F. Each type of restorative action shall be evaluated based on the above findings and with consideration given to the following factors:

1. The effectiveness of the restorative action in reducing the view obstruction;

2. Any adverse impact of the restorative action on the benefits derived from the tree(s) in question;

3. The structural and biological effects of the restorative action on the tree(s) in question;

4. The cost of the restorative action, as determined by consultation with licensed arborists located in Oakland.

G. All restorative actions shall be undertaken with consideration given to the following factors:

1. All restorative actions must be consistent with the tree preservation ordinance as set forth in Chapter 12.36 of this code.

2. Restorative actions shall be limited to the trimming and/or thinning of branches where possible.

3. When trimming and/or thinning of branches is not a feasible solution, topping shall be preferable to tree removal if it is determined that the impact of topping does not destroy the visual proportions of the tree, adversely affect the tree's growth pattern or health, or otherwise constitute a detriment to the tree(s) in question.

4. Tree removal shall only be considered when all other restorative actions are judged to be ineffective and shall be accompanied by replacement plantings of appropriate plant materials to restore the maximum level of benefits lost due to tree removal. Replacement plantings can be required on the tree owner's or the claimant's property.

5. In those cases where tree removal eliminates or significantly reduces the tree owner's benefits of visual screening or privacy, replacement screen plantings shall, at the tree owner's option, be established prior to tree removal; notwithstanding the provisions of subsection (G)(4) of this section, the tree owner may elect tree removal with replacement plantings as an alternative to trimming, thinning or topping.

6. All trimming, topping, thinning and tree removal required under this chapter must be performed by a licensed arborist. (Prior code § 7-8.04)

#### **15.52.060 Apportionment of costs.**

The cost of all restorative actions, replacement plantings, and arbitration shall be apportioned between the view claimant and the tree owner as follows:

A. The view claimant and tree owner shall each pay fifty (50) percent of such costs in those cases involving any tree planted or allowed to sprout as a result of natural regeneration by the tree owner subsequent to the effective date of this chapter (August 5, 1980).

B. The tree owner shall pay one hundred (100) percent of such costs in those cases where:

1. The tree owner has refused to participate in good faith in the initial reconciliation or voluntary arbitration processes (Section 15.52.090B) and where the view claimant has prevailed at trial or judicial arbitration; or

2. In any subsequent dispute between the same parties, to restore any view obstructed by the same tree or trees or any of the plantings substituted for the original offending tree or trees described in subsection A of this section.

3. The tree owner plants a tree(s) against the expressed, written objection of the view claimant and the same tree(s) later become subject of a view claim.

C. In all other cases, the view claimant shall pay one hundred (100) percent of such costs. (Ord. 12622 (part), 2004: prior code § 7-8.05)

#### **15.52.070 Attorney's fees.**

Each party shall pay his or her own costs and attorneys except in the case where the dispute goes to trial or judicial arbitration. In the event that an action under this chapter is resolved after trial or judicial arbitration in municipal or Superior Court, the prevailing party shall be entitled to reasonable attorney's fees and costs of suit. (Prior code § 7-8.051)

#### **15.52.080 Civil penalty.**

A tree owner shall be deemed to have violated the provisions of this chapter if judgment in favor of a view claimant is obtained after trial or judicial arbitration in either the municipal or Superior Courts. The civil penalty for each violation of the ordinance shall be one thousand dollars (\$1,000.00) pursuant to Section 217 of the Charter of the city. (Prior code § 7-8.052)

#### **15.52.090 Procedure.**

A. Initial Reconciliation. A claimant who believes in good faith that the growth, maintenance, or location of trees situated on the property of another diminishes the beneficial use, economic value and enjoyment of views naturally accruing to the claimant's property may notify the tree owner in writing of such concerns. The submission of said notification to the tree owner should be accompanied by personal discussions, if possible, to enable the claimant and the tree owner to attempt to reach a mutually agreeable solution to the alleged view obstruction under the terms and conditions of this chapter.

B. Arbitration. In those cases where the initial reconciliation process fails, the claimant and the tree owner may elect binding arbitration to resolve the alleged view obstruction. The view arbitrator shall be fully qualified under the terms and conditions of this chapter and shall be agreed to by both the claimant and the tree owner, who shall indicate such

agreement in writing. The arbitration agreement may provide for employment of experts representing the parties or may be limited to an investigation of the view claim conducted by the view arbitrator. The view arbitrator shall follow the terms and conditions of this chapter to reach a fair resolution of the view claim, and shall submit a complete written report to the claimant and the tree owner. Said report shall include the view arbitrator's findings with respect to all standards listed in Section 15.52.050, a complete listing of all mandated restorative actions, and at least three price bids for said restorative actions received from licensed Oakland arborists. All mandated restorative actions shall be implemented within thirty (30) days of the filing of an arbitration report to the claimant and the tree owner. The findings of the view arbitrator shall be final.

C. Litigation. In those cases where the initial reconciliation process fails to resolve the view claim and binding arbitration is not elected by the parties, civil action may be pursued by a private party for resolution of a view claim under the terms and conditions of this chapter. The claimant shall have the burden of proving the alleged view obstruction and the suitability of the proposed restorative actions. The party bringing any civil action under this chapter must promptly notify the city of Oakland, Office of Parks and Recreation, in writing of such action. (Prior code § 7-8.06)

#### **15.52.100 Procedure—City trees.**

A. Claim Filing. A claimant who believes in good faith that the growth, maintenance, or location of trees situated on city property diminishes the beneficial use, economic value and enjoyment of views naturally accruing to the claimant's property pursuant to Section 15.52.050 may notify the city in writing of such concerns. Such claims shall be submitted to the Tree Services Section, Park Services Division, 7101 Edgewater Drive, Oakland, California, 94621.

B. Investigation. Upon receipt of a view claim, the city shall investigate the claim in accordance with Section 15.52.050 and shall issue written find-

ings to the claimant within thirty (30) days of receiving the view claim.

C. Restorative Action. All view claims found by the city to be valid shall be subject to restorative action in accordance with Section 15.52.050. Such restorative actions shall be performed by a contractor selected by the claimant, and said contractor shall be required to execute a hold harmless agreement acceptable to the city and dispose of all slash and debris generated by the restorative actions. All private contractors performing view restorative activities on city property shall also be required to furnish evidence of current certification by the International Society of Arboriculture.

D. Public Posting and Input. All city trees affected by a view claim shall be individually tagged by the city within five days of receipt of a view claim; a summary notice shall also be posted by the city within five days of receipt of a view claim on the nearest utility pole located at the front of the city property involved in the claim. Such summary notices shall be posted in clear view of passersby, and shall contain the phone number where citizens can receive information regarding the view claim and make comments on the view claim for the record. All public input received by the city shall be considered in the preparation of findings by city staff.

E. Appeals. A claimant or any other interested party may appeal any decision of city staff granting or denying a view claim to the City Council.

The appeal shall be filed within ten days after the date of a decision by city staff, and shall be made on a form prescribed by and filed with the City Clerk. The appeal shall state specifically wherein it is claimed there was either error or abuse of discretion by city staff, or wherein the city staff decision is not supported by the evidence in the record.

Upon receipt of such appeal, the Council shall set the time for consideration thereof. The City Clerk shall notify City staff of the receipt of said appeal and of the time set for consideration thereof. The City Clerk shall, not less than five days prior to the date set for the appeal hearing, give written notice to the appellant and any known adverse parties, or

their representatives, of the time and place of the hearing.

In considering the appeal, the Council shall determine whether the proposed restorative actions conform to the applicable criteria. It may sustain the city staff decision, or require such changes or impose such reasonable conditions of approval as are, in its judgment, necessary to insure conformity to said criteria. The decision of the Council shall be final.

The appellant shall pay the fee established by the master fee schedule of the city for view preservation appeals. (Prior code § 7-8.061)

**15.52.110 Liabilities.**

A. The issuance of an arbitration report and decision pursuant to this chapter shall not be deemed to establish any public use or access not already in existence with regard to the property for which the arbitration report and decision are issued.

B. The issuance of an arbitration report and decision pursuant to this chapter shall not create any liability of the city with regard to the restorative actions to be performed. (Prior code § 7-8.07)

**15.52.120 Enforcement.**

A violation of this chapter is not a misdemeanor, and the enforcement of this chapter shall be by the private parties involved. The claimant shall have the right to bring injunctive action to enforce any restorative action mandated pursuant to this chapter. (Prior code § 7-8.08)

	<b>Chapter 15.56</b>	
	<b>HOUSEBOATS</b>	
<b>Sections:</b>		
<b>15.56.010</b>	Purpose.	<b>15.56.250</b> Moorage standards—Open spaces.
<b>15.56.020</b>	Scope.	<b>15.56.260</b> Overall stability.
<b>15.56.030</b>	Application to existing houseboats and moorages.	<b>15.56.270</b> Compartmentation and flotation devices.
<b>15.56.040</b>	Application to moorage occupancies other than houseboats.	<b>15.56.280</b> Fuel gas piping.
<b>15.56.050</b>	Definitions.	<b>15.56.290</b> Exit facilities.
<b>15.56.060</b>	Code requirements.	<b>15.56.300</b> Guard rails.
<b>15.56.070</b>	Occupancy—General.	<b>15.56.310</b> Minimum requirements.
<b>15.56.080</b>	Certificate of moorage.	<b>15.56.320</b> Building Official.
<b>15.56.090</b>	Building permit.	<b>15.56.330</b> Enforcement.
<b>15.56.100</b>	Permits—Plumbing and drainage, sewer connection, heating, ventilating, electrical.	<b>15.56.340</b> Chief of Fire Department.
<b>15.56.110</b>	Movement or relocation of houseboats.	<b>15.56.350</b> Right of entry.
<b>15.56.120</b>	Mooring register of ownership of houseboats.	<b>15.56.360</b> Time for compliance.
<b>15.56.130</b>	Moorage location.	<b>15.56.370</b> Appeals.
<b>15.56.140</b>	Moorage site plan.	<b>15.56.380</b> Violations.
<b>15.56.150</b>	Moorage standards—Access.	<b>15.56.390</b> Right of Port of Oakland.
<b>15.56.160</b>	Moorage standards—Walkways.	
<b>15.56.170</b>	Moorage standards—Parking.	
<b>15.56.180</b>	Moorage standards—Garbage disposal.	
<b>15.56.190</b>	Moorage standards—Laundry facilities.	
<b>15.56.200</b>	Moorage standards—Lighting.	
<b>15.56.210</b>	Moorage standards—Electrical service and wiring.	
<b>15.56.220</b>	Moorage standards—Water distribution.	
<b>15.56.230</b>	Moorage standards—Fuel gas piping.	
<b>15.56.240</b>	Moorage standards—Fire protection.	

**15.56.010 Purpose.**

The purpose of this chapter is to provide minimum standards to safeguard life, limb, health, property, and public welfare by regulating the design, construction, quality of materials, use and occupancy, location and maintenance of all houseboats and houseboat moorages within the city limits. (Prior code § 4-9.01)

**15.56.020 Scope.**

The provisions of this chapter shall apply to the construction, alteration, repair, demolition, removal, relocation or berthing of any houseboat within the city, and to the requirements for houseboat sites and houseboat moorages together with appurtenant structures and facilities as regulated herein. (Prior code § 4-9.02)

**15.56.030 Application to existing houseboats and moorages.**

Houseboats and houseboat moorages in existence prior to the effective date of the ordinance codified in this chapter shall be examined by the Building Official and Health Officer and shall comply with the requirements for new houseboats, new houseboat sites and new houseboat moorages as provided in this chapter, it being expressly found and deter-

mined that the public health and safety require and justify the retrospective application of all the provisions contained in this chapter; provided, however, that the Building Official may grant an exception to strict compliance with specifications in the Building Code if he or she finds and determines a houseboat which is in existence prior to the effective date of the ordinance codified in this chapter does not, by reason of a violation of said Code, adversely affect the public health, safety and welfare, and that said houseboat otherwise complies with the requirements of this chapter. (Prior code § 4-9.03)

#### **15.56.040 Application to moorage occupancies other than houseboats.**

Moorage structures, floatable or otherwise, and occupied or intended to be occupied for purposes other than as a houseboat shall conform with the applicable requirements of this chapter with respect to flotation, compartmentation, construction, plumbing, electrical and other utility systems, open spaces, fire protection, movement or relocation, certificate of moorage and to the requirements of all local and state ordinances, laws or regulations governing such uses or occupancies as are administered and enforced by the Health Officer, Building Official, Fire Chief, Superintendent of the Electrical Department and the Director of Public Works. (Prior code § 4-9.04)

#### **15.56.050 Definitions.**

The following definitions apply to the words and phrases of this chapter, unless the context clearly indicates otherwise:

“Berth” or “moor” means the fixing of a houseboat by anchoring or tying at an approved houseboat site.

“Building Official” means the officer, or his or her authorized deputy, charged with the administration and enforcement of the applicable codes administered by the Building and Housing Department of the city of Oakland.

“Chief of Fire Department” means the head of the Fire Department or his or her regularly authorized deputy.

“Garbage” means all discarded putrescible waste matter and all discardable rubbish, but not including sewage or human or animal excrement.

“Health Officer” means Health Officer of the county of Alameda, or his or her authorized representative, assigned to the city of Oakland.

“Houseboat” means any structure supported by means of flotation, designed to be used without a permanent foundation, used, intended, or designed to be built, used, rented, leased, let, or hired out to be occupied, or which is occupied for living purposes with facilities for living, sleeping, cooking and eating. The term “houseboat” shall include “floating home,” “ark,” and any other boat or vessel which is used primarily for living rather than recreational purposes.

“Houseboat moorage” means a waterfront facility for the moorage of one or more houseboats, and the land and water premises on which such facility is located.

“Houseboat site” means a part of a houseboat moorage, located over water, and designed to accommodate one houseboat.

“Inadequate sanitation” means:

1. Lack of, or improper, water closet, lavatory, bathtub or shower;
2. Lack of, or improper, kitchen sink;
3. Insufficient and improper laundry facilities;
4. Lack of hot and cold running water;
5. Lack of adequate heating facilities;
6. Lack of, or improper operation of, required ventilation equipment;
7. Lack of required electrical lighting;
8. Lack of minimum amounts of natural light and ventilation as specified in this chapter;
9. Room and space dimensions less than required by this chapter;
10. Dampness of habitable rooms;
11. Infestation of insects, vermin, or rodents as determined by the Enforcement Agency;
12. Lack of approved water supply;

13. Lack of adequate garbage and rubbish storage and removal facilities;

14. General dilapidation or improper maintenance.

“Nuisance” means:

1. Any public nuisance known at common law or in equity jurisprudence;

2. Whatever is dangerous to human life or is detrimental to health;

3. Overcrowding a room with occupants;

4. Insufficient ventilation or illumination;

5. Uncleanliness;

6. Whatever renders air, food or drink unwholesome or detrimental to the health of human beings.

“Structural hazards” means:

1. Deteriorated or inadequate deck and flotation structure or hull;

2. Defective or deteriorated flooring or floor supports;

3. Flooring or floor supports of insufficient size to carry imposed loads with safety;

4. Members or walls, partitions, or other vertical supports that split, lean, list or buckle due to defective material or deterioration;

5. Members of walls, partitions, or other vertical supports that are of insufficient size to carry imposed loads with safety;

6. Members of ceilings, roofs, ceiling and roof supports or other horizontal members which sag, split, or buckle due to defective material or deterioration;

7. Members of ceilings, roofs, ceiling and roof supports, or other horizontal members that are of insufficient size to carry imposed loads with safety;

8. Fireplaces or chimneys which list, bulge or settle, due to defective material or deterioration;

9. Fireplaces or chimneys which are of insufficient size or strength to carry imposed loads with safety;

10. Sewage disposal tanks which are structurally unsound or that cause members of flotation structure and superstructure to split or deflect because of improper design or installation;

11. Houseboats which are unstable and thereby present an overturning hazard.

“Substandard houseboat” means any houseboat or portion thereof including the premises on which the same is located in which there exists any of the conditions listed in the definitions of “inadequate sanitation” or “structural hazards” to an extent that endangers the life, limb, health, property, safety, or welfare of the public or the occupants thereof shall be deemed to be a substandard building.

“Superintendent of Electrical Department” means the person, or his or her authorized representative, charged with the administration and enforcement of the electrical codes and ordinances of the city of Oakland. (Prior code § 4-9.05)

#### **15.56.060 Code requirements.**

Except as otherwise provided herein every houseboat shall comply with the requirements for a dwelling structure contained in the current Oakland Building Code and related applicable codes. Nothing contained herein excepts one from complying with applicable state and federal laws. (Prior code § 4-9.06)

#### **15.56.070 Occupancy—General.**

No houseboat shall be used or occupied unless it conforms to the requirements of this chapter, is moored at an approved moorage site, and the owner thereof has been issued the Certificate of Moorage hereinafter referred to by the Building Official. All owners of houseboats moored in the city on the effective date of the ordinance codified in this chapter shall apply for such certificate of moorage within thirty (30) days after said date. The owner of a houseboat shall also secure a certificate of moorage prior to moving any houseboat into the city, or moving a houseboat from one site to another within the city. No houseboat shall be used or occupied under any circumstances in lieu of regular living quarters for any person or persons. (Prior code § 4-9.07)

#### **15.56.080 Certificate of moorage.**

The Building Official shall issue a certificate of moorage to the owner of a houseboat upon compli-

ance with, and subject to the conditions of, the following:

A. Applications. All applications for certificates of moorage shall be in writing on a form supplied by the Building Official and shall contain substantially the following information:

1. The name and address of the owner of the houseboat for which a certificate is sought;
2. The location of a moorage facility where the houseboat is moored or is proposed to be moored;
3. A description of the houseboat for which a certificate is sought. Description shall include floor plan, room sizes and ceiling heights;
4. Details of construction of flotation and superstructure;
5. Description and details of method of disposal of sewage by connection to an approved moorage sewage disposal system;
6. Description and details of connections to moorage utilities systems;
7. Number of persons occupying, or to occupy, the houseboat;
8. Such other information as may be required by the Building Official.

B. Fees. Each application for a certificate of moorage shall be accompanied by a fee in an amount set by resolution of the City Council. The Building Official shall, from time to time, determine as accurately as reasonably possible the cost to the city of processing applications and issuing Certificates under this section, and shall set said fee in the amount so determined. The fee herein authorized is not a tax nor a revenue measure.

C. Issuance. If, after inspection and investigation it is found that a houseboat conforms with the requirements of this chapter and is properly moored in a moorage conforming to the requirements hereof, a certificate of moorage shall be issued by the Building Official. The Building Official shall not issue a certificate of moorage unless prior approval has been obtained from the Health Officer, Fire Chief and Superintendent of Electrical Department, and Director of Public Works.

D. Revocation. The Health Officer shall have the authority to board and to inspect any houseboat when he or she has reasonable cause to believe that

said houseboat is being occupied in violation of the provisions of this chapter, and shall have the right and the authority to revoke any Certificate of Moorage granted hereunder in the event he or she ascertains that any occupancy of the vessel is in violation of any of the provisions of this chapter.

Any change in location or material change in the information or conditions shown on the application for a certificate of moorage shall void any certificate of moorage issued hereunder.

E. Coordination. Such certificate shall be in addition to any and all state and federal registration requirements. (Prior code § 4-9.08)

#### **15.56.090 Building permit.**

A building permit shall be obtained from the Building Official for the construction, alteration, repair, improvement or demolition of any houseboat or houseboat moorage structure or facility including flotation devices, ramps, floats or docks. A building permit shall also be obtained for all work to be performed in connection with the moving or relocation of any houseboat. (Prior code § 4-9.09)

#### **15.56.100 Permits—Plumbing and drainage, sewer connection, heating, ventilating, electrical.**

A permit shall be obtained from the Building Official or Superintendent of the Electrical Department or Director of Public Works for all work to be performed, materials to be furnished and equipment or fixtures to be installed in connection with any electrical system, plumbing and drainage system, fire fighting and alarm systems, heating, ventilating or other mechanical systems required in the construction, alterations, repair, improvement, demolition, removal or relocation of any houseboat, houseboat moorage structure or facility, including flotation devices, ramps, floats or docks. (Prior code § 4-9.10)

#### **15.56.110 Movement or relocation of houseboats.**

Houseboats proposed to be moved into the city

or proposed to be moved from one moorage site to another moorage site within the city shall comply with the requirements of this chapter pertaining to new houseboats. No houseboat shall be moved into or relocated within the city if, after inspection and investigation by the Building Official, it is found to be dilapidated, unseaworthy, or otherwise substandard to such an extent that it would be impractical to repair, improve or rehabilitate said houseboat in accordance with the requirements of this chapter for new houseboats. (Prior code § 4-9.11)

#### **15.56.120 Mooring register of ownership of houseboats.**

Every owner or operator of a houseboat moorage shall maintain a current register of every houseboat moored on the premises under his or her control, such register to record the name and address of the legal owner of each houseboat. A copy of said register shall be available on request to the Building Official. (Prior code § 4-9.12)

#### **15.56.130 Moorage location.**

Houseboats shall be berthed or moored in a marina, harbor or similar facility conforming to the requirements of this chapter and located on privately owned or privately controlled property. Moorages shall not be located in any waterway or fairway, or in the public waters of any street or street end. (Prior code § 4-9.13)

#### **15.56.140 Moorage site plan.**

Three copies of a moorage site plan drawn to scale and fully dimensioned shall be submitted by the owner of said moorage to the Building Official for approval. The moorage site plan shall include the following details:

- A. Name and address of owner or operator;
- B. Address and legal description of the property on which moorage is located;
- C. The dimensions of the houseboat moorage site;
- D. The location of abutting public highways;
- E. The location and dimensions of private waterways and land access to the moorage;

F. The location and identification of individual houseboat sites;

G. The location and dimensions of off-street parking space;

H. The location and dimensions of walkways and any accessory structures or facilities;

I. The water service system;

J. The fire protection system;

K. The electrical service and lighting system;

L. The complete sewerage system including main sewer and building sewers serving each houseboat site.

The Building Official shall transmit the site plan to the Fire Chief, to the Health Officer and to the city Engineer for review and approval. One copy of the approved site plan shall be returned to the owner or operator, which copy shall be maintained on the premises of the houseboat moorage. No change in the approved moorage plan shall be made unless prior approval is obtained from the Building Official, Fire Chief, Health Officer and Director of Public Works. (Prior code § 4-9.14)

#### **15.56.150 Moorage standards—Access.**

The access to a moorage site shall have not less than twenty (20) feet of land frontage abutting a public street and shall be sufficiently graded, paved and maintained to support anticipated vehicular or other loads and minimize drainage and dust nuisances. (Prior code § 4-9.15)

#### **15.56.160 Moorage standards—Walkways.**

Every houseboat shall have access to a public street, yard or court by means of a system of primary and secondary walkways. The Building Official shall review such system and shall establish the minimum clear width of primary and secondary walkways based upon a consideration of the number of houseboats and other occupancies served, the total length of the walkways and the number of access points provided for exit to a public street, yard or court. No walkway shall be less than four feet or shall be required to be more than six feet in width. (Prior code § 4-9.16)

**15.56.170 Moorage standards—Parking.**

One off-street parking space shall be provided for the exclusive use of each houseboat; such parking space shall conform to the Planning Code. Parking spaces shall also be provided for other moorage uses in accordance with the requirements of Sections 15.56.200 through 15.56.320. (Prior code § 4-9.17)

**15.56.180 Moorage standards—Garbage disposal.**

The Health Officer shall determine the number and type of garbage and rubbish receptacles that shall be provided for all houseboats and accessory moorage uses. All garbage and rubbish receptacles shall be adequately screened from public view. (Prior code § 4-9.18)

**15.56.190 Moorage standards—Laundry facilities.**

A laundry room containing a minimum of two laundry trays, or two automatic washers supplied with hot and cold water shall be provided for each ten houseboats not equipped with such facilities. (Prior code § 4-9.19)

**15.56.200 Moorage standards—Lighting.**

Every houseboat moorage including the walkways to every houseboat site shall be illuminated by lights designed, constructed and maintained to provide an average light intensity of two footcandles in accordance with the recommendations of the Illuminating Engineers Society of America and as may be recommended by the Superintendent of Electrical Department. (Prior code § 4-9.20)

**15.56.210 Moorage standards—Electrical service and wiring.**

Electrical service and wiring in all moorages shall comply with the requirements of chapter 555, "Boat Harbors and Marinas" of the National Electrical Code, current edition. (Prior code § 4-9.21)

**15.56.220 Moorage standards—Water distribution.**

Plans shall be submitted by the owner of said

moorage to the Building Official showing complete details of the water service and piping system; all shall be accompanied by calculations to verify the adequacy of said system to meet demands of the moorage. The design of said system shall comply with the other applicable sections of this chapter and shall meet the requirements of the following:

**A. Plans.** Plans shall show the size and location of each water meter and the type, size and location of all required water service backflow prevention devices.

**B. Materials.** The use of nonmetallic or exposed steel piping on docks, floats, ramps or similar moorage facilities will not be permitted. Exposed copper tubing placed on these facilities shall be joined by brazing or by other equivalent methods. Flexible water supply connections to or located on said facilities shall be approved heavy duty type and each hose bib serving said facilities shall be an approved type incorporating a vacuum breaker.

**C. Flexible Water Supply Connections.** Flexible water supply connections shall be approved heavy duty type and shall be installed and supported so that at all times they will be above the moorage basin water level.

**D. Backflow Prevention Devices.** Each hose bib serving a dock, float, ramp or similar moorage facility shall be equipped with an approved vacuum breaker. No houseboat or vessel which uses a pump or equipment which could cause a cross-connection potential shall have a direct connection to the water supply system.

**E. Temperature and Pressure Relief Valves.** A combination temperature and pressure relief valve shall be provided on all water heaters.

**F. Wet Standpipes (Fire Lines).** Water lines supplying wet standpipes must be capable of supplying fifty (50) gallons per minute and maintain a residual pressure of thirty (30) pounds per square inch at the hose connection based on the minimum water supply. No fire pump inlet connection will be permitted on any wet standpipe system which is connected to a portable water system. (Prior code § 4-9.22)

### **15.56.230 Moorage standards—Fuel gas piping.**

All gas piping installed within a houseboat moorage, including such piping intended to serve houseboats and other floating structures and such piping as may be required to serve dockside facilities, shall be installed in accordance with Chapter 12 of the currently applicable Uniform Plumbing Code and with the following special requirements:

A. Cathodic Protection. All gas piping shall have approved cathodic protection design, inspected and certified by an approved engineering firm specializing in the field.

B. Connections—Valves. Where gas is permitted by the administrative authority to be distributed from shoreside facilities, connections to houseboats and other moorage structures shall be made by the use of approved high pressure flexible hose and such connections shall terminate in a positive disconnect coupling. A separate shutoff valve shall be installed ahead of such connection. Connections shall not be immersed in water or run exposed on docks, piers, floats, houseboats or other floating structures. The length of the flexible connection shall not be excessive nor shall it be used as a substitute for gas piping. (Prior code § 4-9.23)

### **15.56.240 Moorage standards—Fire protection.**

Every houseboat moorage shall be provided with a fire protection system independent of the portable water system. All head floats, walkways, wharves, fingers, piers must be provided with a minimum three-inch fire main of rigid pipe with standpipes and hose reels spaced not more than seventy (70) feet apart, with a minimum hose length of seventy-five (75) feet with a one-half-inch nozzle on a one-and-one-half-inch fire hose. The hose reel and standpipe furthermost distant from dockside, with nozzle connected, must be capable of delivering fifty (50) gallons of water per minute with a minimum of thirty (30) pounds of residual pressure.

Each houseboat mooring area shall provide a fire alarm system capable of indicating an emergency requiring immediate action to safeguard life or prop-

erty from the hazards of fire, explosion, or panic. Such system shall meet the approval of the Chief of Fire Department.

All paint, thinners, rags and other flammable materials must be stored at shoreside or other approved locations in proper lockers provided by the owner or operator of the houseboat moorage or marina.

Each owner or operator of a houseboat moorage or marina and the owner or occupant of each houseboat must obtain and place in a conspicuous location, be conversant with and conform to provisions of, the National Fire Protection Association Pamphlets No. 30, "Flammable and Combustible Liquids Code," No. 302, "Motorcraft (Pleasure and Commercial)" and No. 303, "Marinas and Boat Yards." (Prior code § 4-9.24)

### **15.56.250 Moorage standards—Open spaces.**

A clear spacing of ten feet between sides or between a side and front or the rear of adjacent houseboats shall be maintained in all houseboat moorages. The clear distance between a houseboat and any shoreside dock or building and the clear distance between a houseboat and any other moorage structures floating or otherwise shall be ten feet. All distances shall be measured between the maximum projection of the superstructure walls. A maximum encroachment of two feet into the required minimum spacing for eaves, roof decks, or similar features will be permitted.

Sufficient space between rows of houseboats shall be maintained in order to facilitate the movement of houseboats into the moorage area and to permit the maneuvering and berthing of houseboats to be accomplished in a safe manner. (Prior code § 4-9.25)

### **15.56.260 Overall stability.**

A houseboat shall be stable under the action of dead and live loads and consideration shall be given to the effect of off-center loading and wind loading in determining overall stability. The design of a houseboat shall be based upon accepted basic engineering principles for floating structures submitted

by a qualified licensed engineer or naval architect and shall conform to the following standards:

A. Metacentric Height. The metacentric height (MG) shall be at least one-foot or greater.

B. Freeboard—Immersion. The freeboard, as measured from the waterline to the top of the first floor or deck of the completed houseboat, including dead load but not live load, shall be at least one foot four inches (with list angles equal to zero degrees). The allowable immersion under the action of off-center loading or wind loading shall not exceed two-thirds of the original freeboard with a list angle of four degrees. Freeboard shall be measured from the waterline to the top of the first floor or deck at the side of the houseboat at a point where said freeboard has its least dimension.

C. List Angle. The maximum angle of list shall not exceed four degrees under the action of either off-center or wind loading.

D. Off-Center Loading. The off-center loading shall be considered as applicable to the completed houseboat including dead load and shall consist of five pounds per foot of width, whichever is greater, per lineal foot (first floor) and fifty (50) pounds, or two and one-half pounds per foot of width, whichever is greater, per lineal foot (second floor habitable attic or loft). The uniform line load is to be applied halfway between the center of gravity and the outside edge of deck, to one side of the houseboat at a time. The dividing line is the longitudinal axis of the houseboat, and the overturning moment resulting from the off-center loading shall be taken about the computed center of gravity. Stability with off-center loading shall be tested on both sides of the longitudinal axis. The ratio  $mr/mo'$ ,  $mo$  being the overturning moment due to off-center loading and  $mr$  being the resisting moment due to buoyancy, shall be equal to one applied with a list equal to four degrees. Overturning moments and resisting moments are to be taken about a longitudinal line passing through the computed center of gravity.

E. Wind Loading. Wind loading shall be applied to the completed houseboat, including dead load and live load, but not off-center loading. The ratio  $mr/mn'$ ,  $mn$  being the wind heeling moment and  $mr$

being the resisting moment due to buoyancy, shall be equal to one applied with a list equal to four degrees.

F. Calculations by Qualified Engineer. Calculations shall be submitted by a qualified engineer showing that the houseboat conforms to the requirements of this chapter. (Prior code § 4-9.26)

#### **15.56.270 Compartmentation and flotation devices.**

Watertight pontoons, floats, hulls or other devices used to keep the houseboat afloat shall be fitted with transverse or longitudinal watertight bulkheads which provide compartmentation sufficient to keep the fully loaded houseboat afloat with positive stability with any one compartment flooded. This requirement may be waived by the Building Official upon certification by a competent architect or engineer familiar with such devices that design, materials and construction of the hull or other flotation device is such that the possibility of rupture is extremely remote.

A. Construction (General). Floatation devices shall be structurally sound and securely fastened to the houseboat superstructure. Floatation devices shall be constructed so that access to each compartment is readily available from the first floor level of the completed houseboat. The external surfaces of all floatation devices shall be watertight and thoroughly protected from corrosion from salt water, solvents and weather.

B. Bilge Pump. Where permanent type flotation such as styrofoam or plastic foam is not provided, an adequate portable bilge pump shall be maintained in proper working order.

C. Holding Tank. Flotation and decking shall provide access to and protection for the holding tank and sewage pump.

D. Material. All material, such as decking, siding and subflooring, which is subjected to moisture or water splash shall be of a type not adversely affected by moisture, or shall be treated.

E. Framing. Floors, walls, roofs, partitions and all structural framing members shall be designed and constructed by use of diaphragm walls in such a

manner that the superstructure will act as a unit independent of the flotation or hull structure and will not be adversely affected by point reactions under said floatation or hull. (Prior code § 4-9.27)

#### **15.56.280 Fuel gas piping.**

All gas piping installed in a houseboat or in any other floating structure shall be installed in accordance with Chapter 12 of the currently effective Uniform Plumbing Code with the following exception:

A. Exposed Piping. All gas piping installed in a houseboat or other floating structure which is exposed to corrosion shall be provided with an approved protective coating or shall be galvanized and painted. (Prior code § 4-9.28)

#### **15.56.290 Exit facilities.**

The facilities of all exits shall comply with the requirements for dwellings as set forth in the Building Code referred to in Section 15.56.060, except as follows:

A. Exterior Exits. Stairways or ramps from houseboat to mooring dock or float shall be at least thirty-six (36) inches in width and shall be provided with guardrails on both sides.

B. Interior Exits. Ingress and egress to second floor dwelling quarters shall be by means of stairways at least thirty (30) inches in width provided with at least one handrail. The use of ladders will not be permitted.

C. Roof and Attic Access. Access to roof and uninhabitable attic areas by means of ladders may be permitted if approved by the Building Official. (Prior code § 4-9.29)

#### **15.56.300 Guard rails.**

Guard rails at least thirty-six (36) inches in height shall be provided in the following locations:

A. Both sides of all exterior stairways and ramps;

B. All edges of occupied roof areas;

C. Edges of all decks not encompassed by the exterior walls of the houseboat superstructure.

Guard rails shall be designed to withstand a twenty (20) pound per foot load applied at the top of the rail. In open type railings intermediate members shall not be spaced more than nine inches apart. (Prior code § 4-9.30)

#### **15.56.310 Minimum requirements.**

Every houseboat shall comply with the basic minimum housing standards set forth in the California Administrative Code and the Federal Marine Sanitation Device Regulation CG-48 (Rev. 6-78). (Prior code § 4-9.31)

#### **15.56.320 Building Official.**

The Building Official shall enforce all of the provisions of this chapter pertaining to the erection, construction, reconstruction, movement or relocation, enlargement, conversion, alteration, repair, removal, demolition or arrangement of all houseboats and houseboat moorages. (Prior code § 4-9.32)

#### **15.56.330 Enforcement.**

The Building Official shall enforce all the provisions of this chapter pertaining to the maintenance, sanitation, ventilation, use, or occupancy of houseboats and houseboat moorage facilities. (Prior code § 4-9.33)

#### **15.56.340 Chief of Fire Department.**

The Fire Chief shall enforce all the provisions of this chapter pertaining to fire prevention, fire protection, the control and spread of fire and safety from fire or panic in relation to houseboats and houseboat moorages. (Prior code § 4-9.34)

#### **15.56.350 Right of entry.**

Any or all of the above officials or their authorized deputies or representatives may, with the consent of the occupant, or with the consent of the owner of unoccupied premises, or pursuant to a lawfully issued warrant, enter any houseboat or other structure located on the premises of a houseboat moorage at any reasonable time to perform any duty imposed on him or her by this chapter. (Prior code § 4-9.35)

**15.56.360 Time for compliance.**

All houseboats and houseboat moorages in existence in the city on or after the effective date of the ordinance codified in this chapter shall comply with the requirements thereof for new houseboats and new moorages within the time limit as may be specified by the Health Officer, Building Official, Chief of Fire Department or Superintendent of the Electrical Department and Director of Public Works, but said time limit shall not exceed six months. (Prior code § 4-9.36)

**15.56.370 Appeals.**

In the event that any applicant or permittee is for any reason dissatisfied with the actions of the Health Officer, Building Official, Chief of Fire Department or Superintendent of the Electrical Department and Director of Public Works resulting in the denial or revocation of a certificate of occupancy or in the imposition of any conditions relating to the certificate of occupancy, the applicant or permittee shall have the right to appeal to the applicable appeals board in writing within ten days after notification of the actions of said officials. The applicant will be notified by registered or certified mail of the date, time and place set for hearing of the appeal. (Prior code § 4-9.37)

**15.56.380 Violations.**

It is unlawful for any person, persons or legal entity to use, or cause to be used, a houseboat which does not comply with the provisions of this chapter. Any person violating any of said provisions shall be guilty of a misdemeanor. (Prior code § 4-9.38)

**15.56.390 Right of Port of Oakland.**

Nothing in this chapter limits, or is intended to limit, the rights of the Port of Oakland over privately owned property under its jurisdiction by virtue of the city's Charter. Further, this chapter is not intended to limit any other rights of said Port existing by virtue of the city's Charter. (Prior code § 4-9.40)

## Chapter 15.60

### CODE ENFORCEMENT RELOCATION PROGRAM

#### Sections:

- 15.60.010      Purpose.**
- 15.60.020      Findings.**
- 15.60.030      Definitions.**
- 15.60.040      Tenant eligibility.**
- 15.60.050      City's informational notices.**
- 15.60.060      Owner's notice to tenant.**
- 15.60.070      Relocation payments by owner.**
- 15.60.080      Relocation payments and assistance by city.**
- 15.60.090      Immediate vacation.**
- 15.60.100      Move-back option.**
- 15.60.110      Amount of relocation payments.**
- 15.60.120      Staff review and appeals.**
- 15.60.130      Violation—Penalty.**
- 15.60.140      Private right of action.**
- 15.60.150      Delegation.**

#### **15.60.010      Purpose.**

The primary purpose of this chapter is to provide for owner-paid relocation payments and assistance to residential tenants who are displaced due to city code enforcement activities. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-1)

#### **15.60.020      Findings.**

This chapter is enacted in recognition of the following facts and for the following reasons:

A. Some residential rental units and single room occupancy buildings in Oakland have been found to have severe code violations which threaten the life and safety of occupants. The hazardous living conditions often require that the tenant vacate the structure to allow for extensive repairs or demolition of the structure.

B. These code violations are often caused by the negligence, deferred maintenance, or the illegal use of the structure as a residence by the property own-

er. Code violations may breach the owner's implied warranty of habitability, and could constitute constructive eviction of the tenant household from its residence.

C. The difficulty of finding affordable replacement housing and the burden of incurring moving-related expenses creates a financial hardship for tenant households, particularly those who are low-income.

D. Relocation benefits and assistance are necessary to ensure that displaced tenants secure safe, sanitary and decent replacement housing. This is consistent with the goals enunciated in the city's housing element to its general plan to remove dilapidated housing units only if adequate and affordable relocation housing is available to occupants, and to prevent homelessness. This policy is also consistent with and in furtherance of state housing goals.

E. Property owners who fail to properly maintain residential rental properties, and/or create residential units illegally should bear responsibility for the hardships their actions (or lack of action) create for the tenant. Relocation is a necessary cost of code enforcement that should be the responsibility of the property owner, and the city should be reimbursed by the responsible owner for any of these costs that it incurs in the code enforcement process.

F. The requirement to pay relocation costs under this chapter will encourage property owners to correct code violations and protect the public health, safety, and general welfare of the residents of the city.

G. The level of payments provided for in this chapter is reflective of the actual costs of relocation likely to be incurred by displaced tenant households — in particular, moving costs and the cost of first and last months' rent, as well as other costs, both monetary and nonmonetary, associated with involuntary dislocation. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-2)

#### **15.60.030      Definitions.**

For purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section:

**“Building official”** means the city official who is authorized and directed to administer and enforce the Oakland Housing Code, as well as any designees of such person.

**“Code enforcement activities”** means activities initiated by the city to determine the condition of a building and require the property owner to make necessary repairs, to vacate the building, or to take other action as necessary to bring the property into compliance with applicable state or local zoning, building or housing standards, including but not limited to standards contained in the Oakland Housing Code, the Oakland Municipal Code, and Oakland Planning Code, the Uniform Fire Code as adopted by the city, and other technical codes adopted and enforced by the city for existing residential properties, including codes addressing dangerous or hazardous buildings. Code enforcement activities shall include drug nuisance abatement actions taken by the city pursuant to California Health and Safety Code Section 11570, et seq.

**“Day”** means calendar day, unless otherwise specified.

**“Declaration of substandard”** means a declaration, notice, or order executed by the Building Official or his or her designee under the authority of the Oakland Housing Code or other provision of law declaring that a property is substandard, unsafe, and/or a public nuisance.

**“Housing official”** means the city official who is designated by the City Manager to administer the city’s relocation programs, as well as any designees of such person.

**“Noncomplying building or unit”** means a building, room, or rental unit in the city which has been found or determined by an authorized enforcement official of the city to be substandard, blighted, unsafe, a public nuisance, a drug nuisance, or otherwise not in conformance with applicable state or local zoning, building or housing standards, including but not limited to standards contained in the Oakland Housing Code, the Oakland Planning Code, the Oakland Municipal Code, and the Uniform Fire Code as adopted by the city, and other technical codes adopted and enforced by the city for existing

residential properties, including codes addressing dangerous or hazardous buildings; and “noncomplying condition” or “noncompliance” means any physical condition or use with respect to the building, room or unit, including drug activity in the case of drug nuisance abatement actions, that contributes to such finding or determination.

**“Notice to abate life-threatening condition”** means a notice and/or order to abate a substandard or noncomplying condition issued by the city pursuant to its code enforcement activities, however such notice or order is denominated, that indicates on its face that a life-threatening condition is present.

**“Notice to vacate”** means a notice and/or order, however denominated, issued by the city or a court of competent jurisdiction to a property owner and/or a tenant household pursuant to the city’s code enforcement activities requiring that a residential building, unit or room be vacated, either immediately or at some future specified time, as a result of a determination that such building, unit or room is substandard, blighted, unsafe, a public nuisance, a drug nuisance, or in noncompliance with applicable building, housing, zoning, or other code standards. For purposes of this chapter, the term “notice to vacate” includes a complaint or action filed by the city with a court of competent jurisdiction and served on the property owner pursuant to the city’s code enforcement activities in which the city asks for vacation of the property as requested relief. The term “notice to vacate” for purposes of this chapter includes a closure order obtained by the city as part of a drug nuisance abatement action brought pursuant to California Health and Safety Code Section 11570, et seq.

**“Oakland Housing Code”** means that code adopted by Ordinance No. 8549 C.M.S., now codified at chapter 15.08 of the Oakland Municipal Code, regulating maintenance, sanitation, ventilation, light, location, use or occupancy of residential buildings, as well as any amendments to or successor laws of such ordinance.

**“Permanent displacement”** means the vacating of a residential unit or room by a tenant household due to code enforcement activities when that unit or

room (or an equivalent unit or room in the building) foreseeably will not be brought into code compliance or will not be available for reoccupancy by the tenant household within sixty days from the vacating.

“Property owner” means a person, persons, corporation, partnership, limited liability company, or any other entity holding fee title to the subject real property. In the case of multiple ownership of the subject real property, “property owner” refers to each entity holding any portion of the fee interest in the property, and the property owner’s obligations in this chapter shall be joint and several as to each property owner.

“Relocation appeals board” means the Housing, Residential Rent, and Relocation Board, or any other hearing body or hearing officer established by the City Council of the city or designated by the City Manager to hear appeals or relocation issues.

“Rental unit” means a dwelling space in the city containing a separate bathroom, kitchen, and living area, including a single-family dwelling or unit in a multifamily or multipurpose dwelling, or a unit in a condominium or cooperative housing project, which is hired, rented, or leased to a household within the meaning of California Civil Code Section 1940. This definition applies to any dwelling space that is actually used for residential purposes whether or not the residential use is legally permitted.

“Room” means an unsubdivided portion of the interior of a residential building in the city which is used for the purpose of sleeping, and is occupied by a tenant household for at least thirty (30) consecutive days. This includes, but is not limited to, a single room occupancy (SRO) living space. This definition applies to any space that is actually used for residential purposes whether or not the residential use is legally permitted.

“Temporary displacement” means the vacating of a rental unit or room by a tenant household due to code enforcement activities when that unit or room (or an equivalent unit or room in the building) foreseeably will be brought into code compliance and be available for reoccupancy by the tenant household within sixty (60) days from the vacating; or

when the tenant household and property owner have otherwise agreed that the displacement shall be considered temporary.

“Tenant household” means one or more individuals who rent or lease a rental unit or room as their primary residence and who share living expenses. (Ord. 12086 § 1 (part), 1998: amended during 11/97 supplement; Ord. 11552 § 1 (part), 1993: prior code § 19-3)

#### **15.60.040 Tenant eligibility.**

A. A tenant household shall be eligible for relocation payments from a property owner under this chapter if the tenant household is displaced from its rental unit or room due to the city’s code enforcement activities. For purposes of this chapter, a tenant household shall be deemed to be displaced from its rental unit or room due to code enforcement activities if such household either:

1. Receives a notice from the property owner requiring the household to vacate or quit the rental unit or room at any time after the city or a court has issued a notice to vacate, notice to abate life-threatening condition, or declaration of substandard covering that unit or room; or

2. Vacates its unit or room (whether or not the property owner requires vacation) after (a) the city or a court has issued by a notice to vacate, notice to abate life-threatening condition, or declaration of substandard covering that unit or room, and (b) the abatement period has expired without correction of the noncomplying condition (if a time period to abate the noncomplying condition is specified in such notice or declaration and the city or court does not order earlier vacation).

B. Notwithstanding the above, a tenant household shall not be deemed to be displaced due to code enforcement activities in any of the following cases:

1. the property owner can demonstrate by clear and convincing evidence that vacation of the unit or room was due primarily to a cause other than either (a) the noncomplying condition, (b) the city’s or court’s determination that the rental unit, room, or building was a noncomplying building or unit, or (c)

the need to make repairs to rectify any noncomplying condition;

2. The property owner can demonstrate by clear and convincing evidence that the noncomplying condition was created by the tenant household or the tenant household's guests or invitees, and was not created by the property owner or the owner's agent, or the Housing Official determines that the tenant household occupied the rental unit or room for the purpose of receiving relocation benefits;

3. The property owner can demonstrate by clear and convincing evidence that the tenant household unreasonably prevented the owner or the owner's agent from undertaking maintenance or repairs that would have prevented or rectified the noncomplying condition;

4. All noncomplying conditions are corrected, as determined by the city, prior to the time the tenant household has taken definitive steps to move;

5. The notice to vacate, notice to abate life-threatening condition, or declaration of substandard is rescinded or withdrawn by the city or the court or is overturned on appeal prior to the time the tenant household has taken definitive steps to move;

6. The property owner offers in writing to move the tenant household immediately into a replacement unit or room in the same building, and all of the following are true: (a) the replacement unit or room is at least substantially comparable in size, condition, and amenities as the former unit or room, (b) the replacement unit or room complies with all applicable zoning, building, and housing codes, (c) the replacement rent is no greater than the rent charged for the former unit or room, and (d) the offer was made prior to the time the tenant household had taken definitive steps to move; or

7. The tenant household is required to vacate the unit or room due solely to damage resulting from an earthquake, fire, flood, natural disaster, civil disturbance, or accident outside the control of the property owner, if (a) the vacation is required within six months of such event, and (b) the property owner can demonstrate that such damage was not caused by the acts or the negligence of the property owner or by a preexisting condition in the building in

violation of applicable building, housing, fire, or other health and safety codes.

C. Any provision of a lease or rental agreement for a rental unit or room in which the tenant household agrees to modify or waive any of its rights under this chapter, including its rights to relocation payments, shall be void as contrary to public policy. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-4)

#### **15.60.050 City's informational notices.**

A. The city's Building Official or other authorized official along with issuance of any notice to vacate, notice to abate life-threatening condition, or declaration of substandard to a property owner covering a rental unit or room shall inform the property owner that any tenant household who vacates said rental unit or room may be eligible for relocation payments from the property owner, that failure to make required payments to eligible tenant households before vacation may result in the city making payments on behalf of the owner, and that failure to reimburse the city for all payments made and other costs incurred shall result in a lien being placed on the property. Following issuance of any such notice or declaration and expiration of the period to abate the noncomplying condition (if an abatement period is specified in any such notice or declaration), the city shall also use reasonable efforts to deliver information to each affected tenant household in the building regarding the relocation benefits and assistance, if any, to which the tenant household may be entitled.

B. Failure by the city to supply or attempt to supply any of the information or notices provided for in this chapter shall not affect the validity of any code enforcement notice, order, or action, nor shall any such failure diminish any property owner's obligation to abate any noncomplying conditions or provide relocation assistance as required under this chapter. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-5)

#### **15.60.060 Owner's notice to tenant.**

Any notice from a property owner to an eligible

tenant household to vacate or quit a rental unit or room following the issuance of a notice to vacate, notice to abate life-threatening condition, or declaration of substandard must set forth the reasons for the need to vacate, the tenant household's entitlement to relocation payments from the property owner, the tenant household's right to reoccupancy following completion of repairs (if the property is to be repaired), and the estimated date for reoccupancy. The property owner's notice shall include a statement that the tenant should contact the city's relocation office for further information, along with the telephone number of that office, and the property owner shall attach a copy of the relocation program summary. The property owner shall send a copy of all notices to the Building Official or the applicable official otherwise issuing the notice on behalf of the city. (Ord. 12086 § 1 (part), 1998; Ord. 11552 § 1 (part), 1993; prior code § 19-6)

#### **15.60.070 Relocation payments by owner.**

A. The property owner shall be responsible for providing relocation payments, in the amounts specified in Section 15.60.110, to an eligible tenant household in the form and manner prescribed under this chapter and any rules and regulations adopted under this chapter.

B. In the case of permanent displacement, the property owner shall make the payment directly to an eligible tenant household no later than ten days before the expected vacation date specified in either a city or court notice or order, the property owner's notice to vacate, or the tenant household's notice to the property owner of the tenant household's intent to vacate pursuant to Section 15.60.040(A)(2), whichever date is earliest in the event of multiple notices. If less than ten days' advance notice of vacation is given, or no vacation date is specified in such notice or order, then the payment by the property owner to the tenant household is due no later than the actual time of vacation.

C. If an eligible tenant household vacates its unit or room not in response to a notice to vacate by the city, a court, or the property owner, but on its own initiative pursuant to Section 15.60.040(A)(2), in

response to a notice to abate life-threatening condition or declaration of substandard issued by the city, and if such tenant household has not given advance notice to the property owner of its intention to vacate, then the payment by the property owner to the tenant household is due no later than ten days after written demand for such payment is made by the tenant household to the property owner; however, in this case such a demand must be made by the tenant household no later than thirty (30) days following its actual vacation of the unit or room.

D. In the case of temporary displacement, the property owner shall make the payment directly to an eligible tenant household within five days after the tenant household has submitted reasonable documentation (such as bills, invoices, rental agreements, estimates, etc.) to the property owner of the actual moving and temporary housing expenses the tenant household will incur or has incurred as a result of the displacement during the expected displacement period.

E. The obligation of the property owner to deliver relocation payments to a tenant household shall be suspended pending the outcome of a staff determination or an appeal before the Relocation Appeals Board pursuant to Section 15.60.120 of this chapter, if a request for such determination or appeal has been made by the property owner in accord with and within the times specified in Section 15.60.120.

F. Notwithstanding the above, an eligible tenant household shall not be required to vacate the rental unit or room until the required relocation payment has been made and any staff determination or appeal requested by the property owner has been concluded, unless either (1) the Building Official or other authorized city official has determined for health and safety reasons that vacation must take place sooner, or (2) the property owner intends to withdraw such unit or room from rent or lease pursuant to California Government Code Section 7060, et seq., and complies with the standards in said statute. However, a property owner remains liable for payment of relocation payments to eligible tenant households under this chapter notwithstanding the

applicability of the exceptions above in clauses (1) and (2).

G. The property owner shall also be responsible for reimbursing the city for any relocation payments made and costs incurred by the city pursuant to the provisions of this chapter. (Ord. 12086 § 1 (part), 1998: amended during 11/97 supplement; Ord. 11552 § 1 (part), 1993: prior code § 19-7)

#### **15.60.080 Relocation payments and assistance by city.**

A. The city shall use reasonable efforts, subject to budget staffing constraints, to assist tenant households displaced by its code enforcement activities by providing information, referrals, and other relocation advisory assistance aimed at facilitating the household's move. The tenant household should contact the Housing Official for relocation information within ten days of receipt of information from either the city or the property owner that it may be eligible for assistance. Failure by the tenant household to contact the city within the ten-day period will not relieve the property owner from his or her responsibility to provide relocation benefits.

B. The city, in the sole discretion of the Housing Official and subject to funding availability, may make from city funds any of the payments required of a property owner under this chapter. Such payments, as well as any administrative costs incurred by the city as a result of the failure of the property owner to make the required payments to an eligible tenant household, shall continue to be an obligation of the property owner and shall be reimbursed by the property owner to the city. In order for the city to consider making such payments, a request must be made by the tenant household to the Housing Official following the property owner's failure to pay the required payments by the due date specified in Section 15.60.070B or C, but in no event later than sixty (60) days following the tenant household's vacation of the rental unit or room. Prior to any city payment to a tenant household, the Housing Official shall make a determination with respect to the eligibility of the tenant household for relocation payments. The Housing Official will

make reasonable efforts to contact a representative of the property owner by telephone or written communication prior to making the determination or authorizing city payment. However, failure to give prior notice to the property owner shall not relieve the property owner of any obligations under this chapter.

C. When the city makes any relocation payments from city funds that are the responsibility of the property owner under this chapter, the city shall bill the property owner for reimbursement of the amount of payment, plus any administrative and other costs that it would not have incurred but for the failure of the owner to make the required payment. The property owner shall reimburse the city within five days of billing. If the owner does not make full and timely reimbursement of this amount to the city, the city may record a lien on the property with the County Recorder and shall provide notice of such lien to the property owner and to the County Assessor. The form of such lien and the manner of enforcement and collection shall be those specified in the Oakland Housing Code, or as otherwise authorized by state or local law. Alternatively, the city may include the unreimbursed amount in any other lien placed on the property by the city to secure payment of enforcement costs, including but not limited to the lien authorized by the Oakland Housing Code.

D. Notwithstanding the above, the intent of this chapter is to place primary responsibility for making relocation payments to displaced tenant households on those property owners who are responsible for code violations, and nothing in this section is intended to relieve or release any such property owner from this responsibility.

E. The Housing Official, in his or her sole discretion and on a case-by-case basis, may authorize city-paid relocation payments above the amounts specified in Section 15.60.110, if circumstances so warrant, subject to funding availability. Any such additional amounts shall not be subject to reimbursement by the property owner. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-8)

**15.60.090 Immediate vacation.**

The Housing Official may authorize in his or her sole discretion the immediate payment of relocation benefits by the city in the amounts authorized by this chapter to an eligible tenant household if the Building Official or other authorized code enforcement official has determined that immediate vacation of the rental unit or room is necessary due to public health and safety concerns. The tenant household must sign a request for relocation assistance from the Housing Official in order to receive immediate relocation payments. The property owner shall be notified subsequently in writing of any relocation payments by the city under this section. Such payments, up to the amounts specified in Section 15.60.110, and other costs shall be an obligation of the property owner, and the property owner shall be required to reimburse the city for these relocation costs and shall be subject aid a lien against its property for this amount, as set forth above. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-9)

**15.60.100 Move-back option.**

A. An eligible tenant household who has experienced temporary or permanent displacement from its rental unit or room due to code enforcement activities shall have the option of moving back into that rental unit or room, or, if this is not possible, to move into an equivalent unit or room in the same building, if and when the unit or room is ready for occupancy. If a tenant household wishes to avail itself of this option, it must inform the property owner in writing of its current address at all times during the period of displacement.

B. The property owner shall notify the eligible relocated tenant household at least thirty (30) days in advance by certified mail of the availability of the unit or room. If a shorter notice is given and the tenant household indicates that it wishes to move back, the unit or room must be held vacant at no cost to the household for a period no less than thirty-five days after the mailing of the notice of availability. The notice shall provide that within seven days of receipt of notice of availability of the

unit or room, a tenant household wishing to move back must notify the property owner in writing of this election.

C. If a tenant household wishing to move back into the unit or room is required to pay a security deposit, the tenant must be permitted sufficient time to obtain a refund of any deposit paid to obtain housing during the period of relocation.

D. This move-back option is in addition to an eligible tenant household's entitlement to monetary relocation payments from the property owner under this chapter, and exercise of this option by a tenant household shall not affect that household's eligibility for such payments. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-10)

**15.60.110 Amount of relocation payments.**

A. Permanent Displacement. An eligible tenant household who will experience permanent displacement as defined above shall receive a monetary relocation payment from the property owner equal to two times the current monthly HUD Fair Market Rent for a unit of comparable size and type to the rental unit or room from which the displacement occurs, plus a set payment of two hundred dollars (\$200.00) for moving costs and related expenses. For purposes of this chapter, "HUD Fair Market Rent" means the amount specified in the schedule of Fair Market Rents for existing housing published by the U.S. Department of Housing and Urban Development under Section 8 of the United States Housing Act of 1937, as amended, applicable to the city of Oakland and current as the date the city or court issues the notice to vacate, notice to abate life-threatening condition, or declaration of substandard; or, if HUD should cease publishing said amounts, "HUD Fair Market Rent" shall mean any amount or any index specified by the Housing Official in his or her discretion which represents a reasonable estimate of prevailing market residential rents in the Oakland area. Information on current HUD Fair Market Rents will be available upon request from the Housing Official.

B. Temporary displacement. An eligible tenant household who will experience temporarily displacement as defined above shall receive monetary relocation payment or payments from the property owner to cover the tenant household's actual and reasonable moving expenses and temporary housing accommodations costs directly incurred as a result of the temporary displacement. "Moving expenses" shall include the cost of removing, transporting, and/or storing the tenant household's personal property during the displacement period, and "temporary housing accommodations costs" shall include the cost of rental payments and hotel or motel payments during the displacement period. In no event shall the property owner be liable for making payments in excess of the amount the tenant household would receive in the case of permanent displacement as set forth in subsection A of this section.

C. Immediate Vacation. When the condition of a room or rental unit is a danger to the public health and safety such that the city requires immediate vacation, i.e., vacation with less than thirty (30) days advance notice either from the city or from the property owner to the tenant household of the need to vacate, an eligible tenant household displaced from such a room or unit shall be entitled to an additional payment from the property owner in the amount of five hundred dollars (\$500.00), in addition to the amounts set forth above. Such additional payment is intended to compensate the tenant household for the additional costs associated with short-notice moves and the added inconvenience of such moves.

D. Payments for relocation shall not be considered by the city as income or assets for any government benefits program. (Ord. 12086 § 1 (part), 1998; Ord. 11552 § 1 (part), 1993; prior code § 19-11)

#### **15.60.120 Staff review and appeals.**

A. The Housing Official shall be responsible for making an informal determination whether a tenant household is eligible for relocation payments from a property owner under this chapter, and, if so, the payment amount, following any timely claim, com-

plaint, objection or dispute forwarded to the city by either a tenant household or property owner with respect to these issues. The Housing Official shall also make a determination with respect to any disputes between a tenant household and a property owner as to the move-back option provided for in Section 15.60.100.

B. A tenant household should contact the Housing Official with any claim, complaint, objection or dispute against the property owner within a reasonable time after the property owner has failed to pay the required relocation benefits within the applicable time period specified in Section 15.60.070 or has otherwise failed to comply with this chapter. Failure to contact the Housing Official within a reasonable time as determined by the Housing Official may be deemed a waiver of the tenant household's claim to relocation benefits, unless the tenant household can demonstrate good cause to the city for the delay.

C. A property owner should contact the Housing Official within a reasonable time after a tenant household has made a demand on the property owner for relocation benefits, if the property owner believes that the tenant household is not eligible for any or all of such payments under this chapter. In addition, a property owner should immediately contact the Housing Official after notification by the city that the city is considering payment of relocation benefits on behalf of the owner under Section 15.60.080, if the property owner believes that the tenant household is not eligible for any or all of such payments under this chapter. Failure to contact the Housing Official within a reasonable time as determined by the Housing Official may be deemed a waiver of the property owner's right to challenge tenant eligibility for benefits, unless the property owner can demonstrate good cause to the city for the delay.

D. The Housing Official shall make reasonable efforts to contact a representative of both the property owner and the tenant household and afford each party a reasonable opportunity to present responses and supporting information prior to making a determination (except where the need for immediate

vacation makes prior notice to the property owner of city payments to tenant households not reasonably possible). The Housing Official shall make his or her determination based on the provisions of this chapter, the rules and regulations adopted pursuant to this chapter, and the factual information submitted by the parties or otherwise readily available, and shall communicate his or her determination to representatives of the property owner and the affected tenant household.

E. When the property owner or tenant household wishes to contest a determination regarding eligibility or relocation payment amounts made by the Housing Official, such party should file a written request for a hearing with the Relocation Appeals Board within seven days of the determination. Any property owner requesting such an appeal must first deposit with the Housing Official the full unpaid amount in dispute, unless the property owner can demonstrate significant hardship or other extraordinary circumstances to the Housing Official that would justify a waiver of such deposit. The Relocation Appeals Board shall hold a hearing and shall use reasonable efforts to render its decision on any such appeal within thirty (30) days of a timely hearing request the Board's decision shall be final, and there shall be no appeal to the City Council. All notices from the Relocation Appeals Board shall be sent to both the property owner and all tenant households affected by the appeal.

F. Nothing in this chapter shall in any way preclude or limit any aggrieved party from seeking judicial review after such person has exhausted the administrative remedies provided herein. However, it shall be conclusively presumed that a litigant has not exhausted his/her administrative remedies as to any issue which is not raised in the administrative proceedings authorized herein. (Ord. 12086 § 1 (part), 1998: amended during 11/97 supplement; Ord. 11552 § 1 (part), 1993: prior code § 19-12)

#### **15.60.130 Violation—Penalty.**

Any person violating any provision or failing to comply with any of the requirements of this chapter shall be guilty of an infraction. (Ord. 12086 § 1

(part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-13)

#### **15.60.140 Private right of action.**

A. Any person or organization who believes that a property owner or tenant household has violated provisions of this chapter or the program rules and regulations adopted pursuant to this chapter shall have the right to file an action for injunctive relief and/or actual damages against such party. Whoever is found to have violated this chapter shall be subject to appropriate injunctive relief and shall be liable for damages, costs and reasonable attorneys' fees. Treble damages shall be awarded for a property owner's wilful failure to comply with the payment obligation established under this chapter.

B. Nothing herein shall be deemed to interfere with the right of a property owner to file an action against a tenant or non-tenant third party for the damage done to said owner's property. Nothing herein is intended to limit the damages recoverable by any party through a private action. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-14)

#### **15.60.150 Delegation.**

The Housing Official is authorized to create a code enforcement relocation program and to adopt and amend program rules and regulations consistent with this chapter. (Ord. 12086 § 1 (part), 1998: Ord. 11552 § 1 (part), 1993: prior code § 19-15)

	<b>Chapter 15.64</b>	
<b>BEDROOM WINDOW SECURITY BAR AND SMOKE DETECTOR PERMIT REQUIREMENTS</b>		
<b>Sections:</b>		
<b>15.64.010</b>	<b>Purpose and effective date.</b>	<b>15.64.250</b> <b>Inspection record card.</b>
<b>15.64.020</b>	<b>Definitions.</b>	<b>15.64.260</b> <b>Inspection requests.</b>
<b>15.64.030</b>	<b>Authority.</b>	<b>15.64.270</b> <b>Reinspections and reinspection fees.</b>
<b>15.64.040</b>	<b>Right of entry.</b>	<b>15.64.280</b> <b>Installation approval certificate.</b>
<b>15.64.050</b>	<b>Enforcement by alternative methods of code enforcement.</b>	<b>15.64.290</b> <b>Maintenance of release mechanisms and smoke detectors.</b>
<b>15.64.060</b>	<b>Abatement—Imminent danger.</b>	<b>15.64.300</b> <b>Rental property installation maintenance log.</b>
<b>15.64.070</b>	<b>Recovery of abatement costs.</b>	<b>15.64.310</b> <b>Standard for release mechanism.</b>
<b>15.64.080</b>	<b>Stop orders.</b>	<b>15.64.320</b> <b>Standard for smoke detector installation.</b>
<b>15.64.090</b>	<b>Modifications.</b>	<b>15.64.330</b> <b>Sale of residential properties.</b>
<b>15.64.100</b>	<b>Permits required.</b>	<b>15.64.340</b> <b>Guidelines to be established.</b>
<b>15.64.110</b>	<b>Application for permit for existing installations.</b>	<b>15.64.010</b> <b>Purpose and effective date.</b>
<b>15.64.120</b>	<b>Application for permit for new installations on existing buildings.</b>	A. The purpose of this chapter is to provide minimum standards to safeguard life, health, property and public welfare by regulating and controlling any security devices installed on bedroom windows and doors and by ensuring bedrooms have at least one openable window or exterior door for emergency escape and rescue and to ensure that smoke detectors are installed within the building or unit where bedroom windows have security bars installed.
<b>15.64.130</b>	<b>Application for permit for certificate of compliance.</b>	B. The regulations of this chapter are not intended to permit any violation of the provisions of any other lawful city ordinance, or state or federal law.
<b>15.64.140</b>	<b>Permit issuance.</b>	C. The effective date of this chapter will be July 1, 1997.
<b>15.64.150</b>	<b>Validity of permit.</b>	D. Existing bedroom window security bar installations for residential buildings located within the city which were installed prior to the effective date of this chapter shall be brought into compliance within thirty (30) days of notification from the city but no later than July 1, 1998. An extension of ninety (90) days beyond the above compliance date may be granted for good cause by the Fire Marshal or the Building Official if a written request for an extension is received at least five working days prior
<b>15.64.160</b>	<b>Expiration.</b>	
<b>15.64.170</b>	<b>Suspension or revocation.</b>	
<b>15.64.180</b>	<b>Permit fees for existing installations.</b>	
<b>15.64.190</b>	<b>Permit fees for new installations on existing buildings.</b>	
<b>15.64.200</b>	<b>Permit fees for permit for certificate of compliance.</b>	
<b>15.64.210</b>	<b>Investigation—Work without a permit or not meeting compliance deadline for existing installations.</b>	
<b>15.64.220</b>	<b>Investigation fees—Work without a permit.</b>	
<b>15.64.230</b>	<b>Fee refunds.</b>	
<b>15.64.240</b>	<b>Inspection.</b>	

to the above compliance date. (Ord. 11989 § 1 (part), 1997)

#### **15.64.020 Definitions.**

For the purposes of this chapter, certain abbreviations, terms, phrases, words and their derivatives shall be construed as specified in this section. Words used in the singular include the plural, and the plural the singular. Words used in the masculine gender include the feminine, and the feminine the masculine.

“Bedroom” is defined solely for the purposes of this chapter as a habitable room which is used for sleeping purposes or which contains a closet and is not otherwise prohibited to be used for sleeping.

“Building Official” is the Chief of Building Services of the Community Economic Development Agency and his/her successor in title, or his/her designated representative.

“Certificate of occupancy” is pursuant to the Oakland Amendments to the California Model Building Codes.

“Escape and rescue window” is pursuant to the Oakland Amendments to the California Model Building Codes.

“Existing building” is a building that has received a certificate of occupancy or is a building that was constructed prior to the time a certificate of occupancy was required. If a building has received a final inspection and a temporary certificate of occupancy pending conditions to be completed that will not require another field inspection by inspectional services, it shall be considered an existing building for the purposes of this code.

“Fire Marshal” is the Fire Marshal of the Fire Prevention Bureau of the Fire Services Agency and his/her successor in title, or his/her designated representative.

“New building” is a building that has not received a final inspection, has not had a certificate of occupancy issued, and is not otherwise classified as an existing building.

“Reinspection” is an inspection that is made to inspect work that was found on a previous inspection to be incomplete or in need of correction.

“Security bars and grills” are metal bars, grills, grates, security roll-down shutters, and similar devices.

Temporary Certificate of Occupancy. See “Certificate of occupancy.” (Ord. 11989 § 1 (part), 1997)

#### **15.64.030 Authority.**

The Fire Marshal and the Building Official are authorized to enforce all the provisions of this chapter. (Ord. 11989 § 1 (part), 1997)

#### **15.64.040 Right of entry.**

Whenever necessary to make an inspection for the purpose of enforcing any provisions of this chapter, or whenever the Fire Marshal, Building Official, or their authorized representative has reasonable cause to believe that there exists a violation of the provisions of this chapter, the Fire Marshal, Building Official, or their authorized representative may enter the premises in question at all reasonable times to inspect the building or to perform any duty imposed upon the Fire Marshal and Building Official by this chapter; provided that if such building or premises wherein exists a violation of the provisions of this chapter is occupied, he or she shall first present proper credentials and demand entry. If such entry is refused, the Fire Marshal, Building Official, or their authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as herein provided, to promptly permit entry therein by the Fire Marshal, Building Official, or their authorized representative for the purpose of inspection and examination pursuant to this chapter. (Ord. 11989 § 1 (part), 1997)

#### **15.64.050 Enforcement by alternative methods of code enforcement.**

Any violation of this chapter may be prosecuted as a misdemeanor, or in the alternative, and at the discretion of the Fire Marshal or the Building Official, may be charged as an administrative citation, a civil penalty, or an infraction, and the use of the

property may be encumbered, as authorized by the Oakland Municipal Code, Chapters 1.08, 1.12 and 1.16. Enforcement action specifically authorized by this chapter may be utilized in conjunction with, or in addition to, any other statutory, code, administrative or regulatory procedure applicable to the regulation of buildings, structures, or property. In addition, the city may seek injunctive or other judicial relief. (Ord. 11989 § 1 (part), 1997)

#### **15.64.060 Abatement—Imminent danger.**

A. Any condition of bedroom security bars and grills which is reasonably believed to be a threat to the life, limb, health or safety of the occupants of the property for emergency egress from a fire or to the public, upon reasonable notice provided the owner or responsible person, may be immediately abated by the Fire Marshal and/or the Building Official or their designees.

B. Actions taken to abate imminently dangerous conditions may include, but are not limited to, repair or removal of the condition creating the danger and/or the restriction from use of occupancy of the property on which the dangerous condition exists or any other abatement action determined by the Fire Marshal or Building Official to be necessary. In the event use of occupancy is restricted, the owner or his or her agent shall discontinue the use within the time prescribed by the Fire Marshal or Building Official after receipt of such notice to make the bedroom window security bars and/or building or unit smoke detectors comply with the requirements of this chapter.

C. If entry onto property and access to rooms or units constituting an imminently dangerous condition in violation of this chapter is denied the Building Official and/or the Fire Marshal by the owner of the property or his or her agent, the Building Official and/or the Fire Marshal may seek a court order and/or inspection and abatement warrant from a court of competent jurisdiction to authorize the immediate abatement of the imminently dangerous conditions. (Ord. 11989 § 1 (part), 1997)

#### **15.64.070 Recovery of abatement costs.**

Costs for any abatement performed by, or on behalf of, the city shall be recovered by the city from the responsible party pursuant to the special assessment lien provisions of the Oakland Housing Code.

Costs incurred in relocating occupants of the property with dangerous security bars and grills shall be recovered by the city pursuant to the provisions of Article III of Chapter 15.08, Oakland Housing Code, and the provisions of the city's Relocation Assistance Program (Ordinance No. 11552 C.M.S., passed February 23, 1997). (Ord. 11989 § 1 (part), 1997)

#### **15.64.080 Stop orders.**

Whenever any work is being done contrary to the provisions of this chapter the Fire Marshal or Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Fire Marshal or Building Official to proceed with the work. (Ord. 11989 § 1 (part), 1997)

#### **15.64.090 Modifications.**

The Building Official, with the concurrence of the Fire Marshal, may grant modifications for individual cases in accordance with the Oakland Amendments to the California State Model Building Codes.

Use of any material, alternate design or method of construction not specifically prescribed by this chapter, may be allowed by the Building Official, with the concurrence of the Fire Marshal for individual cases in accordance with the Oakland Amendments to the California State Model Building Codes. (Ord. 11989 § 1 (part), 1997)

#### **15.64.100 Permits required.**

A. Any existing building or unit with existing bedroom window security bars shall obtain a permit to verify compliance with this chapter pursuant to Section 15.64.010.

B. A new installation of security bars on bedroom windows of an existing building or unit shall obtain a permit prior to installation to verify compliance with this chapter unless the security bar installation is verified to be in compliance with this chapter as part of the work accomplished under a valid building or fire permit.

C. Installation of security bars on bedroom windows of a new building or unit shall comply with this chapter and verification of compliance shall be part of a valid building or fire permit. (Ord. 11989 § 1 (part), 1997)

#### **15.64.110 Application for permit for existing installations.**

To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Fire Marshal or Building Official for that purpose. Every application shall:

A. Provide the street address of each building and unit with bedroom windows that have existing security bars.

B. Indicate whether the building and/or unit is rental property.

C. Be accompanied by a plan, sketch, or diagram to indicate the bedroom windows that have security bars and, if the bedroom has more than one window, which window is configured for emergency escape and rescue that provides egress to a public street or approved area. The location of existing or proposed smoke detectors to achieve compliance with this chapter shall also be shown.

D. Indicate the number of bedrooms in a unit.

E. Provide the name, address, telephone number(s), and facsimile telephone number of the applicant.

F. Be signed by the applicant, or the applicant's authorized agent.

G. Include conditions of compliance for the abatement of violations of this chapter and such other data and information as may be required by the Fire Marshal or Building Official. (Ord. 11989 § 1 (part), 1997)

#### **15.64.120 Application for permit for new installations on existing buildings.**

Unless the new bedroom security bar installation is a part of the work under a valid building or fire permit, to obtain a permit, the applicant shall first file an application therefor in writing on a form furnished by the Fire Marshal or Building Official for that purpose. Every application shall:

A. Provide the street address of each building and/or unit with bedroom windows that will have security bars installed.

B. Other information in conformance with Section 15.64.110. (Ord. 11989 § 1 (part), 1997)

#### **15.64.130 Application for permit for certificate of compliance.**

Work performed pursuant to a permit required under this chapter shall be inspected by a city code compliance inspector or a Fire Department inspector. In the alternative, upon approval by the Building Official and/or Fire Marshal, inspection may be conducted by a contractor who has demonstrated competency in releasable window security bar installation, or a non-contractor who holds a current certification issued by a recognized code development agency in building and/or combination building inspection and who provides documentation of a minimum of two years relevant experience inspecting such work for a public agency within the state of California, subject to the following:

A. The contracting person or firm shall execute an agreement to indemnify, hold harmless and defend the city, its agents, officers, and employees from any claim, action or proceeding (including legal costs and attorney's fees) against the city, its agents, officers, and employees resulting from such authorization and inspection. The city shall promptly notify the applicant of any claim, action or proceeding. "Hold harmless" agreements shall be submitted and approved prior to obtaining authority to perform inspections under this section.

B. The authorized person or principal of the authorized firm which performed the inspection pursuant to this section shall, by the second business day following completion of said inspection, submit

to the Building Official the results of said inspection, including any required corrections and accompanying documentation. The results of any inspection are subject to the approval of the Fire Marshal or Building Official.

C. The Fire Marshal or Building Official may, at any time, remove for cause any person or firm from the list of persons or firms authorized to conduct inspections pursuant to this section. (Ord. 11989 § 1 (part), 1997)

#### **15.64.140 Permit issuance.**

The application and other data filed by an applicant for a permit shall be reviewed by the Fire Marshal or Building Official. If the Fire Marshal or Building Official finds that the work described in an application for a permit and other data filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fees specified in this chapter or the master fee schedule have been paid, the Fire Marshal or Building Official shall issue a permit therefor to the applicant. (Ord. 11989 § 1 (part), 1997)

#### **15.64.150 Validity of permit.**

The issuance or granting of a permit pursuant to this chapter shall not be construed to be a permit for, or an approval of, a violation of any of the provisions of this code or any other codes, regulations, or statutes that apply to this jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this chapter or other codes or ordinances of this jurisdiction shall not be valid.

The issuance of a permit shall not prevent the Fire Marshal or Building Official from thereafter requiring the correction of errors in the work or data submitted or from preventing building operations being carried on thereunder. (Ord. 11989 § 1 (part), 1997)

#### **15.64.160 Expiration.**

Every permit issued by the Fire Marshal or the Building Official under the provisions of this chapter shall expire by limitation and become null and void if the work authorized by such permit is not

commenced within thirty (30) days from the date of such permit.

If at any time after work is commenced the work is suspended or abandoned for a period of thirty (30) days or more, then before work can be recommenced, a permit to renew work shall be first obtained, and the fee therefor shall be one half the amount required for a new permit for such work, provided no substantial changes have been made or will be made to the original plans for such work, and provided further that such suspension or abandonment has not exceeded sixty (60) days.

In order to renew action on a permit more than sixty (60) days after suspension or abandonment of work or if substantial changes are made to the original plans, the permittee must acquire a new permit and shall pay a new full permit fee. (Ord. 11989 § 1 (part), 1997)

#### **15.64.170 Suspension or revocation.**

The Fire Marshal or Building Official may, in writing, suspend or revoke a permit issued under the provisions of this chapter, whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter. (Ord. 11989 § 1 (part), 1997)

#### **15.64.180 Permit fees for existing installations.**

Permit fees for existing installations will be fifty-six dollars (\$56.00) for the first unit with bedroom window security bars in a building under the same ownership and twenty dollars (\$20.00) for each additional unit with bedroom window security bars. Also, if a unit with bedroom window security bars has more than three bedrooms with window security bars an additional twenty dollars (\$20.00) per bedroom with security bars over three bedrooms will be required. The permit fee amount specified in this section is subject to modification. Modifications to the permit fee amount shall be reflected in the master fee schedule. (Ord. 11989 § 1 (part), 1997)

**15.64.190      Permit fees for new installations on existing buildings.**

Unless the new bedroom security bar installation is included as a portion of other work under a valid building or fire permit, permit fees will be fifty-six dollars (\$56.00) for the first unit with bedroom window security bars in a building under the same ownership and twenty dollars (\$20.00) for each additional unit with bedroom window security bars. Also an additional twenty dollars (\$20.00) per bedroom with security bars over three for units with more than three bedrooms with security bars. The permit fee amount is subject to modification. The permit fee amount specified in this section is subject to modification. Modifications to the permit fee amount shall be reflected in the master fee schedule. (Ord. 11989 § 1 (part), 1997)

**15.64.200      Permit fees for permit for certificate of compliance.**

Permit fees, which can be modified by the master fee schedule, for contractor certified installations (no city inspection) that are allowed pursuant to this chapter will be twenty-five dollars (\$25.00) for the first unit with bedroom window security bars within a building and ten dollars (\$10.00) for additional unit with bedroom window security bars within a building. The permit fee amount specified in this section is subject to modification. Modifications to the permit fee amount shall be reflected in the master fee schedule. (Ord. 11989 § 1 (part), 1997)

**15.64.210      Investigation—Work without a permit or not meeting compliance deadline for existing installations.**

Whenever any work for which a permit is required by this chapter has been commenced without first obtaining said permit, a special investigation may be required before a permit is issued for such work.

Also, owners who fail to comply with the provisions of this chapter within the time frame specified shall be subject to investigation fees. (Ord. 11989 § 1 (part), 1997)

**15.64.220      Investigation fees—Work without a permit.**

Investigation fees, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be two hundred dollars (\$200.00) for administrative costs for each investigation and sixty-five dollars (\$65.00) per work hour or fraction of an hour for field investigation inspection. The investigation fee amount specified in this section is subject to modification. Modifications to the investigation fee amount shall be reflected in the master fee schedule. The payment of such investigation fees shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law. (Ord. 11989 § 1 (part), 1997)

**15.64.230      Fee refunds.**

The Fire Marshal or Building Official may authorize refunding of any fee, or portion thereof, paid hereunder which was erroneously paid or collected.

The Fire Marshal or Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee not later than ninety (90) days after the date of fee payment. (Ord. 11989 § 1 (part), 1997)

**15.64.240      Inspection.**

All bedroom window security bar installations for which a permit is required shall be subject to inspection by the Fire Marshal or Building Official.

Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this chapter or of other codes, regulations, and ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. (Ord. 11989 § 1 (part), 1997)

**15.64.250      Inspection record card.**

Work under permit shall not be commenced nor shall work be inspected until the permit holder or an agent of the permit holder has posted or otherwise made available an inspection record card to allow

the Fire Marshal or Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be permanently maintained and made available by the permit holder until an installation approval certificate is issued pursuant to Section 15.64.270. (Ord. 11989 § 1 (part), 1997)

#### **15.64.260      Inspection requests.**

Once the installation of bedroom window security bars with release mechanisms and the installation of required smoke detectors has been completed in the manner specified by this chapter and related regulations promulgated by the Building Official and Fire Marshal, it shall be the duty of the permit applicant to request a field inspection and obtain full compliance with this chapter prior to the expiration of the permit.

It shall be the duty of the person requesting any inspections required by this chapter to provide access to and means for inspection of such work. (Ord. 11989 § 1 (part), 1997)

#### **15.64.270      Reinspections and reinspection fees.**

When a field inspection is conducted and the work required by this chapter is not complete, or when corrections called for are not made, the work shall be brought into compliance and a reinspection requested by the applicant.

Fees for reinspection required by this chapter for work that was not completed or that did not meet minimum specified requirements shall be sixty-five dollars (\$65.00) per work hour or fraction of an hour. The permit fee amount specified in this section is subject to modification. Modifications to the permit fee amount shall be reflected in the master fee schedule. (Ord. 11989 § 1 (part), 1997)

#### **15.64.280      Installation approval certificate.**

After the Fire Marshal or Building Official inspects the work called for in the permit application and finds no violation of the provisions of this chapter an installation approval certificate shall be issued. (Ord. 11989 § 1 (part), 1997)

#### **15.64.290      Maintenance of release mechanisms and smoke detectors.**

Under no circumstances shall release mechanisms for window security bars, smoke detectors, and smoke detector batteries required pursuant to this chapter be removed, rendered inoperable, be inoperative, or be made inaccessible by any person. (Ord. 11989 § 1 (part), 1997)

#### **15.64.300      Rental property installation maintenance log.**

The owner or authorized agent of rental residential shall inspect and test the release mechanisms and smoke detectors and replace smoke detector batteries for each rental unit with bedroom window security bars at least once each year and every time the rental unit is rented by a new tenant. The owner or authorized agent shall instruct the tenant on the use and maintenance of the release mechanisms, smoke detectors, and smoke detector batteries at the time of inspection and shall maintain a bedroom window security bar maintenance log for each rental unit to be made available to the Fire Marshal or Building Official upon request. The log shall indicate the following:

- A. The address of each unit within the building;
- B. The name, address, and telephone number(s) of the owner;
- C. The name and address of the current tenant(s) or any new tenant(s);
- D. The date the tenant(s) moved into the unit or space;
- E. The date instruction was provided to the tenant(s) in operation and maintenance of the security bar release mechanisms, smoke detectors, and smoke detector batteries;
- F. The date the owner inspected the bedroom window security bar installation and release mechanisms and the required smoke detectors and replaced smoke detector batteries;
- G. The signature of the tenant(s) on the maintenance log and date of inspection. (Ord. 11989 § 1 (part), 1997)

**15.64.310 Standard for release mechanism.**

The design and installation of release mechanisms and hinges for bedroom window security bars shall be:

- A. Of substantial construction;
- B. Corrosion resistant where potential for exposure or intrusion of weather exists;
- C. Releasable with one motion, and device must stay released upon being released by hand or foot;
- D. Located so that lock release is no more than forty-eight (48) inches above the finish floor of top of floor covering (compressed carpet, etc.);
- E. Installed so that security bars swing open in single motion to full open position;
- F. Designed so that the device cannot accommodate a padlock or other mechanism to prevent release of security bars in case of emergency;
- G. Access to the release mechanism shall be clear and unobstructed. No furniture or fixtures shall be placed or located in such a manner that will impede access and use of the release mechanism. (Ord. 11989 § 1 (part), 1997)

**15.64.320 Standard for smoke detector installation.**

Approved smoke detectors shall be installed and maintained in all units that have bedroom window security bars and in all common use corridors adjacent to units with bedroom window security bars. Within each unit, smoke detectors shall be located in each bedroom and hallway adjacent to a bedroom. Tenants are responsible for notifying the owner or the owner's agent in the event a smoke detector becomes inoperable. Owners and tenants shall be responsible for maintenance of smoke detector batteries. (Ord. 11989 § 1 (part), 1997)

**15.64.330 Sale of residential properties.**

Upon the transfer of residential property with bedroom window security bars, the seller shall comply with disclosure requirements pursuant to state law as set forth in California Civil Code Section 1102.6. (Ord. 11989 § 1 (part), 1997)

**15.64.340 Guidelines to be established.**

The Fire Marshal and Building Official shall establish administrative guidelines for the notification, implementation, standards, maintenance, and other policies related to bedroom window security bars. The guidelines shall have the same effect and force as if set forth in this chapter. (Ord. 11989 § 1 (part), 1997).

## **Chapter 15.68**

### **JOB/HOUSING IMPACT FEE AND AFFORDABLE HOUSING TRUST FUND**

#### **Sections:**

- 15.68.010      Purpose.**
- 15.68.020      Findings.**
- 15.68.030      Definitions.**
- 15.68.040      Requirements.**
- 15.68.050      Amount of impact fee.**
- 15.68.060      Payment of impact fee.**
- 15.68.070      Reductions and exceptions.**
- 15.68.080      In-lieu housing production mitigation measures.**
- 15.68.090      Review.**
- 15.68.100      Affordable Housing Trust Fund.**
- 15.68.110      Regulations.**
- 15.68.120      Applicability.**

#### **15.68.010      Purpose.**

The purpose of this chapter is to establish a Jobs/Housing Impact Fee and an Affordable Housing Trust Fund in the City of Oakland to assure that certain commercial development projects compensate and mitigate for the increased demand for affordable housing generated by such development projects within the City of Oakland. (Ord. 12442 § 2 (part), 2002)

#### **15.68.020      Findings.**

The City Council finds and determines the following:

- A. New development of office and warehouse/distribution space creates new employment opportunities in Oakland.
- B. New employment opportunities will attract new workers into the City of Oakland.
- C. Many of those new workers will choose to move their residence to Oakland.
- D. Many of those new Oakland residents will qualify as low and very low income households.
- E. Low and very low income households have difficulty finding affordable housing in Oakland.

F. New development of office and warehouse/distribution space therefore increases the demand for housing for low and very low income households and exacerbates the housing crisis, and thus there is a clear rational nexus between such development and the need for affordable housing.

G. Through the payment of an impact fee into an affordable housing trust fund dedicated to affordable housing production, developers of employment-generating office and warehouse/distribution projects will mitigate at least a portion of the impact of their developments on the housing market.

H. The jobs/housing impact fee and Affordable Housing Trust Fund created by this chapter serve the public interest and are necessary to protect the health, morals, safety, property, general welfare, well being and prosperity of the residents of Oakland, and is within the home rule powers and police powers of the city. (Ord. 12442 § 2 (part), 2002)

#### **15.68.030      Definitions.**

As used in this chapter, the following terms have the following meanings:

“Affordable housing” means housing that is provided at an affordable rent or an affordable housing cost to lower income households or very low income households. The terms “affordable rent” and “affordable housing cost” shall be as defined in California Health and Safety Code Sections 50053 and 50052.5 and their implementing regulations. Such housing shall have terms of affordability equivalent to those prescribed in California Health and Safety Code Sections 33334.3(f)(1)(A) for rental housing and 33334.3(f)(1)(B) for owner occupied housing.

“Applicant” means any individual, person, firm, partnership, association, joint venture, corporation, limited liability company, entity, combination of entities or authorized representative thereof, who undertakes, proposes or applies to the city for any office or warehouse/distribution development project.

“Building Official” shall be as defined in Section 15.04.085 of the Oakland Municipal Code.

“City” means the City of Oakland.

“City Manager” means the City Manager of the City of Oakland or his or her designees.

“Change and intensification of use” means a project that will change the use of one or more buildings from a non-office use to an office use or from a non-warehouse/distribution use to a warehouse/distribution use, and which will result in an increase in the average number of employees per square foot of gross space.

“Development project” means any activity for new construction, construction in an existing building that has been substantially vacant for a continuous period of at least one year, or any change and intensification of use of an existing building, involving or requiring the issuance of a building permit by the city.

“Housing production mitigation measures” or “in-lieu housing production mitigation measures” mean those requirements or measures imposed on or elected by applicants for certain development projects in lieu of payment of impact fees, as such requirements and measures are set forth under Section 15.68.080 of this chapter.

“Impact fee” means that jobs/housing impact fee imposed under this chapter on applicants for certain development projects.

“Lower income household” shall be as defined in California Health and Safety Code Section 50079.5 and its implementing regulations.

“Office” means those uses that fall under any of the following use activity types as defined in the City of Oakland Planning Code:

Medical Service Commercial Activities (Section 17.10.330);

General Personal Service Commercial Activities (Section 17.10.350);

Consultative and Financial Service Commercial Activities (Section 17.10.360);

Administrative Commercial Activities (Section 17.10.390);

Business and Communication Service Commercial Activities (Section 17.10.400); or

Research Service Commercial Activities (Section 17.10.420).

“Substantial rehabilitation” means a project to repair or rehabilitate an existing building in which the cost of repairs or rehabilitation exceed twenty-five

(25) percent of the building’s after-rehabilitation value

“Very low income household” shall be as defined in California Health and Safety Code Section 50105 and its implementing regulations.

“Warehouse/distribution” means those Transport and Warehousing Commercial Activities defined in the City of Oakland Planning Code Section 17.10.500. (Ord. 12442 § 2 (part), 2002)

#### **15.68.040 Requirements.**

The regulations, requirements and provisions of this chapter shall apply to any office development project and any warehouse/distribution development project. The applicant for any such development project, as a condition of its building permit, must pay to the city those impact fees, or must provide to the city those housing production mitigation measures in lieu of such impact fees, necessary to eliminate, mitigate, or reduce to an acceptable level those impacts on and increased demand for affordable housing which are anticipated to be generated by or attributable to such development project, as such impact fees and in-lieu housing production mitigation measures are set forth in this chapter.

Nothing in this chapter shall be construed as waiving, reducing, or modifying any other requirements for issuance of any permit, variance, approval or other entitlement by the city under any other law.

The impact fees and in-lieu housing production mitigation measures authorized by this chapter are in addition to any other fees or mitigation measures otherwise authorized by law. (Ord. 12442 § 2 (part), 2002)

#### **15.68.050 Amount of impact fee.**

The impact fee shall be calculated for each development project as follows:

(number of gross square feet in the development project devoted to office or warehouse/distribution uses minus 25,000 square feet) x \$4.00 = the amount of the fee.

The applicable dollar multiplier shall be adjusted yearly on July 1st beginning on July 1, 2006, by the City Manager in accordance with the percentage in-

crease or decrease in the residential building cost index published by Marshall and Swift, or if such index ceases to be published, by an equivalent index chosen by the City Manager, with appropriate adjustments for regional and local construction costs as necessary. (Ord. 12442 § 2 (part), 2002)

#### **15.68.060 Payment of impact fee.**

The impact fee will be assessed at the time a building permit is issued for the amount specified in Section 15.68.050. Payment of the impact fee shall be due in three installments. The first installment shall be due prior to the issuance of a building permit for all or any portion of the development project, and shall be in the amount of twenty-five (25) percent of the impact fee. The second installment shall be due prior to the issuance of a Temporary Certificate of Occupancy for all or any portion of the development project, and shall be in the amount of fifty (50) percent of the impact fee. The third installment shall be due eighteen (18) months from the date of the issuance of a Temporary Certificate of Occupancy for all or any portion of the development project, and shall be in the amount of the remainder of the impact fee.

Except as provided elsewhere in this chapter, no building permit may be issued for any development project subject to this chapter unless and until the first installment of the impact fee is paid to the Building Official. No Certificate of Occupancy may be issued for any development project subject to this chapter unless and until the second installment of the impact fee is paid to the Building Official. The Building Official shall deposit the impact fee in the Affordable Housing Trust Fund.

The city may also enforce the requirement to pay the impact fee by recording a lien or liens against the real property which is the subject of the development project for the amount of the impact fee, revoking or suspending the Certificate of Occupancy for the property, or by taking any other action necessary and appropriate to secure payment.

As an alternative to payment of the impact fee set forth in this chapter, an applicant for a development project subject to the impact fee may elect to comply with those requirements through the production of

housing as provided in Section 15.68.080 of this chapter. (Ord. 12442 § 2 (part), 2002)

#### **15.68.070 Reductions and exceptions.**

Reductions and exceptions to the impact fee and in-lieu housing production mitigation measures may be granted to a development project by the City Manager or his or her designee(s) pursuant to Section 15.68.090 only if (1) the development project is rendered infeasible by imposition of all or a portion of the impact fee or the housing production mitigation measures, there are demonstrated special circumstances unique to the financing or economics of the project not generally applicable to other projects, and no feasible alternative means of compliance are available which would be more effective in attaining the purposes of this chapter than the relief requested, or (2) the development project will not generate any need for additional affordable housing, or the increase in such need will be limited so as to justify a reduced impact fee or reduced housing production mitigation obligation.

The burden of establishing by satisfactory factual proof the applicability and elements of this section shall be on the applicant. For purposes of this section, "infeasible" means incapable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, legal, and technological factors. (Ord. 12442 § 2 (part), 2002)

#### **15.68.080 In-lieu housing production mitigation measures.**

As an alternative to payment of all or part of the impact fee required under this chapter, an applicant subject to the requirements of this chapter may elect to produce affordable housing in lieu of the impact fee to mitigate the impacts of the development project. Any applicant electing this in-lieu option must demonstrate that it will construct or cause to be constructed new affordable housing units (of any tenure type) as determined by the following formula:

(number of gross square feet in development project devoted to office or warehouse/distribution uses minus 25,000 square feet)  $\times .00004 =$  number of affordable housing units.

This unit production requirement shall be adjusted by the City Manager as appropriate to account for any partial payment of impact fees to be made by the applicant.

In the event that an applicant chooses the in-lieu housing production option, the applicant must submit satisfactory evidence to the City Manager of site control and issuance of a use permit for the project intended to produce the affordable housing units, prior to receipt of the building permit for the development project. The applicant must obtain a building permit for the affordable housing project prior to the issuance of the Certificate of Occupancy for the development project. The applicant must secure a Certificate of Occupancy for all affordable housing units no later than eighteen (18) months from the issuance of the Certificate of Occupancy for the development project.

An applicant who elects to comply with the requirements of this chapter through the production of housing must submit to the City Manager an affordable housing production proposal with sufficient information to enable the City Manager to determine that the applicant will construct or cause to be constructed the required number of affordable housing units. The application must demonstrate to the City Manager's satisfaction that it possesses the financial means, technical expertise and experience to commence and complete the construction of the affordable housing within the required time period.

Where the applicant intends to construct housing units through participation in a joint venture, partnership or similar arrangement, the applicant must certify to the city to the City Manager's satisfaction that the applicant has made a binding commitment, enforceable by the applicant's joint venturers or partners, to contribute an amount of funds to the joint venture or partnership equivalent to or greater than the amount of the impact fee that would otherwise be imposed under Sec-

tion 15.68.060 of this chapter, less the portion of the housing requirements of this chapter actually met through the payment of impact fees, and that such joint venture or partnership is legally obligated to use such funds to develop the affordable housing required by this section. Any joint venturer or partner must meet the qualifications for an affordable housing developer as provided by regulations to be adopted by the City Manager. No building permit may be approved for a development project subject to this paragraph until the applicant has paid in full or has posted an irrevocable letter of credit or other form of financial security acceptable to the City Manager in the amount of the required monetary contribution. Additionally, the city may require a lien on the development project property in the amount of any unpaid monetary contribution to assure compliance with this chapter.

The City Manager may issue guidelines for the administration of the in-lieu housing production mitigation measures provisions of this section. If the City Manager approves an affordable housing production proposal, he or she shall issue a certificate so indicating. This certificate shall be recorded on title of the development project property as a covenant running with the land, and indicate that compliance with this chapter is a binding obligation of the owner of the development project property, and the owner's assignees and successors in interest enforceable by the city.

In the event the application of this section to an applicable development project creates an obligation to construct a fractional housing unit, that fraction shall be converted into an addition to the impact fee, or in the alternative, at the discretion of the City Manager, an additional affordable housing unit.

In the event all affordable housing units required under the certification are not timely produced as required by this section, the City Manager may impose a charge on the applicant equal to one hundred fifty (150) percent of the impact fee which would have been otherwise due and owing under Section 15.68.060 of this chapter,

together with interest accrued from the date of the first building permit issuance for the development project, and shall so notify the applicant. If this charge is not paid by the applicant within sixty (60) calendar days of the expiration of the applicable time period, the city may record a special assessment lien against the development project property in the amount of any charge and interest owed, or in the alternative the city may revoke or suspend the Certificate of Occupancy for the development project use.

(Ord. 12442 § 2 (part), 2002)

#### **15.68.090      Review.**

The City Manager or his or her designee(s) shall review requests for reductions and exceptions under Section 15.68.070. Any final decision by the City Manager or his or her designee(s) on such a request may be appealed to the City Council by the applicant or by any other person.

(Ord. 12442 § 2 (part), 2002)

#### **15.68.100      Affordable Housing Trust Fund.**

The City Administrator shall establish an Affordable Housing Trust Fund to provide assistance in developing and maintaining affordable housing in the City. The Affordable Housing Trust Fund shall receive all monies contributed pursuant to Sections 15.68.050 and 15.68.060 of this chapter. The Affordable Housing Trust Fund may also receive funds from any other source.

Funds deposited into the Affordable Housing Trust Fund, and all interest and investment earnings thereon, shall be used to increase, improve, and preserve the supply of affordable housing in the City, with priority given to housing for very low income households. For purposes of this paragraph, to "preserve" affordable housing means to acquire, finance, refinance, or rehabilitate housing that is at imminent risk of loss to the affordable housing supply due to termination of use restrictions, non-renewal of subsidy contract, mortgage default or foreclosure, or physical conditions that are likely to result in vacation of the property.

Funds may also be used to cover reasonable administrative or related expenses of the City not reimbursed through processing fees. No portion of the Affordable Housing Trust Fund may be diverted to other purposes by way of loan or otherwise.

Funds in the Affordable Housing Trust Fund shall be used in accordance with the adopted housing element to the City's General Plan, the Consolidated Plan, and subsequent housing plans adopted by the City Council, to subsidize or assist the City, other government entities, nonprofit organizations, private organizations or firms, or individuals in the construction, preservation or substantial rehabilitation of affordable housing. Monies in the Affordable Housing Trust Fund may be disbursed, hypothecated, collateralized or otherwise employed for these purposes from time to time as the City Administrator so determines is appropriate to accomplish the purposes of the Affordable Housing Trust Fund. Eligible uses include, but are not limited to, assistance with staff costs or other administrative costs attributable to a specific affordable housing project, equity participation in affordable housing projects, loans and grants (including, predevelopment loans or grants) to affordable housing projects, or other public/private partnership arrangements. Monies from the Affordable Housing Trust Fund may be extended for the benefit of rental housing, owner occupied housing, limited equity cooperatives, mutual housing developments, or other types of affordable housing projects.

Notwithstanding the above, funds deposited into the Affordable Housing Trust Fund from fines and penalties received under the Foreclosed and Defaulted Residential Property Registration Program pursuant to Section 8.54.620 of this Code, or from fines, penalties, or other funds under other programs that designate the use of funds deposited into the Affordable Housing Trust Fund for foreclosure prevention or mitigation purposes, may be used for foreclosure prevention and mitigation activities, including but not limited to homebuyer or tenant assistance, rehabilitation, housing coun-

seling, education, outreach, and advocacy activities, along with staff costs or other administrative costs attributable to such activities. Upon a finding by the City Council or the City Administrator that funds are no longer needed for foreclosure prevention or mitigation activities, such funds may also be used for other eligible Affordable Housing Trust Fund uses or for other low income or very low income tenant or homebuyer assistance. Funds received pursuant to Section 8.54.620 shall be appropriated to a separate project. For funds received under the Foreclosed and Defaulted Residential Property Registration Program or other programs that designate the use of funds for foreclosure prevention or mitigation purposes, the City Administrator or his or her designee is authorized to award grants and enter into grant contracts or service contracts without returning to the City Council in amounts not to exceed \$100,000.00.

The Affordable Housing Trust Fund shall be administered by the City Administrator, who shall have the authority to govern the Affordable Housing Trust Fund consistent with this section and to prescribe regulations for the administration and use of the Affordable Housing Trust Fund. Funds deposited to the Affordable Housing Trust Fund shall be appropriated on a continuous basis to projects to be established consistent with this section. Notwithstanding the foregoing, all allocations of funds from the Affordable Housing Trust Fund, except as provided for above with respect to grants or service contracts from funds received under the Foreclosed and Defaulted Residential Property Registration Program or other programs, shall be approved by the City Council. An annual report showing impact fees imposed, revenues collected, funds committed, expenditures made, and any decisions made as to requests for reductions or exceptions shall be forwarded by the City Administrator to the City Council.

(Ord. No. 13139, § 1, 11-13-2012; Ord. 12442 § 2 (part), 2002)

### **15.68.110     Regulations.**

The City Manager is hereby authorized to adopt rules and regulations consistent with this chapter

as needed to implement this chapter, and to make such interpretations of this chapter as he or she may consider necessary to achieve the purposes of this chapter.

(Ord. 12442 § 2 (part), 2002)

### **15.68.120     Applicability.**

Any development project for which a building permit has been approved by the city prior to July 1, 2005, shall be exempt from this chapter. In the event that the building permit for such an exempt development project expires prior to start of construction but after July 1, 2005, the development project shall be subject to this chapter if and when a building permit is renewed or an application for a building permit is resubmitted.

(Ord. 12442 § 2 (part), 2002)



## **Title 16**

### **SUBDIVISIONS**

#### **Chapters:**

- 16.04 General Provisions and Administration**
- 16.08 Tentative Maps**
- 16.12 Final Maps**
- 16.16 Design Standards**
- 16.20 Improvements**
- 16.24 Parcel Maps**
- 16.28 Hillside Subdivisions**
- 16.32 Private Access Easements**
- 16.36 Condominium Conversions**



## Chapter 16.04

### GENERAL PROVISIONS AND ADMINISTRATION

#### Sections:

- 16.04.010      Purpose.**
- 16.04.020      Application.**
- 16.04.030      Definitions.**
- 16.04.040      Land division construed as subdivision.**
- 16.04.050      Delegation of authority to advisory agency.**
- 16.04.060      Exceptions to requirements.**
- 16.04.070      Reversion to acreage.**
- 16.04.080      Notice of violation.**
- 16.04.090      Certificate of compliance.**
- 16.04.100      Appeals.**

#### **16.04.010      Purpose.**

It is the purpose of this title to regulate and control the division of land within the city and to supplement and implement the provisions of the Subdivision Map Act concerning the design, improvement and survey data of subdivisions, the form and content of all maps provided for by the Subdivision Map Act and the procedure to be followed in securing the official approval of the City Engineer, the Director of City Planning, the City Planning Commission and City Council regarding such maps. To accomplish this purpose, the regulations outlined in this title are determined to be necessary for the preservation of the public health, safety and general welfare; to ensure orderly growth and development; to ensure the retention of existing neighborhood amenities; to promote conservation, protection, and proper use of land; and to ensure provision for adequate circulation, utilities, and services.

It is also the purpose of this title to ensure that the development of subdivisions is consistent with the goals and policies of the Oakland comprehensive plan. (Prior code § 7-4.01)

#### **16.04.020      Application.**

The regulations set forth in this title shall apply to all subdivisions or parts thereof within the city and to the preparation of subdivision maps thereof and to other maps provided for by the Subdivision Map Act. Each such subdivision and each part thereof lying within the city shall be made and each map shall be prepared and presented for approval as hereafter provided for and required.

No land shall be subdivided or developed for any purpose or use or in any manner which is not in conformity with the general or any specific plan or specifically authorized by the zoning regulations. Further, before any tentative map or tentative parcel map may be approved, the subdivider shall first apply for and obtain all necessary zoning approvals.

The type and intensity of land use as shown on the general or any specific plan shall determine the type of streets, roads, highways, trails, utilities, and public services that shall be provided by the subdivider. (Prior code § 7-4.011)

#### **16.04.030      Definitions.**

A. For the purposes of this title certain words and phrases are defined and certain provisions shall be construed as herein set out, unless it shall be apparent from their context that a different meaning is intended:

“Alley” means any public way less than forty (40) feet in width.

“Arterial street” means any street of eighty (80) foot width or more which serves or is to serve as a major traffic artery for intercommunication between districts of the city when shown on any street plan or proposed street plan adopted by the Council of the city of Oakland.

“Blind street” means any street having but one outlet for vehicular traffic.

“Collector street” means any street of sixty (60) foot width or more which serves or is to serve as a traffic way for a neighborhood or a feeder to a thoroughfare when shown on any official street plan or proposed street plan adopted by the Council of the city of Oakland.

**“Design” means:**

1. Street alignments, grades, widths;
2. Drainage and sanitary facilities and utilities, including alignments and grades thereof;
3. Location and size of all required easements and rights-of-way;
4. Fire roads and firebreaks;
5. Lot size and configuration;
6. Traffic access;
7. Grading;
8. Land to be dedicated for park or recreational purposes; and
9. Such other specific requirements in the plan and configuration of the entire subdivision as may be necessary or convenient to ensure conformity to or implementation of the general plan or any adopted specific plan.

**“Local street”** means any street not a thoroughfare, or secondary thoroughfare.

**“Lot”** means a parcel of land occupied or capable of being occupied by a use, building, or unit group of buildings and accessory buildings and uses, together with such open spaces and lot areas and widths as are required by this title, and having a minimum width of twenty-five (25) feet, and having frontage on a street (as defined in this title) or upon a private easement for access purposes to said lot, provided that such lot and easement have been approved under provisions set forth in Chapter 16.32 and Sections 16.04.080 and 16.04.090.

**“Street”** means any public way not less than forty (40) feet in width.

**“Subdivider”** means a person, firm, corporation, partnership or association who proposes to divide, divides or causes to be divided real property into a subdivision for himself or others.

**“Subdivision”** means the division, by any subdivider, of any unit or units of improved or unimproved land, or any portion thereof, shown on the latest equalized county assessment roll as a unit or as contiguous units, for the purpose of sale, lease or financing, whether immediate or future. Property shall be considered as contiguous units, even if it is separated by roads, streets, utility easement or railroad rights-of-way. “Subdivision” includes a condo-

minum project, as defined in subdivision (f) of Section 1351 of the Civil Code, a community apartment project, as defined in subdivision (d) of Section 1351 of the Civil Code, or the conversion of five or more existing dwelling units to a stock cooperative, as defined in subdivision (m) of Section 1351 of the Civil Code.

B. For the purposes of this title the definitions and meanings of the following words and phrases, “Advisory Agency,” “County,” “County Surveyor,” “Design,” “Final Map,” “Improvement,” “Local Ordinance,” “Record of Survey Map,” “Subdivision,” and “Tentative Map,” shall be as defined in Title 7, Division 2 of the Government Code of the state of California, which statute is hereinafter referred to as the “Subdivision Map Act” or “Map Act.” (Ord. 11924 § 1, 1996; prior code §§ 7-4.012—7-4.08)

#### **16.04.040 Land division construed as subdivision.**

Wherever the word “division” or the words “land subdivision” shall appear in this title the word “subdivision” shall be substituted therefor.

Wherever the word “subdivide” or the word “subdivided” shall appear in this title the words “divide” or “divided” respectively, shall be substituted therefor, and wherever the word “unsubdivided” shall appear in this title the word “undivided” shall be substituted therefor. (Prior code § 7-4.081)

#### **16.04.050 Delegation of authority to advisory agency.**

The Planning Commission of the city is designated as the “Advisory Agency” for the city and is charged with the duty of making investigations and reports on the design and improvement of proposed subdivisions requiring approval of tentative and final maps under the Subdivision Map Act. (Prior code § 7-4.09)

#### **16.04.060 Exceptions to requirements.**

The Advisory Agency may in the exercise of reasonable judgment grant such variances as it determines warranted where the size of the subdivision

or topographic or other physical conditions of the property make it impractical to conform to all of the provisions prescribed by this title, provided, however, that no variances may be made to any requirements imposed by the Subdivision Map Act; and provided further, however, that no variances may be made to any requirements imposed by Section 16.20.010. (Prior code § 7-4.35)

#### **16.04.070 Reversion to acreage.**

A. Upon the title sheet of each map filed for the purpose of reverting subdivided land to acreage, the subtitle shall consist of the words:

Reversion to Acreage of \_\_\_\_\_  
(Insert a legal description  
\_\_\_\_\_  
of the land being reverted.)

B. No dedication for street or other public purposes shall be required as a condition of approval of a reversion to acreage map.

C. Maps recorded solely for the purpose of combining portions of vacated streets with adjoining lots shall be treated in procedure as reversion to acreage maps. (Prior code § 7-4.47)

#### **16.04.080 Notice of violation.**

Whenever the city has knowledge that real property has been divided in violation of the provisions of this title or of the Subdivision Map Act it shall cause to be filed for record with the recorder of the County of Alameda, a notice of violation describing the real property in detail, naming the owner thereof, and describing the violation. Such notice, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. (Prior code § 7-4.70)

#### **16.04.090 Certificate of compliance.**

A certificate of compliance shall be issued and recorded as provided in Section 66499.35 of the Government Code of the state of California. Application therefor shall be made to the City Engineer, who is authorized to make the determinations speci-

fied in said Section 66499.35 that the applicant's real property complies with the provisions of Division 2, Title 7, of the Government Code of the state of California and Title 16 of the Oakland Municipal Code. (Prior code § 7-4.71, 7-5.15)

#### **16.04.100 Appeals.**

A. Appeals to the City Planning Commission. The applicant or any other interested person adversely affected by a decision of the Advisory Agency may appeal the decision with respect to the application to the City Planning Commission within ten days after such action. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Advisory Agency or wherein its decision is not supported by evidence in the record. The appeal shall be filed with the Secretary of the City Planning Commission. The Secretary of the City Planning Commission shall set the matter for hearing and shall cause written notice thereof to be given to the applicant and to all other parties known to be interested in the matter. At the time fixed for the hearing the City Planning Commission shall proceed to hear the testimony of the applicant, any interested parties, and any witnesses in their behalf, such hearing may be continued by the City Planning Commission. The City Planning Commission may sustain, modify, reject or overrule the recommendations, rulings, or decisions of the Advisory Agency and make such findings as are not inconsistent with this title. The Commission's action shall be final, except for those appeals to the City Council specified below.

B. Appeals to City Council. The applicant or any other interested person adversely affected by a decision of the Planning Commission may appeal the decision with respect to the application to the City Council only if such appeal rights are mandated by the State Subdivision Map Act (Government Code Sections 66473.5, 66474, 66474.1, 66474.6 and 66474.7), as it may be amended from time to time. Specifically, the State Subdivision Map Act provides appeals will be permitted only for findings concerning: (1) general and specific plan consistency; (2) suitable site for type and density of development;

(3) environmental; (4) public health; (5) public easements; (6) substantial compliance with previously approved map; and (7) regional water quality control violations. Such appeals must be filed within ten days after action by the Planning Commission. The appeal shall state specifically wherein it is claimed that (1) the State Subdivision Map Act requires an appeal; and (2) there was an error or abuse of discretion by the Planning Commission or wherein its decision is not supported by evidence in the record. The appeal shall be filed with the City Clerk. The City Council shall set the matter for hearing and shall cause written notice thereof to be given by the City Clerk, to the applicant and to other parties known to be interested in the matter. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the applicant, any interested parties, and any witnesses in their behalf. Such hearing may be continued by the City Council. The City Council may sustain, modify, reject or overrule the recommendations, rulings, or decisions of the Planning Commission and make such findings as are not inconsistent with this title. The Council's action shall be final. (Ord. 11924 § 2, 1996; prior code § 7-5.10)

## Chapter 16.08

### TENTATIVE MAPS

**Sections:**

- 16.08.010    Contents.**
- 16.08.020    Hearing.**
- 16.08.030    Action on.**
- 16.08.040    Approval and report on tentative map.**

**16.08.010    Contents.**

A. Every subdivider shall file with the Advisory Agency five copies of the tentative map of each proposed subdivision together with the street profiles. Such map and street profiles shall be prepared by a licensed surveyor or a registered civil engineer, and shall contain the following information:

1. The tract number or other description according to the real estate records of the County Recorder of Alameda County;
2. The names and addresses of record owners, the subdivider and the surveyor or civil engineer preparing the map;
3. The boundary line, accurate in scale, of tract to be subdivided.

B. In addition to other matters required in this title a tentative map shall show:

1. The location, width and names of all existing or platted streets or other public ways within or adjacent to the tract, existing permanent buildings, railroad rights-of-way and other important features such as political subdivision lines or corporation lines and watercourses or other physical features;
2. The tract number or names of adjacent subdivisions or the names of record owners of adjoining parcels of unsubdivided land;
3. Existing sewers, culverts or other underground structures within the tract and immediately adjacent thereto with pipe sizes, grades and locations indicated;
4. Contours with intervals of five feet or less, referred to city datum;

5. The layout, names and proposed widths of streets, alleys and easements;

6. All parcels of land intended to be dedicated for public use or reserved for the use of property owners in the proposed subdivision, together with the purpose of conditions or limitations of such reservation, if any;

7. True north point, scale and date;

8. The layout, numbers and approximate dimensions of proposed lots;

9. The profile of each street with tentative grades;

10. Signed statement by subdivider indicating amount of street grading, paving, curbing, sidewalk and storm, sanitary and other improvements proposed to be constructed;

11. The cross-sections of proposed streets showing the width of roadways, location and width of sidewalks;

12. A plan and profile of proposed sanitary, storm water or combined sewers and other public utilities, with grades and sizes indicated;

13. Statement of restrictions to be imposed by subdivider as to use or occupancy of land, building setback, yard areas, value of construction and any other restrictions;

14. Any required date which it is impossible or impractical to place upon the tentative map shall be submitted in writing with the map. (Prior code §§ 7-4.10—7-4.13)

**16.08.020    Hearing.**

The Advisory Agency may hold a public hearing on any proposed subdivision. Notices, including the time and place, of the hearings shall be given in the manner and according to the requirements of Government Code Sections 65090, 65091 and 66451.3, as amended from time to time. (Ord. 11924 § 3, 1996: prior code § 7-4.132)

**16.08.030    Action on.**

The Advisory Agency shall not act on any tentative map until it receives a report thereon from the City Engineer, unless more than twenty-three

(23) days have elapsed since the tentative map was filed with the Advisory Agency.

The Advisory Agency shall deny approval of a tentative map if it makes any of the following findings:

- A. That the proposed map is not consistent with applicable general and specific plans;
- B. That the design or improvement of the proposed subdivision is not consistent with applicable general and specific plans;
- C. That the site is not physically suitable for the type of development;
- D. That the site is not physically suitable for the proposed density of development;
- E. That the design of the subdivision or the proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat;
- F. That the design of the subdivision or the type of improvements is likely to cause serious public health or safety problems;
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of, property within the proposed subdivision. In this connection, the governing body may approve a map if it finds that alternate easements, for access or for use, will be provided, and that these will be substantially equivalent to ones previously acquired by the public;
- H. That the design of the subdivision does not provide, to the extent feasible, for future passive or natural heating or cooling opportunities in the subdivision. Examples of passive or natural heating and cooling opportunities include subdivision design which permits orientation of a structure in an east-west alignment for southern exposure and subdivision design which permits orientation of a structure to take advantage of shade and prevailing breezes.

In providing for future passive or natural heating or cooling opportunities in the design of a subdivision, consideration shall be given to local climate, to contour, to configuration of the parcel to

be divided and to other design and improvement requirements, and such provisions shall not result in reducing allowable densities or the provisions of a lot which may be occupied by a building or structure under applicable zoning in force at the time the tentative map is filed.

For the purposes of this section “feasible” means capable of being accomplished in a successful manner within a reasonable period of time, taking into account economic, environmental, social and technological factors.

I. That the design of the subdivision, if located in a designated water reuse area pursuant to Section 13550 of the Water Code does not provide for the use of recycled water pursuant to Government Code Sections 65601—65607, water reuse notwithstanding that recycled water has been determined to be available pursuant to Section 13550 of the Water Code and no finding has been made that there is an alternative higher or better use for the recycled water, its use is not economically justified for the project, and its use is not financially and technically feasible for the project.

For the purpose of this section, the following terms are defined:

“Recycled water” means nonpotable water that results from the treatment of wastewater and is suitable for a direct beneficial use or controlled use that would not otherwise occur (consistent with Water Code Section 13050(n));

“Water reuse area” means a geographic area identified by the East Bay Municipal Utility District (EBMUD) and for which recycled water is either currently available or is expected to be available within ten years, as shown in the attached City of Oakland Water Reuse Areas map;

“Provide for the use of recycled water” means provides a separate plumbing system, independent of the plumbing system provided to serve domestic, residential, and other potable water uses in the subdivision, to serve nonpotable water uses in the common areas of the subdivision, including, but not limited to, golf courses, parks, greenbelts, landscaped

streets, and landscaped medians. (Ord. 12397 § 5, 2002; prior code § 7-4.141)

**16.08.040 Approval and report on tentative map.**

The Advisory Agency shall within fifty (50) days after the tentative map is submitted transmit its report and the report of the City Engineer direct to the subdivider. This period shall be reduced to forty-five (45) days where there is a certified environmental impact report covering the proposed subdivision. The time limits prescribed by this chapter for the acting upon and reporting on tentative maps may be extended by the mutual consent of the subdivider and the Advisory Agency. (Prior code § 7-4.36)



## Chapter 16.12

### FINAL MAPS

**Sections:**

- 16.12.010** **Final map submission to the city council.**
- 16.12.020** **Time limit filing final map.**
- 16.12.030** **Filing final maps.**
- 16.12.040** **Multiple final maps—When permitted.**
- 16.12.050** **Checking of engineering information on final map.**
- 16.12.060** **Information on final maps.**
- 16.12.070** **Application of provisions and procedures.**
- 16.12.080** **Dedication of land for public use.**

**16.12.010      Final map submission to the city council.**

Within two years after the date of approval or conditional approval of the tentative map by the Advisory Agency or within a longer time period if approved under the provisions of Section 16.12.020, the subdivider shall cause the proposed subdivision to be accurately surveyed in accordance with the tentative map and with any and all alterations or changes required therewith. Within said period the subdivider shall deposit with the City Engineer for filing with City Council, a final map with duplicate tracings and paper prints of the land division conforming in all particulars to the provisions of the Subdivision Map Act and of this title as required by the City Engineer. A statement as to the nature and type of street and drainage improvements to be constructed, together with the necessary sets of complete plans, profiles, details and specifications for such improvement shall also be filed. (Prior code § 7-4.37)

**16.12.020      Time limit filing final map.**

The failure of a subdivider to file such final map with the City Council in the manner prescribed above within two years after the date of approval or

conditional approval of the tentative map by the Advisory Agency or within a longer time period if approved as provided herein shall terminate all proceedings and no final map or parcel map of all or any portion of the real property included within the tentative map. Upon application of the subdivider filed prior to the expiration of the approved tentative map the time at which such map expires may be extended by the Advisory Agency for a period or periods not exceeding a maximum of three additional years beyond the original expiration date. (Prior code § 7-4.381)

**16.12.030      Filing final maps.**

A final map conforming to the approved tentative map, if any, may be filed with the City Council for approval after all required certificates on such map have been signed and, where necessary, acknowledged. The date the map shall be deemed filed with the City Council is the date of the meeting at which City Council receives the map. (Prior code § 7-4.382)

**16.12.040      Multiple final maps—When permitted.**

Multiple final maps relating to an approved or conditionally approved tentative map may be filed prior to the expiration of the tentative map, if the subdivider, at the time the tentative map is filed, informs the Advisory Agency of the subdivider's intention to file multiple final maps on the tentative map or if, after filing a tentative map, the Advisory Agency and the Subdivider concur in the filing of multiple final maps. In providing such notice, the subdivider need not define the number or configuration of the proposed multiple final maps. The filing of a final map on a portion of an approved or conditionally approved tentative map shall not invalidate any part of such tentative map. (Prior code § 7-4.383)

**16.12.050     Checking of engineering information on final map.**

The subdivider shall furnish the City Engineer copies of the field notes, traverse sheets and all other data necessary to ascertain that the final map is technically correct. (Prior code § 7-4.41)

**16.12.060     Information on final maps.**

A. Every final map shall be drawn at a scale of one inch equals one hundred (100) feet or less, on a sheet or sheets eighteen (18) by twenty-six (26) inches in conformity with all of the requirements of the Subdivision Map Act and shall show:

1. The boundary lines of the tract with accurate distances and bearings, the exact location and width of all existing or recorded streets intersecting the boundary of the tract;

2. Correct bearings and distances to the nearest established street lines or official monuments, which shall be accurately tied to the lines of the subdivision by distances and bearings;

3. An accurate location of the subdivision in reference to the real estate records of Alameda County.

B. In addition to other matters required in this title, the information on the final map shall show the following:

1. Street and alley names;

2. The length of all arcs, radii, internal angles, points of curvature, length and bearings of the tangents;

3. All easements for rights-of-way provided for public services or utilities and any limitations of the easements;

4. All block and lot numbers and lines with accurate dimensions in feet and hundredths and with bearings and angles to street and alley lines;

5. Location of monuments in conformity with the requirements of the City Engineer;

6. The accurate outline of all property which is offered for dedication for public use with the purpose indicated thereon, and of all property that may be reserved by deed covenant for the common use of the property owners in the subdivision of the city;

7. Setback lines;
8. Tract number of the subdivision;
9. Name and address of the subdivider;
10. True north point, scale and date;
11. A certificate, signed and acknowledged by all parties having any record title interest in the land subdivided, consenting to preparation and recordation of said map;
12. A certificate, signed and acknowledged as above, offering for dedication for certain specified public uses those parcels to be dedicated;
13. A certificate by engineer or surveyor stating the survey is true copy and complete, monuments are of character and occupy positions indicated, and that survey can be retraced from monuments and data provided;
14. A certificate by the City Engineer stating he or she has examined the final map and it is in accord with tentative map, complies with the Subdivision Map Act and the local ordinance codified in this title and is technically correct;
15. A certificate for execution by the City Clerk stating that City Council approved the final map and accepted or rejected the offers of dedication;
16. A certificate by Secretary of the City Planning Commission stating that the tentative map was approved by the City Planning Commission by resolution. (Prior code §§ 7-4.42—7-4.46)

**16.12.070     Application of provisions and procedures.**

The provisions and procedures relating to final maps shall apply to all land divisions. (Prior code § 7-4.48)

**16.12.080     Dedication of land for public use.**

When all the certifications which are required on the final map (except the approval certificate of the Clerk of the City Council) have been signed and, where necessary, acknowledged, the final map may be filed with the City Council of the city for approval. The City Council shall accept or reject any or all offers of dedication of land for public use within ten days after filing of the final map. (Prior code § 7-4.49)

## Chapter 16.16

### DESIGN STANDARDS

**Sections:**

**16.16.002 Purpose.**

**16.16.010 Alignment of streets.**

**16.16.020 Width of street right-of-way and width of pavement for non-hillside areas.**

**16.16.025 Width of street right-of-way and width of pavement for hillside areas.**

**16.16.030 Grade of streets.**

**16.16.040 Intersection of streets.**

**16.16.050 Alignment and visibility of streets.**

**16.16.060 Minimum radii of curvature on centerline of streets.**

**16.16.070 Tangents.**

**16.16.080 Reserved.**

**16.16.090 Private streets.**

**16.16.100 Effect of street layout on adjoining property.**

**16.16.110 Reserves at end of streets or boundaries of subdivision.**

**16.16.120 Street names.**

**16.16.130 Alleys.**

**16.16.140 Width of blocks.**

**16.16.150 Length of block.**

**16.16.160 Pedestrian ways.**

**16.16.170 Lots.**

**16.16.002 Purpose.**

The purpose of this chapter is to establish the City's intent to implement complete streets concepts, which is reflected in City Resolution No.

\_\_\_\_\_ C.M.S., as it may be amended, so as to uniformly regulate the design, construction, operation, and maintenance of the street system in parallel with the requirements of Chapter 12.02, Complete streets design standards. These provi-

sions shall be applied upon an application for the subdivision of land as applicable, and/or as referenced in Chapter 12.02.

(Ord. No. 13153, § 3, 2-19-2013)

**16.16.010 Alignment of streets.**

The alignment of all arterial streets and collector streets shall conform to those designated in the circulation element adopted by the City Council prior to the date of filing of the tentative map with the Advisory Agency. All proposed minor streets shall be in alignment with existing planned or platted streets with which they are to connect.

(Prior code § 7-4.15)

**16.16.020 Width of street right-of-way and width of pavement for non-hillside areas.**

For the purpose of this chapter, the term "non-hillside area" shall be construed to mean land areas within the City adjacent to street right-of-way which has an average difference in elevation of 15 feet or less in a horizontal distance of 100 feet. Street right-of-way widths and pavement widths for non-hillside areas are established in the context of the complete streets approach as follows:

A. Arterial streets shall be of the width indicated on the approved plans and not less than 80 feet in right-of-way width, and shall have a pavement width as determined by the Director of Public Works or his designee.

B. Collector streets shall not be less than 60 feet in right-of-way width and shall have a pavement width as determined by the Director of Public Works or his designee.

C. Local streets shall not be less than 50 feet in right-of-way width and not less than 30 feet in pavement width.

D. Blind streets shall not be over 600 feet in length unless it includes means of a secondary access and shall not be less than 50 feet in right-of-way width and not less than 30 feet in pavement width. All blind streets shall terminate in a circular end having a minimum right-of-way diameter of 80 feet and a minimum pavement diameter of 70

feet, unless the Advisory Agency or other approving authority approves a "T" or "Y" shaped space in lieu of required turning circle.

E. Alleys shall not be less than 26 feet in right-of-way width, and not less than 20 feet in pavement width.

(Ord. No. 13153, § 3, 2-19-2013)

**Editor's note**—Ord. No. 13153, § 3, adopted February 19, 2013, amended Section 16.16.020 in its entirety to read as herein set out. Formerly, Section 16.16.020 pertained to width of streets, and derived from the prior code § 7-4.16.

#### **16.16.025 Width of street right-of-way and width of pavement for hillside areas.**

For the purpose of this chapter, the term "hillside area" shall be construed to mean land areas within the City adjacent to street right-of-way which has an average difference in elevation of more than 15 feet in a horizontal distance of 100 feet. Street right-of-way widths and pavement widths for hillside areas are established in the context of the complete streets approach as follows:

A. Arterials shall have the same minimum width requirements as specified for non-hillside areas in Section 16.16.020.

B. Collectors shall have the same minimum width requirements as specified for non-hillside areas in Section 16.16.020.

C. Local streets shall not be less than 40 feet in right-of-way width.

1. With lot frontage on both sides of the street, pavement width shall not be less than 26 feet.

2. With lot frontage on one side of the street only, pavement width shall not be less than 24 feet.

D. Blind streets shall not be over 600 feet in length unless it includes means of a secondary access and shall not be less than 50 feet in right-of-way width and not less than 26 feet in pavement width. All blind streets shall terminate in a circular end having a minimum right-of-way diameter of 80 feet and a minimum pavement diameter of 70 feet, unless the Advisory Agency or other approving authority approves a "T" or "Y" shaped space in lieu of required turning circle.

E. Alleys shall not be less than 26 feet in right-of-way width, and not less than 20 feet in pavement width.

(Ord. No. 13153, § 3, 2-19-2013)

#### **16.16.030 Grade of streets.**

The grades on arterial, collector and local streets and alleys shall be approved by the City Engineer. Concrete pavement with approved finish is required when the street grade exceeds 15 percent.

(Ord. No. 13153, § 3, 2-19-2013; Prior code § 7-4.17)

#### **16.16.040 Intersection of streets.**

Street intersection shall be as nearly at right angles as practicable.

A. At street or alley intersections, property line corners shall be rounded by an arc, the minimum radius of which shall be 15 and five feet respectively. In business districts a chord may be substituted for such arc.

B. Street curb intersections shall be rounded by radii of at least ten feet.

C. The above minimum radii for property line and curbs shall be increased when the smallest angle of intersection is less than 60 degrees.

(Ord. No. 13153, § 3, 2-19-2013; Prior code § 7-4.18)

#### **16.16.050 Alignment and visibility of streets.**

Clear visibility, measured along the centerline, shall be provided for at least 300 feet on arterial streets; 200 feet on collector streets and at least 100 feet on local streets.

(Prior code § 7-4.19)

#### **16.16.060 Minimum radii of curvature on centerline of streets.**

A. Arterial streets, 500 feet;

B. Collector streets, 300 feet;

C. Local streets, 100 feet.

(Prior code § 7-4.20)

**16.16.070 Tangents.**

There shall be a tangent between all reversed curves of at least 150 feet in length on all arterial streets and collector streets; and 50 feet on all local streets.

(Prior code § 7-4.21)

**16.16.080 Reserved.**

**Editor's note**—Ord. No. 13153, § 3, adopted February 19, 2013, repealed the former Section 16.16.080 in its entirety, which pertained to roadway widths, and derived from the prior code § 7-4.22.

**16.16.090 Private streets.**

Private streets, alleys or ways shall not be platted or laid out except with the approval and consent of the Advisory Agency and the City Council, and then only on conditions which guarantee the construction of necessary local improvements and continued maintenance thereof.

(Prior code § 7-4.23)

**16.16.100 Effect of street layout on adjoining property.**

Street layout shall be designed to provide for future access to and not impose undue hardship upon unsubdivided property adjoining the subdivision.

(Prior code § 7-4.24)

**16.16.110 Reserves at end of streets or boundaries of subdivision.**

Reserve strips at the end of streets or at the boundaries of subdivision shall be deeded unconditionally to the city.

(Prior code § 7-4.25)

**16.16.120 Street names.**

Proposed street names shall not duplicate or too closely approximate phonetically the name of any street in Oakland or other East Bay Cities, or adjacent portions of Alameda County. Where streets are continuations of existing streets the existing street names shall be used.

(Prior code § 7-4.26)

**16.16.130 Alleys.**

Alleys shall be required in all business and industrial districts. Except in downtown and where justified by topographic conditions, alleys will not be approved in residential districts.

(Ord. No. 13153, § 3, 2-19-2013; Prior code § 7-4.27)

**16.16.140 Width of blocks.**

The width of blocks shall be sufficient to allow two tiers of lots of approximate depth.

(Prior code § 7-4.28)

**16.16.150 Length of block.**

Blocks shall not generally exceed 300 feet in length and blind streets 600 feet. Blind streets in excess of 600 feet shall include means of a secondary access.

(Ord. No. 13153, § 3, 2-19-2013; Prior code § 7-4.29)

**16.16.160 Pedestrian ways.**

Improved pedestrian ways not less than ten feet wide shall be provided near the center and entirely across any block over 500 feet in length.

(Ord. No. 13153, § 3, 2-19-2013; Prior code § 7-4.30)

**16.16.170 Lots.**

Lot design shall be consistent with the provisions of Section 16.04.010, Purpose, and the following provisions:

- A. Every lot shall abut on a street, except as specified in Section 17.106.020.
- B. Double frontage lots shall not be platted.
- C. Reversed frontage of key lots shall be avoided in blocks exclusively residential.
- D. Lot lines shall be approximately at right angles to the street line on which the lot faces.
- E. Each lot shall have the minimum area prescribed by the zoning district within which it lies.
- F. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding 200-foot radius area except:
  - 1. Where the area is still considered acreage;

2. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development.

G. Lots shall be designed in a manner to preserve and enhance natural out-croppings of rock, specimen trees or group of trees, creeks or other amenities.

(Ord. No. 13153, § 3, 2-19-2013; Prior code § 7-4.31)

## Chapter 16.20

### IMPROVEMENTS

#### Sections:

**16.20.010 Improvements generally.**

**16.20.020 Easements.**

**16.20.030 Fire hydrants.**

**16.20.040 Open spaces other than streets.**

**16.20.050 Tentative map—Reservation of land for public use.**

**16.20.060 Preliminary soil report required—Waiver.**

**16.20.070 Grading work to be done under direction of registered engineer—Engineer certificate.**

**16.20.080 Soil investigations—When required for each lot in subdivision—Recommendation for corrective action.**

**16.20.090 Approval of soil report—Condition to issuance of building permit.**

**16.20.100 Construction of improvements.**

**16.20.110 Installation of monuments.**

**16.20.010 Improvements generally.**

A. In all subdivisions all streets, alleys, easements, pedestrian ways, and lots shall be laid out to provide for approved sewer and drainage facilities. Subdivisions shall be designed to be consistent with the need to minimize flood damage. All public utilities and facilities, such as sewer, gas, electrical, and water systems shall be located, elevated, and constructed to minimize or eliminate flood damage. New or replacement water supply systems and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the system into floodwaters. All streets shall be graded to the full extent and improved to approved grade. The street grading and improvements shall include necessary paving, curbs, sidewalks, catch basins, pipes, culverts, storm drains and sanitary sewers.

B. Arterial and collector streets shall be graded to an approved width and improved to an extent necessary for the general use of the lot owners in the subdivisions and local neighborhood traffic and drainage needs.

(Prior code § 7-4.33)

**16.20.020 Easements.**

Easements at least five feet wide shall be provided for storm and sanitary sewers and other utilities across or along the rear or side lines of lots where designated by the City Engineer.

(Prior code § 7-4.32)

**16.20.030 Fire hydrants.**

The improvement of all streets which are to be dedicated to the public shall include installation, by the subdivider, of such fire hydrants as are necessary to protect the area being developed.

(Prior code § 7-4.331)

**16.20.040 Open spaces other than streets.**

A. Due consideration shall be given to the allocation of suitable areas for schools, parks and playgrounds to be dedicated for public use, or reserved for the common use of all property owners within the proposed subdivision by covenant in the deeds.

B. Due consideration shall be given to the allocation of suitable areas for open space, parks and playgrounds to be dedicated for the common use of all property owners within the proposed subdivision by covenant in the deeds.

(Prior code §§ 7-4.332, 7-4.341)

**16.20.050 Tentative map—Reservation of land for public use.**

The Advisory Agency may require that areas of real property within the subdivision be reserved for schools, parks, recreational facilities, fire stations, libraries or other public uses subject to the following conditions:

A. The facilities or uses are consistent with the comprehensive plan.

16.20.050

B. The reserved area is of such size and shape  
as to permit the balance of the property within

which the reservation is located to develop in an orderly and efficient manner.

C. The amount of land reserve will not make development of the remaining land held by the subdivider economically infeasible.

D. Such land shall either be acquired by the city or an appropriate public agency or a binding agreement shall have been entered into between the subdivider and the city or the appropriate public agency within two years following the completion of acceptance of all improvements or such reservations shall be terminated. (Prior code § 7-4.342)

#### **16.20.060      Preliminary soil report required—Waiver.**

Prior to the submission of the final subdivision map, the subdivider shall file with the City Engineer a preliminary soil report, prepared by a civil engineer who is registered by the state of California, based on such examination, borings, excavations and tests, as may be necessary, of every subdivision, as defined in Section 16.04.030. This report shall specify what measures are necessary so that any proposed grading will result in slopes that are, in accordance with good engineering practices, reasonably stable against sliding and excessive erosion. The reports all state whether critically expansive soils are present, and shall indicate any other characteristics of the soil which may create hazards or problems, and recommend what measures are necessary to avoid these hazards or problems. The preliminary soil report may be waived if the Building Inspector and City Engineer shall each determine that, due to his or her knowledge as to the soil qualities of the subdivision site and the amount of grading work involved no preliminary analysis is necessary. (Ord. 11924 § 4, 1996: prior code § 7-4.361)

#### **16.20.070      Grading work to be done under direction of registered engineer—Engineer certificate.**

All grading work shall be done under the direction of a civil engineer, registered as such by the state of California. Prior to the acceptance of the subdivision improvements, said civil engineer shall

file with the Director of Public Works a certificate stating:

A. That the grading work was done under his or her direction and in accordance with the recommendations of the preliminary report, if a preliminary report was required, or with such modifications thereof, if any, as may have been made by him or her. All modifications made by the civil engineer shall be specifically set forth in his or her certificate;

B. That in his or her professional opinion the graded slopes are, in accordance with good engineering practices, reasonably stable against sliding;

C. That adequate measures have been taken to prevent erosion on the site, and/or deposition of eroded material on the site or on lower or adjacent properties;

D. The magnitude of the total settlements and differential settlements which are likely to occur, the allowable loads or bearing pressures which may be imposed, and that compaction is adequate for the uses proposed for the property and to develop the recommended bearing pressures;

E. Any limitations which should be imposed on the development of the property because of soil conditions, including the designation of such areas as he or she may determine to be unsafe for building.

The Director of Public Works may reject a certificate which in his or her judgment does not adequately meet the requirements of this section. (Prior code § 7-4.362)

#### **16.20.080      Soil investigations—When required for each lot in subdivision—Recommendation for corrective action.**

If the preliminary report indicates the presence of critically expansive soils, instability of slopes, or other soil problems which would lead to structural damage, a soil investigation of each lot in the subdivision shall be made by a civil engineer who is registered by the state of California. The soil investigation shall be made after grading, and a report shall be submitted recommending corrective action

which is likely to prevent structural damage to each structure proposed to be constructed in the subdivision. Copies of the report shall be filed with the Building Inspector and the Street Engineering Department. The information contained in the report of the soils investigation may be included in the certificate respecting the grading work. (Prior code § 7-4.363)

**16.20.090 Approval of soil report—Condition to issuance of building permit.**

The Building Inspector shall approve or disapprove the recommendations for corrective action to prevent structural damage to each structure to be constructed on each lot in the subdivision. Appeal from the Building Inspector's disapproval shall be to the Board of Examiners and Appeals. The building permit shall be conditioned upon the incorporation of the approved recommended corrective action in the construction of each structure. (Prior code § 7-4.364)

**16.20.100 Construction of improvements.**

No final map shall be presented to the Council of the city by the City Engineer for approval until the subdivider either completes the required improvements, or enters into a contract with the city agreeing to do such work, and files with the City Clerk of the city a surety bond approved by the City Attorney in such an amount as the City Engineer shall estimate and determine to be necessary to complete all the improvements required to be done by the subdivider, which surety bond shall be executed by the subdivider as principal, and a corporation authorized to so act under the laws of the state of California, as surety, the same to be payable to the city and to be conditioned upon the faithful performance of any and all work required to be done by the subdivider, and said bond shall be further conditioned to the effect that should the subdivider fail to complete all work required to be done by him or her within a specified reasonable time the city may, at its option, cause all uncompleted required work to be done and the parties executing the bond shall be

firmly bound for the payment of all necessary costs therefor; or in lieu of a surety bond the subdivider may post security as provided in Section 20 of the Subdivision Map Act. (Ord. 11924 § 5, 1996: prior code § 7-4.39)

**16.20.110 Installation of monuments.**

Before the transmission of any map to the Council for approval, approved permanent monuments shall be set at the locations indicated on the map and in conformity with the City Engineer's specifications, or appropriate guarantee shall be included as an improvement under Section 16.20.100. Monuments shall be installed at street intersections, between street intersections where necessary to preserve the street alignment and the angle points along the exterior boundaries where necessary. (Prior code § 7-4.40)

**Chapter 16.24****PARCEL MAPS****Sections:**

- 16.24.010      Parcel map—When required.**
- 16.24.020      Parcel map—Waiver of requirement.**
- 16.24.030      Director of City Planning is Advisory Agency.**
- 16.24.040      Lot design standards.**
- 16.24.050      Exception to lot design requirements.**
- 16.24.060      Public improvements—Standards and procedures for construction.**
- 16.24.070      Tentative parcel map—Information required.**
- 16.24.080      Tentative parcel map—Review.**
- 16.24.090      Preliminary soil report required—Waiver.**
- 16.24.100      Parcel map—Information required.**
- 16.24.110      Parcel map filing and map check.**
- 16.24.120      Notice of violation.**
- 16.24.130      Offers of dedication for easements for reserves.**

**16.24.010      Parcel map—When required.**

Except as provided in Section 16.24.020, a parcel map shall be required in all divisions of real property described by subdivisions (a), (b), (c), or (d) of Sections 66426 of the Subdivision Map Act or other subdivisions for which a final map is not required under the Subdivision Map Act prepared in accordance with the provisions of this title and the Subdivision Map Act designed to be recorded in the office of the County Recorder. Creation of new condominiums that are not a conversion as defined in Section 16.36.010 shall be processed as a parcel map. (Ord. 12237 § 3, 2000: prior code § 7-5.01)

**16.24.020      Parcel map—Waiver of requirement.**

A. The Advisory Agency may waive the requirement for a parcel map for those divisions of real property listed in subsection (B)(1) of this section upon the finding that the division complies with requirements as to area, improvements and design, flood and water drainage control, appropriate improved public roads, sanitary disposal facilities, water supply availability, environmental protection and other requirements of this title, and upon the finding that the Subdivision Map Act of the state of California does not prohibit such waiver.

B. As provided in subsection A of this section:

1. The requirement for a parcel map may be waived when the division of land:
  - a. Is caused by a conveyance of the whole, or part thereof, to or from a governmental agency, public entity, or public utility; or
  - b. Results from the realignment, conveyance, creation or termination of an easement for pedestrian or vehicular traffic, sanitary sewer or storm drainage, or other public purpose; or
  - c. Is an adjustment of an existing lot line which does not create a new lot and imposes no substantial adverse effect upon surrounding properties or access to a street.
2. The requirement for the filing of a tentative parcel map as specified in Section 16.24.070, may be waived when the division of land has been approved under the private access easement provision in Chapter 16.32, but in this case the requirements of Sections 16.24.100, 16.24.110, 16.24.120 and 16.04.090 may not be waived. (Prior code §§ 7-5.02, 7-5.03)

**16.24.030      Director of City Planning is Advisory Agency.**

The Director of City Planning is designated as the Advisory Agency for the purpose of this chapter and Section 16.04.100. (Prior code § 7-5.04)

**16.24.040 Lot design standards.**

Lot design shall be consistent with the provisions of Section 16.04.010, Purpose, and the following provisions:

A. No lot shall be created without frontage on a public street, as defined by Section 16.04.030, except:

1. Lots created in conjunction with approved private access easements;

2. A single lot with frontage on a public street by means of a vehicular access corridor provided that in all cases the corridor shall have a minimum width of twenty (20) feet and shall not exceed three hundred (300) feet in length. Provided further, the corridor shall be a portion of the lot it serves, except that its area (square footage) shall not be included in computing the minimum lot area requirements of the zoning district.

B. The side lines of lots shall run at right angles or radially to the street upon which the lot fronts, except where impractical by reason of unusual topography.

C. All applicable requirements of the zoning regulations shall be met.

D. Lots shall be equal or larger in measure than the prevalent size of existing lots in the surrounding area except:

1. Where the area is still considered acreage;
2. Where a deliberate change in the character of the area has been initiated by the adoption of a specific plan, a change in zone, a development control map, or a planned unit development.

E. Lots shall be designed in a manner to preserve and enhance natural outcroppings of rock, specimen trees or group of trees, creeks or other amenities. (Prior code § 7-5.05)

**16.24.050 Exception to lot design requirements.**

The Advisory Agency may, in the exercise of reasonable judgment, grant such variances to the lot design standards as it determines warranted where the size, shape or topographic conditions of the property, or the location of trees or structures thereon, make it difficult or impractical to conform to all

the requirements of Section 16.24.040. (Prior code § 7-5.06)

**16.24.060 Public improvements—Standards and procedures for construction.**

The parcel map shall be referred to the City Engineer, who shall determine the extent of public improvements required. Public improvements determined necessary by the City Engineer may be required to be provided by the land divider in order to service the new lots and provide for the public convenience and safety. Such improvements may include, but are not limited to, streets, sidewalks, sanitary sewer, storm drainage, and street lighting.

Required public improvements shall be constructed according to plans and specifications prepared by a registered civil engineer and approved by the City Engineer in conformance with the current city standard specifications adopted by the City Council. The civil engineer in charge shall certify that the improvements have been installed in accordance with those plans.

No parcel map shall be finally approved until the divider either completes the improvements required by the city or enters into a contract with the city agreeing to do such work, and files with the City Clerk improvement security approved by the City Attorney in such amount as the City Engineer shall estimate and determine to be necessary to complete all of the improvements required to be done by the divider. This shall include a margin to accommodate escalating costs.

“Improvement security” as used in this section means one or more of the following:

- A. A cash deposit or deposits made with the city;

- B. A bond or bonds by one or more duly authorized corporate securities; or

- C. An instrument or instruments of credit from one or more financial institutions subject to regulation by the state or federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment and agreeing that the funds designated by the instrument shall become trust funds for the purposes set forth in the

instrument. Said improvement security shall be in  
the amounts and for the following purposes:



1. An amount determined by the City Engineer, not less than fifty (50) percent nor more than one hundred (100) percent of the total estimated cost of the improvement, conditioned upon the faithful performance of the agreement or contract, and

2. An additional amount determined by the City Engineer not less than fifty (50) percent nor more than one hundred (100) percent of the total estimated cost of the improvement, securing payment to the contractor, his or her subcontractors and to persons renting equipment or furnishing labor or materials to them for the improvement. (Prior code § 7-5.07)

#### **16.24.070      Tentative parcel map— Information required.**

A tentative parcel map, prepared by a registered civil engineer or licensed land surveyor shall be filed with the Advisory Agency. Such map shall contain the following information:

- A. Parcel map number;
- B. Name and address of record owner, divider, and engineer or surveyor who prepared the map;
- C. Datum, north arrow, scale and date;
- D. Numerical or alphabetic designation of each parcel;
- E. Location, name, width, and improvement status of each abutting street, alley or path, and distance to nearest intersecting street;
- F. Location, purpose, and width of all existing or proposed public and private easements;
- G. Proposed vehicular access to each parcel;
- H. Location, type and trunk diameter of trees measuring at least twelve (12) inch diameter at a location four feet above grade;
- I. Dimensions and square footage of each parcel;
- J. Sufficient elevations or contours to determine the general slope of the land and all drainage features;
- K. The location of existing structures to remain on parcels;
- L. Name of tract or grant in which survey is located;

M. Original lot boundaries with lot and numbers, as shown in earlier filed tracts or parcel maps, within and adjacent to the proposed minor land division;

N. Provisions for drainage, flood control, sewage disposal and water supply availability. (Prior code § 7-5.08)

#### **16.24.080      Tentative parcel map—Review.**

Five prints of a tentative parcel map prepared in conformance with Section 16.24.070 shall be filed with the Advisory Agency.

Upon receipt of the tentative parcel map, it shall be reviewed by the Agency and referred to the City Engineer for report. The Advisory Agency shall not act to approve or conditionally approve a tentative parcel map until after such report has been received.

The Advisory Agency shall, within fifty (50) days after the receipt of the tentative parcel map, act upon the map and thereafter notify the divider that the map is: (A) approved; (B) conditionally approved; or (C) disapproved.

If the Agency fails to act within the prescribed time limit, the tentative parcel maps shall be deemed approved.

The Advisory Agency may, in its discretion, refer any parcel map to the City Planning Commission for its action.

The time limits prescribed herein for the acting upon and reporting on tentative parcel maps may be extended by mutual written consent of the divider and the Agency. (Prior code § 7-5.09)

#### **16.24.090      Preliminary soil report required—Waiver.**

Prior to the submission of the parcel map the divider shall file with the City Engineer a preliminary soil report prepared by a civil engineer registered by the state of California who specializes in soils mechanics, based on such examinations, borings, excavations and tests as may be necessary. This report shall specify what measures are necessary so that any proposed grading will result in slopes that are stable against sliding and excessive erosion. The report shall state whether critically expansive soils are present, and shall indicate any

other characteristics of the soil which may create hazards or problems, and recommend what measures are necessary to avoid these hazards or problems. The preliminary soil report may be waived if the City Engineer determines that from his or her knowledge of the soil qualities of the parcel to be divided and the adjacent lands, no preliminary analysis is necessary. (Prior code § 7-5.11)

#### **16.24.100    Parcel map—Information required.**

A parcel map, prepared by a registered civil engineer or licensed land surveyor in compliance with all of the provisions pertaining to the approval of such maps in the Subdivision Map Act, the Land Surveyor Act, and this title, shall be filed subsequent to a tentative parcel map. Such map shall consist of one or more eighteen (18) inch by twenty-six (26) inch sheets with one-inch margin along each side, and shall contain the following information:

- A. General information.
- 1. Parcel map number;
- 2. Name and address of record owner, divider, and engineer or surveyor who prepared the map;
- 3. Datum, north arrow, scale, date and vicinity map;
- 4. Numerical or alphabetic designation of each parcel;
- 5. Location, name and width of all adjoining streets, alleys or paths, and distance to nearest intersecting street;
- 6. Certificates of surveyor, owner, City Engineer and County Recorder and Clerk of the Board of Supervisors.
- B. Record Information.
- 1. Location, purpose, and width of all existing public easements;
- 2. Name of tract or grant in which survey is located;
- 3. Original lot boundaries with lot numbers, as shown in earlier tracts or parcel maps, within and adjacent to boundary or proposed land division.
- C. Survey Information.

1. Layout of parcels showing bearings, distances and parcel areas. Any discrepancies between field measurements and record data shall be noted;
2. Identification and location of all pertinent monuments found or set;
3. Basis of bearing used;
4. Tie property corner to nearest street intersection (bearing and distance);
5. Tie property corner to monument line (bearing and distance);
6. Traverse closure calculations shall be submitted for the map boundary and each component parcel (computer printout preferred). (Prior code § 7-5.12)

#### **16.24.110    Parcel map filing and map check.**

Two prints of a parcel map prepared in conformance with Section 16.24.100 shall be filed with the City Engineer within two years from the date of approval of the tentative parcel map. Upon application of the subdivider filed prior to the expiration of the approved tentative parcel map, the time at which such map expires may be extended by the Advisory Agency for a period or periods not exceeding a maximum of three additional years beyond the original expiration date. Failure to file a parcel map within these time limits shall nullify the previous approval or conditional approval of the tentative parcel map.

Within twenty (20) days after receiving the parcel map prints or within such additional time as may be reasonably necessary, the City Engineer shall examine it for the survey information shown thereon and for substantial conformance with the approved tentative parcel map. If he or she is satisfied that it is technically correct and in conformance, he shall notify the divider that a transparency of the parcel map may be submitted, and the City Engineer shall sign the appropriate certificate thereon.

The map shall be filed with the Alameda County Recorder. The divider shall promptly thereafter furnish the City Engineer with the following copies for permanent files: One mylar duplicate tracing and one paper print. (Prior code § 7-5.13)

**16.24.120 Notice of violation.**

Whenever the city has knowledge that real property has been divided in violation of the provisions of this title or of the Subdivision Map Act, it shall cause to be filed for record with the recorder of the county of Alameda a notice of violation describing the real property in detail, naming the owner thereof, and describing the violation. Such notice, when recorded, shall be deemed to be constructive notice of the violation to all successors in interest in such property. (Prior code § 7-5.14)

**16.24.130 Offers of dedication for easements for reserves.**

A. Any owner of real property intending to file a parcel map in accordance with this title shall offer to dedicate to the city all such easements and reserves as may be required by the Director of Public Works. All such offers of dedication shall appear as part of the owner certificate on the parcel map, in a form prescribed by the Director of Public Works, and shall be signed and acknowledged by the owner(s).

B. The boundaries, dimensions, location and purpose of all easements and reserves offered hereunder for dedication shall be shown on the parcel map.

C. The City Engineer is authorized to accept on behalf of the city all offers of dedication tendered hereunder, and shall certify such acceptance on the City Engineer's certificate. (Prior code § 7-5.16)

## Chapter 16.28

### HILLSIDE SUBDIVISIONS

**Sections:**

- 16.28.010** **Hillside subdivision defined.**
- 16.28.020** **Design principles.**
- 16.28.030** **Sections applicable.**
- 16.28.040** **Street design standards.**
- 16.28.050** **Lot area less than one acre—Area, frontage and sidewalk requirements.**
- 16.28.060** **Lot area more than one acre.**
- 16.28.070** **Zoning district change.**

**16.28.010 Hillside subdivision defined.**

Notwithstanding any other provisions contained in this title, the Advisory Agency may accept and recommend to the City Council, for its approval, maps or hillside subdivision in the manner hereinafter in Sections 16.28.020 to 16.28.070, inclusive, set forth. Hillside subdivision provisions shall apply only where street extensions or new street patterns are to be built on previously unsubdivided land. For the purposes of this title, the term "hillside subdivision" shall be construed to mean land proposed to be subdivided which has an average difference in elevation of more than fifteen (15) feet in a horizontal distance of one hundred (100) feet. (Prior code § 7-4.50)

**16.28.020 Design principles.**

In reviewing the design of a proposed hillside subdivision, the Advisory Agency shall be guided by the following consideration: The Advisory Agency, in the exercise of sound discretion, shall apply the requirements of this title pertaining to hillside subdivision in a manner that will result in the best possible utilization of the land to be subdivided, giving due consideration to the topography of land and the general character of the proposed land division. (Prior code § 7-4.51)

**16.28.030 Sections applicable.**

All provisions of this title hereinbefore set forth shall apply to "hillside subdivisions" except as superseded by Sections 16.28.040 through 16.28.070 which are made expressly applicable to hillside subdivisions only. (Prior code § 7-4.52)

**16.28.040 Street design standards.**

In hillside subdivisions the dedicated widths of all streets, other than arterial and collector streets, shall be not less than forty (40) feet. With lot frontage on both sides of the street the paved roadway widths shall be not less than thirty (30) feet; with lot frontage on one side of the street only the paved roadway widths shall be not less than twenty-four (24) feet. (Prior code § 7-4.53)

**16.28.050 Lot area less than one acre—Area, frontage and sidewalk requirements.**

A. In hillside subdivisions where lots front on both sides of a street, each such lot shall have an area of not less than eight thousand (8,000) square feet with an average frontage of not less than eighty (80) feet and the minimum width of any such lot shall be not less than sixty (60) feet at the front building line. A five-foot paved sidewalk on both sides of the street shall be provided.

B. In hillside subdivisions where lots front on one side of a street only, each such lot shall have an area of not less than six thousand (6,000) square feet and a minimum width of not less than sixty (60) feet at the front building line or the minimum required by the zoning regulations, whichever is greater. A five-foot paved sidewalk on the same side of the street as the accessible lots shall be provided, and a reserve strip of land one foot in width along the inaccessible side shall be granted in fee to the city. (Prior code §§ 7-4.54, 7-4.55)

**16.28.060 Lot area more than one acre.**

A. In hillside subdivisions where lots front on both sides of a street and have an average area of not less than one acre, the average frontage of each of such lots shall be not less than one hundred (100)

feet and the minimum width of any such lot shall be not less than eighty (80) feet at the front building line. A five-foot graded sidewalk area on both sides of the street shall be provided.

B. In hillside subdivisions where lots front on one side of the street only and have an average area of not less than one acre, the average frontage of each of such lots shall be not less than one hundred (100) feet and the minimum width of any such lot shall be not less than eighty (80) feet at the front building line. A five-foot graded sidewalk area on the same side of the street as the accessible lots shall be provided, and a reserve strip of land one foot in width along the inaccessible side shall be granted in fee to the city. (Prior code §§ 7-4.56, 7-4.57)

**16.28.070 Zoning district change.**

Before any subdivider may file a map of a subdivision of hillside lands wherein the provisions of Section 16.28.060 are applicable, he or she shall first apply for, and obtain, unless the land to be included in the division shall then be in such district, a change of the district to the residential classification requiring a minimum lot size of twenty-five thousand (25,000) square feet. (Prior code § 7-4.58)

**Chapter 16.32****PRIVATE ACCESS EASEMENTS****Sections:**

- 16.32.010 Private access easement defined.**
- 16.32.020 Creation of lots on private access easement—Generally.**
- 16.32.030 Creation of lots on private access easement—Where permitted.**
- 16.32.040 Creation of lots on private access easement—Where not permitted.**
- 16.32.050 Application procedure.**
- 16.32.060 Design principles.**
- 16.32.070 Referral to City Engineer.**
- 16.32.080 Improvements.**
- 16.32.090 Appeal to Council.**
- 16.32.100 Exception to requirements.**

**16.32.010 Private access easement defined.**

For the purposes of this title the words “private access easement” shall mean a privately owned and maintained right-of-way which provides vehicular access to each of not more than four lots. A private access easement allows the creation of no more than four lots without street frontage, each with vehicular access on the easement. The area designated for the private access easement shall be excluded in computing minimum lot areas. A private access easement shall be a part of one or more lots. At the discretion of the Director of Public Works, based on considerations described in the City Planning Commission guidelines, the street entrance portion of the private access easement may be located within the public right-of-way. Private access easement shall not be named. Addresses for the dwelling units served by the easement shall conform to the address range of the street upon which the easement abuts. (Prior code § 7-4.61)

**16.32.020 Creation of lots on private access easement—Generally.**

Notwithstanding any provisions of this title to the contrary, the Advisory Agency may approve maps of division of real property into no more than four parcels, all of which have vehicular access on a private access easement, in the manner set forth in this chapter; provided, however, this approval shall not be required for lots having frontage on a street. (Prior code § 7-4.60)

**16.32.030 Creation of lots on private access easement—Where permitted.**

An application may be filed for a division of real property into four or less parcels, of which all have vehicular access on a private access easement, in situations:

- A. Where existing frontage or the width of the parcel does not permit a street opening with the minimum accepted right-of-way;
- B. Where existing frontage is sufficient for the provision of a street but where a street opening would result in the creation of fewer lots;
- C. Where a street opening would result in the creation of lots meeting minimum area requirements of the zoning ordinance but of inadequate design due to their being too long in relation to their width, too narrow, panhandled, or shaped in any other way that is undesirable;
- D. Where the legal alternative to a street opening is the creation of more than one panhandled lot;
- E. Where topographic conditions preclude the installation of a street meeting acceptable grades and other standards. (Prior code § 7-4.62)

**16.32.040 Creation of lots on private access easement—Where not permitted.**

The Advisory Agency shall not approve a division of real property into four or less parcels, all of which have vehicular access on a private access easement, in situations:

- A. Where a street opening would be necessary to provide for future access to and not impose undue hardship upon adjoining unsubdivided property;

B. Where the Zoning Regulations permit more than one dwelling unit per lot. (Prior code § 7-4.63)

#### **16.32.050 Application procedure.**

The applicant shall file with the Advisory Agency five copies of a map containing the following information:

- A. The names and addresses of the applicant, the record owners, and the person or firm preparing the map;
- B. The boundary line, accurate in scale, of the parcel to be divided;
- C. The location and names of all existing or platted streets or other public ways adjacent to the parcel;
- D. True north point, scale, and date;
- E. The layout and dimensions of the proposed lots;
- F. The location and dimensions of the proposed private access easement;
- G. The location of existing permanent buildings or structures;
- H. Existing and proposed contours with intervals of five feet or less, referred to city datum;
- I. The profile of the easement with tentative grades;
- J. Any additional information which may be necessary. (Prior code § 7-4.64)

#### **16.32.060 Design principles.**

- A. The private access easement shall abut on a street.
- B. The private access easement shall be subject to the provisions of Section 17.102.090 of the Oakland Planning Code.
- C. The length of the private access easement shall not exceed three hundred (300) feet.
- D. Lots shall meet the minimum area and width requirements of the zoning district in which they lie. The area designated for the private access easement shall be excluded in computing minimum areas. (Prior code § 7-4.65)

#### **16.32.070 Referral to City Engineer.**

The Advisory Agency shall forward two copies of the applicant's map to the City Engineer. The Advisory Agency shall not act upon the application until the City Engineer has submitted a report to it; unless more than twenty-three (23) days shall have elapsed since the map was forwarded to him or her. (Prior code § 7-4.66)

#### **16.32.080 Improvements.**

The City Engineer shall develop standards and specifications for grading, surfacing, drainage, and curb-cuts at entrance ways, applicable to all private access easements, which shall be adopted by resolution of the City Council. No building permit shall be issued for a lot with frontage on a private access easement until a registered Civil Engineer shall certify to the Building Inspector that the required improvements have been completed according to said standards and specifications, or enters into a contract with the city agreeing to do such work, and files with the City Clerk of the city a surety bond (or provides other satisfactory security as hereinafter set forth) approved by the City Attorney in such an amount as the City Engineer shall estimate and determine to be necessary to complete all the improvements required to be done by the applicant, which surety bond shall be executed by the applicant as principal, and a corporation authorized to so act under the laws of the state of California, as surety, the same to be payable to the city and to be conditioned upon the faithful performance of any and all work required to be done by the applicant, and said bond shall be further conditioned to the effect that should the applicant fail to complete all work required to be done by him or her within a specified reasonable time the city may, at its option, cause all uncompleted required work to be done and the parties executing the bond shall be firmly bound for the payment of all necessary costs therefor; or in lieu of a surety bond the applicant may post security as provided in Title 7, Division 2, Chapter 5, of the Government Code of the state of California. (Prior code § 7-4.67)

**16.32.090      Appeal to Council.**

The applicant or any other interested person adversely affected by a decision of the Advisory Agency may appeal the decision with respect to the application to the City Council within ten days after such action. The appeal shall state specifically wherein it is claimed there was an error or abuse of discretion by the Advisory Agency or wherein its decision is not supported by evidence in the record. The appeal shall be filed with the City Clerk. The City Council shall set the matter for hearing and shall cause written notice thereof to be given by the City Clerk, to the applicant and to other parties known to be interested in the matter. At the time fixed for the hearing the City Council shall proceed to hear the testimony of the applicant, any interested parties, and any witnesses in their behalf. Such hearing may be continued by the City Council. The City Council may sustain, modify, reject or overrule the recommendations, rulings, or decisions of the Advisory Agency and make such findings as are not inconsistent with this title. The Council's action shall be final. (Prior code § 7-4.68)

**16.32.100      Exception to requirements.**

The Advisory Agency may, in the exercise of reasonable judgment, grant such variances as it determines warranted where the size of the subdivision or topographic or other natural conditions make it impractical to conform to all the provisions prescribed by Section 16.32.060. (Prior code § 7-4.69)

## Chapter 16.36

### CONDOMINIUM CONVERSIONS

**Sections:**

- 16.36.010 Conversion defined.**
- 16.36.020 Notice of intention to convert.**
- 16.36.030 Notice to prospective tenants.**
- 16.36.040 Tenant notifications.**
- 16.36.050 Tenant rights and the preliminary tenant assistance program.**
- 16.36.060 Tentative map and tentative parcel map requirements for conversions.**
- 16.36.070 Action on the tentative map or tentative parcel map.**
- 16.36.080 Final tenant assistance program.**
- 16.36.090 Information to be filed with final and parcel maps.**
- 16.36.100 Information on final and parcel maps.**
- 16.36.110 Notice of subdivision public report or notice of start of sales program.**
- 16.36.120 Information to be given to prospective buyers.**
- 16.36.130 Noise insulation standards.**
- 16.36.140 Submission of informational reports.**

**16.36.010 Conversion defined.**

“Conversion” means a proposed change in the type of ownership of a parcel or parcels of land, together with the existing attached structures, from residential rental realty to a stock cooperative project containing five or more dwelling units, a condominium project, or a Community Apartment project, regardless of whether substantial improvements have been made to such structures. Whenever an occupancy permit has been issued by the city for a multifamily building, any attempt thereafter to make the project a condominium, community apartment, or stock cooperative shall constitute a conversion.

Those multifamily residential buildings having building permits but for which no initial certificate of occupancy has ever been issued and which have never been occupied shall be deemed excluded from the definition of “conversion.” This Section shall not apply to a “limited - equity housing cooperative” as defined in Section 11003.4 of the Business and Professions Code. (Prior code § 7-7.01)

**16.36.020 Notice of intention to convert.**

At least sixty (60) days prior to filing a tentative map or tentative parcel map for a conversion, the subdivider shall provide all tenants of the building to be converted, individually and in writing, with the following notice:

To the occupant(s) of \_\_\_\_\_:

(Address)

The owner(s) of this building, at (address), plan(s) to file an application for a (tentative map or tentative parcel map) with the city to convert this building to a (condominium, community apartment or stock cooperative project). You shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

\_\_\_\_\_  
(signature of owner or owner's agent)

\_\_\_\_\_  
(date)

Accompanying this notice will be written information describing, in general, what steps and actions the subdivider and others, including governmental agencies, will or must take in order for the building to be converted. It will include information on how the tenant will be involved, informed, and assessed at each step in the process and on what rights the tenant has, whether mandated by state or local government or whether provided voluntarily by the

subdivider. It will also include the date on which the subdivider will most likely file the tentative map or tentative parcel map as well as the approximate date on which the subdivider expects the final subdivision public report, if any, to be issued.

Also accompanying this notice will be the notice of tenant rights and the subdivider's preliminary tenant assistance program, both as set forth in Section 16.36.050, and the information concerning tenant notifications as set forth in Section 16.36.040.

All persons who subsequently become tenants shall also be provided with the above notices.

For each application, all documents referred to in this section shall be approved by the Director of City Planning as to form, correctness, and completeness.

The written notice to tenants required by this section shall be deemed satisfied if it complies with the legal requirements for service by mail. (Prior code § 7-7.02)

#### **16.36.030 Notice to prospective tenants.**

Commencing at a date not less than sixty (60) days prior to the filing of a tentative map or tentative parcel map, the subdivider shall give notice of such filing, in the form shown below, to each person applying after such date for rental of a unit in the building to be converted. This notice must be given to the prospective tenant prior to the acceptance of any rent or deposit from said prospective tenant.

The notice shall read as follows:

To the prospective occupant(s) of

(Address)

The owner(s) of this building, at (address), has filed or plans to file an application for a (tentative map or tentative parcel map) with the city to convert this building to a (condominium, community apartment, or stock cooperative project). No units may be sold in this building unless the conversion is approved by the City or Oakland

and, if five or more units are involved, until after a public report is issued by the Department of Real Estate. If you become a tenant of this building, you shall be given notice of each hearing for which notice is required pursuant to Sections 66451.3 and 66452.5 of the Government Code, and you have the right to appear and the right to be heard at any such hearing.

---

(signature of owner or owner's agent)

---

(date)

I have received this notice on

---

(date)

---

(prospective tenant's signature)

Prospective tenants shall also receive all accompanying documents described in Section 16.36.020 and all documents set forth in Sections 16.36.040 and 16.36.050.

If the subdivider fails to give notice pursuant to this section, he or she shall pay to each prospective tenant who becomes a tenant and who was entitled to such notice, an amount equal to the sum of the following:

A. Actual moving expenses incurred when moving from the subject property, but not to exceed a maximum amount, if any, that is specified in the final tenant assistance program, as set forth in Section 16.36.080, or five hundred dollars (\$500.00), whichever is greater; and

B. The first month's rent on the tenant's new rental unit, if any, immediately after moving from the subject property, but not to exceed five hundred dollars (\$500.00). (Prior code § 7-7.03)

#### **16.36.040 Tenant notifications.**

Each tenant shall be given a notice containing the information as set forth below:

A. The city shall provide tenants with the following notices:

1. Each tenant will be given at least ten days' prior written notice of the date, time and place of any public hearing held by the Advisory Agency on the tentative map or tentative parcel map. Such notice shall also advise tenants of their right to appear and be heard.

2. Each tenant will receive a copy of any city report or recommendation concerning tentative map or tentative parcel map at least three days prior to any meeting for which the map appears on the agenda.

3. Each tenant will be given at least three days' prior written notice of the date, time and place of a hearing held to consider an appeal from an action of the Advisory Agency. Such notice shall also advise tenants of their right to appear and be heard.

Subdivider shall provide the city with a sufficient number of stamped envelopes addressed to tenants to allow the city to carry out the above responsibilities, such number to be determined by the Director of City Planning.

B. In addition to the notice of intention to convert as set forth in Section 16.36.020 and the notice to prospective tenants as set forth in Section 16.36.030, the subdivider shall also be responsible for the following:

1. Each tenant will be given at least five days' prior written notice of the date, time and place of any meeting held on the tentative map or tentative parcel map other than those set forth in subsections (A)(1) and (A)(3) of this section.

2. Each tenant will be notified individually and in writing of any action taken on the tentative map or tentative parcel map by the Advisory Agency, City Planning Commission, or City Council within two days of such action being taken.

3. Each tenant will be given written notification within ten days of approval of a final map or a parcel map.

4. Each tenant in buildings with five or more units will be given at least ten days' prior written notice that an application for a subdivision public report will be submitted to the California Depart-

ment of Real Estate. Such notice shall also state that tenants will be notified within five days of subdivider's receipt of the final subdivision public report and that copies will be available upon request; it will also state subdivider's estimate of when the report will be issued.

5. Each tenant in buildings with five or more units will be given written notification within five days of subdivider's receipt of the final subdivision public report. If the conversion involves four or less units, in which case no public report is issued, each tenant will be given ten days' prior written notice of the start of subdivider's sales program.

The Director of City Planning shall be given a copy of all of the above notices at the same time as the tenants receive them. The written notices required by this section shall be deemed satisfied if they comply with the legal requirements for service by mail. (Prior code § 7-7.04)

#### **16.36.050 Tenant rights and the preliminary tenant assistance program.**

A. With regard to any conversion as defined in Section 16.36.010, each tenant shall have the following minimum rights which shall be set forth in a notice of tenant rights.

1. After receipt of this notice, each tenant will be entitled to terminate his or her lease or rental agreement without any penalty upon notifying the subdivider in writing thirty (30) days in advance of such termination; provided, however, that this requirement shall cease upon notice to the tenant of the abandonment of subdivider's efforts to convert the building.

2. No tenant's rent will be increased from the date of issuance of this notice until at least twelve (12) months after the date subdivider files the tentative map or tentative parcel map with the city; provided, however, that this requirement shall cease upon abandonment of subdivider's efforts to convert the building.

3. No remodeling of the interior of tenant-occupied units shall begin until at least thirty (30) days after issuance of the final subdivision public report or, if one is not issued, after the start of subdivider's

sales program. (For purposes of this chapter, the start of subdivider's sales program shall be defined as the start of tenants' ninety (90) days first-right-of-refusal period set forth below.)

4. Each tenant shall have an exclusive right to contract for the purchase of his or her unit or, at the tenant's option, any other available unit in the building upon the same or more favorable terms and conditions that such units will be initially offered to the general public, such right to run for at least ninety (90) days from the issuance of the final subdivision public report or, if one is not issued, from the start of subdivider's sales program.

5. Each tenant shall have a right of occupancy of at least one hundred eighty (180) days from the issuance of the final subdivision public report or, if one is not issued, from the start of subdivider's sales program, prior to termination of tenancy due to conversion.

6. Tenants in units containing a tenant sixty-two (62) years or older shall be provided a lifetime lease on their unit or, at tenant's option, on any other available unit in the building. Such leases, to commence no later than the date of issuance of the final subdivision public report, or, if one is not issued, no later than the start of subdivider's sales program, shall be subject to the following conditions:

a. Tenants shall have the option of cancelling the lease at any time upon thirty (30) days' written notice to the owner.

b. Tenants cannot be evicted except for just cause.

c. Right of occupancy shall be nontransferable.

d. The first year's base monthly rent for the unit shall be set at no more than the rent existing on the unit one year prior to the filing of the tentative map or tentative parcel map increased by no more than seventy-five (75) percent of the percentage increase in the residential rent component of the Consumer Price Index for All Urban Consumers in the San Francisco-Oakland Metropolitan Area (Bay Area Rental CPI) from the date one year prior to the filing of the tentative map or tentative parcel map to the effective date of the lifetime lease.

e. Subsequent rent adjustments, if any, may be made no sooner than one year from the effective date of the lifetime lease, shall be limited to no more than one per year, and the percentage increase in the Bay Area Rental CPI for the most recent twelve (12) month period.

f. Notwithstanding the above, no rent increase shall exceed any rent increase guidelines adopted by the city.

g. Except as provided hereinabove, terms and conditions of the lifetime lease shall be the same as those contained in tenant's current lease or rental agreement.

The preliminary tenant assistance program, as set forth in subsection B of this section, shall make provision for the above minimum rights on the terms set forth above or on terms more favorable to the tenant.

B. The subdivider's preliminary tenant assistance Program (PTAP) shall consist of at least two parts: efforts to minimize tenant displacement, and tenant relocation assistance.

1. In the first part of the PTAP, subdivider shall describe those incentives and inducements that would increase the potential for, and ability of, tenants to become owners in the conversion. Subdivider shall also include actions and procedures to enable hard-to-relocate tenants to remain as tenants.

2. The second part of the PTAP shall include all relocation and moving assistance and information to be provided to each tenant and all steps the subdivider will take to ensure the successful relocation of each tenant in the event that conversion takes place and the tenant chooses not to purchase a unit or remain as a tenant.

In both parts of the PTAP, subdivider shall give particular attention to specific steps that will be taken to assist the elderly, disabled, and other tenants who may encounter difficulty in finding new quarters. (Prior code § 7-7.05)

**16.36.060 Tentative map and tentative parcel map requirements for conversions.**

In addition to other matters required in this title, the subdivider shall submit to the Advisory Agency, along with the tentative map or tentative parcel map of a conversion, one copy of each of the notices and other documents to be provided to all tenants and prospective tenants pursuant to Sections 16.36.020 through 16.36.050. Subdivider shall also certify on the tentative map or tentative parcel map the following:

- A. That all tenants have received all documents set forth in Sections 16.36.020, 16.36.040 and 16.36.050 of the Oakland Municipal Code; and that all prospective new tenants have received and will receive said documents, along with the notice set forth in Section 16.36.030 of the Oakland Municipal Code;
- B. That all tenants and Director of City Planning will receive all notices as set forth in subsection B of Section 16.36.040 of the Oakland Municipal Code, and that they will receive all information as required in Section 16.36.080 of the Oakland Municipal Code.

The Director of City Planning may require other information to be filed with the tentative map or tentative parcel map which, in the Director's opinion, will assist in determining whether the project is consistent with the purposes set forth in Section 16.04.010 or will assist in making any of the findings as set forth in Section 16.36.070. Any such determination by the Director of City Planning may be appealed to the City Planning Commission in the manner set forth in Section 17.132.020 of the zoning regulations of the city.

The Director of City Planning may waive the tenant notification requirements contained in Sections 16.36.020 and 16.36.040 where the building proposed for conversion is not tenant-occupied at the time of tentative map or tentative parcel map application. Where the building proposed for conversion is not tenant-occupied and the subdivider declares under penalty of perjury that no unit within the building will be rented prior to final or parcel

map approval, the Director of City Planning may waive the tenant assistance requirements set forth in Sections 16.36.050 and 16.36.080. (Prior code § 7-7.06)

**16.36.070 Action on the tentative map or tentative parcel map.**

Action by the Advisory Agency shall be governed, in addition to that set forth in Section 16.08.030, by the following:

- A. The Advisory Agency shall deny approval of a tentative map for the conversion of five or more housing units unless it finds that every converted unit will be replaced with a rental unit added to the City's housing supply. Such replacement, if made in accordance with provisions of this chapter, shall be found to avoid the negative impact the conversion would otherwise have had on the City's rental housing supply. Accordingly, a conversion of five or more housing units shall be approved, subject to meeting all other requirements prescribed by state and city, if the subdivider agrees that, prior to final map approval, subdivider will, in a manner acceptable to the Advisory Agency, demonstrate that subdivider owns "conversion rights" equal in number to the units proposed for conversion. "Conversion rights" are generated by projects which add housing units to the city's rental supply, and one conversion right is equivalent to one housing unit within such a project. Conversion rights may be generated by project(s) either undertaken by the subdivider or by others from whom subdivider has obtained or acquired such "rights" in a legally binding manner. No conversion rights shall be generated by project(s) which are intended to become the property of the Oakland Housing Authority. Subdivider shall provide the Advisory Agency with information concerning the intended location and type of rental units that will generate the conversion rights of which subdivider intends to demonstrate ownership.

- B. Project(s) generating conversion rights may involve new rental construction, increasing the number of units in an existing residential rental building, or converting a nonresidential building to residential rental units.

C. Conversion rights may also be generated by bringing back into the supply, through major rehabilitation, a residential rental building that has been vacant for at least one year prior to commencement of work on the rehabilitation project. The conversion rights so generated can be applied to the conversion of the building being rehabilitated. Anyone attempting to generate conversion rights by rehabilitating a vacant residential rental building must demonstrate to the satisfaction of the Director of City Planning that the building was indeed vacant for at least one year, that the work did indeed involve major rehabilitation, and that the building was not vacated for the purpose of generating conversion rights. For purposes of this chapter, rehabilitation shall be deemed "major" if it equals twenty (20) percent of the total value of the building after rehabilitation.

D. Conversion rights may also be generated by the construction of a condominium, community apartment, or stock cooperative project if the owner of such project, for which final map approval has been obtained, makes an agreement in writing with the city that for a period of not less than seven years, the owner will offer the units in the project to the public as conventional rental units subject to a lease that shall contain no commitment for later purchase of the unit, the form of said lease to be approved by the Director of City Planning. Subsequent sale of any unit prior to the expiration of the seven-year rental period shall be subject to the same terms and conditions stated in said written agreement.

E. Tentative map approval of the conversion must take place no later than seven years from the issuance of a certificate of occupancy on the project(s) generating the conversion rights. Project(s) for which building permits were issued prior to March 18, 1980 cannot generate conversion rights.

F. No units in the building approved for conversion shall be sold until a certificate of occupancy has been issued by the City Building Official on the project(s) generating the conversion rights. For buildings of five or more units, subdivider shall request the California Department of Real Estate in writing to not issue the final subdivision public

report until said Department has received written notification by the subdivider to issue said report. Said notification must include written approval from the Director of City Planning, which approval shall not be given until all necessary certificates of occupancy have been issued.

G. Notwithstanding the above, the Advisory Agency shall deny approval of a tentative map or tentative parcel map if it finds that the conversion is proposed to take place in the "conversion impact area," an area of the city whose rental housing supply has been negatively impacted by previous conversions. The conversion impact area shall contain two sections: the primary section consisting of Census Tracts 4034, 4035, 4036, 4037, 4039, 4040, and 4041; and the secondary section consisting of Census Tracts 4038, 4042, 4043, 4052, and 4053.

H. A conversion which would otherwise be denied due to its location within the conversion impact area shall be approved, subject to meeting all other requirements prescribed by state and city, if the subdivider agrees to replace (using the conversion rights method described above) each converted unit with a rental unit according to the following: For conversions to take place in the primary section of the conversion impact area, conversion rights must be generated within the primary section; for conversions to take place in the secondary section, conversion rights must be generated within the conversion impact area.

I. Notwithstanding other provisions of this section, the Advisory Agency shall deny approval of a tentative map or tentative parcel map if it finds that the subdivider vacated units in the building proposed for conversion in order to avoid providing payments and other benefits to tenants as described in the tenant assistance program. It shall also deny approval if it finds that the subdivider's preliminary tenant assistance program, as set forth in Section 16.36.050, or any submission required by Section 16.36.020, 16.36.040 or 16.36.060 is unacceptable or otherwise inconsistent with the purpose of this title as it concerns the city's housing goals and policies. (Prior code § 7-7.07)

**16.36.080 Final tenant assistance program.**

If the tentative map or tentative parcel map is approved, subdivider shall prepare a final tenant assistance program (FTAP) in conformity with any conditions of approval relating to the tenant assistance program. Within two days of receiving such approval, subdivider shall distribute a copy of the FTAP to each tenant and to the Director of City Planning. If the Advisory Agency approves the map, the FTAP shall be accompanied by a written notice advising tenants of the action of the Advisory Agency and informing them of their right to appeal the decision to the City Council, if a tentative map is involved, or to the City Planning Commission, if a tentative parcel map is involved, within fifteen (15) days of the date of the decision. (Prior code § 7-7.08)

**16.36.090 Information to be filed with final and parcel maps.**

In addition to other matters required in this title, the following shall be filed with the final or parcel map:

- A. A copy of the final tenant assistance program as described in Section 16.36.080;
- B. A copy of the notice of subdivision public report or notice of start of sales program as set forth in Section 16.36.110;
- C. A certificate of occupancy issued by the City Building Official subsequent to the date of filing of the tentative map or tentative parcel map;
- D. One copy each of the following documents more fully described in subsections A, B and C of Section 16.36.120: written notice to be given to prospective buyers; property report; structural pest report; and report describing the building's utilities, storage space, and laundry facilities;
- E. For tentative map or tentative parcel map approvals involving conversion rights, evidence, in the manner specified by the Advisory Agency as set forth in Section 16.36.070, that the subdivider owns conversion rights equal in number to the units to be converted.

No final or parcel map shall be approved until the above requirements have been met. (Prior code § 7-7.09)

**16.36.100 Information on final and parcel maps.**

In addition to other matters required in this title, the information on the final or parcel map shall show, under the owner's certificate, the following:

- A. For final maps only, a statement pursuant to Section 66427.1 of the State of California Subdivision Map Act;
- B. A statement certifying that copies of the property report, structural pest report, and utilities/storage space/laundry facilities report, all more fully described in Section 16.36.120, were submitted along with subdivider's request for a certificate of occupancy inspection; and, if a final map, that these documents plus a copy of the notice to be given to prospective buyers, more fully described in Section 16.36.120, have been or shall be filed with the California Department of Real Estate in the subdivider's application for public report; and, if a final map, that the subdivider has requested or shall request that the above-mentioned notice to be given to prospective buyers be included in the subdivision public report;
- C. A statement certifying that the Director of City Planning and each tenant in the building to be converted has received or will receive a notice of final or parcel map approval and, for buildings with five or more units, a notice of subdivision public report application as set forth in subsections (B)(3) and (B)(4) of Section 16.36.040;
- D. A statement certifying that the Director of City Planning and each tenant in the building to be converted will receive the notice of subdivision public report or notice of start of sales program as set forth in Section 16.36.110;
- E. For tentative map or tentative parcel map approvals involving conversion rights, a statement certifying, in conformity with Section 16.36.070, that no unit in the conversion will be offered for sale until a certificate of occupancy will have been

issued on those project(s) generating conversion rights;

F. For tentative map approvals involving conversion rights, a statement certifying, in conformity with Section 16.36.070, that the California Department of Real Estate has been or will be requested not to issue the final subdivision public report until so notified in writing by the subdivider, such request to include written approval of the Director of City Planning to the issuance of said report;

G. A statement certifying, in conformity with Section 16.36.130, that no unit in the conversion will be offered for sale until the unit conforms to the noise insulation standards promulgated in Title 25 of the California Administrative Code, Section 1092, or its successor;

H. A statement certifying that informational reports will be submitted to the City Planning Director as required by and set forth in Section 16.36.140.

No final or parcel map shall be approved until the above requirements have been met. (Prior code § 7-7.10)

**16.36.110 Notice of subdivision public report or notice of start of sales program.**

Within five days of receipt of the final subdivision public report described in Section 11018 of the California Business and Professions Code, the subdivider of a building with five or more units shall notify, in writing, the Director of City Planning and all tenants in the building to be converted of the date of issuance of said report. For buildings with four or less units, the subdivider shall give the Director of City Planning and all tenants in the building to be converted ten days' prior written notice of the start of the sales program. Said notices, to be accompanied by the subdivider's final tenant assistance program as set forth in Section 16.36.080, shall also state the following:

A. That, for buildings of five or more units, a copy of the final subdivision public report is available to each tenant upon request;

B. That no remodeling of the interior of tenant-occupied units shall begin until at least thirty (30) days after issuance of said report or start of the sales program;

C. That each tenant has an exclusive right to contract for the purchase of the tenant's respective unit, or, at the tenant's option, any other available unit in the building upon the same terms and conditions that such units will be initially offered to the general public or upon terms more favorable to the tenant as indicated in the subdivider's final tenant assistance program attached to this notice, such right to run for a period of not less than ninety (90) days from the date of issuance of said report or the start of the sales program;

D. That each tenant has a right of occupancy of at least one hundred eighty (180) days from the issuance of said report or the start of the sales program or until the expiration of tenant's lease, or as specified in the subdivider's final tenant assistance program attached to this notice, whichever is longer, prior to termination of tenancy due to conversion. This provision shall not alter or abridge the rights or obligations of the parties in performance of their covenants, including but not limited to the provision of services, payment of rent, or the obligations imposed by Sections 1941, 1941.1, and 1941.2 of the California Civil Code;

E. That the subdivider will provide each tenant not wishing to purchase a unit with up-to-date information of available apartments of comparable size, price, and location within the city and will take other steps as indicated in the subdivider's final tenant assistance program attached to this notice.

The written notices required by this section shall be deemed satisfied if they comply with the legal requirements for service by mail. (Prior code § 7-7.11)

**16.36.120 Information to be given to prospective buyers.**

All prospective buyers of converted units shall be given written notices, stating the existence of a seventy-two (72) hour period following an agreement to purchase, during which period a prospective

buyer may withdraw from the agreement to purchase without penalty or cost. The written notice shall also state the availability of the following:

A. A property report prepared and signed by an appropriately licensed contractor or engineer. Said report shall:

1. Describe the condition and useful life of the roof and foundations, and the mechanical, electrical, plumbing, and structural elements of all existing structures on the property, and

2. Estimate future property maintenance costs;

B. A structural pest report prepared and signed by a licensed pest control operator, conforming to California Business and Professions Code, Section 8516;

C. A report describing the building with regard to whether utilities are separately metered; water shutoff valves; availability of protected storage space in addition to closet space ordinarily contained within a unit; and laundry facilities, if any;

D. A statement, signed by a person experienced in the field of acoustical testing and engineering, certifying that the converted unit conforms to the noise insulation standards promulgated in Title 25 of the California Administrative Code, Section 1092, or its successor.

(Prior code § 7-7.12)

tenants of the conversion displaced since the filing of the tentative map or tentative parcel map, and to buyers of the units being converted. The information, as required, shall be submitted on forms to be provided by the City Planning Department. These informational reports shall be submitted annually, and they shall continue to be submitted until all units in the conversion have been sold.  
(Prior code § 7-7.14)

#### **16.36.130      Noise insulation standards.**

No unit in a building approved for conversion shall be offered for sale unless it conforms to the noise insulation standards promulgated in Title 25 of the California Administrative Code, Section 1092, or its successor.

(Prior code § 7-7.13)

#### **16.36.140      Submission of informational reports.**

Within thirty (30) days of the issuance of the final subdivision public report on the conversion of a building with five or more units or the start of the sales program in a building of four units or less, subdivider shall submit to the Director of City Planning informational reports pertaining to



**Title 18**

**SUSTAINABILITY**

**Chapters:**

**18.02**

**Sustainable Green Building Requirements  
for Private Development**



**Chapter 18.02****SUSTAINABLE GREEN BUILDING  
REQUIREMENTS FOR PRIVATE  
DEVELOPMENT\*****Sections:****Article I  
Intent****18.02.010 Title.****18.02.020 Purpose and intent.****Article II  
Administrative****18.02.030 Definitions.****18.02.040 Scope and applicability.****18.02.050 Authority.****18.02.060 Conflict.****18.02.070 Amendments.****18.02.080 Payments.****Article III****Green Building Compliance Standards****18.02.090 Compliance standards table  
effective until December 31,  
2010.****18.02.100 Compliance standards table  
effective January 1, 2011.****Article IV****Entitlement Phase****18.02.110 Green building documentation  
requirements.****18.02.120 Review and consideration of  
green building documentation.****18.02.130 Compliance.****18.02.0140 Appeal procedures.****Article V****Construction Phase****18.02.150 Green building documentation  
requirements.****18.02.160 Review and consideration of  
green building documentation.****18.02.170 Compliance.****18.02.180 Appeal procedures.****Article I****Intent****18.02.010 Title.**

This Chapter shall be known as the "Sustainable Green Building Requirements for Private Development" and is referred to herein as this Chapter.

(Ord. No. 13040, § 4, 10-19-2010)

**18.02.020 Purpose and intent.**

This Chapter is intended to promote economic development and enhance the health, safety, and welfare of its residents, workers, and visitors through the integration of environmentally sustainable strategies in building construction and landscapes in the City. The minimum standards, set forth herein, are intended to minimize the use of natural resources and the production of waste and maximize the healthfulness of enclosed environments.

(Ord. No. 13040, § 4, 10-19-2010)

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\***Editor's note**—Section 8 of Ord. No. 13040 states the following: "This Ordinance shall be effective on and after its adoption by sufficient affirmative votes of the Council of the City of Oakland, as provided in the Charter of the City of Oakland, Section 216. This Ordinance shall be implemented in phases. The first phase criteria applies to 30 days from the date of final passage by the City Council until December 31, 2010. The Ordinance becomes fully effective January 1, 2011 and thereafter, as amended from time to time. The Ordinance shall not apply to (a) building/construction related permits already issued and not yet expired, or (b) to zoning applications approved by the City and not yet expired, or to (c) zoning applications deemed complete by the City as of the date of final passage. However, zoning applications deemed complete by the City prior to the date of final passage of this Ordinance may be processed under provisions of these Planning Code amendments if the applicant chooses to do so."

## Article II

### Administrative

#### **18.02.030 Definitions.**

As used in this Chapter, the following terms shall have the meanings set forth hereto or as otherwise specified in the regulations referenced herein. Where terms are not defined, they shall have their ordinary accepted meanings within the context with which they are used.

"Addition/Alteration" for the purposes of this chapter only means any change, addition, or modification to an existing building or structure, including, but not limited to, remodeling, renovations, tenant improvements, and expansion in floor area.

"Addition/Alteration—Major" for the purposes of this chapter only means addition/alteration of non-residential buildings where:

- A. Interior finishes are removed;
- B. Major upgrades to mechanical, electrical and/or plumbing systems are proposed; and
- C. Where such addition/alteration is 25,000 square feet or more.

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality (other than the City), industry, public or private corporation, or any other entity that applies to the City for permits to undertake any construction within the City subject to this Chapter.

"Building" is defined under Section 15.35.030.

"Checklist" means the most recent green building methodology and rating system suitable for the type of construction proposed in evaluating the conformance with provisions of this Chapter, as determined by the City's Planning and Zoning Division.

"Checklist—Bay-Friendly Basic Landscape" means the most recent version of the checklist developed by StopWaste.Org for use in the professional design, construction and alterations of landscapes, and any subsequent checklists associated with the green building methodology.

"Checklist—GreenPoint Rated and GreenPoints (GPR)" means the most recent versions of the checklists, associated with the green building rating system and certification methodology developed by Build It Green, including but not limited to, the single-family GreenPoint rated checklist, the multifamily GreenPoint rated checklist, the GreenPoint rated checklist existing home (elements label), and any subsequent checklists.

"Checklist—LEED™" means the most recent versions of the checklists, associated with the green building rating system and certification methodology developed by the United States Green Building Council (USGBC), including but not limited to, LEED for New Construction, LEED for Existing Buildings, LEED for Commercial Interior, LEED for Homes, LEED for Schools, LEED for Retail, LEED for Neighborhood Development and any subsequent checklists.

"Checklist—Small Commercial" means the most recent version of the checklist, associated with the green building methodology developed by StopWaste.Org, for use in the professional design, construction, and additions and/or alterations of small commercial (non-residential) buildings and any subsequent checklists.

"Compliance Standards Table" means the tables located in Section 18.02.090 and Section 18.02.100 of this Chapter which outlines the applicable size thresholds, checklist(s), and minimum compliance requirements for each construction type.

"Construction" means work which is subject to the Oakland Building Construction Code.

"Construction Phase—Permitting" means the engineering approval process for a permit, including but not limited to a demolition, grading, and building permit, issued pursuant to the Oakland Building Construction Code.

"Construction Phase—Inspections" means the site inspection process for a permit including but not limited to a demolition, grading, and building permit, issued pursuant to the Oakland Building Construction Code.

"Deconstruction" for the purposes of this Chapter means the systematic dismantling of a building to preserve the useful value of its component materials.

"Demolition" for the purposes of this Chapter only means the full or partial razing, ruining, tearing down or wrecking of any building's exterior structure notwithstanding the provisions of Chapter 15.36 of the Oakland Municipal Code.

"Entitlement Phase" means the land use approval process per the Oakland Planning Code for a planning permit such as, but not limited to, a conditional use permit, design review or variance permit, and the continued compliance with the conditions of approval under which such permit was approved.

"Green Building Certification" means the certification that the construction complies with the provisions of this Chapter by:

- A. Build It Green for GreenPoint Rated projects;
- B. The Green Building Certification Institution (GBCI) or U.S. Green Building Council for LEED projects;
- C. The City's Building Services Division for the checklist—small commercial, the checklist—Bay-friendly basic landscape; or
- D. The City's Environmental Services Division for deconstruction.

"Green Building Certifier" means an individual who:

- 1. Can certify that the applicant is in compliance with this Chapter;
- 2. Does not have financial interest in the project for which green building certification is being sought; provided however, that compensation for providing such certification only shall not be deemed a financial interest; and
- 3. Is:
  - A. Currently certified by the United States Green Building Council as a LEED™ accredited professional, or
  - B. Currently certified by Build It Green as a GreenPoint Rater.

However, if the Green Building Compliance Officer is the Green Building Certifier then conditions 3.A. and 3.B. in this paragraph is not applicable. The Green Building Certifier must comply with the conflict of interest or code of conduct policies of the rating system, as may be applicable. The Green Building Compliance Officer acts as the Green Building Certifier for projects subject, but not limited to, LEED for neighborhood development, checklist—small commercial, checklist—Bay-friendly basic landscape, and deconstruction.

"Green Building Compliance Officer" means the City Administrator or designee(s) who is/are responsible for enforcement of this Chapter during the entitlement phase and all phases of construction.

"Green Building Documentation" means the information required by the Green Building Compliance Officer sufficient to confirm compliance with the provisions of this Chapter.

"Historic Preservation Planner" for the purposes of this chapter means a City Planning and Zoning Division staff person or designee assigned to review the application submitted pursuant to this chapter to ensure that the historic integrity of a historic resource is not adversely altered by implementation of this chapter.

"Historic Resource" for the purposes of this chapter only means a historic resource, including any designated historic property, any potentially designated historic property that have a rating of A or B or are located within an area of primary importance as these capitalized terms are defined in Oakland's Historic Preservation Element.

"LEED™" means Leadership in Energy and Environmental Design.

"Mixed-Use" for the purposes of this chapter means a building or group of buildings located on a single tract of land, or on two or more tracts of land which may be separated only by a street or other right-of-way, or in a single building and which contain both residential and non-residential occupancies.

"Oakland Building Construction Code" means Chapter 15.04 of the Oakland Municipal Code.

"Oakland Planning Code" means Title 17 of the Oakland Municipal Code.

"Occupancy" for the purposes of this Chapter only means the assigned use of a building or a portion a building unless otherwise indicated.

"Rating system" means the green building methodology determined by the City Planning and Zoning Division for evaluating compliance with the provisions of this Chapter for the entitlement phase and construction phases—permitting and inspections.

"Record Title Holder" means the current owner(s) of the fee simple interest of a real property.

"Removal" for the purposes of this Chapter only shall mean either demolition or deconstruction of a building, but does not include relocation of a building.

"Request for Revision Plancheck Process" for the purposes of this Chapter is the process by which a project applicant may formally request a revision to the entitlement phase and/or construction phase-permitting or construction phase-inspection permits.

"Residential" for the purposes of this Chapter only means a building or group of buildings containing a residential Group R occupancy and not do not contain a non-residential occupancy, which is used or designed or intended to be used for human habitation including living, sleeping, cooking or eating or any combination thereof, including residentially oriented live/work units and HBX live/work units as such classifications are defined under Section 17.09.040 of the Oakland Planning Code.

"Shall/Will" means a determinative directive which includes the common meaning of the word must.

"Unreasonable Hardship" for the purposes of this Chapter shall mean practical infeasibilities, difficulties, or results inconsistent with the general purposes of this Chapter that are only applicable during the entitlement phase.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.040 Scope and applicability.**

This Chapter establishes the scope and applicability of construction, related to siting, designing, constructing, remodeling, demolishing, and landscaping that reduces the environmental and economic impacts of conventional construction practices.

A. Inclusions. This Chapter shall apply to the following:

1. Residential new construction.
2. One- and two-family additions/alterations of more than 1,000 square feet of contiguous or non-contiguous gross floor area.
3. Multi-family (3+ units) additions/alterations.
4. Non-residential new construction of more than 5,000 square feet of contiguous or non-contiguous gross floor area.
5. Non-residential additions/alterations of more than 5,000 square feet of contiguous or non-contiguous gross floor area.
6. Removal of a historic resource and construction of a new building.
7. Historic residential additions/alterations.
  - a. One- and two-family additions/alterations of more than 1,000 square feet of contiguous or non-contiguous gross floor area.
  - b. Multi-family (3+ units) additions/alterations.
8. Historic non-residential additions/alterations of more than 5,000 square feet of contiguous or non-contiguous gross floor area.
9. Affordable housing new construction and rehabilitation which receives City/Redevelopment Agency funding and has restrictions on income and rent/sales price.
10. Mixed-use construction.
11. Construction of more than 500 square feet of contiguous or non-contiguous gross floor area requiring a design review permit and a landscape plan subject to the Bay-friendly landscape basic landscape guidelines.

B. Exclusions. This Chapter shall not apply to the following:

1. Fences, decks, arbors, pergolas, retaining walls, and signs.

2. Secondary dwelling units, as defined in the Oakland Planning Code Section 17.102.360.
3. Repair or replacement of roof covering, fenestration, and facade materials.
4. Group U detached accessory buildings which do not exceed 1,000 square feet of floor area.
5. Construction, additions, and alterations which are exempted from the permitting requirements both of the Oakland Building Construction Code and the Oakland Planning Code.
6. Factory-built buildings approved by the State of California and manufactured housing approved by the United States Department of Housing and Urban Development.
7. City and Redevelopment Agency capital improvement construction, alterations, and additions which are subject to Chapter 15.68 of the Oakland Municipal Code or the Bay-Friendly Landscaping Guidelines.
8. Seismic retrofits only.
9. Fire repairs to buildings that are damaged less than 75 percent of the current replacement cost per Section 17.114.120 of the Oakland Planning Code.

C. 2008 Building Energy Efficiency Standards. Notwithstanding any additional requirements contained in this Chapter, all buildings submitted for permit by the City shall meet all applicable portions of the 2008 Building Energy Efficiency Standards contained in the California Code of Regulations, Title 24, Part 6.

D. Ongoing Review.

1. The Community and Economic Development Agency shall review this Chapter biannually and provide a report to the Planning Commission to determine whether it needs to be updated because of, but not limited to, new legislation enacted by the State or new standards developed by applicable organizations, such as StopWaste.Org, Build It Green, and LEED or the development of another effective rating system.

2. The Community and Economic Development Agency shall review this Chapter with the adoption of each future Title 24 standards.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.050 Authority.**

A. General. The Green Building Compliance Officer is hereby authorized to enforce the provisions of this Chapter. The Green Building Compliance Officer may also adopt rules and regulations to implement this Chapter.

B. Abatement of Violations. It shall be unlawful for any person, firm, or corporation to maintain any building or portion thereof or real property or cause or allow the same to be done in violation of this Chapter. In addition to the civil penalties provided by pursuant to Oakland Municipal Code Chapter 1.08, a violator shall be liable for such costs, expenses, accruing interest, and disbursements paid or incurred by the City or any of its contractors in correcting, abating, and/or prosecuting such violation pursuant to Oakland Municipal Code Section 15.08.110.

C. Notification of Violations. A notice of violation under this Chapter shall be served in accordance with Oakland Municipal Code Section 15.08.110 B.

D. Fees, Costs, Penalties and Interest. The fees and costs incurred and the civil penalties assessed and the interest accrued in ascertaining violations or affecting abatement thereof and in collecting such fees, costs, penalties, accruing interest, and attorneys' fees shall be a charge against the real property and record title holder. Such fees, costs, penalties, and accruing interest shall be as established in the Master Fee Schedule and may be recovered by all appropriate legal means, including nuisance abatement liens, prospective and priority liens, special assessments of the general tax levy, and civil and small claims court action brought by the City, and combinations of such actions.

E. Service and Collection. The methods of service for collection actions and the types and contents of the instruments of collection shall be as set forth in Chapter 15.08 of the Oakland Municipal Code, as may be amended.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.060 Conflict.**

Wherever the provisions of this Chapter conflict with each other or with the provisions of

other associated codes, regulations, or ordinances, the more restrictive provision or standard shall control.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.070 Amendments.**

Where any section, subsection, sentence, clause, phrase, or other part of this Chapter and the referenced law recited herein are amended subsequently, all provisions of the original recitation not so specifically amended shall remain in full force and effect and all amended provisions shall be considered as added thereto.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.080 Payments.**

The record title holder shall pay all fees as established in the Master Fee Schedule associated with this Chapter, including but not limited to, the submittal of green building documentation, requests for determinations, unreasonable hardship, alternative methods, appeals, and administrative hearings to the City.

(Ord. No. 13040, § 4, 10-19-2010)

### **Article III**

#### **Green Building Compliance Standards**

#### **18.02.090 Compliance standards table effective until December 31, 2010.**

The criteria in the compliance standards table below applies 30 days after adoption of this Chapter and ends December 31, 2010. Note that where a "completed checklist" is required in this section that there is no requirement to become certified by Build it Green, U.S. Green Building Council, StopWaste.Org or any other non-governmental agency. Furthermore, compliance with this Section in no way enables the applicant to declare compliance with the associated programs of GreenPoint Rated, LEED or small commercial building. All buildings or projects must comply with all requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

<b>1. Residential New Construction</b>	
<b>A. One- and Two-Family Dwellings (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>• LEED for Homes</li> </ul>	Completed checklist
<b>B. Multi-Family Dwellings (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <i>Alternates</i> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR, or</li> <li>• LEED New Construction</li> </ul>	Completed checklist

<b>2. Residential Additions and Alterations</b>	
<b>A. One- and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Build It Green: Existing Home GPR</li> </ul>	<i>Required</i> <ul style="list-style-type: none"> <li>Completed checklist (Elements Label)</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Completed checklist (Whole House Label)</li> </ul>
<b>3. Non-Residential New Construction</b>	
<b>A. Non-Residential projects between 5,000 to 10,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Small Commercial Checklist</li> </ul>	Completed checklist
<b>B. Non-Residential projects between 10,000 to 25,000 sq. ft. of total floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction, and</li> <li>Small Commercial Checklist</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist, and</li> <li>Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)
<b>C. Non-Residential projects over 25,000 sq. ft. of total floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist</li> </ul>	Completed checklist
<b>4. Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations between 5,000—25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>Small Commercial Checklist</li> </ul>	Completed checklist
<b>B. Non-Residential Additions and Alterations (see Major Alteration definition) over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>Required</i> <ul style="list-style-type: none"> <li>LEED New Construction</li> </ul> <i>Alternate</i> <ul style="list-style-type: none"> <li>Other appropriate LEED checklist</li> </ul>	Completed checklist

<b>C. Non-Residential Additions and Alterations not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)
<b>5. Removal of a Historic Resource and New Construction</b>	
<b>A. New Construction projects resulting in removal of a Historic Resource</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required for Residential Construction -One- and Two-Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction—Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternate for Residential Construction</i></p> <ul style="list-style-type: none"> <li>• LEED Homes</li> </ul> <p><i>Required for Non-Residential Construction (any square footage)</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <p><i>Alternate for Non-Residential Construction (any square footage)</i></p> <ul style="list-style-type: none"> <li>• Other applicable LEED checklist</li> </ul>	Completed checklist
<b>6. Historic Residential Additions and Alterations</b>	
<b>A. One- and Two-Family Additions and Alterations of Historic Resources that exceed 1,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist (Elements Label)</li> <li>• Completed checklist (Whole House Label)</li> </ul>	
<b>7. Historic Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations of Historic Resources between 5,000—25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	Completed checklist
<b>B. Non-Residential Additions and Alterations of Historic Resources over 25,000 sq. ft. of floor area (see Major Alteration definition)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	Completed checklist

**C. Alternate compliance: Non-Residential Additions and Alterations of Historic Resources not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area**

Checklists	Minimum Requirements
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	Completed checklist (LEED and Small Commercial Checklist)

**8. Affordable Housing Construction receiving City/Redevelopment Agency Funds**

**A. One-, Two-, and Multi-Family New Construction**

Checklists	Minimum Requirements
<p><i>Required for Residential Construction—One- and Two-Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction—Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• LEED Homes, or</li> <li>• LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• The minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

**B. One- and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)**

Checklists	Minimum Requirements
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed checklist (Elements Label)</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist (Whole House Label)</li> </ul>

**9. Mixed-Use Construction**

**A. Both residential and non-residential uses**

Checklists	Minimum Requirements
<i>As determined by Planning Staff based on square footage of each use and which rating system and checklist is more appropriate</i>	Completed checklist

**B. Alternate compliance path: Certify each portion of the building separately per the appropriate GreenPoint Rated, LEED or StopWaste.Org checklist)**

Checklists	Minimum Requirements
<i>As Determined by Planning Staff</i>	Completed checklist

**10. Construction Requiring a Landscape Plan**

**A. Construction projects over 500 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan**

Checklists	Minimum Requirements
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<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Bay-Friendly Basic Landscape Checklist</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• Bay-Friendly Scorecard for Home Landscapes, or</li> <li>• Bay-Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	Completed checklist
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(Ord. No. 13040, § 4, 10-19-2010)

**18.02.100 Compliance standards table effective January 1, 2011.**

The following green building requirements shall be effective January 1, 2011 and thereafter. Note that Section 18.02.100 requires certification by the non-governmental agencies Build It Green, U.S. Green Building Council and/or StopWaste.Org for full compliance (Section 18.02.130). Projects that fail to become certified by these non-governmental agencies will be deemed in violation of this Section of the Municipal Code of the City and shall be referred to the City's Code Enforcement Division for corrective action (Subsection 18.02.130 B.). All buildings or projects must comply with all requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code.

<b>1. Residential New Construction</b>	
<b>A. One- and Two-Family Dwellings (Group R Occupancy)</b>	
Checklists	Minimum Requirements
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• LEED for Homes</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>B. Multi-Family Dwellings (3+ units) (Group R Occupancy)</b>	
Checklists	Minimum Requirements
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR, or</li> <li>• LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>2. Residential Additions and Alterations</b>	
<b>A. One- and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)</b>	
Checklists	Minimum Requirements
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification (Elements Label)</li> <li>• Green Building Certification (Elements Label)</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification (Whole House Label)</li> <li>• Green Building Certification (Whole House Label)</li> </ul>

<b>B. Multi-Family Additions and Alterations (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
Not available	<p>When available:</p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>3. Non-Residential New Construction</b>	
<b>A. Non-Residential projects between 5,000 to 10,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>B. Non-Residential projects between 10,000 to 25,000 sq. ft. of total floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist (LEED and Small Commercial Checklist)</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>C. Non-Residential projects over 25,000 sq. ft. of total floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• LEED Silver point requirement</li> <li>• Green Building Certification</li> </ul>
<b>4. Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations between 5,000—25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>B. Non-Residential Additions and Alterations (see Major Alteration definition) over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• LEED Silver point requirement</li> <li>• Green Building Certification</li> </ul>
<b>C. Non-Residential Additions and Alterations not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>

<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist (LEED and Small Commercial Checklist)</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
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**5. Removal of a Historic Resource and New Construction****A. New Construction projects resulting in removal of a Historic Resource**

Checklists	Minimum Requirements
<i>Required for Residential Construction—One- and Two-Family (Group R Occupancy)</i>	
<i>Required for Residential Construction—Multi-Family (3+ units) (Group R Occupancy)</i>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• LEED Gold for non-residential construction or 75 GPR points for residential construction</li> <li>• Green Building Certification</li> <li>• Deconstruction of the Historic Resource</li> </ul>
<i>Alternate for Residential Construction</i>	
<ul style="list-style-type: none"> <li>• LEED Homes</li> </ul>	<p><i>Alternate LEED for Homes</i></p> <ul style="list-style-type: none"> <li>• Same as required above, except certification threshold is LEED Silver</li> <li>• Build It Green: Single Family GPR</li> </ul>
<i>Required for Non-Residential Construction (any square footage)</i>	
<ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul>	
<i>Alternate for Non-Residential Construction (any square footage)</i>	
<ul style="list-style-type: none"> <li>• Other applicable LEED checklist</li> </ul>	

**6. Historic Residential Additions and Alterations****A. One- and Two-Family Additions and Alterations of Historic Resources that exceed 1,000 sq. ft. of floor area**

Checklists	Minimum Requirements
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed Checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification (Elements Label)</li> <li>• Green Building Certification</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification (Whole House Label)</li> <li>• Green Building Certification (Whole House Label)</li> </ul>

**B. Multi-Family Additions and Alterations of Historic Resources**

Checklists	Minimum Requirements
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Not available	<p>When available:</p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>7. Historic Non-Residential Additions and Alterations</b>	
<b>A. Non-Residential Additions and Alterations of Historic Resources between 5,000—25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>B. Non-Residential Additions and Alterations of a Historic Resource over 25,000 sq. ft. of floor area (see Major Alteration definition)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• LEED "Certified" point requirement</li> <li>• Green Building Certification</li> </ul>
<b>C. Alternate compliance: Non-Residential Additions and Alterations not meeting the Major Alteration definition and over 25,000 sq. ft. of floor area</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• LEED New Construction, and</li> <li>• Small Commercial Checklist</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Other appropriate LEED checklist, and</li> <li>• Small Commercial Checklist</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Consultation with a Historic Preservation Planner</li> <li>• All applicable measures on the Small Commercial Checklist</li> <li>• Green Building Certification</li> </ul>
<b>8. Affordable Housing Construction receiving City/Redevelopment Agency Funds</b>	
<b>A. One-, Two-, and Multi-Family New Construction</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required for Residential Construction- One- and Two-Family (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Single Family GPR</li> </ul> <p><i>Required for Residential Construction Multi-Family (3+ units) (Group R Occupancy)</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Multi-Family GPR</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• LEED Homes, or</li> <li>• LEED New Construction</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>

<b>B. One- and Two-Family Additions and Alterations that exceed 1,000 sq. ft. of floor area (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Build It Green: Existing Home GPR</li> </ul>	<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Completed Checklist</li> <li>• Minimum point requirement for certification (Elements Label)</li> <li>• Green Building Certification</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification (Whole House Label)</li> <li>• Green Building Certification (Whole House Label)</li> </ul>
<b>C. Multi-Family Additions and Alterations (3+ units) (Group R Occupancy)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
Not available	<p>When available:</p> <ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>9. Mixed-Use Construction</b>	
<b>A. Both residential and non-residential uses</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<i>As determined by Planning Staff based on square footage of each use and which rating system and checklist is more appropriate</i>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>B. Alternate compliance path: Certify each portion of the building separately per the appropriate GreenPoint Rated, LEED or StopWaste.Org checklist)</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
As Determined by Planning Staff	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• Minimum point requirement for certification</li> <li>• Green Building Certification</li> </ul>
<b>10. Construction Requiring a Landscape Plan</b>	
<b>A. Construction projects between 500—25,000 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>
<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Bay-Friendly Basic Landscape Checklist</li> </ul> <p><i>Alternates</i></p> <ul style="list-style-type: none"> <li>• Bay-Friendly Scorecard for Home Landscapes, or</li> <li>• Bay-Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	Completed checklist
<b>B. Construction projects greater than 25,000 sq. ft. of total floor area requiring a Design Review permit and a Landscape Plan</b>	
<b>Checklists</b>	<b>Minimum Requirements</b>

<p><i>Required</i></p> <ul style="list-style-type: none"> <li>• Bay-Friendly Basic Landscape Checklist</li> </ul> <p><i>Alternate</i></p> <ul style="list-style-type: none"> <li>• Bay-Friendly Scorecard for Home Landscapes, or</li> <li>• Bay-Friendly Scorecard for Commercial and Civic Landscapes</li> </ul>	<ul style="list-style-type: none"> <li>• Completed checklist</li> <li>• All applicable measures on the Bay-Friendly Basic Landscape Checklist</li> <li>• Green Building Certification</li> </ul>
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A. National Appliance Energy Conservation Act. Nothing in this Chapter shall require the Applicant to use "covered products," as defined in the federal Energy Policy and Conservation Act (42 U.S.C. Section 6201 et seq.), that exceed any applicable Federal energy conservation standards for such products. (Ord. No. 13040, § 4, 10-19-2010)

## Article IV

### Entitlement Phase

#### **18.02.110    Green building documentation requirements.**

A. Green Building Documentation. Application submittals during the Entitlement Phase shall include:

1. A completed copy of the applicable checklist(s) as determined by Planning and Zoning Division staff.

2. Permit plans shall indicate, in general notes or individual drawings where appropriate, the green building measures used to achieve the minimum requirements. The green building documentation shall indicate how many points the project will achieve in each category pursuant to the appropriate rating system.

3. A signed statement by the Green Building Certifier that the project complies with the minimum requirements upon approval of the entitlement phase permit subject.

4. Any other green building documentation the Green Building Compliance Officer determines, in his/her discretion, to be necessary to determine compliance with this Chapter.

B. Peer Review of Green Building Documentation. The Green Building Compliance Officer reserves the right to retain an independent, green building qualified peer review of the green building documentation at the sole expense of the applicant.

C. Completion. An application shall not be deemed complete until all required green building documentation has been submitted by the applicant and reviewed and approved by the Green Building Compliance Officer.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.120    Review and consideration of green building documentation.**

The applicant is responsible for verifying with the Green Building Compliance Officer that the minimum requirements of this Chapter have been met based on the green building documentation. The Green Building Compliance Officer shall approve or disapprove the green building documentation subject to the conditions of approval based on conformance to this Chapter's minimum green building requirements, as applicable.

If during the entitlement phase, the Green Building Compliance Officer determines that the green building documentation fails to achieve the minimum requirements of this Chapter, the Green Building Compliance Officer shall reject and return the green building documentation to the applicant. The applicant may resubmit the green building documentation to the Green Building Compliance Officer with such modifications and additions, as may be required for permit applications submitted during the entitlement phase.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.130    Compliance.**

A. Green Building Certification as a Condition of Approval. Compliance with the provisions

of this Chapter shall be listed as a condition of approval on the entitlement phase permit application approvals for construction. Failure to comply with any of the terms of this Chapter shall subject the applicant to the full range of enforcement mechanisms set forth in Section 18.02.050 and the Oakland Planning Code.

**B. Noncompliance with Post Certificate of Occupancy Condition of Approval.** If the Green Building Compliance Officer determines that the project is not in compliance with the minimum requirements of this Chapter, as verified by the green building certification, the project shall be referred to the City's Code Enforcement Division for further action. The Green Building Compliance Officer shall also require green building measures to mitigate the project's noncompliance or pursue other remedies available under this Chapter.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.0140 Appeal procedures.**

##### **A. Unreasonable Hardship Exemption.**

1. If compliance with this Chapter presents an unreasonable hardship, the applicant may apply for an exemption as set forth in this section. No unreasonable hardship exemption under this section will be granted to any applicant for compliance requirements of the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code. In applying for an exemption, the burden is on the applicant to demonstrate the unreasonable hardship. The City Planning and Zoning Division shall maintain the unreasonable hardship exemption application.

2. Acceptance or denial of an unreasonable hardship exemption is at the discretion of the Director of City Planning. Unreasonable hardship exemptions will only be granted in unusual circumstances based upon a showing of good cause and a determination that the public interest is not served by compliance or other compelling circumstances.

3. Notice of application for an exemption shall be given by posting an enlarged notice on the

premises of the subject property; notice shall also be given by mail or delivery to all persons shown on the last available equalized assessment roll as owning real property in the City within 300 feet of the property involved; provided, however, that failure to send notice to any such owner where his or her address is not shown in said records shall not invalidate the affected proceedings. All such notices shall be given not less than 17 days prior to the date of the decision on the application by the Director of City Planning.

4. The determination of the Director of City Planning shall become final ten calendar days after the date of decision unless appealed to the City Planning Commission in accordance with this Chapter and Section 17.134.060 of the Oakland Planning Code. For construction involving Historic Resources, the Director of City Planning may, at his or her discretion, refer the request for an unreasonable hardship exemption to the Landmarks Preservation Advisory Board for advisory decision to the Director of City Planning.

5. The Director of City Planning or designee shall determine the maximum feasible number of credits reasonably achievable for the project and shall confirm the number of credits on the green building documentation, which shall be marked "Approved with Exemption." The construction shall be subject to the green building approval and compliance process in this Chapter, based on the confirmed number of credits.

**B. Appeal.** Any aggrieved individual may appeal the Green Building Compliance Officer's determination of the applicable rating system, checklist, or the Director of City Planning's unreasonable hardship determination under this Chapter to the City Planning Commission pursuant to Section 17.132 of the Oakland Planning Code during the Entitlement Phase only.

(Ord. No. 13040, § 4, 10-19-2010)

**Article V**  
**Construction Phase**

**18.02.150    Green building documentation requirements.**

A. Green Building Documentation. Construction phase - permitting and inspection submittals shall include:

1. Construction Phase—Permitting.

a. All required documentation for the 2008 California Building Energy Efficiency Standards (Title 24, Part 6) of the California Building Code compliance.

b. A completed copy of the applicable checklist(s) approved during the entitlement phase, unless modified under Subsection 18.02.150 C.

c. Permit plans shall indicate in general notes, detailed design drawings and construction specifications as necessary, the green building measures used to achieve the required minimum requirements. The green building documentation shall indicate how many points the project will achieve in each category pursuant to the appropriate rating system.

d. A copy of the signed statement by the Green Building Certifier submitted during the entitlement phase and a new signed statement by the Green Building Certifier that the project complies with the minimum requirements of this Chapter.

e. Any other green building documentation required by the Green Building Compliance Officer to determine compliance with this Chapter.

2. Construction Phase—Inspections.

a. A completed copy of the applicable checklist(s) submitted in subsection 1. above, unless modified under Subsection 18.02.150 C.

b. Any other green building documentation required by the Green Building Compliance Officer to determine compliance with this Chapter.

c. Signed statement or statements by the Green Building Certifier during all relevant phases of construction, as determined by the Green Building Compliance Officer, that the project complies with the minimum requirements of this Chapter.

B. Peer Review of Green Building Documentation. The Green Building Compliance Officer reserves the right during the construction phase, to retain an independent, green building qualified peer review of the green building documentation at the sole expense of the applicant.

C. Substitution of Credits. During the construction phases for permitting and/or inspections, flexibility may be exercised by the applicant to substitute or eliminate points approved during the entitlement phase as applicable. Substitution and/or omission shall occur only at the request of the applicant. The applicant shall submit, per the request for revision plancheck process, additional green building documentation indicating the points to be substituted or omitted for review and approval. Substitution and/or omission of points shall only be permitted if it does not result in lowering the required minimum point threshold or eliminate points needed in each category pursuant to the appropriate rating system and as verified by the Green Building Certifier. In the case of construction involving Historic Resources, the new substituted points will require re-review and approval by the Historic Preservation Planner.

(Ord. No. 13040, § 4, 10-19-2010)

**18.02.160    Review and consideration of green building of documentation.**

A. Approval of Documents. The Green Building Compliance Officer or designees shall be responsible for verifying compliance with the minimum requirements for this Chapter based on the green building documentation submitted during the following construction phases:

1. Construction Phase—Permitting. The green building documentation, provided under Section 18.02.150, unless modified by Subsection 18.02.150 D., shall be reviewed during the permit review process and a permit shall be issued based on conformance to the applicable minimum requirements. Wherever the LEED or GreenPoint Rated systems include a minimum energy or other performance requirement, the applicant may choose

at permit submittal to meet the minimum performance requirements by demonstrating, using the 2008 Title 24 Building Energy Efficiency Standards, that the TDV energy of the proposed design is at least 15.0 percent less than the TDV energy of the standard design. In the Percent-Better-Than-Title 24 calculation, process and receptacle energy components may be excluded in nonresidential occupancies; and in high-rise residential occupancies, process, receptacle and lighting energy components may be excluded.

2. Construction Phase—Inspections. The Green Building Compliance Officer or a designee shall verify that the green building measures and provisions indicated in the green building documentation submitted during the entitlement and construction phase - permitting are implemented through inspections during the construction of the project. In lieu of or in addition to visual inspections by the Green Building Compliance Officer, the applicant, through the Green Building Certifier, may submit green building documentation verifying that green building measures have been implemented in compliance with the minimum requirements of this Chapter.

#### B. Non-Approval of Documents.

1. Construction Phase—Permitting. If during the permitting stages, the Green Building Compliance Officer determines that the green building documentation fails to achieve the minimum requirements, the Green Building Compliance Officer shall reject and return the green building documentation to the applicant, including a detailed explanation for rejection and measures required to conform to this Chapter. The applicant may resubmit the green building documentation with such modifications and additions as may be required for permitting issuance.

2. Construction Phase—Inspections. If the Green Building Compliance Officer determines that the project under construction does not comply with any portion of the approved green building documentation showing compliance with the minimum requirements, a stop work order may be issued. At the discretion of the Green Building

Compliance Officer, the stop work order may apply to the portion of the project that is not in compliance or to the entire project. The stop work order shall remain in effect until the Green Building Compliance Officer determines that the project is in compliance with the requirements and the provisions of this Chapter as shown on the approved green building documentation.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.170      Compliance.**

A. Final Determination of Compliance and Building Occupancy. Prior to signing a building permit by the Building Official and issuing of a temporary certificate of occupancy, the applicant must also submit a signed statement by the Green Building Certifier that the project meets the minimum requirements of this Chapter. The Green Building Compliance Officer may also review the verification documentation submitted by the Green Building Certifier and determine whether the applicant has achieved the minimum requirements as set forth in this Chapter.

(Ord. No. 13040, § 4, 10-19-2010)

#### **18.02.180      Appeal procedures.**

A. General. In order to hear and decide appeals of orders, decisions or determinations made by the Green Building Compliance Officer during the construction phase permitting and inspections process, relative to the application and interpretation of the non-administrative sections of this Chapter, the record title holder may request an administrative hearing with a hearing officer. The request shall be filed in writing with the Green Building Compliance Officer within 21 calendar days following said rendering. The request for an administrative hearing shall contain a brief statement in ordinary and concise language of the relief sought and the reasons why it is claimed that the protested order, decision, or determination should be modified or reversed or otherwise set aside.

B. Hearing. After receiving a written request and the required fee for an administrative hearing,

the Green Building Compliance Officer shall fix a date, time and place for adjudication by a hearing officer during the construction phase permitting and inspections process. Only those technical matters or issues specifically raised by the appellant in the request shall be considered in the administrative hearing.

C. Hearing Officer. In cases of a construction phase permitting and inspections process appeal, the hearing officer shall not be an employee of the City and shall be qualified by experience and training to adjudicate matters pertaining to the provisions of this Chapter. The hearing officer shall have no authority relative to interpretations of the administrative (non-technical) provisions of this Chapter and shall not be empowered to waive or otherwise set aside the non-administrative (technical) provisions of this Chapter.

D. Effect of Hearing. Decisions of either the City Planning Commission or the hearing officer in all instances shall be final and conclusive. The limitation period provided pursuant to California Code of Civil Procedure Section 1094.6 shall apply to all petitions filed seeking judicial review of decisions by either the City Planning Commission or the hearing officer.

(Ord. No. 13040, § 4, 10-19-2010)



**STATUTORY REFERENCES  
FOR  
CALIFORNIA CITIES**

The statutory references listed below refer the Code user to state statutes relevant to California cities. They are up to date through June 22, 2012.

<b>General Provisions</b>	
Code adoption	Eminent domain Code of Civil Procedure § 1230.010 et seq.
Government Code § 50022.1 et seq.	
Ordinances	<b>Administration and Personnel</b>
Government Code § 36900 et seq.	City officers generally Government Code § 36501 et seq.
Penalties for ordinance violations	Legislative body Government Code § 36801 et seq.
Government Code §§ 36900 and 36901	
Imprisonment	Meetings Government Code § 54950 et seq.
Government Code §§ 36903 and 36904	
Citations for misdemeanors	Mayor Government Code § 40601 et seq.
Penal Code § 853.5 et seq.	
Administrative fines and penalties	City clerk Government Code § 40801 et seq.
Government Code § 53069.4	
Judicial review of city decisions	City treasurer Government Code § 41001 et seq.
Code of Civil Procedure § 1094.6	
Expedited judicial review of First Amendment cases	City assessor Government Code § 41201 et seq.
Code of Civil Procedure § 1094.8	
Elections	Chief of police Government Code § 41601 et seq.
Government Code §§ 34050 and 36503 and Elections Code §§ 1301, 9200 et seq. and 10100 et seq.	
Classification of cities	City attorney Government Code § 41801 et seq.
Government Code § 34100 et seq.	
General powers	Alternative forms of government—City manager form of government Government Code § 34851 et seq.
Government Code § 37100 et seq. and Cal. Const. art. XI §§ 7, 9	
Conflict of interest code	Alternative forms of government—Election of legislative body by or from districts Government Code § 34870 et seq.
Government Code § 87100 et seq.	
	Alternative forms of government—Elective mayor Government Code §§ 34900 et seq.

City records	Public works and public purchases
Government Code § 34090 et seq.	Government Code § 4000 et seq.
Removal from office	Local Agency Public Construction Act
Government Code § 3000 et seq.	Public Contract Code § 20100 et seq.
Political activities of public employees	Uniform Public Construction Cost Accounting Act
Government Code § 3201 et seq.	Public Contract Code § 22000 et seq.
Local planning agencies	Claims against public entities
Government Code § 65100 et seq.	Government Code § 900 et seq.
Emergency services	Development project fees
Government Code § 8550 et seq.	Government Code § 66000 et seq.
Fire department	<b>Business Licenses, Taxes and Regulations</b>
Government Code § 38611	
Peace officer standards and training	Authority to license businesses
Penal Code § 13500 et seq. Personnel system, merit system or civil service system Government Code § 45000 et seq.	Government Code § 37101, Business and Professions Code § 16000 et seq.
Retirement systems	Bingo
Government Code § 45300 et seq.	Penal Code § 326.3 et seq.

### **Revenue and Finance**

Financial powers	Community antenna TV systems
Government Code § 37200 et seq.	Government Code § 53066 et seq.
Transfer of tax function to county	Charitable solicitations
Government Code § 51500 et seq.	Business and Professions Code § 17510 et seq.
Property tax assessment, levy and collection	Commercial filming
Government Code § 43000 et seq.	Government Code § 65850.1
Local sales and use tax	Private investigators
Revenue and Taxation Code § 7200 et seq.	Business and Professions Code § 7512 et seq.
Transient occupancy tax	Taxicabs
Revenue and Taxation Code § 7280 et seq.	Vehicle Code §§ 16500 et seq., 21100, 21112 and Government Code § 53075.5 et seq.
Real property transfer tax	Gambling Control Act
Revenue and Taxation Code § 11901 et seq.	Business and Professions Code § 19800 et seq.
Unclaimed property	Massage parlors
Civil Code § 2080 et seq.	Government Code § 51030 et seq.
Unclaimed money	Automatic checkout systems
Government Code § 50050 et seq.	Civil Code § 7100 et seq.
Planning and zoning fees for specific purposes	Telecommunications facilities
Government Code § 66012 et seq.	Government Code § 50030

<b>Animals</b>	<b>Public Peace, Morals and Welfare</b>
Animals generally Food and Agriculture Code § 16301 et seq.	Crimes against religion and conscience, and other offenses against good morals Penal Code § 302 et seq.
Dogs Government Code § 38792 and Food and Agriculture Code § 30501 et seq.	Obscenity Penal Code § 311 et seq.
Potentially dangerous and vicious dogs Food and Agriculture Code § 31601 et seq.	Material harmful to minors Penal Code § 313 et seq.
Rabies control Health and Safety Code § 121575 et seq.	Indecent exposure, obscene exhibitions, and bawdy and other disorderly houses Penal Code § 314 et seq.
Cruelty to animals and related offenses Penal Code § 596 et seq.	Crimes against the public peace Penal Code § 403 et seq.
<b>Health and Safety</b>	<b>Vehicles and Traffic</b>
Garbage and refuse collection and disposal Public Resources Code § 49300 et seq.	Rules of the road Vehicle Code § 21000 et seq.
Nuisances and nuisance abatement Government Code § 38771 et seq. and Penal Code § 370 et seq.	Local traffic rules and regulations Vehicle Code § 21100 et seq.
Weed and rubbish abatement Government Code § 39501 et seq.	Traffic signs, signals and markings Vehicle Code § 21350 et seq.
Littering Penal Code § 374 et seq.	Driving on right side of road, overtaking and passing Vehicle Code § 21650 et seq.
Smoking—Places of employment Labor Code § 6404.5	Right-of-way Vehicle Code § 21800 et seq.
California Indoor Clean Air Act of 1976 Health and Safety Code § 118875 et seq.	Pedestrians' rights and duties Vehicle Code § 21949 et seq.
Graffiti abatement Government Code § 38772	Turning, stopping and turning signals Vehicle Code § 22100 et seq.
Fire prevention Health and Safety Code § 13000 et seq.	Vehicle speed Vehicle Code § 22348 et seq.
Fireworks Health and Safety Code § 12500 et seq.	Special stops required Vehicle Code § 22450 et seq.
Noise control Health and Safety Code § 46000 et seq. and Government Code § 65302(f)	Stopping, standing and parking Vehicle Code § 22500 et seq.
Hospitals Government Code § 37600 et seq.	Bicycles Vehicle Code §§ 21200 et seq. and 39000 et seq.

Vehicle size, weight and load	Adoption of construction codes
Vehicle Code § 35000 et seq.	Health and Safety Code §§ 17922 and 17958
Penalties	State building code
Vehicle Code § 42000 et seq.	Health and Safety Code § 18901 et seq.
<b>Streets, Sidewalks and Public Places</b>	
Improvement Act of 1911	Mobile home parks
Streets and Highways Code § 5000 et seq.	Health and Safety Code § 18200 et seq.
Construction of sidewalks and curbs	Signs
Streets and Highways Code § 5870 et seq.	Government Code §§ 38774 and 65850; Business and Professions Code § 5200 et seq.
Underground utility districts	Inspection warrants
Streets and Highways Code § 5896.1 et seq.	Code of Civil Procedure § 1822.50 et seq.
Obstructions and encroachments on public ways	Development fees
Government Code § 38775	Government Code § 66000 et seq.
Municipal parks	<b>Subdivisions</b>
Public Resources Code § 5181 et seq.	Subdivision Map Act
Tree Planting Act of 1931.	Government Code § 66410 et seq.
Streets and Highways Code § 22000 et seq.	<b>Zoning</b>
Landscaping and Lighting Act of 1972	Planning and Zoning Law
Streets and Highways Code § 22500 et seq.	Government Code § 65000 et seq.
Charitable solicitations	Local authority to regulate land use
Business and Professions Code § 17510 et seq.	Government Code § 65850
Advertising displays	Local zoning administration
Business and Professions Code § 5229 et seq.	Government Code § 65900 et seq.
<b>Public Services</b>	
Municipal water systems	Open-space zoning
Government Code § 38730 et seq.	Government Code § 65910 et seq.
Municipal sewers	Family day care homes
Government Code § 38900 et seq. and Health and Safety Code § 5470 et seq.	Health and Safety Code § 1597.30 et seq.
Water wells	<b>Environmental Protection</b>
Water Code § 13700 et seq.	California Environmental Quality Act
<b>Buildings and Construction</b>	
Authority to regulate buildings and construction	Public Resources Code § 21000 et seq.
Government Code §§ 38601 and 38660	California Noise Control Act of 1973
State Housing Law	Health and Safety Code § 46000 et seq.
Health and Safety Code § 17910 et seq.	

**PRIOR CODE TABLE  
FOR  
OAKLAND, CALIFORNIA**

This table provides users with the legislative history and the current disposition of the sections in the Oakland Municipal Code. The prior municipal code was adopted by Ordinance 278 on December 22, 1932.

Thus, prior code Section 1-3.01 was amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84, and appears in this code as Section 1.28.010.

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
1-1.01		Not codified
1-1.02	As amended by Ord. 9544 C.M.S., 11-22-77	Not codified
1-1.03	As amended by Ord. 11023 C.M.S., 7-26-88	Not codified
1-1.04		Not codified
1-1.05		Not codified
1-1.06		Not codified
1-1.07		Not codified
1-1.08		Not codified
1-1.09		Not codified
1-1.10		Repealer
1-2.01		Not codified
1-2.02		Not codified
1-2.03		Not codified
1-2.04		Not codified
1-2.05		Not codified
1-2.06		Not codified
1-2.07		Not codified
1-2.08		Not codified
1-2.09		Not codified
1-2.10		Not codified
1-2.11		Not codified
1-3.01	As amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	1.28.010
1-3.02		Repealed by 9544
1-3.03	As added by Ord. 10165 C.M.S., 12-8-81	9.04.010
1-3.04	As amended by Ord. 11023 C.M.S., 7-26-88	1.28.020
1-4.01	As added by Ord. 9347 C.M.S., 7-20-76; as added by Ord. 10965 C.M.S., 4-5-88	1.24.010
1-4.02	As amended by Ord. 11398 C.M.S., 12-17-91	1.24.020
1-4.03—1-4.08		Repealed by 9347
1-5.01	As added by Ord. 10449 C.M.S., 3-20-84	1.20.010
1-6.01		1.08.010

TABLES

Prior Code §	Ordinance History	Herein
1-6.02		1.08.020
1-6.03		1.08.030
1-6.04		1.08.040
1-6.05		1.08.050
1-6.06		1.08.060
1-6.07		1.08.070
1-6.08		1.08.080
1-6.09		Not codified
1-7.01		1.12.010
1-7.02		1.12.020
1-7.03		1.12.030
1-7.04		1.12.040
1-7.05		1.12.050
1-7.06		1.12.060
1-7.07		1.12.070
1-7.08		1.12.080
1-7.09		Not codified
1-8.01		1.16.010
1-8.02		1.16.020
1-8.03		1.16.030
1-8.04		1.16.040
1-8.05		1.16.050
1-8.06		1.16.060
1-8.07		1.16.070
1-8.08		1.16.080
1-8.09		Not codified
2-1.01		Repealed by 8213
2-1.02—2-1.82	As amended by Ord. 6169 C.M.S., 8-25-60	Repealed by 7941
2-1.821		5.70.010
2-1.83—2-2.13	As amended by Ord. 11435 C.M.S., 4-7-92	Repealed by 7941
2-2.14		8.06.010
2-2.141		Repealed by 11435
2-2.15		Repealed by 11435
2-2.16		Repealed by 8213
2-2.161		Repealed by 11435
2-2.17—2-2.23		Repealed by 7941
2-2.24		Repealed by 5698
2-2.25		Repealed by 5698
2-2.26		Repealed by 5698
2-2.27		Repealed by 5698
2-2.28		Repealed by 5698

Prior Code §	Ordinance History	Herein
2-2.29		Repealed by 11435
2-2.30		Repealed by 11435
2-2.31		Repealed by 11435
2-3.01—2-3.29		Repealed by 3083
2-3.290		Repealed by 653
2-3.291—2-3.293		Repealed by 1042
2-3.294—2-3.78		Repealed by 3083
2-4.01		Repealed by 12088
2-4.02		Repealed by 12088
2-4.03		Repealed by 12088
2-4.04		Repealed by 12088
2-4.05		Repealed by 12088
2-4.06		Repealed by 12088
2-4.07		Repealed by 9337
2-4.08	As amended by Ord. 4476 C.M.S., 8-19-54	Repealed by 12088
2-4.09	As amended by Ord. 9347 C.M.S., 7-20-76; as amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	Repealed by 12088
2-4.10		15.32.090
2-5.01		5.62.010
2-5.02		5.62.020
2-5.03		5.62.030
2-5.04	As amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	5.62.040
2-5.05		5.62.050
2-5.06	As amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	5.62.060
2-5.07		5.62.070
2-5.08		5.62.080
2-5.081		5.62.090
2-5.09		5.62.100
2-5.10		12.64.190
2-5.11		Repealed by 8372
2-5.12		8.40.120
2-5.13		8.40.130
2-5.14		8.40.140
2-5.15		8.40.150
2-5.16		8.40.160
2-5.17	As added by Ord. 580 C.M.S., 1-30-36	8.40.170
2-5.18		Repealed by 9714
2-5.19	As added by Ord. 3084 C.M.S., 5-31-49	5.62.110

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
2-5.20	As added by Ord. 3084 C.M.S., 5-31-49	5.62.120
2-5.21	As added by Ord. 3084 C.M.S., 5-31-49	5.62.130
2-5.22	Repealed by 6760 C.M.S., 5-7-63; and readded by Ord. 6760 C.M.S., 5-7-63	8.06.020
2-5.23		Repealed by 6760
2-5.24	As amended by Ord. 9337 C.M.S., 6-29-76	8.36.010
2-5.25	As added by Ord. 6937 C.M.S., 2-11-64	8.36.020
Ch. 2, Art. 6		Renumbered to 9-7.59 by 11845
2-7.01	As added by Ord. 2109 C.M.S., 2-5-46	9.36.010
2-7.02	As added by Ord. 2109 C.M.S., 2-5-46	9.36.020
2-7.03	As added by Ord. 2109 C.M.S., 2-5-46	9.36.030
2-7.04	As added by Ord. 5067 C.M.S., 11-1-56	9.36.040
2-8.01	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.010
2-8.02	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.020
2-8.03	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.030
2-8.04	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.040
2-8.05	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.050
2-8.06	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.060
2-8.07	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.070
2-8.08	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.080
2-8.09	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.090
2-8.10	As amended by Ord. 11291 C.M.S., 1-22-91	15.20.100
2-8.11	Repealed by 9337 C.M.S., 6-29-76; renumbered and amended by Ord. 11291 C.M.S., 1-22-91	Repealed by 9337
2-8.12	Renumbered and amended by Ord. 11291 C.M.S., 1-22-91	15.20.110
2-9.01		Repealed by 11934
2-9.02		Repealed by 11934
2-9.03		Repealed by 11934
2-9.04		Repealed by 11934
2-9.05		Repealed by 11934
2-9.06		Repealed by 11934
2-10.01	As added by Ord. 11424 C.M.S., 3-24-92	5.26.010
2-10.02	As added by Ord. 11424 C.M.S., 3-24-92	5.26.020
2-10.03	As added by Ord. 11424 C.M.S., 3-24-92	5.26.030
2-10.04	As added by Ord. 11424 C.M.S., 3-24-92	5.26.040
2-10.05	As added by Ord. 11424 C.M.S., 3-24-92	5.26.050
2-10.06	As added by Ord. 11424 C.M.S., 3-24-92	5.26.060
2-10.07	As added by Ord. 11424 C.M.S., 3-24-92	5.26.070
2-10.08	As added by Ord. 11424 C.M.S., 3-24-92	5.26.080
2-10.09	As added by Ord. 11424 C.M.S., 3-24-92	5.26.090

Prior Code §	Ordinance History	Herein
2-10.10	As added by Ord. 11424 C.M.S., 3-24-92	5.26.100
2-10.11	As added by Ord. 11424 C.M.S., 3-24-92	5.26.110
2-10.12	As added by Ord. 11424 C.M.S., 3-24-92	5.26.120
2-10.13	As added by Ord. 11424 C.M.S., 3-24-92	5.26.130
2-10.14	As added by Ord. 11424 C.M.S., 3-24-92	5.26.140
2-10.15	As added by Ord. 11424 C.M.S., 3-24-92	5.26.150
2-10.16	As added by Ord. 11424 C.M.S., 3-24-92	5.26.160
2-10.17	As added by Ord. 11424 C.M.S., 3-24-92	5.26.170
2-10.18	As added by Ord. 11424 C.M.S., 3-24-92	5.26.180
2-10.19	As added by Ord. 11424 C.M.S., 3-24-92	5.26.190
2-11.01	As added by Ord. 11435 C.M.S., 4-7-92	9.36.050
2-11.02	As added by Ord. 11435 C.M.S., 4-7-92	9.36.060
2-11.03	As added by Ord. 11435 C.M.S., 4-7-92	9.36.070
2-11.04	As added by Ord. 11435 C.M.S., 4-7-929.4	9.36.080
2-11.05	As added by Ord. 11435 C.M.S., 4-7-92	9.36.090
2-11.06	As added by Ord. 11435 C.M.S., 4-7-92	9.36.100
2-11.07	As added by Ord. 11435 C.M.S., 4-7-92	9.36.110
2-11.08	As added by Ord. 11435 C.M.S., 4-7-92	9.36.120
2-11.09	As added by Ord. 11435 C.M.S., 4-7-92	9.36.130
2-11.10	As added by Ord. 11435 C.M.S., 4-7-92	9.36.140
2-12.01*	As added by Ord. 11742 C.M.S., 10-11-94	8.12.010
2-12.01*		9.20.010
2-12.01*		9.36.150
2-12.01*		8.44.010
2-12.02*	As added by Ord. 11742 C.M.S., 10-11-94	8.12.020
2-12.02*		9.20.020
2-12.02*		9.36.160
2-12.02*		8.44.020
2-12.03*	As added by Ord. 11742 C.M.S., 10-11-94	8.12.030
2-12.03*		9.20.030
2-12.03*		9.36.170
2-12.03*		8.44.030
2-12.04*	As added by Ord. 11742 C.M.S., 10-11-94	8.12.040
2-12.04*		9.20.040
2-12.04*		9.36.170
2-12.04*		8.44.040
2-12.05*	As added by Ord. 11742 C.M.S., 10-11-94	8.12.050
2-12.05*		9.20.050
2-12.05*		9.36.180
2-12.05*		8.44.050

\*Editor's Note: There were four each of sections numbered 2-12.01 through 2-12.05 in the prior code and three each of sections numbered 2-12.06.

**TABLES**

Prior Code §	Ordinance History	Herein
2-12.06*	As added by Ord. 11742 C.M.S., 10-11-94	8.12.060
2-12.06*		9.20.060
2-12.06*		9.36.190
2-12.07		9.36.200
2-12.08		9.36.210
2-12.09		9.36.220
2-12.10		9.36.230
2-12.11		9.36.240
2-12.12		9.36.250
2-12.13		9.36.260
2-12.14		9.36.270
2-12.15		9.36.280
2-15.01		15.64.010
2-15.02		15.64.020
2-15.03		15.64.030
2-15.04		15.64.040
2-15.05		15.64.050
2-15.06		15.64.060
2-15.07		15.64.070
2-15.08		15.64.080
2-15.09		15.64.090
2-15.10		15.64.100
2-15.11		15.64.110
2-15.12		15.64.120
2-15.13		15.64.130
2-15.14		15.64.140
2-15.15		15.64.150
2-15.16		15.64.160
2-15.17		15.64.170
2-15.18		15.64.180
2-15.19		15.64.190
2-15.20		15.64.200
2-15.21		15.64.210
2-15.22		15.64.220
2-15.23		15.64.230
2-15.24		15.64.240
2-15.25		15.64.250
2-15.26		15.64.260
2-15.27		15.64.270
2-15.28		15.64.280

\*Editor's Note: There were four each of sections numbered 2-12.01 through 2-12.05 in the prior code and three each of sections numbered 2-12.06.

Prior Code §	Ordinance History	Herein
2-15.29		15.64.290
2-15.30		15.64.300
2-15.31		15.64.310
2-15.32		15.64.320
2-15.33		15.64.330
2-15.34		15.64.340
3-1.01		8.18.010
3-1.02	As amended by Ord. 11456 C.M.S., 6-9-92	8.18.020
3-1.03		8.18.030
3-1.04	As amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	8.18.040
3-1.05		Repealed by 8372
3-1.06	As amended by Ord. 8372 C.M.S., 6-29-71	8.18.050
3-1.07	As amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	8.18.060
3-1.08	As amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	8.18.070
3-1.081	As added by Ord. 5178 C.M.S., 2-19-57	Not codified
3-1.09		8.18.080
3-1.10	As added by Ord. 2726 C.M.S., 3-18-48	8.18.090
3-1.11	As added by Ord. 2994 C.M.S., 2-23-49	8.18.100
3-2.01	As amended by Ord. 11412 C.M.S., 2-25-92	5.18.010
3-2.02	As amended by Ord. 9087 C.M.S., 11-5-74	5.18.020
3-2.03	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.020
3-2.04	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.020
3-2.05	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.020
3-2.06	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.020
3-2.07	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.020
3-2.08	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.020
3-2.081	As added by Ord. 5178 C.M.S., 2-19-57; amended by Ord. 9087 C.M.S., 11-5-74	5.18.030
3-2.09	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.040



Prior Code §	Ordinance History	Herein
3-2.10	As amended by Ord. 9087 C.M.S., 11-5-74	5.18.050
3-2.11	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.060
3-2.12	As amended by Ord. 9087 C.M.S., 11-5-74	5.18.070
3-2.13	As added by Ord. 4857 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.080
3-2.14		Repealed by 9337
3-2.15	As amended by Ord. 9337, 6-29-76	5.18.090
3-2.16		Repealed by 9087
3-2.17	As added by Ord. 4857 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.100
3-2.18	As added by Ord. 4857 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.110
3-2.19	As added by Ord. 4857 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.120
3-2.20	As added by Ord. 4857 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.130
3-2.21	As added by Ord. 4857 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.140
3-2.22	As added by Ord. 7630 C.M.S., 5-2-67; amended by Ord. 9087 C.M.S., 11-5-74	5.18.150
3-2.23	As added by Ord. 7630 C.M.S., 5-2-67; amended by Ord. 9087 C.M.S., 11-5-74	5.18.160
3-2.24	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.170
3-2.25	As added by Ord. 7741 C.M.S., 12-19-67; amended by Ord. 9087 C.M.S., 11-5-74	5.18.180
3-2.26	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.190
3-2.27	As added by Ord. 4857 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.200
3-2.28	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.210
3-2.29	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	Not codified
3-2.30	As added by Ord. 4875 C.M.S., 3-20-56; amended by Ord. 9087 C.M.S., 11-5-74	5.18.220
3-3.01	Adopted 5-15-17 as an initiative measure	9.08.010
3-4.01		Repealed by 12092
3-4.02		9.08.030
3-4.03		9.08.040

TABLES

Prior Code §	Ordinance History	Herein
3-4.031	As added by Ord. 11157 C.M.S., 10-10-89	9.08.050
3-4.032	As added by Ord. 11157 C.M.S., 10-10-89	9.08.060
3-4.04		9.08.040
3-4.05		9.08.040
3-4.06		9.08.070
3-4.07		9.04.020
3-4.08		9.08.080
3-4.09		9.08.090
3-4.10		9.08.100
3-4.11	As amended by Ord. 5571 C.M.S., 6-4-58	Repealed by 11929
3-4.12	As added by Ord. 1667 C.M.S., 6-8-43	Repealed by 11929
3-4.13	As added by Ord. 2185 C.M.S., 5-21-46	9.16.020
3-4.14	As added by Ord. 5423 C.M.S., 11-29-57	9.08.110
3-4.15	As added by Ord. 5571 C.M.S., 6-4-58	9.08.120
3-4.16	As amended by Ord. 6043 C.M.S., 4-14-60	9.08.130
3-4.17	As added by Ord. 7311 C.M.S., 12-14-65	9.08.140
3-4.18	As added by Ord. 7311 C.M.S., 12-14-65	9.08.150
3-4.19	As added by Ord. 7991 C.M.S., 6-26-69	9.08.160
3-4.20	As added by Ord. 7991 C.M.S., 6-26-69	9.08.170
3-4.21	As amended by Ord. 11371 C.M.S., 10-1-91	9.08.180
3-4.22	As added by Ord. 11551 C.M.S., 2-23-93	9.08.190
3-5.01		9.24.010
3-5.02		9.24.010
3-5.03		9.24.010
3-5.04		9.24.010
3-5.05		9.24.010
3-5.06	As amended by Ord. 4430 C.M.S., 6-9-54	9.24.020
3-5.07		Repealed by 11927
3-5.08		9.24.030
3-5.09		Repealed by 11927
3-5.10		Repealed by 11927
3-5.11		9.24.040
3-5.12		9.24.050
3-5.13		9.24.060
3-5.14		9.24.070
3-5.15		9.24.080
3-5.16	As added by Ord. 5109 C.M.S., 12-18-56	Repealed by 11927
3-5.17	As added by Ord. 5109 C.M.S., 12-18-56	9.24.090
3-5.18	As added by Ord. 5109 C.M.S., 12-18-56	9.24.090
3-6.01		12.44.010
3-6.02		Repealed by 11932

Prior Code §	Ordinance History	Herein
3-6.03		9.08.200
3-6.04		12.44.020
3-6.05—3-6.07		Repealed by 8985
3-6.08(§1)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.030
3-6.08(§2)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.040
3-6.08(§3)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.050
3-6.08(§4)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.060
3-6.08(§5)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.070
3-6.08(§6)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.080
3-6.08(§7)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.090
3-6.08(§8)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.200
3-6.08(§9)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.100
3-6.08(§10)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.110
3-6.08(§11)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.120
3-6.08(§12)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.130
3-6.08(§13)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.140
3-6.08(§14)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.150
3-6.08(§15)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.160
3-6.08(§16)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.170
3-6.08(§17)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.180
3-6.08(§18)	Rescinded and enacted by Ord. 10637, 10-15-85	12.44.190
3-6.08(§19)	Rescinded and enacted by Ord. 10637, 10-15-85	Not codified
3-6.08(§20)	Rescinded and enacted by Ord. 10637, 10-15-85	Not codified
3-6.09(A)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.010
3-6.09(B)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.020
3-6.09(C)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.030
3-6.09(D)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.040
3-6.09(E)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.050
3-6.09(F)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.060
3-6.09(G)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.070
3-6.09(H)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.080
3-6.09(I)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.090
3-6.09(J)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.100
3-6.09(K)	As amended by Ord. 11200 C.M.S., 3-27-90	Not codified
3-6.09(L)	As amended by Ord. 11200 C.M.S., 3-27-90	12.56.110
3-6.10(§1)		9.52.010
3-6.10(§2)		9.52.020
3-6.10(§3)		9.52.030
3-6.10(§4)		9.52.040
3-6.10(§5)		9.52.050
3-6.10(§6)		9.52.060

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
3-6.10(§7)		9.52.070
3-6.10(§8)		9.52.080
3-6.10(§9)		9.52.090
3-6.10(§10)		Not codified
3-6.10(§11)		Not codified
3-7.01—3-7.06		Repealed by 9544
3-8.01		9.04.030
3-8.02		9.04.040
3-8.03		9.04.050
3-8.04	As added by Ord. 535 C.M.S., 10-8-35	9.08.210
3-8.05	As amended by Ord. 5117 C.M.S., 12-26-56	9.04.060
3-9.01	As amended by Ord. 9337 C.M.S., 6-29-76; amended by Ord. 11205 C.M.S., 4-10-90	6.04.010, 6.04.020, 6.08.010
3-9.02	As amended by Ord. 11205 C.M.S., 4-10-90	6.04.030
3-9.03		Repealed by 9337
3-9.03(a)	As amended by Ord. 10351 C.M.S., 6-21-83	6.04.040
3-9.04		Repealed by 9337
3-9.05	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.050
3-9.06	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.060
3-9.07	As amended by Ord. 10351 C.M.S., 6-21-83	6.04.070
3-9.07(a)		Number not used
3-9.07(b)	As amended by Ord. 10351 C.M.S., 6-21-83	6.04.080
3-9.071		Repealed by 11205
3-9.08	As amended by Ord. 10351 C.M.S., 6-21-83	6.04.090
3-9.09	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.100
3-9.091	As added by Ord. 9935 C.M.S., 6-10-80	6.04.110
3-9.10	As amended by Ord. 11585 C.M.S., 5-11-93	Deleted
3-9.101	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.120
3-9.11		6.04.130
3-9.12	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.140
3-9.12(a)		6.04.150
3-9.12(b)		6.04.160
3-9.13	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.170
3-9.14	As amended by Ord. 9337 C.M.S., 6-29-76 and Ord. 10389 C.M.S., 10-19-83, eff. 1-1-84	6.04.180
3-9.15	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.190
3-9.16	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.200
3-9.17	As amended by Ord. 11585 C.M.S., 5-11-93	6.04.210
3-9.18	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.220
3-9.181	As added by Ord. 11585 C.M.S., 5-11-93	6.04.230
3-9.182	As added by Ord. 11585 C.M.S., 5-11-93	6.04.240

Prior Code §	Ordinance History	Herein
3-9.19	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.250
3-9.20		Repealed by 9337
3-9.21	As amended by Ord. 9337 C.M.S., 6-29-76 and Ord. 10589 C.M.S., 10-18-83, eff. 1-1-84	6.04.260
3-9.22	As amended by Ord. 9337 C.M.S., 6-29-76 and Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	6.04.270
3-9.23	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.280
3-9.24		Repealed by 9337
3-9.25	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.290
3-9.26	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.300
3-9.27	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.310
3-9.28	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.320
3-9.29	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.330
3-9.30	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.340
3-9.31	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.350
3-9.32	Renumbered as § 3-9.34 and § 3-9.32 deleted by Ord. 9337 C.M.S., 6-29-76	Repealed by 9337
3-9.33	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.360
3-9.34	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.370
3-9.35	As amended by Ord. 9337 C.M.S., 6-29-76	6.04.380
3-9.36		Repealed by 9337
3-9.37	As added by Ord. 11205 C.M.S., 4-10-90	6.08.020
3-9.38	As added by Ord. 11205 C.M.S., 4-10-90	6.08.030
3-9.39	As added by Ord. 11205 C.M.S., 4-10-90	6.08.040
3-9.40	As added by Ord. 11205 C.M.S., 4-10-90	6.08.050
3-9.41	As added by Ord. 11205 C.M.S., 4-10-90	6.08.060
3-9.42	As added by Ord. 11205 C.M.S., 4-10-90	6.08.070
3-9.43	As added by Ord. 11205 C.M.S., 4-10-90	6.08.080
3-9.44	As added by Ord. 11205 C.M.S., 4-10-90	6.08.090
3-9.45	As added by Ord. 11205 C.M.S., 4-10-90	6.08.100
3-9.46	As added by Ord. 11205 C.M.S., 4-10-90	6.08.110
3-9.47	As added by Ord. 11205 C.M.S., 4-10-90	6.08.120
3-9.48	As added by Ord. 11205 C.M.S., 4-10-90	6.08.130
3-9.49	As added by Ord. 11205 C.M.S., 4-10-90	6.08.140
3-9.50	As added by Ord. 11205 C.M.S., 4-10-90	6.08.150
3-9.51	As added by Ord. 11205 C.M.S., 4-10-90	6.08.160
3-9.52	As added by Ord. 11205 C.M.S., 4-10-90	6.08.170
3-9.53	As added by Ord. 11205 C.M.S., 4-10-90	6.08.180
3-9.54	As added by Ord. 11205 C.M.S., 4-10-90	6.08.190
3-9.55	As added by Ord. 11205 C.M.S., 4-10-90	6.08.200
3-9.56	As added by Ord. 11205 C.M.S., 4-10-90	6.08.210
3-9.57	As added by Ord. 11205 C.M.S., 4-10-90	6.08.220
3-9.58	As added by Ord. 11205 C.M.S., 4-10-90	6.08.230

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
3-9.59	As added by Ord. 11205 C.M.S., 4-10-90	6.08.240
3-10.01	As amended by Ord. 5988 C.M.S., 2-4-60	9.12.010
3-10.02	As amended by Ord. 4425 C.M.S., 6-1-54, eff. 7-1-54	9.12.020
3-10.021	As amended by Ord. 4425 C.M.S., 6-1-54, eff. 7-1-54	9.12.030
3-10.03		9.12.040
3-11.01		9.04.070
3-11.02	As amended by Ord. 629 C.M.S., 6-9-36	9.08.220
3-11.03	As amended by Ord. 4902 C.M.S., 5-3-56	9.08.230
3-11.04	As added by Ord. 2074 C.M.S., 12-18-45	Repealed by 11938
3-11.05	As amended by Ord. 6448 C.M.S., 9-14-61 and Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	9.08.240
3-11.06	As amended by Ord. 9203 C.M.S., 8-26-75	9.04.080
3-12.01	As amended by Ord. 9137 C.M.S., 3-18-75	12.60.010
3-12.011	As amended by Ord. 9137 C.M.S., 3-18-75	12.60.080
3-12.012	As added by Ord. 1477 C.M.S., 5-12-42	Repealed by 11930
3-12.02	As amended by Ord. 9337 C.M.S., 6-29-76	12.60.020
3-12.03	As amended by Ord. 9337 C.M.S., 6-29-76	12.60.030
3-12.04	As amended by Ord. 9137 C.M.S., 3-18-75	12.60.040
3-12.05	As amended by Ord. 9137 C.M.S., 3-18-75	12.60.050
3-12.06	As added by Ord. 552 C.M.S., 11-26-35	12.60.060
3-12.07	As amended by Ord. 7803 C.M.S., 5-9-68	8.04.010
3-12.08	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.020
3-12.09	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.030
3-12.10	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.040
3-12.11	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.050
3-12.12	As added by Ord. 7930 C.M.S., 1-14-69	8.04.060
3-12.13	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.070
3-12.14	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.080
3-12.15	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.090
3-12.16	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.100
3-12.17	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.110

Prior Code §	Ordinance History	Herein
3-12.18	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.120
3-12.19	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.130
3-12.20	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64	8.04.140
3-12.21	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64; amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	8.04.150
3-12.22	As added by Ord. 6899 C.M.S., 12-17-63, eff. 6-17-64; amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	8.04.160
3-13.01	As added by Ord. 1233 C.M.S., 12-5-40	9.32.010
3-13.02	As added by Ord. 1233 C.M.S., 12-5-40	9.32.020
3-13.03	As added by Ord. 1233 C.M.S., 12-5-40	9.32.030
3-13.04	As added by Ord. 1233 C.M.S., 12-5-40	9.32.030
3-13.05	As added by Ord. 1237 C.M.S., 12-17-40; amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	9.32.040
3-13.06	As added by Ord. 1233 C.M.S., 12-5-40; amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	9.32.050
3-13.07	As added by Ord. 1233 C.M.S., 12-5-40	9.32.060
3-13.08	As added by Ord. 1233 C.M.S., 12-5-40; amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	9.32.070
3-13.09	As added by Ord. 1237 C.M.S., 12-17-40	9.32.080
3-13.10	As added by Ord. 10342 C.M.S., 5-10-83, eff. 5-1-83; amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	9.08.250
3-14.01	As added by Ord. 10161 C.M.S., 12-8-81	5.40.010
3-14.02	As added by Ord. 10161 C.M.S., 12-8-81	5.40.020
3-14.03	As added by Ord. 10161 C.M.S., 12-8-81	5.40.030
3-14.04	As added by Ord. 10161 C.M.S., 12-8-81	5.40.040
3-14.041	As added by Ord. 10161 C.M.S., 12-8-81	5.40.050
3-14.05	As added by Ord. 10161 C.M.S., 12-8-81	5.40.060
3-14.06	As added by Ord. 10161 C.M.S., 12-8-81	5.40.070
3-14.07	As added by Ord. 10161 C.M.S., 12-8-81	5.40.080
3-14.08	As added by Ord. 10161 C.M.S., 12-8-81	5.40.090
3-14.09	As added by Ord. 10161 C.M.S., 12-8-81	5.40.100
3-14.10		Repealed by 10281

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
3-14.11	As added by Ord. 10161 C.M.S., 12-8-81	5.40.110
3-14.12	As added by Ord. 10161 C.M.S., 12-8-81	5.40.120
3-14.13	As added by Ord. 10161 C.M.S., 12-8-81	5.40.130
3-14.14	As added by Ord. 10161 C.M.S., 12-8-81	Not codified
3-14.15	As added by Ord. 10161 C.M.S., 12-8-81	5.40.140
3-15.01	As added by Ord. 8084 C.M.S., 1-22-70	9.28.010
3-15.02	As added by Ord. 8084 C.M.S., 1-22-70	9.28.020
3-15.03	As added by Ord. 8084 C.M.S., 1-22-70	9.28.030
3-15.04	As added by Ord. 8084 C.M.S., 1-22-70	9.28.040
3-15.05	As added by Ord. 8084 C.M.S., 1-22-70	9.28.050
3-15.06	As added by Ord. 8084 C.M.S., 1-22-70	9.28.060
3-15.07	As added by Ord. 8084 C.M.S., 1-22-70	Not codified
3-16.01	As added by Ord. 8205 C.M.S., 9-3-70	5.66.010
3-16.02	As added by Ord. 8205 C.M.S., 9-3-70	5.66.020
3-16.03	As added by Ord. 8205 C.M.S., 9-3-70	5.66.030
3-16.04	As amended by Ord. 9462, 5-3-77	5.66.040
3-16.05	As added by Ord. 8205 C.M.S., 9-3-70	5.66.050
3-16.06	As added by Ord. 8205 C.M.S., 9-3-70	5.66.060
3-16.07	As added by Ord. 8205 C.M.S., 9-3-70	5.66.070
3-16.08	As amended by Ord. 8449 C.M.S., 9-30-71	5.66.080
3-16.09	As added by Ord. 8507 C.M.S., 1-27-72	5.66.090
3-16.10	As added by Ord. 8205 C.M.S., 9-3-70	5.66.100
3-16.11	As added by Ord. 8205 C.M.S., 9-3-70	5.66.110
3-16.12	As added by Ord. 8205 C.M.S., 9-3-70	5.66.120
3-16.13	As added by Ord. 8205 C.M.S., 9-3-70	5.66.130
3-16.14	As added by Ord. 8205 C.M.S., 9-3-70	5.66.140
3-16.15	As added by Ord. 8205 C.M.S., 9-3-70	5.66.150
3-16.16	Amended to change the title by Ord. 8500 C.M.S., 1-11-72160	5.66.160
3-16.17	As added by Ord. 8205 C.M.S., 9-3-70	5.66.170
3-16.18	As added by Ord. 8205 C.M.S., 9-3-70	5.66.180
3-16.19	As added by Ord. 8205 C.M.S., 9-3-70	Not codified
3-16.20	As added by Ord. 8205 C.M.S., 9-3-70	5.66.190
3-16.21	As added by Ord. 8205 C.M.S., 9-3-70	5.66.200
3-17.01	As added by Ord. 9540 C.M.S., 11-22-77	5.10.010
3-17.011	As added by Ord. 10753 C.M.S., 7-8-86	5.10.020
3-17.02	As amended by Ord. 10753 C.M.S., 7-8-86	5.10.030
3-17.03	As added by Ord. 9540 C.M.S., 11-22-77	5.10.040
3-17.031	As added by Ord. 10753 C.M.S., 7-8-86	5.10.050
3-17.032	As added by Ord. 10753 C.M.S., 7-8-86	5.10.060
3-17.04	As amended by Ord. 10753 C.M.S., 7-8-86	5.10.070

Prior Code §	Ordinance History	Herein
3-17.05	As amended by Ord. 10753 C.M.S., 7-8-86	5.10.080
3-17.051	As added by Ord. 10753 C.M.S., 7-8-86	5.10.090
3-17.052	As added by Ord. 10753 C.M.S., 7-8-86	5.10.100
3-17.06	As amended by Ord. 10753 C.M.S., 7-8-86	5.10.110
3-17.07	As added by Ord. 9540 C.M.S., 11-22-77	5.10.120
3-17.08	As added by Ord. 10753 C.M.S., 7-8-86	5.10.130
3-17.09	As added by Ord. 9540 C.M.S., 11-22-77	5.10.140
3-17.10	As added by Ord. 9540 C.M.S., 11-22-77	5.10.150
3-17.11	As added by Ord. 9540 C.M.S., 11-22-77	5.10.160
3-17.12	As amended by Ord. 10753 C.M.S., 7-8-86	5.10.170
3-17.13	As added by Ord. 9540 C.M.S., 11-22-77	5.10.180
3-17.14	As added by Ord. 9540 C.M.S., 11-22-77	5.10.190
3-17.15	As amended by Ord. 10753 C.M.S., 7-8-86	5.10.200
3-17.16	As added by Ord. 9540 C.M.S., 11-22-77	5.10.210
3-17.17	As added by Ord. 9540 C.M.S., 11-22-77	5.10.220
3-17.18	As added by Ord. 9540 C.M.S., 11-22-77	5.10.230
3-17.19	As added by Ord. 9540 C.M.S., 11-22-77	5.10.240
3-17.20	As added by Ord. 9540 C.M.S., 11-22-77	5.10.250
3-17.21	As added by Ord. 9540 C.M.S., 11-22-77	5.10.260
3-17.22	As added by Ord. 9540 C.M.S., 11-22-77	5.10.270
3-17.221	As added by Ord. 10753 C.M.S., 7-8-86	5.10.280
3-17.222	As added by Ord. 10753 C.M.S., 7-8-86	5.10.290
3-17.23	As added by Ord. 9540 C.M.S., 11-22-77	5.10.300
3-17.24	As added by Ord. 9540 C.M.S., 11-22-77	5.10.310
3-17.25	As added by Ord. 9540 C.M.S., 11-22-77	5.10.320
3-17.26	As added by Ord. 10753 C.M.S., 7-8-86	5.10.330
3-17.27	As amended by Ord. 10753 C.M.S., 7-8-86	5.10.340
3-17.271	As added by Ord. 10753 C.M.S., 7-8-86	5.10.350
3-17.28	As added by Ord. 9540 C.M.S., 11-22-77	5.10.360
3-17.29	As amended by Ord. 10753 C.M.S., 7-8-86	5.10.370
3-18.01	As added by Ord. 9577 C.M.S., 2-7-78	8.26.010
3-18.02	As added by Ord. 9577 C.M.S., 2-7-78	8.26.020
3-18.03	As added by Ord. 9477 C.M.S., 2-7-78	8.26.030
3-18.04	As added by Ord. 9577 C.M.S., 2-7-78	8.26.040
3-18.05	As added by Ord. 9577 C.M.S., 2-7-78	8.26.050
3-18.06	As added by Ord. 9577 C.M.S., 2-7-78	8.26.060
3-18.07	As added by Ord. 9577 C.M.S., 2-7-78	8.26.070
3-18.08	As added by Ord. 9577 C.M.S., 2-7-78	8.26.080
3-18.09	As added by Ord. 9577 C.M.S., 2-7-78	8.26.090
3-18.10	As added by Ord. 9577 C.M.S., 2-7-78	8.26.100
3-18.11	As added by Ord. 9577 C.M.S., 2-7-78	8.26.110
3-18.12	As added by Ord. 9577 C.M.S., 2-7-78	8.26.120
3-18.13	As added by Ord. 9577 C.M.S., 2-7-78	8.26.130

## TABLES

Prior Code §	Ordinance History	Herein
3-18.14	As added by Ord. 9577 C.M.S., 2-7-78	8.26.140
3-19.01	As added by Ord. 9845 C.M.S., 12-4-79	9.08.260
3-19.02	As added by Ord. 9845 C.M.S., 12-4-79	9.08.260
3-20.01	As added by Ord. 10427 C.M.S., 1-10-84	9.44.010
3-20.02	As added by Ord. 10427 C.M.S., 1-10-84	9.44.020
3-20.03	As added by Ord. 10427 C.M.S., 1-10-84	9.44.030
3-20.04	As added by Ord. 10427 C.M.S., 1-10-84	9.44.040
3-20.05	As added by Ord. 10427 C.M.S., 1-10-84	9.44.050
3-20.06	As added by Ord. 10427 C.M.S., 1-10-84	9.44.060
3-20.07	As added by Ord. 10427 C.M.S., 1-10-84	Not codified
3-20.08	As added by Ord. 10427 C.M.S., 1-10-84	9.44.070
3-21.01	As added by Ord. 10723 C.M.S., 5-6-86	9.40.010
3-21.02	As added by Ord. 10723 C.M.S., 5-6-86	9.40.020
3-21.03	As added by Ord. 10723 C.M.S., 5-6-86	9.40.030
3-21.04	As added by Ord. 10723 C.M.S., 5-6-86	9.40.040
3-21.05	As added by Ord. 10723 C.M.S., 5-6-86	9.40.050
3-21.06	As added by Ord. 10723 C.M.S., 5-6-86	9.40.060
3-21.07	As added by Ord. 10723 C.M.S., 5-6-86	9.40.070
3-21.08	As added by Ord. 10723 C.M.S., 5-6-86	9.40.080
3-21.09	As added by Ord. 10723 C.M.S., 5-6-86	9.40.090
3-21.10	As added by Ord. 10723 C.M.S., 5-6-86	9.40.100
3-21.11	As added by Ord. 10723 C.M.S., 5-6-86	9.40.110
3-21.12	As added by Ord. 10723 C.M.S., 5-6-86	9.40.120
3-21.13	As added by Ord. 10723 C.M.S., 5-6-86	9.40.130
3-21.14	As added by Ord. 10723 C.M.S., 5-6-86	9.40.140
3-21.15	As added by Ord. 10723 C.M.S., 5-6-86	9.40.150
3-21.16	As added by Ord. 10723 C.M.S., 5-6-86	9.40.160
3-21.17	As added by Ord. 10723 C.M.S., 5-6-86	9.40.170
3-21.18	As added by Ord. 10723 C.M.S., 5-6-86	Not codified
3-22.01	As added by Ord. 10858 C.M.S., 5-12-87, eff. 6-1-87	5.34.020
3-22.02	As added by Ord. 10858 C.M.S., 5-12-87, eff. 6-1-87	5.34.030
3-22.03	As added by Ord. 10858 C.M.S., 5-12-87, eff. 6-1-87	5.34.040
3-22.031		5.34.041
3-22.032		5.34.042
3-22.04	As added by Ord. 10858 C.M.S., 5-12-87, eff. 6-1-87	Repealed by 12061
3-22.041		5.34.051
3-22.05	As added by Ord. 10858 C.M.S., 5-12-87, eff. 6-1-87	5.34.060

PRIOR CODE TABLE

Prior Code §	Ordinance History	Herein
3-22.06	As added by Ord. 10858 C.M.S., 5-12-87, eff. 6-1-87	5.34.010
3-22.07	As added by Ord. 10858 C.M.S., 5-12-87, eff. 6-1-87	5.34.070
3-22.08	As added by Ord. 10858 C.M.S., 5-12-87, eff. 6-1-87	5.34.080
3-23.01*	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.02	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.03	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.04	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.05		Repealed by 12271
3-23.06	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.07	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.08	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.09	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.10	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.11	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.12	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.13	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.14	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.15	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.16	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.17	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.18	As added by Ord. 11693 C.M.S., 3-15-94	Repealed by 12271
3-23.19	As added by Ord. 11693 C.M.S., 3-15-94	Not codified
3-23.01*		9.56.010
3-23.02		9.56.020
3-23.03		9.56.030
3-23.04		9.56.040
3-23.05		9.56.050
3-23.06		9.56.060
3-23.07		9.56.070
3-23.08		9.56.080
3-23.09		9.56.090
4-1.01		Repealed by 11935
4-1.02		Repealed by 11935
4-1.03		Repealed by 11935
4-1.04		Repealed by 11935
4-1.05		Repealed by 11935
4-1.06		Repealed by 11935
4-1.07		Repealed by 11935

\* The prior code contained two articles numbered 23 in Chapter 3.

**TABLES**

Prior Code §	Ordinance History	Herein
4-1.08		Repealed by 11935
4-1.09		Repealed by 11935
4-2.01—4-2.38		Repealed by 1140
4-3.01		8.14.010
4-3.02		8.14.020
4-3.03		8.14.030
4-3.04		8.14.040
4-3.05		8.14.050
4-3.06		8.14.060
4-3.07		8.14.070
4-3.08		8.14.080
4-3.09		8.14.090
4-3.10		8.14.100
4-3.11		8.14.110
4-3.12		8.14.120
4-3.13		8.14.130
4-3.14		8.14.140
4-3.15		8.14.150
4-3.16		8.14.160
4-3.17		8.14.170
4-3.18		8.14.180
4-3.19		8.14.190
4-3.20		8.14.200
4-3.21		8.14.210
4-3.22		8.14.220
4-3.23		8.14.230
4-3.24		8.14.240
4-3.25		8.14.250
4-3.26		8.14.260
4-3.27		8.14.270
4-3.28		8.14.280
4-3.29		8.14.290
4-3.30		8.14.300
4-3.31		8.14.310
4-3.32		8.14.320
4-3.33		8.14.330
4-3.34		8.14.340
4-3.35		8.14.350
4-3.36		8.14.360
4-3.37		8.14.370
4-3.38		8.14.380
4-3.39	As amended by Ord. 2419 C.M.S., 3-27-47	8.14.390
4-3.40		8.14.400

PRIOR CODE TABLE

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
4-3.41		8.14.410
4-3.42		8.14.420
4-3.43		Repealed by 6521
4-3.44	As added by Ord. 365 C.M.S., 12-26-33	8.14.430
4-4.01	As added by Ord. 3033 C.M.S., 3-31-49	8.08.010
4-4.01(a)	As added by Ord. 3033 C.M.S., 3-31-49	8.08.010
4-4.01(b)	As added by Ord. 3033 C.M.S., 3-31-49	8.08.010



Prior Code §	Ordinance History	Herein
4-4.01(c)	As added by Ord. 3033 C.M.S., 3-31-49	8.08.010
4-4.01(d)	As added by Ord. 3033 C.M.S., 3-31-49	8.08.010
4-4.01(e)	As added by Ord. 3033 C.M.S., 3-31-49	8.08.010
4-4.01(f)	As added by Ord. 3033 C.M.S., 3-31-49	8.08.010
4-4.01(g)	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.01(h)	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.01(i)	As added by Ord. 3033 C.M.S., 3-31-49	8.08.010
4-4.011		Repealed by 2231
4-4.012		Repealed by 2231
4-4.013		Repealed by 2231
4-4.014		Repealed by 2231
4-4.02	As added by Ord. 3033 C.M.S., 3-31-49	8.08.020
4-4.03	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.04	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.05	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.06	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.07	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.08	As amended by Ord. 7353 C.M.S., 3-8-66	Repealed by 11936
4-4.09	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.10	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.11	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.12	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.13	As amended by Ord. 10530 C.M.S., 12-4-84	8.08.030
4-4.14	As added by Ord. 3033 C.M.S., 3-31-49	Not codified
4-4.15	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.16	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.17	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.18	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.19	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.20	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.21	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.22	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.23	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.24	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.25	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.26	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.27	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.28	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.29	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.30	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.31	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
4-4.32	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.33	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.34	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.35	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.36	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.37	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.38	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.39	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.40	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.41	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-4.42	As added by Ord. 3033 C.M.S., 3-31-49	Repealed by 11936
4-5.01	As amended by Ord. 1767 C.M.S., 3-7-44	8.38.010
4-5.011	As amended by Ord. 10965 C.M.S., 4-5-88	8.38.020
4-5.012	As added by Ord. 1767 C.M.S., 3-7-44	8.38.030
4-5.013	As added by Ord. 10965 C.M.S., 4-5-88	8.38.040
4-5.02		8.38.050
4-5.03		8.38.060
4-5.04		8.38.070
4-5.05		8.38.080
4-5.06	As amended by Ord. 966 C.M.S., 3-23-39	8.38.090
4-5.07	As amended by Ord. 966 C.M.S., 3-23-39	8.38.100
4-5.08	As amended by Ord. 966 C.M.S., 3-23-39	8.38.110
4-5.081	As added by Ord. 966 C.M.S., 3-23-39	8.38.120
4-5.082	As added by Ord. 966 C.M.S., 3-23-39	8.38.130
4-5.09		8.38.140
4-5.10		8.38.150
4-5.11	As amended by Ord. 966 C.M.S., 3-23-39	8.38.160
4-5.12		8.38.170
4-5.13		8.38.180
4-5.14	As added by Ord. 388 C.M.S., 4-6-34	8.38.190
4-5.15	As added by Ord. 9886 C.M.S., 3-4-80	8.38.200
Ch. 4, Art. 6		Repealed by 7248
4-7.01		8.40.010
4-7.02		8.40.020
4-7.03		8.40.030
4-7.04		8.40.040
4-7.041	As added by Ord. 3927 C.M.S., 5-29-52, eff. 6-1-52	8.40.050
4-7.05		8.40.060
4-7.06		8.40.070
4-7.07	As amended by Ord. 3514 C.M.S., 11-24-50	8.40.080

Prior Code §	Ordinance History	Herein
4-7.08		8.40.090
4-7.09	As added by Ord. 420 C.M.S., 6-21-34	8.40.100
4-8.01	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(a)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(b)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(c)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(d)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(e)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(f)		Repealed by 2566
4-8.01(g)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(h)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(i)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(j)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(k)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(l)	As amended by Ord. 2566 C.M.S., 9-30-47	8.16.010
4-8.01(m)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(n)	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.010
4-8.01(o)		Repealed by 2566
4-8.01(p)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(q)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(r)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(s)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(t)		Repealed by 2566
4-8.01(u)	As added by Ord. 1139 C.M.S., 5-28-40	8.16.010
4-8.01(v)	As added by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.010
4-8.02	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.020
4-8.03	As added by Ord. 1139 C.M.S., 5-28-40	8.16.030
4-8.04	As added by Ord. 1139 C.M.S., 5-28-40	8.16.040
4-8.05	As added by Ord. 1139 C.M.S., 5-28-40	8.16.050
4-8.06	As added by Ord. 1139 C.M.S., 5-28-40	8.16.060
4-8.07	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.070
4-8.08	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.080
4-8.09	As amended by Ord. 9989 C.M.S., 11-4-80	8.16.090
4-8.10	As added by Ord. 1139 C.M.S., 5-28-40	8.16.100
4-8.11	As added by Ord. 1139 C.M.S., 5-28-40	8.16.110
4-8.12	As added by Ord. 1139 C.M.S., 5-28-40	8.16.120

## TABLES

Prior Code §	Ordinance History	Herein
4-8.13	As added by Ord. 1139 C.M.S., 5-28-40	8.16.130
4-8.14	As added by Ord. 1139 C.M.S., 5-28-40	8.16.140
4-8.15	As added by Ord. 1139 C.M.S., 5-28-40	8.16.150
4-8.16	As amended by Ord. 4342 C.M.S., 5-4-54, eff. 3-4-54	8.16.160
4-8.17	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.170
4-8.18	As added by Ord. 1139 C.M.S., 5-28-40	8.16.180
4-8.19	As added by Ord. 1139 C.M.S., 5-28-40	8.16.190
4-8.20	As added by Ord. 1139 C.M.S., 5-28-40	8.16.200
4-8.21	As added by Ord. 1139 C.M.S., 5-28-40	8.16.210
4-8.22	As added by Ord. 1139 C.M.S., 5-28-40	8.16.220
4-8.23	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.230
4-8.24	As added by Ord. 1139 C.M.S., 5-28-40	8.16.240
4-8.25	As added by Ord. 1139 C.M.S., 5-28-40	8.16.250
4-8.26	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.260
4-8.27	As added by Ord. 1139 C.M.S., 5-28-40	8.16.270
4-8.28	As added by Ord. 1139 C.M.S., 5-28-40	8.16.280
4-8.29	As added by Ord. 1139 C.M.S., 5-28-40	8.16.290
4-8.30	As added by Ord. 1139 C.M.S., 5-28-40	8.16.300
4-8.31	As added by Ord. 1139 C.M.S., 5-28-40	8.16.310
4-8.315	As added by Ord. 4962 C.M.S., 6-26-56	8.16.320
4-8.32	As added by Ord. 1139 C.M.S., 5-28-40	8.16.330
4-8.33	As added by Ord. 1139 C.M.S., 5-28-40	8.16.340
4-8.34	As added by Ord. 1139 C.M.S., 5-28-40	8.16.350
4-8.35	As added by Ord. 1139 C.M.S., 5-28-40	8.16.360
4-8.36	As added by Ord. 1139 C.M.S., 5-28-40	8.16.370
4-8.37	As added by Ord. 1139 C.M.S., 5-28-40	8.16.380
4-8.38	As added by Ord. 1139 C.M.S., 5-28-40	8.16.390
4-8.39	As added by Ord. 1139 C.M.S., 5-28-40	8.16.400
4-8.40	As added by Ord. 1139 C.M.S., 5-28-40	8.16.410
4-8.41	As amended by Ord. 1225 C.M.S., 11-14-40	8.16.420
4-8.42	As added by Ord. 1139 C.M.S., 5-28-40	8.16.430
4-8.43	As amended by Ord. 1225 C.M.S., 11-14-40	8.16.440
4-8.44	As added by Ord. 1139 C.M.S., 5-28-40	8.16.450
4-8.45	As added by Ord. 1139 C.M.S., 5-28-40	8.16.460
4-8.46	As added by Ord. 1139 C.M.S., 5-28-40	8.16.470
4-8.47	As added by Ord. 1139 C.M.S., 5-28-40	8.16.480
4-8.48	As added by Ord. 1139 C.M.S., 5-28-40	8.16.490

Prior Code §	Ordinance History	Herein
4-8.49	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.500
4-8.50	As added by Ord. 1139 C.M.S., 5-28-40	8.16.510
4-8.51	As added by Ord. 1139 C.M.S., 5-28-40	8.16.520
4-8.52	As added by Ord. 1139 C.M.S., 5-28-40	8.16.530
4-8.53	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.540
4-8.54		Repealed by 4342
4-8.541	As added by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.550
4-8.55	As added by Ord. 1139 C.M.S., 5-28-40	8.16.560
4-8.56		Repealed by 4342
4-8.561	As added by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.570
4-8.562	As added by Ord. 4601 C.M.S., 3-29-55	8.16.580
4-8.563	As added by Ord. 4601 C.M.S., 3-29-55	8.16.590
4-8.57	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.600
4-8.58	As added by Ord. 1139 C.M.S., 5-28-40	8.16.610
4-8.59	As amended by Ord. 1225 C.M.S., 11-14-40	8.16.620
4-8.60		Repealed by 2566
4-8.61		Repealed by 2566
4-8.62		Repealed by 4342
4-8.63	As added by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.630
4-8.64		Repealed by 4342
4-8.65		Repealed by 2566
4-8.66		Repealed by 2566
4-8.67		Repealed by 2566
4-8.68	As amended by Ord. 2566 C.M.S., 9-30-47	8.16.640
4-8.69	As added by Ord. 1139 C.M.S., 5-28-40	8.16.650
4-8.70		Repealed by 2566
4-8.71		Repealed by 2566
4-8.72		Repealed by 2566
4-8.73		Repealed by 2566
4-8.74	As amended by Ord. 2566 C.M.S., 9-30-47	8.16.660
4-8.75	As added by Ord. 1139 C.M.S., 5-28-40	8.16.670
4-8.76	As added by Ord. 1139 C.M.S., 5-28-40	8.16.680
4-8.77	As added by Ord. 1139 C.M.S., 5-28-40	8.16.690
4-8.78	As added by Ord. 1139 C.M.S., 5-28-40	8.16.690
4-8.79	As added by Ord. 1139 C.M.S., 5-28-40	8.16.700

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
4-8.80	As added by Ord. 1139 C.M.S., 5-28-40	8.16.710
4-8.81	As added by Ord. 1139 C.M.S., 5-28-40	8.16.720
4-8.82	As added by Ord. 1139 C.M.S., 5-28-40	8.16.730
4-8.83	As amended by Ord. 4601 C.M.S., 3-29-55	8.16.740
4-8.84	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.750
4-8.85	As added by Ord. 1139 C.M.S., 5-28-40	8.16.760
4-8.86	As added by Ord. 1139 C.M.S., 5-28-40	8.16.770
4-8.87	As added by Ord. 1139 C.M.S., 5-28-40	8.16.780
4-8.88	As added by Ord. 1139 C.M.S., 5-28-40	8.16.780
4-8.89	As added by Ord. 1139 C.M.S., 5-28-40	8.16.790
4-8.90	As amended by Ord. 4342 C.M.S., 2-4-54, eff. 3-4-54	8.16.800
4-8.91	As added by Ord. 1139 C.M.S., 5-28-40	8.16.810
4-8.92	As added by Ord. 1139 C.M.S., 5-28-40	8.16.820
4-8.93	As added by Ord. 1139 C.M.S., 5-28-40	8.16.830
4-8.94	As added by Ord. 1139 C.M.S., 5-28-40	8.16.840
4-8.95	As amended by Ord. 1379 C.M.S., 10-21-41	8.16.850
4-9.01	As added by Ord. 9095 C.M.S., 11-7-74	15.56.010
4-9.02	As added by Ord. 9095 C.M.S., 11-7-74	15.56.020
4-9.03	As added by Ord. 9095 C.M.S., 11-7-74	15.56.030
4-9.04	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.040
4-9.05	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.050
4-9.06	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.060
4-9.07	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.070
4-9.08	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.080
4-9.09	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.090
4-9.10	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.100
4-9.11	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.110
4-9.12	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.120
4-9.13	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.130

Prior Code §	Ordinance History	Herein
4-9.14	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.140
4-9.15	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.150
4-9.16	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.160
4-9.17	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.170
4-9.18	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.180
4-9.19	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.190
4-9.20	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.200
4-9.21	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.210
4-9.22	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.220
4-9.23	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.230
4-9.24	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.240
4-9.25	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.250
4-9.26	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.260
4-9.27	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.270
4-9.28	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.280
4-9.29	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.290
4-9.30	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.300
4-9.31	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.310
4-9.32	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.320
4-9.33	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.330
4-9.34	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.340

**TABLES**

Prior Code §	Ordinance History	Herein
4-9.35	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.350
4-9.36	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.360
4-9.37	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.370
4-9.38	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.380
4-9.39	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	Not codified
4-9.40	As amended by Ord. 11103 C.M.S., 4-11-89, eff. 4-18-89	15.56.390
4-10.01	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.010
4-10.02	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.020
4-10.03	As amended by Ord. 11459 C.M.S., 6-16-92	8.30.030
4-10.04	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.040
4-10.05	As amended by Ord. 11482 C.M.S., 7-14-92	8.30.050
4-10.06	As amended by Ord. 11459 C.M.S., 6-16-92	8.30.060
4-10.07	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.070
4-10.08	As amended by Ord. 11229 C.M.S., 7-10-90	8.30.080
4-10.09	As amended by Ord. 11459 C.M.S., 6-16-92	8.30.090
4-10.10	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.100
4-10.11	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.110
4-10.12	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.120
4-10.13	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.130
4-10.14	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.140
4-10.15	As amended by Ord. 10772 C.M.S., 7-29-86	8.30.150
4-10.16	As amended by Ord. 10772 C.M.S., 7-29-86	Not codified
4-10.17	As amended by Ord. 10772 C.M.S., 7-29-86	Not codified
4-11.01	As added by Ord. 11433 C.M.S., 4-7-92	8.32.010
4-11.02	As added by Ord. 11433 C.M.S., 4-7-92	8.32.020
4-11.03	As added by Ord. 11433 C.M.S., 4-7-92	8.32.030
4-11.04	As added by Ord. 11433 C.M.S., 4-7-92	8.32.040
4-11.05	As added by Ord. 11433 C.M.S., 4-7-92	8.32.050
4-11.06	As added by Ord. 11433 C.M.S., 4-7-92	8.32.060
4-12.01	As added by Ord. 11434 C.M.S., 4-7-92	8.34.010
4-12.02	As added by Ord. 11434 C.M.S., 4-7-92	8.34.020
4-12.03	As added by Ord. 11434 C.M.S., 4-7-92	8.34.030
4-12.04	As added by Ord. 11434 C.M.S., 4-7-92	8.34.040
4-12.05	As added by Ord. 11434 C.M.S., 4-7-92	8.34.050
4-12.06	As added by Ord. 11434 C.M.S., 4-7-92	8.34.060

Prior Code §	Ordinance History	Herein
4-12.07	As added by Ord. 11434 C.M.S., 4-7-92	8.34.070
5-1.00	As added by Ord. 10614 C.M.S., 7-30-85	5.04.010
5-1.01	As amended by Ord. 11199 C.M.S., 3-27-90	5.04.020
5-1.01(a)		Repealed by 9177
5-1.01(b)		Repealed by 9177
5-1.01(c)		Repealed by 9177
5-1.01(d)		Repealed by 9177
5-1.02	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.030
5-1.02(a)	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.030
5-1.02(b)	As added by Ord. 9225 C.M.S., 10-23-75	5.04.030
5-1.02(c)	As added by Ord. 9225 C.M.S., 10-23-75	5.04.030
5-1.02(d)	As amended by Ord. 10774 C.M.S., 8-5-86	5.04.030
5-1.02(e)	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.030
5-1.02(f)	As added by Ord. 10614 C.M.S., 7-30-85	5.04.030
5-1.02(g)	As added by Ord. 10614 C.M.S., 7-30-85	5.04.030
5-1.02(h)	As added by Ord. 10614 C.M.S., 7-30-85	5.04.030
5-1.02(i)	As added by Ord. 10614 C.M.S., 7-30-85	5.04.030
5-1.021		Repealed by 9177
5-1.03	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.040
5-1.04	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.050
5-1.05	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.060
5-1.06	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.070
5-1.07		Repealed by 9377
5-1.08	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.080
5-1.09	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.090
5-1.10		Repealed by 10614
5-1.10(a)	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.100
5-1.10(b)	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.110
5-1.10(c)	As added by Ord. 11533 C.M.S., 1-12-93	5.04.120
5-1.11	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.130
5-1.111		Repealed by 9177
5-1.12		Repealed by 10614
5-1.13	As amended by Ord. 10389 C.M.S., 10-18-83	5.04.140
5-1.13(a)		Number not used
5-1.13(b)		5.04.150
5-1.14	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 1-1-83	5.04.160
5-1.15	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 1-1-83	5.04.170

## TABLES

Prior Code §	Ordinance History	Herein
5-1.16	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.180
5-1.17	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.190
5-1.17(a)	As added by Ord. 10872 C.M.S., 6-19-87	5.04.190
5-1.17(b)	As added by Ord. 11126 C.M.S., 6-20-89, eff. 6-19-89	5.04.190
5-1.17(c)	As amended by Ord. 11367 C.M.S., 7-30-91	5.04.190
5-1.17(d)	As added by Ord. 11299 C.M.S., 2-5-91	5.04.190
5-1.18	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.200
5-1.19	As amended by Ord. 10241 C.M.S., 7-20-82	5.04.210
5-1.19(a)	As added by Ord. 10241 C.M.S., 7-20-82	5.04.220
5-1.20	As amended by Ord. 11299 C.M.S., 2-5-91	5.04.230
5-1.20(a)		Repealed by 11367
5-1.21	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.240
5-1.21(a)	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.250
5-1.21(b)	As amended by Ord. 11299 C.M.S., 2-5-91	5.04.260
5-1.21(c)	As added by Ord. 10614 C.M.S., 7-30-85	5.04.270
5-1.22	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.280
5-1.23	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.290
5-1.24	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.300
5-1.25	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.310
5-1.26	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.320
5-1.27		Repealed by 10614
5-1.28	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.330
5-1.29	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.340
5-1.291		Repealed by 9177
5-1.292		Repealed by 9177
5-1.30	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.340
5-1.31	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.340
5-1.31(a)	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.350
5-1.31(b)	As added by Ord. 11533 C.M.S., 1-12-93	5.04.360
5-1.32	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.370
5-1.33	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.380
5-1.34	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.390
5-1.341		Repealed by 9177
5-1.35	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.400
5-1.36	As amended by Ord. 11248 C.M.S., 7-31-90	5.04.410

Prior Code §	Ordinance History	Herein
5-1.37	As amended by Ord. 11533 C.M.S. 1-12-93	5.04.420
5-1.37(c)		Repealed by 10614
5-1.37(d)	As added by Ord. 10657 C.M.S., 11-19-85	5.04.420
5-1.38	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.430
5-1.38(d)	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.430
5-1.38(e)		Repealed by 10614
5-1.38(f)	As added by Ord. 10657 C.M.S., 11-19-85, eff. 1-1-86	5.04.430
5-1.38(g)	As added by Ord. 10863 C.M.S., 5-26-87	5.04.440
5-1.39	As amended by Ord. 10657 C.M.S., 11-19-85, eff. 1-1-86	5.04.450
5-1.40	As added by Ord. 11533 C.M.S., 1-12-93	5.04.460
5-1.41	As added by Ord. 11533 C.M.S., 1-12-93	5.04.470
5-1.42		Repealed by 9377
5-1.43		5.04.480
5-1.44—5.1.46		Repealed by 9377
5-1.47	As amended by Ord. 11248 C.M.S., 7-31-90, eff. 1-1-91	5.04.490
5-1.48	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.500
5-1.49	As amended by Ord. 9377 C.M.S., 10-26-76	5.04.510
5-1.50		Repealed by 11533
5-1.51		Repealed by 10614
5-1.52	As amended by Ord. 11177 C.M.S., 1-23-90	5.04.520
5-1.52(a)	As added by Ord. 10774 C.M.S., 8-5-86	5.04.530
5-1.53	As amended by Ord. 10774 C.M.S., 8-5-86	5.04.540
5-1.54	As amended by Ord. 11177 C.M.S., 1-23-90	5.04.550
5-1.55	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.560
5-1.56	As amended by Ord. 10241 C.M.S., 7-20-82, eff. 8-1-82	5.04.570
5-1.57	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.580
5-1.57(a)	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.590
5-1.57(b)	As amended by Ord. 11533 C.M.S., 1-12-93	5.04.600
5-1.57(c)	As added by Ord. 10614 C.M.S., 7-30-85	5.04.610
5-1.571		Repealed by 9177
5-1.572		Repealed by 9177
5-1.58	As amended by Ord. 10614 C.M.S., 7-30-85	5.04.620
5-1.59	As amended by Ord. 10657 C.M.S., 11-19-85, eff. 1-1-86	5.04.630
5-1.60		Repealed by 10657
5-1.61		Repealed by 10241
5-1.64	As added by Ord. 10614 C.M.S., 7-30-85	5.04.640

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
5-1.65	As added by Ord. 10614 C.M.S., 7-30-85	5.04.650
5-1.65(e)—		
5-1.65(s)		Repealed by 9700
5-1.66	As added by Ord. 10614 C.M.S., 7-30-85	5.04.660
5-2.01		5.02.010
5-2.02		5.02.020
5-2.021		Repealed by 9337
5-2.03		5.02.030
5-2.031	As amended by Ord. 9337 C.M.S., 6-29-76	5.02.040
5-2.04	As amended by Ord. 8132 C.M.S., 5-14-70	5.02.050
5-2.05		5.02.060
5-2.06		5.02.070
5-2.07	As amended by Ord. 4540 C.M.S., 12-28-54	5.02.080
5-2.071	As added by Ord. 4540 C.M.S., 12-28-54	5.02.090
5-2.08	As amended by Ord. 7616 C.M.S., 3-30-67	5.02.100
5-2.09		5.02.110
5-2.10		5.02.120
5-2.11		5.02.130
5-2.12		5.02.140
5-2.13		5.02.150
5-3.01	Adopted 11-8-32 as an initiative measure	5.06.010
5-3.02	As amended by Ord. 10725 C.M.S., 5-6-86	5.06.020
5-3.03		5.06.030
5-3.04		5.06.040
5-3.05		5.06.050
5-3.06		Repealed by 9391
5-3.07		5.06.060
5-3.08		5.06.070
5-3.09		5.06.080
5-3.10		5.06.090
5-3.11		5.06.100
5-4.01	As amended by Ord. 8985 C.M.S., 4-11-74	5.66.030
5-4.02		5.22.010
5-4.03		5.22.020
5-4.04		5.22.030
5-4.05	As amended by Ord. 2979 C.M.S., 1-18-49	5.12.010, 5.12.020
5-4.06	As amended by Ord. 8847 C.M.S., 8-7-73	5.12.030
5-4.07		5.12.040
5-4.08	As amended by Ord. 8584 C.M.S., 6-29-72, eff. 7-1-72	5.12.050
5-4.09	As amended by Ord. 8231 C.M.S., 10-15-70	5.50.010

Prior Code §	Ordinance History	Herein
5-4.10		5.50.020
5-4.101		5.50.030
5-4.11	As amended by Ord. 8404 C.M.S., 8-5-71	5.60.010, 5.60.020
5-4.12		5.56.010, 5.56.020
5-4.13		5.56.030
5-4.14		5.42.010
5-4.15		5.42.020
5-4.16		5.42.030
5-4.17	As amended by Ord. 11317 C.M.S., 4-16-91	5.14.010
5-4.18	As amended by Ord. 11317 C.M.S., 4-16-91	5.14.020
5-4.19	As amended by Ord. 11317 C.M.S., 4-16-91	5.14.030
5-4.20	As added by Ord. 1724 C.M.S., 10-19-43	5.14.040
5-4.21	As added by Ord. 1724 C.M.S., 10-19-43	5.14.050
5-4.22	As amended by Ord. 9263 C.M.S., 1-13-76	5.14.060
5-4.23	As added by Ord. 5641 C.M.S., 9-25-58	5.44.010
5-4.24	As amended by Ord. 6131 C.M.S., 7-21-60	5.44.020
5-4.25	As added by Ord. 5641 C.M.S., 9-25-58	5.44.030
5-4.26	As added by Ord. 5641 C.M.S., 9-25-58	5.44.040
5-4.27	As amended by Ord. 9263 C.M.S., 1-13-76	5.44.050
5-4.28	As added by Ord. 6131 C.M.S., 7-19-60	5.68.010
5-4.29	As added by Ord. 6131 C.M.S., 7-19-60	5.68.010
5-4.30	As added by Ord. 6131 C.M.S., 7-19-60	5.68.020
5-5.01—5-5.12		Repealed by 2969
5-6.01	As added by Ord. 9196 C.M.S., 8-5-75	5.36.010
5-6.02	As amended by Ord. 9460 C.M.S., 4-26-77	5.36.020
5-6.03	As added by Ord. 9196 C.M.S., 8-5-75	5.36.030
5-6.04	As added by Ord. 9196 C.M.S., 8-5-75	5.36.040
5-6.05	As amended by Ord. 9460 C.M.S., 4-26-77	5.36.050
5-6.06	As amended by Ord. 9460 C.M.S., 4-26-77	5.36.060
5-6.07	As amended by Ord. 9460 C.M.S., 4-26-77	5.36.070
5-6.08	As amended by Ord. 9460 C.M.S., 4-26-77	5.36.080
5-6.09	As added by Ord. 9196 C.M.S., 8-5-75	5.36.090
5-6.10	As added by Ord. 9196 C.M.S., 8-5-75	5.36.100
5-6.11	As amended by Ord. 9460 C.M.S., 4-26-77	5.36.110
5-6.12	As added by Ord. 9196 C.M.S., 8-5-75	5.36.120
5-6.13	As amended by Ord. 9460 C.M.S., 4-26-77	5.36.130
5-6.131	As added by Ord. 9460 C.M.S., 4-26-77	5.36.140
5-6.132	As added by Ord. 9460 C.M.S., 4-26-77	5.36.150
5-6.133	As added by Ord. 9460 C.M.S., 4-26-77	5.36.160
5-6.134	As added by Ord. 9460 C.M.S., 4-26-77	5.36.170
5-6.135	As added by Ord. 9460 C.M.S., 4-26-77	5.36.180

TABLES

Prior Code §	Ordinance History	Herein
5-6.136	As added by Ord. 9460 C.M.S., 4-26-77	5.36.190
5-6.137	As added by Ord. 9460 C.M.S., 4-26-77	5.36.200
5-6.14	As added by Ord. 9196 C.M.S., 8-5-75	Not codified
5-7.01		8.40.110
5-7.02		Repealed by 9544
5-7.03—5-7.08		Repealed by 2356
5-7.09		Repealed by 9544
5-7.10—5-7.17		Repealed by 2356
5-8.01		Repealed by 11943
5-8.01(a)		Repealed by 11943
5-8.01(b)		Repealed by 11943
5-8.01(c)		Repealed by 11943
5-8.01(d)		Repealed by 11943
5-8.01(e)		Repealed by 3292
5-8.01(f)	As added by Ord. 432 C.M.S., 7-26-34	Repealed by 11943
5-8.01(g)	As amended by Ord. 5991 C.M.S., 2-9-60	Repealed by 11943
5-8.02		Repealed by 11943
5-8.03		Repealed by 11943
5-8.04	As amended by Ord. 3292 C.M.S., 2-23-50	Repealed by 11943
5-8.05		Repealed by 11943
5-8.06		Repealed by 11943
5-8.07		Repealed by 11943
5-8.08		Repealed by 11943
5-8.09		Repealed by 479
5-8.10		Repealed by 3292
5-8.11—5-8.13		Repealed by 3292
5-8.14	As added by Ord. 432 C.M.S., 7-26-34	Repealed by 11943
5-8.15	As added by Ord. 432 C.M.S., 7-26-34	Repealed by 11943
5-8.16	As added by Ord. 432 C.M.S., 7-26-34	Repealed by 11943
5-8.17	As added by Ord. 479 C.M.S., 2-19-35	Repealed by 11943
5-8.18	As amended by Ord. 3292 C.M.S., 2-23-50	Repealed by 11943
5-8.19	As added by Ord. 479 C.M.S., 2-19-35	Repealed by 11943
5-8.20	As amended by Ord. 2419 C.M.S., 3-27-47	Repealed by 11943
5-8.201	As amended by Ord. 3680 C.M.S., 6-28-51	Repealed by 11943
5-8.21	As added by Ord. 479 C.M.S., 2-19-35	Repealed by 11943
5-8.22	As added by Ord. 479 C.M.S., 2-19-35	Repealed by 11943
5-8.23		Repealed by 3292
5-8.24	As added by Ord. 752 C.M.S., 7-20-37	Repealed by 11943
5-8.25	As added by Ord. 752 C.M.S., 7-20-37	Repealed by 11943
5-8.26	As added by Ord. 3292 C.M.S., 2-23-50	Repealed by 11943
5-8.27	As added by Ord. 3292 C.M.S., 2-23-50	Repealed by 11943

Prior Code §	Ordinance History	Herein
5-8.28	As added by Ord. 3292 C.M.S., 2-23-50	Repealed by 11943
5-8.29	As added by Ord. 3292 C.M.S., 2-23-50	Repealed by 11943
5-8.30	As added by Ord. 3292 C.M.S., 2-23-50	Repealed by 11943
5-8.31	As added by Ord. 3292 C.M.S., 2-23-50	Repealed by 11943
5-9.01	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.01(a)	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.01(b)	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.01(c)	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.01(d)	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.01(e)	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.01(f)	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.01(g)	As amended by Ord. 9523 C.M.S., 9-20-77	5.08.010
5-9.01(h)	As amended by Ord. 9580 C.M.S., 2-14-78	5.08.020
5-9.01(i)	As added by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.01(j)	As added by Ord. 9523 C.M.S., 9-20-77	5.46.010
5-9.02	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.020
5-9.021	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.030
5-9.022	As amended by Ord. 8752 C.M.S., 2-13-73	5.46.040
5-9.03	As amended by Ord. 1904 C.M.S., 12-21-44	5.46.050
5-9.04	As amended by Ord. 6790 C.M.S., 6-13-63	5.46.060
5-9.041	As amended by Ord. 6790 C.M.S., 6-13-63	5.46.070
5-9.042	As added by Ord. 5594 C.M.S., 7-3-58	5.46.080
5-9.05	As amended by Ord. 9031 C.M.S., 6-27-74	5.46.090
5-9.051	As added by Ord. 6790 C.M.S., 6-13-63	5.46.100
5-9.06	As amended by Ord. 8422 C.M.S., 8-27-71	5.46.110
5-9.061	As added by Ord. 8422 C.M.S., 8-17-71	5.46.120
5-9.07	As amended by Ord. 11364 C.M.S., 7-30-91	5.46.130
5-9.08		Repealed by 6775
5-9.081—		
5-9.089		Repealed by 6775
5-9.09	As amended by Ord. 6775 C.M.S., 5-31-63	5.46.140
5-9.091		Repealed by 9523
5-9.10		Repealed by 5097
5-9.11		5.46.150
5-9.12		5.46.160
5-9.13	As added by Ord. 9523 C.M.S., 9-20-77	5.46.170
5-9.131	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.180
5-9.14	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.190
5-9.141	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.200
5-9.15	As amended by Ord. 9523 C.M.S., 9-20-77	5.46.210
5-9.16	As amended by Ord. 8754 C.M.S., 2-13-73	5.08.030

**TABLES**

Prior Code §	Ordinance History	Herein
5-9.161	As amended by Ord. 3709 C.M.S., 7-24-51	5.08.040
5-9.162	As amended by Ord. 9494 C.M.S., 7-5-77	5.08.050
5-9.163	As added by Ord. 5443 C.M.S., 12-26-57	5.08.060
5-9.17	As amended by Ord. 5443 C.M.S., 12-26-57	5.08.070
5-9.18		5.08.080
5-9.181	As added by Ord. 5443 C.M.S., 12-26-57	5.08.090
5-9.182	As added by Ord. 5443 C.M.S., 12-26-57	5.08.100
5-9.183	As added by Ord. 5443 C.M.S., 12-26-57	5.08.110
5-9.185	As added by Ord. 5443 C.M.S., 12-26-57	5.08.120
5-9.186	As added by Ord. 5443 C.M.S., 12-26-57	5.08.130
5-9.19	As amended by Ord. 9580 C.M.S., 2-14-78	5.08.140
5-9.20	As amended by Ord. 691 C.M.S., 12-29-36	5.08.260
5-9.21	As amended by Ord. 9580 C.M.S., 2-14-78	5.08.150
5-9.211	As amended by Ord. 9229 C.M.S., 10-28-75	5.08.160
5-9.212	As amended by Ord. 9580 C.M.S., 2-14-78	5.08.170
5-9.213	As amended by Ord. 9229 C.M.S., 10-28-75	5.08.180
5-9.214		Repealed by 9337
5-9.215	As amended by Ord. 9337 C.M.S., 6-29-76	5.08.190
5-9.216		Repealed by 9337
5-9.217	As amended by Ord. 9580 C.M.S., 2-14-78	5.08.200
5-9.218	As amended by Ord. 9229 C.M.S., 10-28-75	5.08.210
5-9.219	As amended by Ord. 9580 C.M.S., 2-14-78	5.08.220
5-9.22	As amended by Ord. 5443 C.M.S., 12-26-57	5.08.240
5-9.23	As amended by Ord. 5443 C.M.S., 12-26-57	5.08.250
5-9.24		5.70.020
5-9.25		5.08.270
5-9.26	As amended by Ord. 9580 C.M.S., 2-14-78	5.08.230
5-9.27	As amended by Ord. 8422 C.M.S., 8-17-71	5.46.220
5-9.28	As added by Ord. 426 C.M.S., 6-26-34	5.46.230
5-10.01		5.48.010
5-10.01(a)	As amended by Ord. 9523 C.M.S., 9-20-77	5.48.010
5-10.01(b)	As added by Ord. 9523 C.M.S., 9-20-77	5.48.010
5-10.02	As amended by Ord. 9523 C.M.S., 9-20-77	5.48.020
5-10.03	As amended by Ord. 9896 C.M.S., 3-18-80	5.48.030
5-10.04	As amended by Ord. 9896 C.M.S., 3-18-80	5.48.040
5-10.05		5.48.050
5-10.051		Repealed by 2231
5-10.06		5.48.060
5-10.07		Repealed by 9523
5-10.08	As amended by Ord. 6642 C.M.S., 8-23-62	5.48.070
5-10.09		5.48.080

Prior Code §	Ordinance History	Herein
5-10.10		5.48.090
5-11.01	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.010
5-11.02	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.020
5-11.03		5.52.030
5-11.04	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.040
5-11.05	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.050
5-11.06	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.060
5-11.07	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.070
5-11.08	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.080
5-11.09	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.090
5-11.10	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.100
5-11.11	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.110
5-11.12	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.120
5-11.13	As amended by Ord. 10341 C.M.S., 5-10-83	5.52.130
5-11.14—		
5-11.20		Repealed by 10341
5-12.01—		
5-12.15		Repealed by 8213
5-13.01		Repealed by 11917
5-13.02		Repealed by 11917
5-13.021	As added by Ord. 463 C.M.S., 12-18-34	Repealed by 11917
5-13.022	As added by Ord. 463 C.M.S., 12-18-34	Repealed by 11917
5-13.023	As added by Ord. 463 C.M.S., 12-18-34	Repealed by 11917
5-13.024		Repealed by 2231
5-13.03		5.70.030
5-13.04		5.54.010
5-13.05		5.38.010
5-13.06		5.38.020
5-13.07		5.38.030
5-13.08		5.38.040
5-13.09		5.38.050
5-13.10		5.38.060
5-13.11		5.38.070
5-13.12		5.38.080
5-13.13		5.38.090
5-13.14		5.38.100
5-14.01		5.30.010
5-14.01(a)		Repealed by 10928
5-14.01(b)	As amended by Ord. 8049 C.M.S., 10-28-69	5.30.010
5-14.01(c)		Repealed by 8966
5-14.01(d)	As amended by Ord. 711, 3-18-37	5.30.010

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
5-14.01(e)	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.010
5-14.01(f)		5.30.010
5-14.01(g)		5.30.010
5-14.01(h)	As added by Ord. 711 C.M.S., 3-18-37	5.30.010
5-14.01(i)	As added by Ord. 2260 C.M.S., 8-29-46	5.30.010
5-14.01(j)	As added by Ord. 4693 C.M.S., 7-21-55	5.30.010
5-14.02	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.020
5-14.021	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.030
5-14.022		Repealed by 10928
5-14.023—		Repealed by 9843
5-14.026		5.30.040
5-14.03	As amended by Ord. 9843 C.M.S., 11-20-79	5.30.050
5-14.031	As amended by Ord. 7801 C.M.S., 5-7-68	5.30.060
5-14.032	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.070
5-14.04		5.30.080
5-14.05		5.30.090
5-14.06	As amended by Ord. 1006 C.M.S., 7-20-39	Repealed by 7801
5-14.061		5.30.100
5-14.062	As added by Ord. 2152 C.M.S., 4-2-46	5.30.110
5-14.063	As added by Ord. 2152 C.M.S., 4-2-46	5.30.120
5-14.07		Repealed by 10928
5-14.08		5.30.130
5-14.09		5.30.140
5-14.10	As amended by Ord. 1236 C.M.S., 12-12-40	Repealed by 9262
5-14.101—		5.30.150
5-14.102		5.30.160
5-14.11	As amended by Ord. 9495 C.M.S., 7-5-77, eff. 7-1-77	5.30.170
5-14.12	As amended by Ord. 1236 C.M.S., 12-12-40	Repealed by 10928
5-14.121	As added by Ord. 1236 C.M.S., 12-12-40	Repealed by 10928
5-14.13		5.30.180
5-14.14		Repealed by 10928
5-14.141	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	Repealed by 10928
5-14.15		5.30.190
5-14.151	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	

PRIOR CODE TABLE

Prior Code §	Ordinance History	Herein
5-14.152		Repealed by 8049
5-14.16	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.200
5-14.161	As added by Ord. 2152 C.M.S., 4-6-46	5.30.210
5-14.162	As added by Ord. 8049 C.M.S., 10-28-69	5.30.220
5-14.17	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.230
5-14.171	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.240
5-14.18	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.250
5-14.181	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.260
5-14.182		Repealed by 9843
5-14.183	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.270
5-14.19		5.30.280
5-14.20		Repealed by 11912
5-14.21		5.30.290
5-14.22		5.30.300
5-14.23		5.30.310
5-14.24		5.30.320
5-14.25		5.30.330
5-14.26	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.340
5-14.261	As amended by Ord. 10928 C.M.S., 12-8-87, eff. 1-1-88	5.30.350
5-14.27	As amended by Ord. 9843 C.M.S., 11-20-79	5.30.360
5-14.28		5.30.370
5-14.29		5.30.380
5-14.30		5.30.390
5-14.31		5.30.400
5-14.32		5.30.410
5-14.33		Repealed by 711
5-14.34		5.30.420
5-14.341		Repealed by 9558
5-14.35		5.30.430
5-14.36	As added by Ord. 4693 C.M.S., 7-21-55	5.30.440
5-14.37	As added by Ord. 4693 C.M.S., 7-21-55	5.30.450
5-15.01		Repealed by 8213
5-15.02		5.70.040

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
5-15.03		Repealed by 10671
5-15.04		Repealed by 11939
5-15.05		Repealed by 11939
5-15.06		Repealed by 11939
5-15.07		Repealed by 11939
5-15.08		Repealed by 1086
5-15.09	As amended by Ord. 7205 C.M.S., 6-22-65	5.28.010
5-15.10	As amended by Ord. 7205 C.M.S., 6-22-65	5.28.020
5-15.11	As amended by Ord. 7205 C.M.S., 6-22-65	5.28.030
5-15.111	As added by Ord. 7205 C.M.S., 6-22-65	5.28.040
5-15.112	As amended by Ord. 7205 C.M.S., 6-22-65	5.28.050
5-15.113	As added by Ord. 7205 C.M.S., 6-22-65	5.28.060
5-15.12		5.28.070
5-15.121		Repealed by 4292
5-15.13—		
5-15.20		Repealed by 9572
5-15.21	As added by Ord. 4523 C.M.S., 11-18-54	5.70.050
5-16.01		5.32.010
5-16.02		5.32.020
5-16.03	As amended by Ord. 10761 C.M.S., 7-15-86	5.32.030
5-16.04	As amended by Ord. 10761 C.M.S., 7-15-86	5.32.040
5-16.05	As amended by Ord. 10761 C.M.S., 7-15-86	5.32.050
5-16.06	As amended by Ord. 10761 C.M.S., 7-15-86	5.32.060
5-16.07	As added by Ord. 10761 C.M.S., 7-15-86	4.04.010
5-17.01—		
5-17.14		Repealed by 9544
5-18.00	Added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.010
5-18.01	Added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.020
5-18.02	As amended by Ord. 8100 C.M.S., 2-26-70	5.20.030
5-18.03	Added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.040
5-18.04	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.050
5-18.05	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.060
5-18.06	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.070
5-18.07	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.080
5-18.08	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.090
5-18.09		Repealed by 9337

Prior Code §	Ordinance History	Herein
5-18.10	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.100
5-18.11	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.110
5-18.12	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.120
5-18.13	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.130
5-18.14	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	5.20.140
5-18.15	As added by Ord. 4440 C.M.S., 6-22-54, eff. 7-1-54	Not codified
5-19.00	As added by Ord. 5434 C.M.S., 12-19-57	5.58.010
5-19.01	As added by Ord. 5434 C.M.S., 12-19-57	5.58.020
5-19.02	As added by Ord. 5434 C.M.S., 12-19-57	5.58.020
5-19.03	As added by Ord. 5434 C.M.S., 12-19-57	5.58.030
5-19.04	As added by Ord. 5434 C.M.S., 12-19-57	5.58.040
5-19.05	As added by Ord. 5434 C.M.S., 12-19-57	5.58.050
5-19.06	As added by Ord. 5434 C.M.S., 12-19-57	5.58.060
5-20.01	As added by Ord. 7125 C.M.S., 1-5-65, eff. 4-1-65	4.24.010
5-20.02	As amended by Ord. 11209 C.M.S., 4-24-90	4.24.020
5-20.03	As amended by Ord. 10886 C.M.S., 7-7-87, eff. 8-1-87	4.24.030
5-20.04	As amended by Ord. 11209 C.M.S., 4-24-90	4.24.040
5-20.05	As added by Ord. 7125 C.M.S., 1-5-65, eff. 4-1-65	4.24.050
5-20.06	As amended by Ord. 7148 C.M.S., 2-25-65, eff. 3-1-65, except tax imposed 4-1-65	4.24.060
5-20.07	As amended by Ord. 10232 C.M.S., 6-29-82, eff. 1-1-83	4.24.070
5-20.08	As amended by Ord. 11299 C.M.S., 2-5-91	4.24.080
5-20.09	As amended by Ord. 9048 C.M.S., 8-13-74	4.24.090
5-20.10	As amended by Ord. 11209 C.M.S., 4-24-90	4.24.100
5-20.11	As added by Ord. 7125 C.M.S., 1-5-65; eff. 4-1-65	4.24.110
5-20.12	As added by Ord. 7125 C.M.S., 1-5-65, eff. 4-1-65	4.24.120
5-20.13	As amended by Ord. 11209 C.M.S., 4-24-90	4.24.130
5-20.13(a)	As added by Ord. 11209 C.M.S., 4-24-90	4.24.140
5-20.13(b)	As amended by Ord. 11299 C.M.S., 2-5-91	4.24.150

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
5-20.13(c)	As added by Ord. 11209 C.M.S., 4-24-90	4.24.160
5-20.14		Repealed by 9622
5-20.15	As amended by Ord. 9544 C.M.S., 11-22-77 and Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	4.24.170
5-20.16		Repealed by 9544
5-21.00	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.010
5-21.01	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.020
5-21.02	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.030
5-21.03	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.040
5-21.04	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.050
5-21.05	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.060
5-21.06	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.070
5-21.07	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.080
5-21.08	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.090
5-21.09	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.100
5-21.10	As amended by Ord. 9602 C.M.S., 4-18-78	8.02.110
5-21.11	As added by Ord. 9602 C.M.S., 4-18-78	8.02.120
5-21.12	As added by Ord. 9602 C.M.S., 4-18-78	8.02.130
5-21.13	As added by Ord. 9602 C.M.S., 4-18-78	8.02.140
5-22.01	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.010
5-22.02	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.03	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.04	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.05	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.06	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.07	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.08	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.09	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.10	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.11	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020

Prior Code §	Ordinance History	Herein
5-22.12	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.020
5-22.13	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.030
5-22.14	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.040
5-22.15	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.050
5-22.16	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.060
5-22.17	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.070
5-22.18	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.080
5-22.19	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.090
5-22.20	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.100
5-22.21	As added by Ord. 7381 C.M.S., 4-5-66, eff. 6-1-66; tax operative 7-1-66	4.12.110
5-22.22	As amended by Ord. 10389 C.M.S., eff. 10-18-83 and 1-1-84	4.12.120
5-23.01	As added by Ord. 7860 C.M.S., 8-6-68, eff. 9-1-68	4.28.010
5-23.02	As amended by Ord. 11627 C.M.S., 8-3-93	4.28.020
5-23.03	As amended by Ord. 11627 C.M.S., 8-3-93	4.28.030
5-23.04	As amended by Ord. 11627 C.M.S., 8-3-93	4.28.040
5-23.05	As amended by Ord. 11627 C.M.S., 8-3-93	4.28.050
5-23.051	As amended by Ord. 11627 C.M.S., 8-3-93	4.28.060
5-23.052	As amended by Ord. 11627 C.M.S., 8-3-93	4.28.070
5-23.06	As added by Ord. 7860 C.M.S., 8-6-68, eff. 9-1-68	4.28.080
5-23.07	As added by Ord. 7860 C.M.S., 8-6-68	4.28.090
5-23.071	As added by Ord. 11350 C.M.S., 6-25-91	4.28.100
5-23.072	As added by Ord. 11416 C.M.S., 3-3-92	4.28.110
5-23.08	As amended by Ord. 11350 C.M.S., 6-25-91	4.28.120
5-23.09	As amended by Ord. 11350 C.M.S., 6-25-91	4.28.130
5-23.10	As amended by Ord. 11350 C.M.S., 6-25-91	4.28.140
5-23.11	As added by Ord. 7860 C.M.S., 8-6-68	4.28.150
5-23.12	As added by Ord. 7860 C.M.S., 8-6-68	Not codified
5-23.13	As added by Ord. 11350 C.M.S., 6-25-91	4.28.160

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
5-23.14	As added by Ord. 11350 C.M.S., 6-25-91	4.28.170
5-24.01	As amended by Ord. 8129 C.M.S., 4-30-70	5.16.010
5-24.02	As added by Ord. 7989 C.M.S., 6-19-69	5.16.020
5-24.03	As added by Ord. 7989 C.M.S., 6-19-69	5.16.030
5-24.04	As amended by Ord. 11005 C.M.S., 6-28-88	5.16.040
5-24.05	As added by Ord. 7989 C.M.S., 6-19-69	5.16.050
5-25.01		Repealed by 11921
5-25.02		Repealed by 11921
5-25.03		Repealed by 11921
5-25.04		Repealed by 11921
5-25.05		Repealed by 11921
5-25.06	As added by Ord. 9286 C.M.S., 3-9-75	Repealed by 11921
5-26.01	As added by Ord. 8686 C.M.S., 10-31-72	4.08.010
5-26.02	As added by Ord. 8686 C.M.S., 10-31-72	4.08.020
5-26.03	As added by Ord. 8686 C.M.S., 10-31-72	4.08.030
5-26.04	As added by Ord. 8686 C.M.S., 10-31-72	4.08.040
5-26.05	As added by Ord. 8686 C.M.S., 10-31-72	4.08.050
5-26.06	As added by Ord. 8686 C.M.S., 10-31-72	4.08.060
5-26.07	As added by Ord. 8686 C.M.S., 10-31-72	Not codified
5-27.01	As added by Ord. 9001 C.M.S., 5-2-74	4.20.010
5-27.02	As amended by Ord. 11628 C.M.S., 8-3-93	4.20.020
5-27.03	As added by Ord. 9001 C.M.S., 5-2-74	4.20.030
5-27.04	As added by Ord. 9001 C.M.S., 5-2-74	4.20.040
5-27.05	As amended by Ord. 10193 C.M.S., 3-1-82	4.20.050
5-27.06	As added by Ord. 11664 C.M.S., 11-30-93	4.20.060
5-27.07	As amended by Ord. 11299 C.M.S., 2-5-91	4.20.070
5-27.07(a)	As amended by Ord. 11674 C.M.S., 12-14-93	4.20.080
5-27.08	As added by Ord. 9001 C.M.S., 5-2-74	4.20.090
5-27.09	As added by Ord. 9001 C.M.S., 5-2-74	4.20.100
5-27.10	As added by Ord. 9001 C.M.S., 5-2-74	4.20.110
5-27.11	As added by Ord. 9001 C.M.S., 5-2-74	4.20.120
5-27.12	As added by Ord. 9001 C.M.S., 5-2-74	4.20.130
5-27.13	As added by Ord. 9001 C.M.S., 5-1-74	4.20.140
5-27.14	As added by Ord. 9001 C.M.S., 5-2-74	4.20.150
5-27.15	As added by Ord. 9001 C.M.S., 5-2-74	4.20.160
5-27.16	As added by Ord. 9001 C.M.S., 5-2-74	4.20.170
5-27.17	As added by Ord. 9001 C.M.S., 5-2-74	4.20.180
5-27.18	As added by Ord. 9001 C.M.S., 5-2-74	Not codified
5-27.19	As added by Ord. 10159 C.M.S., 12-3-81	4.20.190
5-27.20	As added by Ord. 10159 C.M.S., 12-3-81	4.20.200
5-27.21	As amended by Ord. 11299 C.M.S., 2-5-91	4.20.210

Prior Code §	Ordinance History	Herein
Ch. 5, Art. 28		Repealed by 10009
5-29.1		5.64.010
5-29.2		5.64.020
5-29.3		5.64.030
5-29.4		5.64.040
5-29.5	As amended by Ord. 11396 C.M.S., 11-26-91	5.64.050
5-29.6		5.64.060
5-29.7		5.64.070
5-29.8		5.64.080
5-29.9		5.64.090
5-29.10	As amended by Ord. 11279 C.M.S., 12-18-90	5.64.100
5-29.11		5.64.110
5-29.12		Not codified
5-29.13		5.64.120
5-29.14		5.64.130
Ch. 5, Art. 30		Repealed by 11128
5-31.00	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.010
5-31.01	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.020
5-31.02	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.030
5-31.03	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.040
5-31.04	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.050
5-31.05	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.060
5-31.06	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.070
5-31.07	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.080
5-31.08	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.090
5-31.09	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.100
5-31.10	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.110
5-31.11	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.120
5-31.12	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.130
5-31.13	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.140
5-31.14	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.150
5-31.15	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.160
5-31.16	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.170
5-31.17	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.180
5-31.18	As amended by Ord. 11501 C.M.S., 9-29-92	4.16.190
6-1.01	As repealed and readded by Ord. 5853 C.M.S., 7-9-59	12.04.010
6-1.02—6-1.07		Repealed by 5853
6-1.071		12.04.020
6-1.072	As added by Ord. 11560 C.M.S., 3-9-93	12.04.030
6-1.073	As amended by Ord. 11560 C.M.S., 5-9-93	12.04.040

## TABLES

Prior Code §	Ordinance History	Herein
6-1.074	As amended by Ord. 11560 C.M.S., 3-9-93	12.04.050
6-1.075	As added by Ord. 11560 C.M.S., 3-9-93	12.04.060
6-1.08		12.04.070
6-1.09	As amended by Ord. 10536 C.M.S., 12-18-84	12.04.080
6-1.10		12.04.090
6-1.11	Amended by Ord. 6796 C.M.S., 6-20-63	12.04.100
6-1.12	Amended by Ord. 7271 C.M.S., 10-7-65, eff. 9-1-65	12.04.110
6-1.13	Amended by Ord. 6796 C.M.S., 6-20-63	12.04.130
6-1.14		Repealed by 5060
6-1.15	As amended by Ord. 2419 C.M.S., 3-27-47	12.04.140
6-1.151	As amended by Ord. 5060 C.M.S., 10-25-56	12.04.120
6-1.16		Repealed by 9753
6-1.17	As amended by Ord. 9753 C.M.S., 4-10-79	12.04.150
6-1.171	As added by Ord. 1767 C.M.S., 3-7-44	12.04.160
6-1.172	As added by Ord. 5559 C.M.S., 5-22-58	12.04.170
6-1.18	As amended by Ord. 9753 C.M.S., 4-10-79	12.04.180
6-1.19	As amended by Ord. 7444 C.M.S., 7-14-66	12.04.190
6-1.191	As added by Ord. 1014 C.M.S., 8-24-39	12.04.200
6-1.20		Repealed by 9753
6-1.21	As amended by Ord. 9753 C.M.S., 4-10-79 and Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	12.04.210
6-1.22	As amended by Ord. 6292 C.M.S., 1-19-61	12.04.220
6-1.23	As amended by Ord. 5060 C.M.S., 10-25-56	12.04.230
6-1.24	As amended by Ord. 6332 C.M.S., 4-4-61	12.04.240
6-1.241	As added by Ord. 6332 C.M.S., 4-4-61	12.04.250
6-1.242	As added by Ord. 10975 C.M.S., 4-26-88, eff. 5-3-88	12.04.260
6-1.243	As amended by Ord. 10975 C.M.S., 4-26-88, eff. 5-3-88	12.04.270
6-1.244	As amended by Ord. 7444 C.M.S., 7-14-66	12.04.270
6-1.245	As added by Ord. 6332 C.M.S., 4-4-61	12.04.280
6-1.246	As added by Ord. 7444 C.M.S., 7-14-66	12.04.290
6-1.247	As amended by Ord. 10975 C.M.S., 4-26-88, eff. 5-3-88	12.04.300
6-1.248	As amended by Ord. 10975 C.M.S., 4-26-88, eff. 5-3-88	12.04.310
6-1.25	Amended by Ord. 6796 C.M.S., 6-20-63	12.04.320
6-1.251		Repealed by 9753
6-1.26		Repealed by 5060
6-1.27	As amended by Ord. 6292 C.M.S., 1-19-61	12.04.330

Prior Code §	Ordinance History	Herein
6-1.28	As amended by Ord. 9337 C.M.S., 6-29-76	12.04.340
6-1.29		Repealed by 9337
6-1.291	As added by Ord. 1014 C.M.S., 8-24-39	12.04.350
6-1.292	As added by Ord. 1014 C.M.S., 8-24-39	12.04.360
6-1.293	As added by Ord. 1014 C.M.S., 8-29-39	12.04.370
6-1.30		Repealed by 9391
6-1.31		Repealed by 9391
6-1.32		Repealed by 9391
6-1.33		Repealed by 9391
6-1.34		Repealed by 9391
6-1.35		Repealed by 9391
6-1.36		Repealed by 9391
6-1.37		Repealed by 9391
6-1.38		Repealed by 9391
6-1.39		Repealed by 9391
6-1.40	As added by Ord. 2901 C.M.S., 9-30-48	12.52.010
6-1.41	As amended by Ord. 3899 C.M.S., 4-25-52	12.52.020
6-1.411	As added by Ord. 3899 C.M.S., 4-24-52	12.52.030
6-1.42	As added by Ord. 2901 C.M.S., 9-30-48; subsec. (c) repealed by Ord. 9337 C.M.S., 6-29-76	12.52.040
6-1.43		Repealed by 3899
6-1.44	As amended by Ord. 8565 C.M.S., 6-13-72, eff. 7-1-72	12.52.050
6-1.441	As amended by Ord. 9337 C.M.S., 6-29-76	12.52.060
6-1.45	As added by Ord. 2901 C.M.S., 9-30-48	12.52.070
6-1.46	As added by Ord. 2901 C.M.S., 9-30-38	12.52.080
6-1.47	As added by Ord. 2901 C.M.S., 9-30-38	12.52.090
6-1.48	As added by Ord. 2901 C.M.S., 9-30-38	12.52.100
6-1.49	As added by Ord. 2901 C.M.S., 9-30-38	12.52.110
6-1.50	As added by Ord. 2901 C.M.S., 9-30-38	12.52.120
6-1.51	As amended by Ord. 9391 C.M.S., 12-7-76	12.08.010
6-1.52	As amended by Ord. 9391 C.M.S., 12-7-76	12.08.010
6-1.53	As amended by Ord. 9391 C.M.S., 12-7-76	12.08.020
6-1.54	As amended by Ord. 10536 C.M.S., 12-18-84	12.08.030
6-1.55	As added by Ord. 9391 C.M.S., 12-7-76	12.08.040
6-1.56	As amended by Ord. 11680 C.M.S., 1-4-94	12.08.050
6-1.57	As added by Ord. 10744 C.M.S., 6-24-86	12.08.060
6-1.58	As amended by Ord. 10322 C.M.S., 3-1-83	12.08.070
6-1.59	As amended by Ord. 9774 C.M.S., 5-29-79	12.08.080
6-1.60	As added by Ord. 9391 C.M.S., 12-7-76	12.08.090

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
6-1.61	As added by Ord. 9391 C.M.S., 12-7-76	12.08.100
6-1.62	As added by Ord. 9391 C.M.S., 12-7-76	12.08.110
6-1.63	As amended by Ord. 9774 C.M.S., 5-29-79	12.08.120
6-1.64	As amended by Ord. 9774 C.M.S., 5-29-79	12.08.130
6-1.65	As amended by Ord. 10680 C.M.S., 1-4-94	12.08.140
6-1.66	As added by Ord. 9391 C.M.S., 12-7-76	12.08.150
6-1.67	As added by Ord. 9391 C.M.S., 12-7-76	12.08.160
6-1.68	As added by Ord. 9391 C.M.S., 12-7-76	12.08.170
6-1.69	As added by Ord. 9391 C.M.S., 12-7-76	12.08.180
6-1.70		Repealed by 9774
6-1.71	As added by Ord. 9391 C.M.S., 12-7-76	12.08.190
6-2.01	As amended by Ord. 9337 C.M.S., 6-29-76	12.12.010
6-2.011	As added by Ord. 9317 C.M.S., 5-25-76	12.12.020
6-2.012	As added by Ord. 9317 C.M.S., 5-25-76	12.12.030
6-2.02	As amended by Ord. 9337 C.M.S., 6-29-76	12.12.040
6-2.021		Repealed by 9775
6-2.03	As amended by Ord. 9775 C.M.S., 5-29-79	12.12.050
6-2.04	As amended by Ord. 9775 C.M.S., 5-29-79	12.12.060
6-2.05	As amended by Ord. 9775 C.M.S., 5-29-79	12.12.070
6-2.06	As amended by Ord. 9775 C.M.S., 5-29-79	12.12.080
6-2.061	As amended by Ord. 8445 C.M.S., 9-23-71	12.12.090
6-2.062	As amended by Ord. 8445 C.M.S., 9-23-71	12.12.100
6-2.07	As amended by Ord. 10983 C.M.S., 5-24-88	12.12.110
6-2.071	As added by Ord. 4405 C.M.S., 5-6-54	12.12.120
6-2.072		Repealed by 10983
6-2.08		Repealed by 10983
6-2.09		Repealed by 10983
6-2.091	As amended by Ord. 9775 C.M.S., 5-29-79	12.12.130
6-2.092		Repealed by 10983
6-2.093	As added by Ord. 10983 C.M.S., 5-24-88	12.12.140
6-2.10	As amended by Ord. 10983 C.M.S., 5-24-88	12.12.150
6-2.101	As amended by Ord. 9775 C.M.S., 5-29-79	12.12.160
6-2.11		Repealed by 10983
6-2.111		Repealed by 10983
6-2.112	As added by Ord. 4405 C.M.S., 5-6-54	12.12.170
6-2.113		Repealed by 9337
6-2.114	As amended by Ord. 8445 C.M.S., 9-23-71	12.12.180
6-2.115	As amended by Ord. 9337 C.M.S., 6-29-76	12.12.190
6-2.116	As added by Ord. 4405 C.M.S., 5-6-54	12.12.200
6-2.117	As added by Ord. 10983 C.M.S., 5-24-88	12.12.210
6-2.12		Repealed by 9775

Prior Code §	Ordinance History	Herein
6-2.13	As amended by Ord. 8445 C.M.S., 9-23-71	12.12.220
6-2.14	As amended by Ord. 8445 C.M.S., 9-23-71	12.12.230
6-2.15	As amended by Ord. 8445 C.M.S., 9-23-71	12.12.240
6-2.16	As amended by Ord. 8445 C.M.S., 9-23-71	12.12.250
6-2.161	As added by Ord. 10983 C.M.S., 5-24-88	12.12.260
6-2.17	As amended by Ord. 4405 C.M.S., 5-6-54	12.12.270
6-2.18		12.12.280
6-2.19		12.16.010
6-2.191	Added by Ord. 7971 C.M.S., 4-24-69	12.16.020
6-2.192	As amended by Ord. 11706 C.M.S., 5-17-94	12.16.030
6-2.193	Added by Ord. 7971 C.M.S., 4-24-69	12.16.040
6-2.194	Added by Ord. 7971 C.M.S., 4-24-69	12.16.050
6-2.195	As added by Ord. 7971 C.M.S., 4-24-69	12.16.060
6-2.196	As added by Ord. 7971 C.M.S., 4-24-69	12.16.070
6-2.20	As amended by Ord. 5852 C.M.S., 7-9-59	12.20.010
6-2.21	As amended by Ord. 6522 C.M.S., 2-6-62	12.20.020
6-2.22		Repealed by 6522
6-2.23		Repealed by 6522
6-2.24		12.20.030
6-2.25		Repealed by 9337
6-2.26		12.20.040
6-2.261		Repealed by 9337
6-2.262		Repealed by 9337
6-2.263	As amended by Ord. 8741 C.M.S., 1-30-73	12.16.080
6-2.264		Repealed by 5937
6-2.27		12.28.010
6-2.28		12.28.020
6-2.29		12.28.030
6-2.30		12.28.040
6-2.31		12.28.050
6-2.32	As amended by Ord. 9337 C.M.S., 6-29-76	12.28.060
6-2.33		12.28.070
6-2.34		12.28.080
6-2.35		12.28.090
6-2.36		12.28.100
6-2.37—6-2.39		Repealed by 4146
6-2.40		9.16.060
6-2.41		Repealed by 4146
6-2.42		Repealed by 742
6-2.43		13.12.010
6-2.44		13.12.010

**TABLES**

Prior Code §	Ordinance History	Herein
6-2.441	As added by Ord. 1175 C.M.S., 8-8-40	13.12.015
6-2.442	As added by Ord. 1175 C.M.S., 8-8-40	13.12.020
6-2.443	As added by Ord. 2937 C.M.S., 11-16-48	13.12.025
6-2.444	As added by Ord. 2938 C.M.S., 11-16-48	13.12.030
6-2.445	As added by Ord. 3222 C.M.S., 11-17-49	13.12.035
6-2.446	As added by Ord. 3261 C.M.S., 1-12-50	13.12.040
6-2.447	As added by Ord. 3162 C.M.S., 1-12-50	13.12.045
6-2.448	As added by Ord. 3263 C.M.S., 1-12-50	13.12.050
6-2.449	As added by Ord. 3613 C.M.S., 4-18-51	13.12.055
6-2.45	As amended by Ord. 1175 C.M.S., 8-8-40	13.12.005
6-2.450	As added by Ord. 3614 C.M.S., 4-18-51	13.12.060
6-2.4501	As added by Ord. 3843 C.M.S., 1-17-52	13.12.065
6-2.4502	As added by Ord. 3885 C.M.S., 4-3-52	13.12.070
6-2.4503	As added by Ord. 4048 C.M.S., 12-18-52	13.12.075
6-2.4504	As added by Ord. 4049 C.M.S., 12-18-52	13.12.080
6-2.4505	As added by Ord. 4090 C.M.S., 2-13-53	13.12.085
6-2.4506	As added by Ord. 4193 C.M.S., 7-23-53	13.12.090
6-2.4507	As added by Ord. 4194 C.M.S., 7-23-53	13.12.095
6-2.4508	Added by Ord. 4453 C.M.S., 6-29-54	13.12.100
6-2.4509	Added by Ord. 4668 C.M.S., 6-21-55	13.12.105
6-2.451	As added by Ord. 1175 C.M.S., 8-8-40	13.12.005
6-2.4510	Added by Ord. 4756 C.M.S., 10-11-55	13.12.110
6-2.4511	Added by Ord. 4757 C.M.S., 10-11-55	13.12.115
6-2.4512	Added by Ord. 4861 C.M.S., 2-28-56	13.12.120
6-2.4513	Added by Ord. 4881 C.M.S., 3-27-56	13.12.125
6-2.4514	Added by Ord. 5110 C.M.S., 12-18-56	13.12.130
6-2.4515	As added by Ord. 5281 C.M.S., 6-4-57	13.12.135
6-2.4516	As added by Ord. 5470 C.M.S., 2-4-58	13.12.140
6-2.4517	As added by Ord. 5494 C.M.S., 2-25-58	13.12.145
6-2.4518	As added by Ord. 5540 C.M.S., 5-6-58	13.12.150
6-2.4519	As added by Ord. 5574 C.M.S., 6-10-58	13.12.155
6-2.45190	As added by Ord. 5619 C.M.S., 8-19-58	13.12.160
6-2.45191	As added by Ord. 5705 C.M.S., 1-6-59	13.12.165
6-2.45192	As added by Ord. 5721 C.M.S., 1-27-59	13.12.170
6-2.45193	As added by Ord. 5768 C.M.S., 3-17-59	13.12.175
6-2.45194	As added by Ord. 5800 C.M.S., 4-28-59	13.12.180
6-2.45195	As added by Ord. 5802 C.M.S., 5-5-59	13.12.185
6-2.45196	As added by Ord. 6012 C.M.S., 3-1-60	13.12.190
6-2.45197	As added by Ord. 6016 C.M.S., 3-8-60	13.12.195
6-2.45198	As added by Ord. 6123 C.M.S., 7-12-60	13.12.200
6-2.45199	As added by Ord. 6124 C.M.S., 7-12-60	13.12.205

Prior Code §	Ordinance History	Herein
6-2.452	As added by Ord. 1175 C.M.S., 8-8-40	13.12.005
6-2.45200	As added by Ord. 6125 C.M.S., 7-12-60	13.12.210
6-2.45201	As added by Ord. 6126 C.M.S., 7-12-60	13.12.215
6-2.45202	As added by Ord. 6181 C.M.S., 9-13-60	13.12.220
6-2.45203	As added by Ord. 6181 C.M.S., 9-13-60	13.12.225
6-2.45204	As added by Ord. 6181 C.M.S., 9-13-60	13.12.230
6-2.45205	As added by Ord. 6250 C.M.S., 11-22-60	13.12.235
6-2.45206	As added by Ord. 6251 C.M.S., 11-22-60	13.12.240
6-2.45207	As added by Ord. 6252 C.M.S., 11-22-60	13.12.245
6-2.45208	As added by Ord. 6262 C.M.S., 12-13-60	13.12.250
6-2.45209	As added by Ord. 6343 C.M.S., 4-25-61	13.12.255
6-2.45210	As added by Ord. 6396 C.M.S., 6-15-61	13.12.260
6-2.45211	As added by Ord. 6397 C.M.S., 6-15-61	13.12.265
6-2.45212	As added by Ord. 6407 C.M.S., 7-5-61	13.12.270
6-2.45213	As added by Ord. 6430 C.M.S., 8-8-61	13.12.275
6-2.45214	As added by Ord. 6437 C.M.S., 8-31-61	13.12.280
6-2.45215	As added by Ord. 6488 C.M.S., 12-5-61	13.12.285
6-2.45216	As added by Ord. 6540 C.M.S., 3-6-62	13.12.290
6-2.45217	As added by Ord. 6550 C.M.S., 3-20-62	13.12.295
6-2.45218	As added by Ord. 6564 C.M.S., 4-10-62	13.12.300
6-2.45219	As added by Ord. 6621 C.M.S., 7-12-62	13.12.305
6-2.45220	As added by Ord. 6654 C.M.S., 9-11-62	13.12.310
6-2.45221	As added by Ord. 6678 C.M.S., 10-25-62	13.12.315
6-2.45222	As added by Ord. 6703 C.M.S., 1-8-63	13.12.320
6-2.45223	As added by Ord. 6742 C.M.S., 3-26-63	13.12.325
6-2.45224	As added by Ord. 6822 C.M.S., 7-30-63	13.12.330
6-2.45225	As added by Ord. 6806 C.M.S., 7-2-63	13.12.335
6-2.45226	As added by Ord. 6820 C.M.S., 7-30-63	13.12.340
6-2.45227	As added by Ord. 6820 C.M.S., 7-30-63	13.12.345
6-2.45228	As added by Ord. 6820 C.M.S., 7-30-63	13.12.350
6-2.45229	As added by Ord. 6807 C.M.S., 7-2-63	13.12.355
6-2.45230	As added by Ord. 6814 C.M.S., 7-9-63	13.12.360
6-2.45231	As added by Ord. 6827 C.M.S., 8-15-63	13.12.365
6-2.45232	As added by Ord. 6859 C.M.S., 10-8-63	13.12.370
6-2.45233	As added by Ord. 6865 C.M.S., 10-17-63	13.12.375
6-2.45234	As added by Ord. 6909 C.M.S., 12-26-63	13.12.380
6-2.45235	As added by Ord. 6909 C.M.S., 12-26-63	13.12.385
6-2.45236	As added by Ord. 6953 C.M.S., 3-10-64	13.12.390
6-2.45237	As added by Ord. 6972 C.M.S., 4-9-64	13.12.395
6-2.45238	As added by Ord. 7046 C.M.S., 8-25-64	13.12.400
6-2.45239	As added by Ord. 7046 C.M.S., 8-25-64	13.12.405

## TABLES

Prior Code §	Ordinance History	Herein
6-2.45240	As added by Ord. 7046 C.M.S., 8-25-64	13.12.410
6-2.45241	As added by Ord. 7082 C.M.S., 10-15-64	13.12.415
6-2.45242	As added by Ord. 7083 C.M.S., 10-15-64	13.12.420
6-2.45243	As added by Ord. 7143 C.M.S., 2-16-65	13.12.425
6-2.45244	As added by Ord. 7111 C.M.S., 12-3-64	13.12.430
6-2.45245	As added by Ord. 7186 C.M.S., 5-11-65	13.12.435
6-2.45246	Added by Ord. 7269 C.M.S., 10-5-65	13.12.440
6-2.45247	Added by Ord. 7270 C.M.S., 10-5-65	13.12.445
6-2.45248	Added by Ord. 7296 C.M.S., 11-16-65	13.12.450
6-2.45249	Added by Ord. 7276 C.M.S., 10-14-65	13.12.455
6-2.45250	Added by Ord. 7276 C.M.S., 10-14-65	13.12.460
6-2.45251	Added by Ord. 7276 C.M.S., 10-14-65	13.12.465
6-2.45252	Added by Ord. 7276 C.M.S., 10-14-65	13.12.470
6-2.45253	Added by Ord. 7276 C.M.S., 10-14-65	13.12.475
6-2.45254	Added by Ord. 7276 C.M.S., 10-14-65	13.12.480
6-2.45255	Added by Ord. 7276 C.M.S., 10-14-65	13.12.485
6-2.45256	As added by Ord. 7276 C.M.S., 10-14-65	13.12.490
6-2.45257	As added by Ord. 7276 C.M.S., 10-14-65	13.12.495
6-2.45258	Added by Ord. 7276 C.M.S., 10-14-65	13.12.500
6-2.45259	As added by Ord. 7276 C.M.S., 10-14-65	13.12.505
6-2.45260	As added by Ord. 7276 C.M.S., 10-14-65	13.12.510
6-2.45261	As added by Ord. 7428 C.M.S., 6-28-66	13.12.515
6-2.45262	As added by Ord. 7428 C.M.S., 6-28-66	13.12.520
6-2.45263	As added by Ord. 7428 C.M.S., 6-28-66	13.12.525
6-2.45264	As added by Ord. 7428 C.M.S., 6-28-66	13.12.530
6-2.45265	As added by Ord. 7428 C.M.S., 6-28-66	13.12.535
6-2.45266	As added by Ord. 7378 C.M.S., 4-5-66	13.12.540
6-2.45267	As added by Ord. 7379 C.M.S., 4-5-66	13.12.545
6-2.45268	As added by Ord. 7428 C.M.S., 6-28-66	13.12.550
6-2.45269	As added by Ord. 7413 C.M.S., 5-26-66	13.12.555
6-2.45270	As added by Ord. 7450 C.M.S., 7-26-66	13.12.560
6-2.45271	As added by Ord. 7450 C.M.S., 7-26-66	13.12.565
6-2.45272	As added by Ord. 7450 C.M.S., 7-26-66	13.12.570
6-2.45273	As added by Ord. 7450 C.M.S., 7-26-66	13.12.575
6-2.45274	As added by Ord. 7534 C.M.S., 11-29-66	13.12.580
6-2.45275	As added by Ord. 7569 C.M.S., 1-5-67	13.12.585
6-2.45276	As added by Ord. 7596 C.M.S., 2-21-67	13.12.590
6-2.45277	As added by Ord. 7619 C.M.S., 4-6-67	13.12.595
6-2.45278	As added by Ord. 7688 C.M.S., 8-22-67	13.12.600
6-2.45279	As added by Ord. 7688 C.M.S., 8-22-67	13.12.605
6-2.45280	As added by Ord. 7688 C.M.S., 8-22-67	13.12.610

Prior Code §	Ordinance History	Herein
6-2.45281	As added by Ord. 7688 C.M.S., 8-22-67	13.12.615
6-2.45282	As amended by Ord. 8012 C.M.S., 7-31-69	13.12.620
6-2.45283	As added by Ord. 7688 C.M.S., 8-22-67	13.12.625
6-2.45284	As added by Ord. 7688 C.M.S., 8-22-67	13.12.630
6-2.45285	As added by Ord. 7688 C.M.S., 8-22-67	13.12.635
6-2.453		Repealed by 7769
6-2.454		Repealed by 7769
6-2.455		Repealed by 7769
6-2.46		Repealed by 7769
6-2.461		Repealed by 7769
6-2.462		Repealed by 7769
6-2.463		Repealed by 7769
6-2.464		Repealed by 7769
6-2.47		Repealed by 7769
6-2.471		Repealed by 7769
6-2.472		Repealed by 7769
6-2.473		Repealed by 7769
6-2.474		Repealed by 7769
6-2.48	As amended by Ord. 9337 C.M.S., 6-29-76	15.44.010
6-2.481	As added by Ord. 3044 C.M.S., 4-14-49	15.44.020
6-2.4811	As amended by Ord. 10695 C.M.S., 2-25-86	15.44.030
6-2.482	As added by Ord. 3044 C.M.S., 4-14-49	15.44.040
6-2.4821	As added by Ord. 7033 C.M.S., 8-4-64	15.44.040
6-2.4822	Added by Ord. 7033 C.M.S., 8-4-64	15.44.050
6-2.4823	As added by Ord. 9812 C.M.S., 8-21-79	15.44.060
6-2.483	As added by Ord. 3044 C.M.S., 4-14-49	15.44.070
6-2.484	As added by Ord. 3044 C.M.S., 4-14-49	15.44.080
6-2.485	As added by Ord. 3044 C.M.S., 4-14-49	15.44.090
6-2.486	As added by Ord. 3044 C.M.S., 4-14-49	15.44.100
6-2.49		Repealed by 3044
6-2.50	As amended by Ord. 3300 C.M.S., 3-14-50	15.44.110
6-2.51	As amended by Ord. 3044 C.M.S., 4-14-49	15.44.120
6-2.52	As amended by Ord. 3044 C.M.S., 4-14-49	15.44.130
6-2.53		Repealed by 3044
6-2.54		12.24.010
6-2.55		12.24.020
6-2.56		12.24.030
6-2.57		12.24.040
6-2.58		12.24.050
6-2.59		Repealed by 8145
6-2.60	As amended by Ord. 8125 C.M.S., 4-16-70	12.08.200
6-2.61	As added by Ord. 2419 C.M.S., 3-27-47	12.08.210
6-2.611	As added by Ord. 5560 C.M.S., 5-22-58	12.08.220

## TABLES

Prior Code §	Ordinance History	Herein
6-2.62	As amended by Ord. 9337 C.M.S., 6-29-76	12.08.230
6-2.63		Repealed by 9337
6-2.64	As amended by Ord. 8125 C.M.S., 4-16-70	12.08.240
6-2.65	As added by Ord. 4266 C.M.S., 10-27-53	12.24.060
6-2.66	As added by Ord. 7631 C.M.S., 5-9-67	12.24.070
6-2.67	As added by Ord. 8139 C.M.S., 5-28-70, eff. 6-4-70	12.28.110
6-2.68	As amended by Ord. 9337 C.M.S., 6-29-76	12.28.120
6-2.69	As added by Ord. 10869 C.M.S., 6-19-87	12.24.080
6-3.01		12.32.010, 12.64.010
6-3.02	As amended by Ord. 8513 C.M.S., 2-22-72	12.32.020
6-3.03	As amended by Ord. 8513 C.M.S., 2-22-72	12.32.030
6-3.031	As amended by Ord. 8513 C.M.S., 2-22-72	12.32.040
6-3.032	As added by Ord. 8513 C.M.S., 2-22-72	12.32.050
6-3.04	As amended by Ord. 8513 C.M.S., 2-22-72	12.32.060
6-3.05		9.16.050
6-3.06	As amended by Ord. 9337 C.M.S., 6-29-76	12.32.070
6-3.07	As amended by Ord. 4423 C.M.S., 5-25-54	12.64.200
6-3.08		12.64.200
6-3.09		12.64.200
6-3.10	As amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	9.16.010
6-3.11		12.64.020
6-3.12	As amended by Ord. 5992 C.M.S., 2-9-60	12.64.030
6-3.13		12.64.040
6-3.14		12.64.050
6-3.15		Repealed by 9912
6-3.16	As amended by Ord. 9324 C.M.S., 6-1-76	12.64.060
6-3.17	As amended by Ord. 4423 C.M.S., 5-25-54	12.64.200
6-3.18		12.64.070
6-3.19	As amended by Ord. 7311 C.M.S., 12-14-65	12.64.080
6-3.20		12.64.210
6-3.21		12.64.090
6-3.22		12.64.100
6-3.23		12.64.220
6-3.24	As amended by Ord. 11548 C.M.S., 2-16-93	12.64.160
6-3.241	As added by Ord. 11548 C.M.S., 2-16-93	12.64.170
6-3.25		12.64.130
6-3.251	As added by Ord. 1113 C.M.S., 4-11-40	12.64.140
6-3.252	As added by Ord. 3761 C.M.S., 9-18-51	12.64.150
6-3.26	As added by Ord. 600 C.M.S., 3-19-36	12.64.240

Prior Code §	Ordinance History	Herein
6-3.27	As added by Ord. 600 C.M.S., 3-19-36	12.64.240
6-3.28	As added by Ord. 600 C.M.S., 3-19-36	12.64.240
6-3.29	As added by Ord. 600 C.M.S., 3-19-36	12.64.240
6-3.30	As added by Ord. 600 C.M.S., 3-19-36	12.64.240
6-3.31	As added by Ord. 3244 C.M.S., 12-27-49	12.64.230
6-3.32	As amended by Ord. 9912 C.M.S., 4-8-80	12.64.120
6-3.33	As added by Ord. 9912 C.M.S., 4-8-80	12.64.110
6-3.331	As added by Ord. 11548 C.M.S., 2-16-93	12.64.180
6-3.34	As added by Ord. 11417 C.M.S., 3-10-92	12.60.070
Ch. 6, Art. 4	As amended by Ords. 364, 1767, 2769, 5078, 5726, 6198, 7101, 8424, 8958, 9435, 10286, 10389, 10492, 10834 and 11429 C.M.S.	Ch. 8.28
6-4.01		8.28.010
6-4.02		8.28.020
6-4.03		8.28.030
6-4.04		8.28.040
6-4.05		8.28.050
6-4.06		8.28.060
6-4.07		8.28.070
6-4.08		8.28.080
6-4.09		8.28.090
6-4.10		8.28.100
6-4.11		8.28.110
6-4.12		8.28.120
6-4.13		8.28.130
6-4.14		8.28.140
6-4.15		8.28.150
6-4.16		8.28.160
6-4.17		8.28.170
6-4.17.01		8.28.180
6-4.17.02		8.28.190
6-4.17.03		8.28.200
6-4.17.04		8.28.210
6-4.17.05		8.28.220
6-4.17.06		8.28.230
6-4.17.07		8.28.240
6-4.17.08		8.28.250
6-4.17.09		8.28.260
6-4.17.10		8.28.270
6-4.18		8.28.280
6-4.19		Not codified

## TABLES

Prior Code §	Ordinance History	Herein
6-4.20		8.28.290
6-5.01	As amended by Ord. 6522 C.M.S., 2-6-62	9.16.040
6-6.020	As added by Ord. 10877 C.M.S., 6-23-87	13.08.010
6-6.030	As added by Ord. 10877 C.M.S., 6-23-87	13.08.020
6-6.040	As added by Ord. 10877 C.M.S., 6-23-87	13.08.030
6-6.050	As added by Ord. 10877 C.M.S., 6-23-87	13.08.040
6-6.060	As added by Ord. 10877 C.M.S., 6-23-87	13.08.050
6-6.070	As added by Ord. 10877 C.M.S., 6-23-87	13.08.060
6-6.080	As added by Ord. 10877 C.M.S., 6-23-87	13.08.070
6-6.090	As added by Ord. 10877 C.M.S., 6-23-87	13.08.080
6-6.100	As added by Ord. 10877 C.M.S., 6-23-87	13.08.090
6-6.110	As added by Ord. 10877 C.M.S., 6-23-87	13.08.100
6-6.120		Number not used
6-6.130	As added by Ord. 10877 C.M.S., 6-23-87	13.08.110
6-6.140	As added by Ord. 10877 C.M.S., 6-23-87	13.08.120
6-6.150	As added by Ord. 10877 C.M.S., 6-23-87	13.08.130
6-6.160	As amended by Ord. 11124 C.M.S., 6-20-89	13.08.140
6-6.170	As amended by Ord. 11124 C.M.S., 6-20-89	13.08.150
6-6.171	As added by Ord. 10877 C.M.S., 6-23-87	13.08.160
6-6.172	As added by Ord. 10877 C.M.S., 6-23-87	13.08.170
6-6.173	As added by Ord. 10877 C.M.S., 6-23-87	13.08.180
6-6.174	As added by Ord. 10877 C.M.S., 6-23-87	13.08.180
6-6.180	As amended by Ord. 11124 C.M.S., 6-20-89	13.08.190
6-6.190	As added by Ord. 10877 C.M.S., 6-23-87	13.08.200
6-6.200	As added by Ord. 10877 C.M.S., 6-23-87	13.08.210
6-6.210	As added by Ord. 10877 C.M.S., 6-23-87	13.08.220
6-6.211	As added by Ord. 10877 C.M.S., 6-23-87	13.08.230
6-6.220	As added by Ord. 10877 C.M.S., 6-23-87	13.08.240
6-6.221	As added by Ord. 10877 C.M.S., 6-23-87	13.08.250
6-6.222	As added by Ord. 10877 C.M.S., 6-23-87	13.08.260
6-6.223	As amended by Ord. 11547 C.M.S., 2-16-93	13.08.270
6-6.224	As added by Ord. 10877 C.M.S., 6-23-87	13.08.280
6-6.225	As added by Ord. 10877 C.M.S., 6-23-87	13.08.290
6-6.226	As amended by Ord. 11547 C.M.S., 2-16-93	13.08.300
6-6.227	As added by Ord. 10877 C.M.S., 6-23-87	13.08.310
6-6.228	As added by Ord. 10877 C.M.S., 6-23-87	13.08.320
6-6.229	As added by Ord. 10877 C.M.S., 6-23-87	13.08.330
6-6.230	As added by Ord. 10877 C.M.S., 6-23-87	13.08.340
6-6.231	As added by Ord. 10877 C.M.S., 6-23-87	13.08.350
6-6.240	As added by Ord. 10877 C.M.S., 6-23-87	13.08.360
6-6.241	As added by Ord. 10877 C.M.S., 6-23-87	13.08.370

Prior Code §	Ordinance History	Herein
6-6.242	As added by Ord. 10877 C.M.S., 6-23-87	13.08.380
6-6.243	As added by Ord. 11124 C.M.S., 6-20-89	13.08.390
6-6.244	As added by Ord. 11124 C.M.S., 6-20-89	13.08.400
6-6.245	As added by Ord. 11168 C.M.S., 12-19-89	13.08.410
6-6.250	As added by Ord. 10877 C.M.S., 6-23-87	13.08.420
6-6.260	As added by Ord. 10877 C.M.S., 6-23-87	13.08.430
6-6.270	As added by Ord. 10877 C.M.S., 6-23-87	13.08.440
6-6.280	As added by Ord. 10877 C.M.S., 6-23-87	13.08.450
6-6.290	As added by Ord. 10877 C.M.S., 6-23-87	13.08.460
6-6.300	As added by Ord. 10877 C.M.S., 6-23-87	13.08.470
6-6.310	As added by Ord. 10877 C.M.S., 6-23-87	13.08.480
6-6.320	As added by Ord. 10877 C.M.S., 6-23-87	13.08.490
6-6.330	As added by Ord. 10877 C.M.S., 6-23-87	13.08.500
6-6.331	As added by Ord. 10877 C.M.S., 6-23-87	13.08.510
6-6.332	As added by Ord. 10877 C.M.S., 6-23-87	13.08.520
6-6.340	As added by Ord. 10877 C.M.S., 6-23-87	13.08.530
6-6.341	As amended by Ord. 11168 C.M.S., 12-19-89	13.08.530
6-6.342	As amended by Ord. 11124 C.M.S., 6-20-89	13.08.530
6-6.343	As added by Ord. 10877 C.M.S., 6-23-87	13.08.530
6-6.344		13.08.530
6-6.345	As added by Ord. 10877 C.M.S., 6-23-87	13.08.530
6-6.346	As added by Ord. 10877 C.M.S., 6-23-87	13.08.530
6-6.350	As added by Ord. 10877 C.M.S., 6-23-87	13.08.580
6-6.360	As added by Ord. 10877 C.M.S., 6-23-87	13.08.540
6-6.370	As added by Ord. 10877 C.M.S., 6-23-87	13.08.550
6-6.380	As added by Ord. 11168 C.M.S., 12-19-89	13.08.560
6-6.381	As added by Ord. 11168 C.M.S., 12-19-89	13.08.560
6-6.382	As added by Ord. 11168 C.M.S., 12-19-89	13.08.570
6-6.383	As added by Ord. 11168 C.M.S., 12-19-89	13.08.570
6-6.384	As added by Ord. 11168 C.M.S., 12-19-89	13.08.570
6-7.01	As amended by Ord. 10876 C.M.S., 6-23-87	13.04.010
6-7.02	As amended by Ord. 11100 C.M.S., 4-11-89	13.04.020
6-7.03	As amended by Ord. 7783 C.M.S., 4-4-68, eff. 5-1-68	13.04.030
6-7.04	As amended by Ord. 7783 C.M.S., 4-4-68, eff. 5-1-68	13.04.040
6-7.05	As amended by Ord. 7783 C.M.S., 4-4-68, eff. 5-1-68	13.04.050
6-7.06	As added by Ord. 10876 C.M.S., 6-23-87	13.04.060
6-7.07	As amended by Ord. 7783 C.M.S., 4-4-68, eff. 5-1-68	13.04.070
6-8.01	As added by Ord. 9912 C.M.S., 4-8-80	12.64.250
6-8.02	As added by Ord. 9912 C.M.S., 4-8-80	12.64.260

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
6-8.03	As added by Ord. 9912 C.M.S., 4-8-80	12.64.270
6-8.04	As added by Ord. 9912 C.M.S., 4-8-80	12.64.280
6-8.05	As added by Ord. 9912 C.M.S., 4-8-80	12.64.290
6-8.06	As added by Ord. 9912 C.M.S., 4-8-80	12.64.300
6-8.07	As added by Ord. 9912 C.M.S., 4-8-80	12.64.310
6-8.08	As added by Ord. 9912 C.M.S., 4-8-80	12.64.320
6-8.09	As added by Ord. 9912 C.M.S., 4-8-80	12.64.330
6-8.10	As added by Ord. 9912 C.M.S., 4-8-80	12.64.340
6-8.11	As added by Ord. 9912 C.M.S., 4-8-80	12.64.350
6-8.12	As added by Ord. 9912 C.M.S., 4-8-80	12.64.360
6-8.13	As added by Ord. 9912 C.M.S., 4-8-80	12.64.370
6-9.01	As added by Ord. 10892 C.M.S., 9-1-87	15.36.010
6-9.02	As added by Ord. 10892 C.M.S., 9-1-87	15.36.020
6-9.03	As added by Ord. 10892 C.M.S., 9-1-87	15.36.030
6-9.04	As added by Ord. 10892 C.M.S., 9-1-87	15.36.040
6-9.05	As added by Ord. 10892 C.M.S., 9-1-87	15.36.050
6-9.06	As added by Ord. 10892 C.M.S., 9-1-87	15.36.060
6-9.07	As added by Ord. 10892 C.M.S., 9-1-87	15.36.070
6-9.08	As added by Ord. 10892 C.M.S., 9-1-87	15.36.080
6-9.09	As added by Ord. 10892 C.M.S., 9-1-87	15.36.090
6-10.01		12.48.010
6-10.02		12.48.020
6-10.03		12.48.030
6-10.04		12.48.040
6-10.05		12.48.050
6-10.06		12.48.060
6-10.07		12.48.070
6-10.08		12.48.080
6-10.09		12.48.090
6-10.10		12.48.100
6-10.11		12.48.110
6-10.12		12.48.120
6-10.13		12.48.130
6-10.14		12.48.140
6-10.15		12.48.150
6-10.16		Not codified
6-11.01		12.50.010
6-11.02		12.50.020
6-11.03		12.50.030
6-11.04		12.50.040
6-11.05		12.50.050
6-11.06		12.50.060
6-11.07		12.50.070

PRIOR CODE TABLE

Prior Code §	Ordinance History	Herein
6-11.08		12.50.080
6-11.09		12.50.090
6-11.10		12.50.100
6-11.11		12.50.110
6-11.12		12.50.120
6-11.13		12.50.130
6-11.14		12.50.140
6-11.15		12.50.150
6-11.16		12.50.160
6-11.17		12.50.170
6-11.18		Not codified
7-1.01—7-1.981		Repealed by 7248
7-2.01	As amended by Ord. 10798 C.M.S., 11-10-86	15.40.010
7-2.02	As amended by Ord. 2029 C.M.S., 10-2-45	15.40.020



Prior Code §	Ordinance History	Herein
7-2.03	As amended by Ord. 2029 C.M.S., 10-2-45	15.40.030
7-2.031		Repealed by 9337
7-2.04	As amended by Ord. 2029 C.M.S., 10-2-45	15.40.040
7-2.05	As amended by Ord. 2029 C.M.S., 10-2-45	15.40.050
7-2.06	As amended by Ord. 2029 C.M.S., 10-2-45 and Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	15.40.060
7-3.01		15.48.010
7-3.02		15.48.020
7-3.03		15.48.030
7-3.04		15.48.040
7-3.05		15.48.050
7-3.06		15.48.060
7-3.07		15.48.070
7-3.08	As amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	15.48.080
7-3.09		9.16.030
7-4.01	As amended by Ord. 9895 C.M.S., 3-18-80	16.04.010
7-4.011	As amended by Ord. 10218 C.M.S., 5-25-82	16.04.020
7-4.012		16.04.030
7-4.013	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.014	As added by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.02	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.03	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.04	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.05	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.06	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.07	As added by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.071	As amended by Ord. 9895 C.M.S., 3-18-80	16.04.030
7-4.072	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.08	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.030
7-4.081	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.040
7-4.09	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.050
7-4.10	As amended by Ord. 9309 C.M.S., 5-11-76	16.08.010
7-4.11	As amended by Ord. 938 C.M.S., 1-3-39	16.08.010
7-4.12	As added by Ord. 938 C.M.S., 1-3-39	16.08.010
7-4.13	As added by Ord. 938 C.M.S., 1-3-39	16.08.010
7-4.131		Repealed by 9337
7-4.132	As added by Ord. 9309 C.M.S., 5-11-76	16.08.020
7-4.141	As added by Ord. 10218 C.M.S., 5-25-82	16.08.030
7-4.15	As amended by Ord. 9309 C.M.S., 5-11-76	16.16.010
7-4.16	As amended by Ord. 9309 C.M.S., 5-11-76	16.16.020

TABLES

Prior Code §	Ordinance History	Herein
7-4.17	As amended by Ord. 9309 C.M.S., 5-11-76	16.16.030
7-4.18	As amended by Ord. 938 C.M.S., 1-3-39	16.16.040
7-4.19	As amended by Ord. 9309 C.M.S., 5-11-76	16.16.050
7-4.20	As amended by Ord. 9309 C.M.S., 5-11-76	16.16.060
7-4.21	As amended by Ord. 9309 C.M.S., 5-11-76	16.16.070
7-4.22	As amended by Ord. 9309 C.M.S., 5-11-76	16.16.080
7-4.23	As added by Ord. 938 C.M.S., 1-3-39	16.16.090
7-4.24	As added by Ord. 938 C.M.S., 1-3-39	16.16.100
7-4.25	As added by Ord. 938 C.M.S., 1-3-39	16.16.110
7-4.26	As added by Ord. 938 C.M.S., 1-3-39	16.16.120
7-4.27	As added by Ord. 938 C.M.S., 1-3-39	16.16.130
7-4.28	As added by Ord. 938 C.M.S., 1-3-39	16.16.140
7-4.29	As added by Ord. 938 C.M.S., 1-3-39	16.16.150
7-4.30	As added by Ord. 938 C.M.S., 1-3-39	16.16.160
7-4.31	As amended by Ord. 9309 C.M.S., 5-11-76	16.16.170
7-4.32	As added by Ord. 938 C.M.S., 1-3-39	16.20.020
7-4.33	As amended by Ord. 9309 C.M.S., 5-11-76	16.20.010
7-4.331	As added by Ord. 6746 C.M.S., 4-2-63	16.20.030
7-4.332	As added by Ord. 938 C.M.S., 1-3-39	16.20.040
7-4.341	As amended by Ord. 10218 C.M.S., 5-25-82	16.20.040
7-4.342	As added by Ord. 10218 C.M.S., 5-25-82	16.20.050
7-4.35	As amended by Ord. 10218 C.M.S., 5-25-82	16.04.060
7-4.36	As amended by Ord. 10218 C.M.S., 5-25-82	16.08.040
7-4.361	As amended by Ord. 9309 C.M.S., 5-11-76	16.20.060
7-4.362	As amended by Ord. 9309 C.M.S., 5-11-76	16.20.070
7-4.363	As amended by Ord. 9309 C.M.S., 5-11-76	16.20.080
7-4.364	As added by Ord. 7527 C.M.S., 11-15-66	16.20.090
7-4.37	As amended by Ord. 10218 C.M.S., 5-25-82	16.12.010
7-4.381	As amended by Ord. 10345 C.M.S., 5-31-83	16.12.020
7-4.382	As amended by Ord. 10218 C.M.S., 5-25-82	16.12.030
7-4.383	As added by Ord. 10218 C.M.S., 5-25-82	16.12.040
7-4.39	As added by Ord. 938 C.M.S., 1-3-39	16.20.100
7-4.40	As added by Ord. 938 C.M.S., 1-3-39	16.20.110
7-4.41	As amended by Ord. 9337 C.M.S., 6-29-76	16.12.050
7-4.42	As added by Ord. 938 C.M.S., 1-3-39	16.12.060
7-4.43	As added by Ord. 938 C.M.S., 1-3-39	16.12.060
7-4.44	As added by Ord. 938 C.M.S., 1-3-39	16.12.060
7-4.45	As added by Ord. 938 C.M.S., 1-3-39	16.12.060
7-4.46	As added by Ord. 938 C.M.S., 1-3-39	16.12.060
7-4.47	As added by Ord. 938 C.M.S., 1-3-39	16.04.070
7-4.48	As amended by Ord. 4612 C.M.S., 4-21-55	16.12.070

Prior Code §	Ordinance History	Herein
7-4.49	As added by Ord. 938 C.M.S., 1-3-39	16.12.080
7-4.50	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.010
7-4.51	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.020
7-4.52	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.030
7-4.53	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.040
7-4.54	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.050
7-4.55	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.050
7-4.56	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.060
7-4.57	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.060
7-4.58	As amended by Ord. 9309 C.M.S., 5-11-76	16.28.070
7-4.59		Repealed by 5295
7-4.60	As added by Ord. 6134 C.M.S., 7-21-60	16.32.020
7-4.61	As amended by Ord. 11284 C.M.S., 1-8-91	16.32.010
7-4.62	As added by Ord. 6134 C.M.S., 7-21-60	16.32.030
7-4.63	As added by Ord. 6134 C.M.S., 7-21-60	16.32.040
7-4.64	As amended by Ord. 9309 C.M.S., 5-11-76	16.32.050
7-4.641		Repealed by 9337
7-4.65	As amended by Ord. 11284 C.M.S., 1-8-91	16.32.060
7-4.66	As amended by Ord. 9309 C.M.S., 5-11-76	16.32.070
7-4.67	As amended by Ord. 9309 C.M.S., 5-11-76	16.32.080
7-4.68	As amended by Ord. 10218 C.M.S., 5-25-82	16.32.090
7-4.69	As amended by Ord. 10218 C.M.S., 5-25-82	16.32.100
7-4.70	As amended by Ord. 9309 C.M.S., 5-11-76	16.04.080
7-4.71	As amended by Ord. 9337 C.M.S., 6-29-76	16.04.090
7-5.01	As amended by Ord. 9309 C.M.S., 5-11-76	16.24.010
7-5.02	As added by Ord. 9005 C.M.S., 5-7-74	16.24.020
7-5.03	As amended by Ord. 9309 C.M.S., 5-11-76	16.24.020
7-5.04	As added by Ord. 9005 C.M.S., 5-7-74	16.24.030
7-5.05	As amended by Ord. 9309 C.M.S., 5-11-76	16.24.040
7-5.06	As added by Ord. 9005 C.M.S., 5-7-74	16.24.050
7-5.07	As amended by Ord. 9309 C.M.S., 5-11-76	16.24.060
7-5.08	As amended by Ord. 9309 C.M.S., 5-11-76	16.24.070
7-5.09	As amended by Ord. 9337 C.M.S., 6-29-76	16.24.080
7-5.10	As amended by Ord. 11363 C.M.S., 7-30-91	16.04.100
7-5.11	As added by Ord. 9005 C.M.S., 5-7-74	16.24.090
7-5.12	As amended by Ord. 9309 C.M.S., 5-11-76	16.24.100
7-5.13	As amended by Ord. 10345 C.M.S., 5-31-83	16.24.110
7-5.14	As added by Ord. 9005 C.M.S., 5-7-74	16.24.120
7-5.15	As amended by Ord. 9489 C.M.S., 6-21-77	16.04.090
7-5.16	As added by Ord. 9632 C.M.S., 7-11-78	16.24.130
7-6.01		12.36.010

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
7-6.02		12.36.020
7-6.03		12.36.030
7-6.04		12.36.040
7-6.05		12.36.050
7-6.06		12.36.060
7-6.071		12.36.070
7-6.072		12.36.080
7-6.073		12.36.090
7-6.081		12.36.100
7-6.082		12.36.110
7-6.083		12.36.120
7-6.09		12.36.130
7-6.10		12.36.140
7-6.11		12.36.150
7-6.121		12.36.160
7-6.122		12.36.170
7-6.131		12.36.180
7-6.132		12.36.190
7-6.14		Not codified
7-6.15		12.36.200
7-7.01	As amended by Ord. 11238 C.M.S., 7-17-90	16.36.010
7-7.02	As amended by Ord. 10203 C.M.S., 3-30-82	16.36.020
7-7.03	As amended by Ord. 10203 C.M.S., 3-30-82	16.36.030
7-7.04	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.040
7-7.05	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.050
7-7.06	As amended by Ord. 10203 C.M.S., 3-30-82	16.36.060
7-7.07	As amended by Ord. 10475 C.M.S., 6-26-84	16.36.070
7-7.08	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.080
7-7.09	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.090
7-7.10	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.100
7-7.11	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.110
7-7.12	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.120
7-7.13	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.130
7-7.14	As amended by Ord. 10080 C.M.S., 6-23-81	16.36.140
7-8.01	As added by Ord. 9962 C.M.S., 8-5-80	15.52.010
7-8.02	As amended by Ord. 10798 C.M.S., 11-10-86	15.52.020
7-8.03	As added by Ord. 9962 C.M.S., 8-5-80	15.52.030
7-8.035	As added by Ord. 10798 C.M.S., 11-10-86	15.52.040
7-8.04	As added by Ord. 9962 C.M.S., 8-5-80	15.52.050
7-8.05	As amended by Ord. 10715 C.M.S., 4-8-86	15.52.060
7-8.051	As added by Ord. 10715 C.M.S., 4-8-86	15.52.070

Prior Code §	Ordinance History	Herein
7-8.052	As added by Ord. 10715 C.M.S., 4-8-86	15.52.080
7-8.06	As added by Ord. 9962 C.M.S., 8-5-80	15.52.090
7-8.061	As added by Ord. 10715 C.M.S., 4-8-86	15.52.100
7-8.07	As added by Ord. 9962 C.M.S., 8-5-80	15.52.110
7-8.08	As amended by Ord. 9962 C.M.S., 8-5-80	15.52.120
7-9.01	As added by Ord. 9946 C.M.S., 7-15-80	9.48.010
7-9.02	As added by Ord. 9946 C.M.S., 7-15-80	9.48.020
7-9.03	As added by Ord. 9946 C.M.S., 7-15-80	9.48.030
7-9.04	As added by Ord. 9946 C.M.S., 7-15-80	9.48.040
7-9.05	As added by Ord. 9946 C.M.S., 7-15-80	9.48.050
7-9.06	As added by Ord. 9946 C.M.S., 7-15-80; amended by Ord. 10389 C.M.S., 10-18-83, eff. 1-1-84	9.48.060
7-9.07	As amended by Ord. 10308 C.M.S., 1-4-83	9.48.070
7-9.08	As added by Ord. 9946 C.M.S., 7-15-80	9.48.080
7-9.09	As added by Ord. 9946 C.M.S., 7-15-80	9.48.090
7-9.10	As added by Ord. 9946 C.M.S., 7-15-80	Not codified
7-10.1	As added by Ord. 11286 C.M.S., 1-22-91	12.40.010
7-10.2	As added by Ord. 11286 C.M.S., 1-22-91	12.40.020
7-10.3	As added by Ord. 11286 C.M.S., 1-22-91	12.40.030
7-10.41	As added by Ord. 11286 C.M.S., 1-22-91	12.40.040
7-10.42	As added by Ord. 11286 C.M.S., 1-22-91	12.40.050
7-10.5	As added by Ord. 11286 C.M.S., 1-22-91	12.40.060
7-10.6	As added by Ord. 11286 C.M.S., 1-22-91	12.40.070
7-10.7	As added by Ord. 11286 C.M.S., 1-22-91	12.40.080
7-10.8	As added by Ord. 11286 C.M.S., 1-22-91	12.40.090
7-10.9	As added by Ord. 11286 C.M.S., 1-22-91	12.40.100
8-1.01		15.08.010
8-1.02		15.08.020
8-1.03		15.08.030
8-1.04		15.08.040
8-1.05		15.08.050
8-1.06		15.08.060
8-1.07		15.08.070
8-2.01		15.08.080
8-2.02		15.08.090
8-2.03		15.08.100
8-2.04		15.08.110
8-3.01		15.08.120
8-3.02		15.08.130
8-3.03		15.08.140
8-3.04		15.08.150
8-3.05		15.08.160
8-4.01		15.08.170
8-4.02		15.08.180

TABLES

Prior Code §	Ordinance History	Herein
8-5.01		15.08.190
8-5.02		15.08.200
8-5.03		15.08.210
8-5.04		15.08.220
8-5.05		15.08.230
8-5.06		15.08.240
8-6.01		15.08.250
8-6.02		15.08.260
8-7.01		15.08.270
8-8.01		15.08.280
8-8.02		15.08.290
8-8.03		15.08.300
8-8.04		15.08.310
8-9.01		15.08.320
8-9.02		15.08.330
8-10.01		15.08.340
8-11.01		15.08.350
8-11.02		15.08.360
8-11.03		15.08.370
8-11.04		15.08.380
8-11.05		15.08.390
8-11.06		15.08.400
8-12.01		15.08.410
8-12.02		15.08.420
8-12.03		15.08.430
8-12.04		15.08.440
8-12.05		15.08.450
8-12.06		15.08.460
8-12.07		Repealed by 12088
9-1.00—		Repealed by 12150
9-1.02		Number not used
9-1.03		Repealed by 12150
9-1.04—		Repealed by 12150
9-1.18		Repealed by 12150
9-2.01—		Repealed by 12150
9-2.27		Repealed by 12150
9-3.01—		Repealed by 12150
9-3.16		Repealed by 12150
9-4.01—		Repealed by 12150
9-4.14		Repealed by 12150
9-5.01—		Repealed by 12150
9-5.20		Repealed by 12150

Prior Code §	Ordinance History	Herein
9-6.01—		Repealed by 12150
9-6.11		Repealed by 12150
9-7.01—		
9-7.43		
9-7.44	As amended by Ord. 9391 C.M.S., 12-7-76; Ord. 9774 C.M.S., 5-29-79; Ord. 10322 C.M.S., 3-1-83; Ord. 10389 C.M.S., 10-18-83; Ord. 10536 C.M.S., 12-18-84; Ord. 10744 C.M.S., 6-24-86	Repealed by 12150
9-7.45—		
9-7.58		Repealed by 12150
9-7.59	As amended by Ord. 10446 C.M.S., 3-13-84; Ord. 11814 C.M.S., 2-27-90; Ord. 11316 C.M.S., 4-16-91	Repealed by 12150
9-7.60—		
9-7.61		Repealed by 12150
9-8.01—		Repealed by 12150
9-8.10		Repealed by 12150
9-9.01—		Repealed by 12150
9-9.02		Repealed by 12150
9-10.01—		Repealed by 12150
9-10.13		Repealed by 12150
10-1.01—	Repealed by 6222 C.M.S., 10-27-60; replaced by Oakland Sign Code	
10-47.68		Repealed by 6222
11-1.01	As added by Ord. 8732 C.M.S., 1-9-73	3.08.010
11-1.02	As amended by Ord. 11405 C.M.S., 2-4-92	3.08.020
11-1.03	As added by Ord. 8732 C.M.S., 1-9-73	3.08.030
11-2.01	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.040
11-2.02	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.050
11-2.03	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.060
11-2.04	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.070
11-2.05	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.080
11-2.06	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.090
11-2.07	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.100
11-2.08	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.110
11-2.09	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.120
11-2.10	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.130
11-2.11	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.140
11-2.12	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.150
11-2.13	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.160
11-2.14	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.170
11-3.01	As added by Ord. 11164 C.M.S., 11-14-89	3.08.180
11-3.02	As amended by Ord. 11164 C.M.S., 11-14-89	3.08.190
11-3.03	As amended by Ord. 11164 C.M.S., 11-14-89	3.08.200
11-3.04	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.210
11-3.05	As amended by Ord. 11164 C.M.S., 11-14-89	3.08.220

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
11-3.06	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.230
11-3.07	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.240
11-3.08	As amended by Ord. 11682 C.M.S., 1-25-94	3.08.250
11-4.1—		Repealed by 10555
11-4.6		
12-1.01	As added by Ord. 9778 C.M.S., 6-5-79	4.32.010
12-1.02	As added by Ord. 9778 C.M.S., 6-5-79	4.32.010
12-1.03	As added by Ord. 9778 C.M.S., 6-5-79	4.32.010
12-1.04	As added by Ord. 9778 C.M.S., 6-5-79	4.32.010
12-2.01	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-2.02	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-2.03	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-2.04	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-2.05	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-2.06	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-2.07	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-2.08	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-2.09	As added by Ord. 9778 C.M.S., 6-5-79	4.32.020
12-3.01	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.02	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.03	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.04	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.05	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.06	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.07	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.08	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.09	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-3.10	As added by Ord. 9778 C.M.S., 6-5-79	4.32.030
12-4.01	As added by Ord. 9778 C.M.S., 6-5-79	4.32.040
12-4.02	As added by Ord. 9778 C.M.S., 6-5-79	4.32.040
12-4.03	As added by Ord. 9778 C.M.S., 6-5-79	4.32.040

Prior Code §	Ordinance History	Herein
12-4.04	As added by Ord. 9778 C.M.S., 6-5-79	4.32.040
12-4.05	As added by Ord. 9778 C.M.S., 6-5-79	4.32.040
12-4.06	As added by Ord. 9778 C.M.S., 6-5-79	Not codified
12-4.07	As added by Ord. 10255 C.M.S., 8-3-82	4.32.040
13-1.01	As added by Ord. 9807 C.M.S., 8-14-79	4.36.010
13-1.02	As added by Ord. 9807 C.M.S., 8-14-79	4.36.010
13-1.03	As added by Ord. 9807 C.M.S., 8-14-79	4.36.010
13-2.01	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.02	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.03	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.04	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.05	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.06	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.07	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.08	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.09	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-2.10	As added by Ord. 9807 C.M.S., 8-14-79	4.36.020
13-3.01	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.02	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.03	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.04	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.05	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.06	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.07	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.08	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.09	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-3.10	As added by Ord. 9807 C.M.S., 8-14-79	4.36.030
13-4.01	As added by Ord. 9807 C.M.S., 8-14-79	4.36.040
13-4.02	As added by Ord. 9807 C.M.S., 8-14-79	4.36.040
13-4.03	As added by Ord. 9807 C.M.S., 8-14-79	4.36.040
13-4.04	As added by Ord. 9807 C.M.S., 8-14-79	4.36.040
13-4.05	As added by Ord. 9807 C.M.S., 8-14-79	4.36.040
13-4.06	As added by Ord. 9807 C.M.S., 8-14-79	Not codified
14-1.01	As added by Ord. 10143 C.M.S., 10-27-81	4.40.010
14-1.02		4.40.010
14-1.03		4.40.010
14-1.04		4.40.010
14-2.01		4.40.020
14-2.02		4.40.020
14-2.03		4.40.020
14-2.04		4.40.020

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
14-2.05		4.40.020
14-2.06		4.40.020
14-2.07		4.40.020
14-2.08		4.40.020
14-2.09		4.40.020
14-2.10		4.40.020
14-2.11		4.40.020
14-3.01		4.40.030
14-3.02		4.40.030
14-3.03		4.40.030
14-3.04		4.40.030
14-3.05		4.40.030
14-3.06		4.40.030
14-3.07		4.40.030
14-3.08		4.40.030
14-3.09		4.40.030
14-3.10		4.40.030
14-3.11		4.40.030
14-4.01		4.40.040
14-4.02		4.40.040
14-4.03		4.40.040
14-4.04		4.40.040
14-4.05		4.40.040
14-4.06	As added by Ord. 10143 C.M.S., 10-27-81	Not codified
15-1.01	As added by Ord. 10986 C.M.S., 5-24-88	8.24.010
15-1.02	As amended by Ord. 11554 C.M.S., 3-2-93	8.24.020
15-1.03	As added by Ord. 10986 C.M.S., 5-24-88	8.24.030
15-1.04	As added by Ord. 10986 C.M.S., 5-24-88	8.24.040
15-1.05	As added by Ord. 11554 C.M.S., 3-2-93	8.24.050
15-2.01	As amended by Ord. 11554 C.M.S., 3-2-93	8.24.060
15-2.02		8.24.070
15-2.03		8.24.080
15-2.04		8.24.090
15-2.05		8.24.100
16-1.01	As added by Ord. 10997 C.M.S., 6-28-88	8.10.010
16-1.02	As added by Ord. 10997 C.M.S., 6-28-88	8.10.020
16-1.03	As added by Ord. 10997 C.M.S., 6-28-88	8.10.030
16-1.04	As added by Ord. 10997 C.M.S., 6-28-88	8.10.040
16-1.05	As added by Ord. 10997 C.M.S., 6-28-88	8.10.050
16-1.06	As amended by Ord. 11685 C.M.S., 2-1-94	8.10.060
16-1.07	As added by Ord. 11685 C.M.S., 2-1-94	8.10.070

Prior Code §	Ordinance History	Herein
16-2.01	As added by Ord. 10997 C.M.S., 6-28-88	8.10.080
16-2.02	As added by Ord. 10997 C.M.S., 6-28-88	8.10.090
17-1.01	As added by Ord. 11129 C.M.S., 6-29-89	5.24.010
17-1.02	As added by Ord. 11129 C.M.S., 6-29-89	5.24.020
17-1.03	As added by Ord. 11129 C.M.S., 6-29-89	5.24.030
17-1.04		5.24.040
17-1.05	As added by Ord. 11129 C.M.S., 6-29-89	5.24.050
17-1.06	As added by Ord. 11129 C.M.S., 6-29-89	5.24.060
17-1.07	As added by Ord. 11129 C.M.S., 6-29-89	5.24.070
17-1.08	As added by Ord. 11129 C.M.S., 6-29-89	5.24.080
17-1.09	As added by Ord. 11129 C.M.S., 6-29-89	5.24.090
17-1.10	As added by Ord. 11129 C.M.S., 6-29-89	5.24.100
17-1.11	As added by Ord. 11129 C.M.S., 6-29-89	5.24.110
17-1.12	As added by Ord. 11129 C.M.S., 6-29-89	5.24.120
17-1.13	As added by Ord. 11129 C.M.S., 6-29-89	5.24.130
17-1.14	As added by Ord. 11129 C.M.S., 6-29-89	5.24.140
17-1.15	As added by Ord. 11129 C.M.S., 6-29-89	5.24.150
17-1.16	As added by Ord. 11129 C.M.S., 6-29-89	5.24.160
17-1.17	As added by Ord. 11129 C.M.S., 6-29-89	5.24.170
17-1.18	As added by Ord. 11129 C.M.S., 6-29-89	5.24.180
17-1.19	As added by Ord. 11129 C.M.S., 6-29-89	Not codified
18-1.01		15.24.010
18-1.02		15.24.020
18-1.03		15.24.030
18-1.04	As added by Ord. 11359 C.M.S., 7-16-91	15.24.040
18-1.05	As amended by Ord. 11237 C.M.S., 7-24-90	15.24.050
18-1.06	As amended by Ord. 11237 C.M.S., 7-24-90	15.24.060
18-1.07		15.24.070
18-1.08		15.24.080
18-1.09		15.24.090
18-1.10		15.24.100
18-1.11		15.24.110
18-1.12		15.24.120
18-2.01		15.24.130
18-2.02		15.24.140
18-2.03		15.24.150
18-2.04		15.24.160
18-3.01		15.24.170
18-3.02		15.24.180
18-4.01		15.24.190
18-4.02	As added by Ord. 11359 C.M.S., 7-16-91	15.24.200

**TABLES**

<b>Prior Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
18-5.01	As added by Ord. 11436 C.M.S., 4-7-92	15.24.210
18-5.02	As added by Ord. 11436 C.M.S., 4-7-92	15.24.220
18-5.03	As added by Ord. 11436 C.M.S., 4-7-92	15.24.230
18-5.04	As added by Ord. 11436 C.M.S., 4-7-92	15.24.240
18-5.05	As added by Ord. 11436 C.M.S., 4-7-92	15.24.250
18-5.06	As amended by Ord. 11493 C.M.S., 7-28-92	15.24.260
18-5.07	As added by Ord. 11436 C.M.S., 4-7-92	15.24.270
18-5.08	As added by Ord. 11436 C.M.S., 4-7-92	15.24.280
18-5.09	As added by Ord. 11436 C.M.S., 4-7-92	15.24.290
18-5.10	As amended by Ord. 11493 C.M.S., 7-28-92	15.24.300
18-5.11	As amended by Ord. 11493 C.M.S., 7-28-92	15.24.310
18-5.12	As added by Ord. 11436 C.M.S., 4-7-92	15.24.320
18-5.13	As added by Ord. 11436 C.M.S., 4-7-92	15.24.330
18-5.14	As amended by Ord. 1493 C.M.S., 7-21-92	15.24.340
18-5.15	As added by Ord. 11436 C.M.S., 4-7-92	15.24.350
18-5.16	As added by Ord. 11436 C.M.S., 4-7-92	15.24.360
18-5.17	As added by Ord. 11436 C.M.S., 4-7-92	15.24.370
18-5.18	As amended by Ord. 11498 C.M.S., 7-28-92	15.24.380
18-5.19	As added by Ord. 11436 C.M.S., 4-7-92	15.24.390
18-5.20	As added by Ord. 11436 C.M.S., 4-7-92	15.24.400
18-5.21	As added by Ord. 11436 C.M.S., 4-7-92	15.24.410
18-5.22	As added by Ord. 11436 C.M.S., 4-7-92	15.24.420
18-6.01	As added by Ord. 11613 C.M.S., 7-27-93	15.28.010
18-6.02	As added by Ord. 11613 C.M.S., 7-27-93	15.28.020
18-6.03	As added by Ord. 11613 C.M.S., 7-27-93	15.28.030
18-6.04	As added by Ord. 11613 C.M.S., 7-27-93	15.28.040
18-6.05	As added by Ord. 11613 C.M.S., 7-27-93	15.28.050
18-6.06	As added by Ord. 11613 C.M.S., 7-27-93	15.28.060
18-6.07	As added by Ord. 11613 C.M.S., 7-27-93	15.28.070
18-6.08		15.28.080
18-6.09	As added by Ord. 11613 C.M.S., 7-27-93	15.28.090
18-6.10	As added by Ord. 11613 C.M.S., 7-27-93	15.28.100
18-6.11	As added by Ord. 11613 C.M.S., 7-27-93	15.28.110
18-6.12	As added by Ord. 11613 C.M.S., 7-27-93	15.28.120
18-6.13	As added by Ord. 11613 C.M.S., 7-27-93	15.28.130
18-6.14	As added by Ord. 11613 C.M.S., 7-27-93	15.28.140
18-6.15	As added by Ord. 11613 C.M.S., 7-27-93	15.28.150
18-6.16		15.28.160
18-6.17	As added by Ord. 11613 C.M.S., 7-27-93	15.28.170
18-6.18	As added by Ord. 11613 C.M.S., 7-27-93	15.28.180
18-6.19	As added by Ord. 11613 C.M.S., 7-27-93	15.28.190

Prior Code §	Ordinance History	Herein
19-1.01	As amended by Ord. 11623 C.M.S., 7-27-93	15.16.010
19-1.02	As amended by Ord. 11623 C.M.S., 7-27-93	15.16.020
19-1.03	As amended by Ord. 11623 C.M.S., 7-27-93	15.16.030
19-1.04	As amended by Ord. 11623 C.M.S., 7-27-93	15.16.040
19-1.05	As amended by Ord. 11623 C.M.S., 7-27-93	15.16.050
19-1.06	As amended by Ord. 11623 C.M.S., 7-27-93	15.16.060
19-1.07	As amended by Ord. 11623 C.M.S., 7-27-93	15.16.070
19-1.08	As amended by Ord. 11623 C.M.S., 7-27-93	15.16.080
19-1.09	As added by Ord. 11398 C.M.S., 12-17-91	15.16.090
19-1.10	As added by Ord. 11398 C.M.S., 12-17-91	15.16.100
19-1.11	As added by Ord. 11623 C.M.S., 7-27-93	15.16.110
19-1		15.60.010
19-2		15.60.020
19-3		15.60.030
19-4		15.60.040
19-5		15.60.050
19-6		15.60.060
19-7		15.60.070
19-8		15.60.080
19-9		15.60.090
19-10		15.60.100
19-11		15.60.110
19-12		15.60.120
19-13		15.60.130
19-14		15.60.140
19-15		15.60.150
19-16		Not codified
20-1.01		4.44.010
20-1.010		Repealed by 12024
20-1.02		4.44.010
20-1.020		Repealed by 12024
20-1.03		4.44.010
20-1.030		Repealed by 12024
20-1.031		Repealed by 12024
20-1.032		Repealed by 12024
20-1.040		Repealed by 12024
20-1.050		Repealed by 12024
20-1.060		Repealed by 12024
20-1.070		Repealed by 12005
20-2.01		4.44.020
20-2.010		Repealed by 12024
20-2.011		Repealed by 12024
20-2.02		4.44.020

## TABLES

Prior Code §	Ordinance History	Herein
20-2.020		Repealed by 12024
20-2.03		4.44.020
20-2.030		Repealed by 12024
20-2.04		4.44.020
20-2.040		Repealed by 12024
20-2.041		Repealed by 12024
20-2.042		Repealed by 12024
20-2.043		Repealed by 12024
20-2.044		Repealed by 12024
20-2.045		Repealed by 12024
20-2.05		4.44.020
20-2.050		Repealed by 12024
20-2.06		4.44.020
20-2.060		Repealed by 12024
20-2.061		Repealed by 12024
20-2.062		Repealed by 12024
20-2.063		Repealed by 12024
20-2.064		Repealed by 12024
20-2.065		Repealed by 12024
20-2.066		Repealed by 12024
20-2.07		4.44.020
20-2.070		Repealed by 12024
20-2.08		4.44.020
20-2.09		4.44.020
20-2.10		4.44.020
20-2.11		4.44.020
20-3.01		4.44.030
20-3.010		Repealed by 12024
20-3.011		Repealed by 12024
20-3.012		Repealed by 12024
20-3.013		Repealed by 12024
20-3.02		4.44.030
20-3.020		Repealed by 12024
20-3.03		4.44.030
20-3.030		Repealed by 12024
20-3.04		4.44.030
20-3.040		Repealed by 12024
20-3.05		Not codified
20-3.050		Repealed by 12024
20-3.060		Repealed by 12024
20-3.070		Repealed by 12024
20-3.071		Repealed by 12024
20-3.072		Repealed by 12024

Prior Code §	Ordinance History	Herein
20-3.073		Repealed by 12024
20-3.074		Repealed by 12024
20-3.075		Repealed by 12024
20-3.076		Repealed by 12024
20-3.080		Repealed by 12024
20-3.090		Repealed by 12024
20-3.091		Repealed by 12024
20-3.092		Repealed by 12024
20-3.093		Repealed by 12024
20-3.094		Repealed by 12024
20-3.095		Repealed by 12024
20-3.096		Repealed by 12024
20-3.097		Repealed by 12024
20-3.100		Repealed by 12024
20-3.110		Repealed by 12024
20-3.120		Repealed by 12024
20-4.010		Repealed by 12024
20-5.010		Repealed by 12024
20-5.020		Repealed by 12024
20-5.030		Repealed by 12024



## PRIOR TRAFFIC CODE TABLE

This table provides users with the legislative history and the current disposition of the sections in Title 10 of the Oakland Municipal Code. The prior traffic code was adopted by Ordinance 3083 on May 31, 1949.

Thus, prior traffic code Section 50 was amended by Ord. 11110 C.M.S., 5-2-89, and appears in this code as Section 10.08.080.

<b>Prior Traffic Code §</b>	<b>Ordinance History</b>	<b>Herein</b>
1		10.04.010
2		Not codified
3		10.04.020
4		10.04.030
5		Not codified
6		Not codified
10	As amended by Ord. 9970 C.M.S., 9-16-80	10.08.160
11	As added by Ord. 4738 C.M.S., 9-15-55	10.08.170
15		10.04.040
16		Repealed by 3241
17	As amended by Ord. 4627 C.M.S., 5-10-55	10.04.040
18		10.04.040
19		10.04.040
20		10.04.040
21		10.04.040
22		10.04.040
23		10.04.040
24		10.04.040
25		10.04.040
26		10.04.040
27		10.04.040
28		10.04.040
29		10.04.040
30		10.04.040
31		10.04.040
32	As amended by Ord. 3827 C.M.S., 3-30-71	10.04.040
33		10.04.040
34		10.04.040
40		10.08.010
41		10.08.020
42		10.08.030
43		10.08.040
44		10.08.050
45		10.08.060
46		10.08.070
50	As amended by Ord. 11110 C.M.S., 5-2-89	10.08.080
51		Repealed by 12607
52		10.08.100

TABLES

53		10.08.110
54		10.08.120
55		10.08.130
56		10.08.140
57	As amended by Ord. 8610 C.M.S., 7-11-72	Repealed by 12607
60		10.12.010
61		10.12.020
62		Repealed by 12607
63		10.12.040
64		Repealed by 12607
65		10.12.060
66		10.12.070
67		10.12.080
70	As amended by Ord. 3241 C.M.S., 12-15-49	Repealed by 12607
71		Repealed by 12607
72		Repealed by 12607
73		Repealed by 12607
80	As added by Ord. 7845 C.M.S., 7-9-68	Repealed by 12607
81		Repealed by 12607
90		Repealed by 12607
91		Repealed by 12607
100	As added by Ord. 7685 C.M.S., 8-3-67	10.16.010
101		10.16.020
102		10.16.030
103		Repealed by 12607
104		10.16.050
105		10.16.060
106		Repealed by 12607
107		10.16.080
108	As amended by Ord. 3241 C.M.S., 12-15-49	10.16.090
109		10.16.100
110		10.16.110
111		Repealed by 12607
112	As amended by Ord. 7795 C.M.S., 4-30-68	10.20.010
113	As added by Ord. 3253 C.M.S., 1-3-50	10.16.130
113.1	As added by Ord. 11504 C.M.S., 10-6-92; amended by Ord. 11790 C.M.S., 4-18-95	10.16.140
114	As amended by Ord. 10959 C.M.S., 3-8-88 and Ord. 11698 C.M.S., 4-19-94	10.20.020
114.2	As amended by Ord. 10959 C.M.S., 3-8-88 and Ord. 11698 C.M.S., 4-19-94	10.20.030
114.4	As amended by Ord. 10951 C.M.S., 3-1-88	10.20.040
114.6	As amended by Ord. 8925 C.M.S., 1-3-74	10.20.050
114.7	As added by Ord. 9212 C.M.S., 9-16-75	10.20.060
114.9	As added by Ord. 10719 C.M.S., 4-22-86	10.20.070
115		Repealed by 7795
116	As amended by Ord. 11419 C.M.S., 3-17-92	10.16.150
117	As added by Ord. 9455 C.M.S., 4-19-77, eff. 4-26-77	10.16.160

117.1	Repealed by 7795
117.2	Repealed by 7795
118	Repealed by 7795
118.1	Repealed by 7795
118.2	Repealed by 7795
118.3	Repealed by 7795
118.4	Repealed by 7795
118.5	Repealed by 7795
118.6	Repealed by 7795
118.7	Repealed by 7795
118.8	Repealed by 7795
119	As added by Ord. 5404 C.M.S., 10-29-57
120(a)	As amended by Ord. 11251 C.M.S., 9-18-90 and Ord. 11631 C.M.S., 8-3-93
120(b)	As amended by Ord. 11106 C.M.S., 4-25-89
121	As amended by Ord. 4738 C.M.S., 9-15-55
122	As amended by Ord. 8967 C.M.S., 3-21-74
123	As amended by Ord. 7493 C.M.S., 9-27-66
124	As amended by Ord. 7493 C.M.S., 9-27-66
125	As amended by Ord. 6287 C.M.S., 1-5-61
126	
127	As amended by Ord. 6858 C.M.S., 10-3-63
127.01	As added by Ord. 6858 C.M.S., 10-3-63
127.1	As added by Ord. 5704 C.M.S., 1-6-59
127.2	As added by Ord. 5704 C.M.S., 1-6-59
128	As amended by Ord. 8344 C.M.S., 5-6-71 and Ord. 11808 C.M.S., 7-11-95
129(a)	As amended by Ord. 6692, 12-6-62
129(b)	
129(c)	As amended by Ord. 4738 C.M.S., 9-15-55
129.1	As added by Ord. 5425 C.M.S., 12-3-57
129.2	As amended by Ord. 8075 C.M.S., 12-23-69
129.3	
129.4	As amended by Ord. 8075 C.M.S., 12-23-69
129.5	As amended by Ord. 8075 C.M.S., 12-3-69
130—139.4	Repealed by 7685
130	As amended by Ord. 9427 C.M.S., 3-1-77
130.1	As amended by Ord. 10194 C.M.S., 3-2-82
130.2	As added by Ord. 9663 C.M.S., 10-10-78
130.3	As added by Ord. 9763 C.M.S., 5-1-79
130.4	As added by Ord. 9918 C.M.S., 4-29-80
130.5	As added by Ord. 10456 C.M.S., 4-10-84
130.6	As added by Ord. 11189 C.M.S., 3-13-90
130.7	As added by Ord. 11295 C.M.S., 2-5-91
131	As added by Ord. 7685 C.M.S., 8-3-67
131.1	As added by Ord. 9860 C.M.S., 1-8-80
131.2	As added by Ord. 9860 C.M.S., 1-8-80
132	As amended by Ord. 9427 C.M.S., 3-1-77
133	As amended by Ord. 11189 C.M.S., 3-13-90

TABLES

134	As added by Ord. 7685 C.M.S., 8-3-67	10.32.150
135	As added by Ord. 7685 C.M.S., 8-3-67	10.32.160
136	As added by Ord. 8856 C.M.S., 8-16-73	10.32.170
137	As added by Ord. 9416 C.M.S., 2-8-77	10.32.180
140		10.24.010
141		Repealed by 12607
142		10.24.030
143		Repealed by 12465
144		Repealed by 12607
150		10.28.010
151		10.28.020
152	As amended by Ord. 7958 C.M.S., 4-3-69	10.28.030
153		Repealed by 7631
154	As amended by Ord. 5229 C.M.S., 4-9-57	10.28.040
155		10.28.050
156	As amended by Ord. 3617 C.M.S., 4-26-51	10.28.060
157		10.28.070
158		10.28.080
159		10.28.090
160		10.28.100
161		10.28.110
162	As amended by Ord. 8381 C.M.S., 7-6-71	10.28.120
162.1	As added by Ord. 5599 C.M.S., 7-10-58	10.28.140
163	As added by Ord. 5068 C.M.S., 11-1-56	10.28.150
164	As added by Ord. 11546 C.M.S., 2-16-93	10.28.160
165	As added by Ord. 11744 C.M.S., 10-18-94	10.28.170
166		10.28.130
170	As amended by Ord. 4600 C.M.S., 3-29-55	10.40.010
171	Amended by Ord. 8108 C.M.S., 3-10-70; Ord. 9174 C.M.S., 6-24-75; and Ord. 9344 C.M.S., 7- 13-76	10.40.020
171.1	As added by Ord. 3965 C.M.S., 8-5-52	10.40.030
171.2	As amended by Ord. 9337 C.M.S., 6-29-76	10.40.040
172		10.40.050
173		10.40.060
174		10.40.070
175		10.40.080
176		10.40.090
176.1	As added by Ord. 3463 C.M.S., 9-14-50	10.40.100
177		10.40.110
180		10.28.180
181		10.28.190
181.1	As added by Ord. 4195 C.M.S., 7-20-53	10.28.200
181.2	As amended by Ord. 5425 C.M.S., 12-3-57	10.28.220
181.3	As added by Ord. 4773 C.M.S., 11-1-55	10.28.230
181.4		Repealed by 8365
181.5	As amended by Ord. 8384 C.M.S., 7-8-71	10.32.190
181.6	As added by Ord. 8384 C.M.S., 7-8-71	10.32.200
181.7	As added by Ord. 10585 C.M.S., 5-28-85	10.28.210

PRIOR TRAFFIC CODE TABLE

182		10.28.240
183		10.28.250
183.1	As added by Ord. 6294 C.M.S., 1-24-61	10.28.260
184		10.52.010
185		10.16.180
186		10.16.190
187		Repealed by 3816
188		10.52.020
189		10.52.030
190	As amended by Ord. 3464 C.M.S., 9-19-50	10.52.040
191		10.52.050
192	As amended by Ord. 11524 C.M.S., 12-1-92, and Ord. 11643 C.M.S., 10-19-93	10.52.060
200	As added by Ord. 3816 C.M.S., 11-20-51	10.52.070
201	As added by Ord. 3816 C.M.S., 11-20-51	10.52.080
202	As added by Ord. 3816 C.M.S., 11-20-51	10.52.090
203	As added by Ord. 3816 C.M.S., 11-20-51	10.52.100
204	As added by Ord. 3816 C.M.S., 11-20-51	10.52.110
205	As amended by Ord. 11306 C.M.S., 3-12-91	10.52.120
206	As amended by Ord. 6789 C.M.S., 6-13-63	10.52.130
207	As added by Ord. 10489 C.M.S., 7-31-84	10.52.140
225 237		Repealed by 10928
238	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.010
239	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.020
240	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.030
241	As added by Ord. 3936 C.M.S., 6-12-52; eff. 7-1-52	10.56.040
242	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
243	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.060
244	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
245	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.080
246	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.090
247	As added by Ord. 3936 C.M.S., 6-12-52. eff. 7-1-52	Repealed by 12607
248	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.110
249	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
250	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607

TABLES

251	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
252	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.150
253	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
254	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.170
255	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.180
256	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.190
257	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
258	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.210
259	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
260	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
261	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
262	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
263	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	Repealed by 12607
264	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.270
265	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.280
266	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.290
267	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.300
268	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.310
269	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.320
270	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.330
271	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.340
272	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.350
273	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.360
274	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.370

## PRIOR TRAFFIC CODE TABLE

275	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.380
276	As added by Ord. 3936 C.M.S., 6-12-52, eff. 7-1-52	10.56.390
277	As added by Ord. 4563 C.M.S., 2-8-55	10.56.400
278	As added by Ord. 4563 C.M.S., 2-8-55	10.56.410
279	As added by Ord. 4563 C.M.S., 2-8-55	10.56.420
280	As added by Ord. 4563 C.M.S., 2-8-55	10.56.430
281	As added by Ord. 4563 C.M.S., 2-8-55	10.56.440
282	As added by Ord. 4563 C.M.S., 2-8-55	10.56.450
283	As added by Ord. 4563 C.M.S., 2-8-55	10.56.460
290	As added by Ord. 4228 C.M.S., 9-17-53	10.16.200
291	As added by Ord. 4228 C.M.S., 9-17-53	Repealed by 12607
292	As added by Ord. 7724 C.M.S., 11-9-67	10.60.010
293	As added by Ord. 7724 C.M.S., 11-9-67	10.60.010
294	As added by Ord. 7724 C.M.S., 11-9-67	10.60.020
295	As added by Ord. 7724 C.M.S., 11-9-67	10.60.030
296	As added by Ord. 7724 C.M.S., 11-9-67	10.60.040
297	As added by Ord. 7724 C.M.S., 11-9-67	10.60.050
298	As added by Ord. 7724 C.M.S., 11-9-67	10.60.060
299	As added by Ord. 7724 C.M.S., 11-9-67	10.60.070
300	As added by Ord. 7724 C.M.S., 11-9-67	10.60.080
301	As amended by Ord. 11555 C.M.S., 3-2-93	10.64.010
302	As amended by Ord. 11555 C.M.S., 3-2-93	10.64.020
303	As amended by Ord. 11555 C.M.S., 3-2-93	10.64.030
304	As added by Ord. 7887 C.M.S., 9-26-68	10.64.040
305	As added by Ord. 7887 C.M.S., 9-26-68	10.64.050
306	As added by Ord. 7887 C.M.S., 9-26-68	10.64.060
307	As added by Ord. 7887 C.M.S., 9-26-68	10.64.070
308		Repealed by 9337
309	As amended by Ord. 11555 C.M.S., 3-2-93	10.64.080
310	As amended by Ord. 8393 C.M.S., 7-22-71	10.64.090
311	As amended by Ord. 8393 C.M.S., 7-22-71	10.64.100
312	As amended by Ord. 8393 C.M.S., 7-22-71	10.64.110
313	As amended by Ord. 8393 C.M.S., 7-22-71	10.64.120
314	As added by Ord. 7887 C.M.S., 9-26-68	10.64.130
315	As added by Ord. 7887 C.M.S., 9-26-68	10.64.140
316	As added by Ord. 7887 C.M.S., 9-26-68	10.64.150



PRIOR TRAFFIC CODE TABLE

Prior Traffic Code §	Ordinance History	Herein
317	As added by Ord. 7887 C.M.S., 9-26-68	10.64.160
318	As amended by Ord. 11555 C.M.S., 3-3-93	10.64.170
319	As added by Ord. 7887 C.M.S., 9-26-68	10.64.180
320	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.010
321	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.020
322	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.030
323	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.040
324	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.050
325	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.060
326	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.070
327	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.080
328	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.090
329	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.100
330	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.110
331	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.120
332	As amended by Ord. 11283 C.M.S., 1-8-91	10.44.130
401	As amended by Ord. 11609A C.M.S., 7-13-93; Ord. 11648 C.M.S., 10-26-93 and Ord. 11744 C.M.S., 10-18-94	10.48.010
402	As added by Ord. 11490 C.M.S., 7-28-92	10.68.010
403	As added by Ord. 11490 C.M.S., 7-28-92	10.68.020
404	As added by Ord. 11490 C.M.S., 7-28-92	10.68.030
405	As added by Ord. 11490 C.M.S., 7-28-92	10.68.040
406	As added by Ord. 11490 C.M.S., 7-28-92	10.68.050
407	As added by Ord. 11490 C.M.S., 7-28-92	10.68.060
408	As added by Ord. 11490 C.M.S., 7-28-92	10.68.070



## ORDINANCE LIST AND DISPOSITION TABLE

Beginning with Supplement No. 46, this table will be replaced with the "Code Comparative Table and Disposition List."

<b>Ordinance Number</b>	<b>Ordinance Number</b>
4727	Positions and salaries; repeals Ord. 4196 (Not codified)
6222	Adopts Uniform Sign Code (Repealed by 9468)
6461	Adds § S-1401.1 to Oakland Sign Code (Repealed by 9468)
6931	Amends § S-1402 of Oakland Sign Code (Repealed by 9468)
7384	Amends § S-1401 of Oakland Sign Code (Repealed by 9468)
7385	Adds § S-1406 and amends § S-1405 of Oakland Sign Code (Repealed by 9468)
7392	Adds § S-4101.2 to Oakland Sign Code (Repealed by 9468)
7484	Amends §§ S-1401 and S-1402 of Oakland Sign Code; repeals §§ S-1401.1 and S-1401.2 of Oakland Sign Code (Repealed by 9468)
7937	Purchasing system (2.04)
8550	Adds § S-307 and amends § S-304 of Oakland Sign Code (Repealed by 9468)
8611	Adds § 12(d) and (e) to, and amends § 12(a) of Ord. 7937, purchasing system (2.04)
8884	Adds § 16 to Ord. 7937, purchasing system (2.04)
8979	Civil service rules and procedures (2.08)
9468	Adopts Uniform Sign Code; repeals Ords. 6222, 6461, 6931, 7384, 7385, 7392, 7484 and 8550 (14.04)
	9739
	Adds §§ 1(e) and (f), 6(7) and 17 to; amends §§ 2-5, 7 and 8 of; and repeals § 12(b) of Ord. 7937, purchasing system (2.04)
	10066
	Amends §§ 2, 3, 5(a), (e), (g) and (h), and 12(a) of Ord. 7937; repeals Ord. 9879 (2.04)
	10443
	Amends § 5 [6] of Ord. 9468, Oakland Sign Code (14.04)
	10447
	Amends § 2 of Ord. 7937, purchasing system (2.04)
	10793
	Amends § III, subsection 4 of Ord. 8979, civil service rules and procedures (2.08)
	11002
	Amends § 6(e) [5(e)] of Ord. 9468, Oakland Sign Code (14.04)
	11297
	Amends § 5(b) of Ord. 7937, purchasing (2.04)
	11539
	Amends prior planning code § 9201(a), major conditional use permit (17.134)
	11552
	Adds Ch. 19 to prior code; amends prior code § 15-2.03 and housing code § H-307, code enforcement relocation (8.24, 15.60)
	11562
	Adopts 2 California Code of Regulations § 18730 as Conflict of Interest Code along with Appx. A, designated positions and Appx. B, disclosure categories (3.16)
	11590
	Adds Ch. 20 to prior code, storm water management and discharge control (Repealed by 12024)
	11612
	Campaign Reform Act (3.12)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
11624	Adds §§ 15000-15999 [15530] to prior planning code (17.156)
11625	Council districts (2.16, 3.04)
11629	Amends prior code § 5-20.03, transient occupancy tax (4.24)
11631	Amends § 120(a) of prior traffic code, parking (10.36)
11640	Adds Div. IV, Art. 2; Art. 3 § 3.101(A), (B) and (C); and Appx. II-A § 16(a)(6), (7) and (8) to Uniform Fire Code, 1991 edition (15.12)
11648	Parking ticket fees and penalties (10.48)
11664	Amends prior code § 5-27.05(c), excepting domestic partners from real estate transfer tax (4.20)
11698	Amends §§ 114 and 114.2 of prior traffic code, speed limits (10.20)
11724	Amends §§ 2, 3 and 5 of Ord. 7937, purchasing (2.04)
11741	Adds § 9003 to prior planning code, planning commission tie votes (17.130)
11758	Adds new §§ 1 and 14 to Ord. 9980; amends and renumbers §§ 1-12 to be §§ 2-13 and § 9.1 to be 10.1, residential rent arbitration board (8.22)
11766	Adds §§ 1000-1999 to prior planning code, environmental review regulations (17.158)
11771	Amends prior code Ch. 4, Art. 12 §§ 4-12.01, 4-12.03 and 4-12.04, tobacco product vending machines (8.34)
11776	Adds prior planning code §§ 2(c)-(i) and 5(j) and amends prior planning code §§ 2(a) and 4; amends §§ 1, 2, 3, 8 and 9 of Ord. 192 and § 5 of Ord. 8883, city planning commission and landmarks preservation advisory board (17.03, 17.05)
11790	Amends § 113.1 of prior traffic code, cruising ordinance (10.16)
11791	Amends § 192 of prior traffic code, commercial vehicles (10.52)
11792-A	Adds § 166 to and amends § 401 of prior traffic code, parking of commercial vehicles (10.28, 10.48)
11800	Adds Ch. 6, Art. 10 to prior code, Montclair Newsrack District (12.48)
11801	Amends prior code § 6-7.02 and repeals prior code § 6-7.01(e), sewer service charge (13.04)
11805	Adds Arts. 6, 7 and 8 to prior code Ch. 1, alternative methods of code enforcement (1.08, 1.12, 1.16)
11807	Adds §§ 7600, 7601, 7602 and 7603 to prior planning code, recycling space allocation requirements; amends prior planning code §§ 2116, 2118, 2125, 2126, 3274, 3374, 3474, 3574, 3599, 3624, 3674, 3774, 3824, 3874, 3924, 4224, 4274, 4324, 4374, 4424, 4449, 4474, 4499, 4524, 4549, 4574, 4624, 4849, 4874, 4899, 4924, 5424, 5624, 5724, 5824, 6124, 6174 and 6224, various zoning provisions (17.04, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26, 17.28, 17.30, 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50, 17.52, 17.54, 17.56, 17.58, 17.60, 17.62, 17.64, 17.66, 17.68, 17.70, 17.72, 17.74, 17.76, 17.78, 17.118)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
11808	Amends § 128 of prior traffic code, parking (10.36)
11816	Adds new §§ 9301, 9304 and 9312 to prior planning code, amends and renumbers prior planning code §§ 9301 to be 9302, 9302 to be 9303, 9303 to be 9305, 9305 to be 9307, 9306 to be 9308, 9309 to be 9310 and 9310 to be 9311; renumbers prior planning code §§ 9304 to be 9306 and 9307 to be 9309, design review procedures (17.136)
11819	Amends prior code Ch. 6, Art. 4, recycling and solid waste disposal and sets out solid waste collection rates (8.28)
11828	Adds new § 9004 to prior planning code, zoning hearings; amends prior planning code §§ 9403 and 9410, final development plans (17.130, 17.140)
11831	Adds §§ 2110(h), 7023(b)1.c, 7023 (b)3, 9203(a)5 and 9603(a)3 to prior planning code, alcoholic beverages (17.04, 17.102, 17.134, 17.148)
11833	Adopts with amendments the California Model Housing Code, 1995 edition and the Uniform Housing Code, 1994 edition and adds as Ch. 8 to prior code, housing code; repeals Ords. 8549, 9072, 9347, 9436, 9471, 9660, 9844, 9960, 10037, 10250, 10314, 10394, 10459, 10662 and 10704 (15.08)
11835	Amends prior code § 5-27.05(c), excepting domestic partners from real estate transfer tax (4.20)
11841	Designation of landmark (Special)
11842	Designation of landmark (Special)
11843	Designation of landmark (Special)
11844	Designation of landmark (Special)
11845	Adopts Oakland amendments to California Model Building Codes and adds as Ch. 9 to prior code; renumbers prior code Ch. 2, Art. 6 (Ord. 10446) to be prior code § 9-7.59; repeals Ord. 11485 (Repealed by Ord. 12150)
11848	Adds Ch. 2, Art. 12 to prior code, ammunition sales registration (9.20)
11851	Adds Ch. 20 to prior code, PFRS Pension Obligation Bond Law (4.44)
11852	Designation of landmark (Special)
11853	Designation of landmark (Special)



<b>Ordinance Number</b>	<b>Ordinance Number</b>
11854	Amends planning code §§ 4453 (b), 4454(a), 4553(b), 4554(a), 4828(b), 4829(a), 4903(a), 4904(a), 5703(a), 5704(a), 5803(a) and 5804(a), communications equipment installations (17.46, 17.54, 17.58, 17.64, 17.70, 17.72)
11855	Authorizes conveyance of certain real property (Special)
11856	Amends Ord. 4727, employment classifications (Special)
11857	Amends Ord. 4727, employment classifications (Special)
11858	Amends Ord. 11846, street vacation (Special)
11859	Authorizes acquisition of certain parcel of land (Special)
11860	Exempts certain project from certain demolition requirements (Special)
11861	Rezones; amends §§ 6655(a) and 7421 of prior planning code (17.94, 17.114)
11862	Amends § 3(a) of Ord. 11732, council on health and human services (Not codified)
11863	Adds § 7 to and amends §§ 2 and 3 of Ord. 10921, child care advisory commission (Not codified)
11864	Amends §§ 1-4 of Ord. 9968, commission on disabled persons (Not codified)
11865	Adds § XIII to and amends §§ III and IV of Ord. 11467, emergency management board (Not codified)
11866	Amends §§ 2-4 of Ord. 11301, commission on homelessness (Not codified)
11867	Adds § 6 to and amends §§ 2 and 4 of Ord. 11595, human relations commission (Not codified)
11868	Amends §§ III and IV; renumbers and amends § VIII to be VI and renumbers § VII to be V; repeals former §§ V and VI of Ord. 11503, Oakland Museum/Museum of California advisory commission (Not codified)
11869	Amends §§ 2-4 of Ord. 10545, youth advisory commission (Not codified)
11870	Amends §§ 3, 4, 5, 6 and 10 of Ord. 10636, Medical Hill parking commission (Not codified)
11871	Relocation appeals board; repeals Res. 53588 (Not codified)
11872	Amends §§ 4 and 5 of Ord. 11758, residential rent arbitration board (8.22)
11873	Authorizes acquisition of certain real property (Special)
11874	Amends §§ 310(a) and 312(a) of Ord. 11612, Campaign Reform Act (3.12)
11875	Grants nonexclusive easement (Special)
11876	Amends § 5-1.58 of prior code, business taxes (5.04)
11877	Adds § 5-1.13(b), business taxes (5.04)
11878	Authorizes purchase of certain real property (Special)
11879	Authorizes transfer of certain property (Special)
11880	Amends Ord. 4727, employment classifications (Special)
11881	Authorizes acquisition of a permanent easement (Special)
11882	Authorizes sale of certain surplus real property (Special)
11883	Amends Ord. 4727, employment classifications (Special)
11884	Authorizes acquisition of five residential properties (Special)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
11885	Restrictions when dealing with firms who do business with Burma (Suspended)
11886	Restrictions when dealing with firms who do business with Nigeria (Suspended)
11887	Moratorium on issuance of short-term encroachment permits during certain festival (Not codified)
11888	Revenue bonds related to improvements to sports arena (Special)
11889	Amends §§ 5803 and 5804 of prior planning code (17.72)
11890	Amends Ord. 4727, employment classifications (Special)
11891	Borrowing of funds for FY 1996-1997 and issuance and sale of 1996 tax and revenue anticipation notes (Special)
11892	Rezone; adds §§ 6850-6876 to and amends §§ 4448(c)(2)(b), 7070, 7071, 7082, 7083, 7110, 7115(b), 7430(c), 7511-7514, 7535(a), 7538, 7549, 7810, 8310(b), 9201(a)(10) and 9301(a) of prior planning code (17.44, 17.97, 17.108, 17.110, 17.114, 17.116, 17.122, 17.126, 17.134, 17.136)
11893	Amends § 6-3.32, park noise (12.64)
11894	Repeals and replaces § 3-1.01, noise (8.18)
11895	Amends §§ 2110, 2111, 2113(c), 7700, 7710 and 7711 of prior planning code (17.04, 17.120)
11896	Amends Ord. 4727, employment classifications (Special)
11897	Authorizes sale of certain city-owned surplus property (Special)
11898	Authorizes amendment to contract with California Public Employees' Retirement System (Special)
11899	Amends Ord. 9336, master fee schedule (Not codified)
11900	Street vacation (Special)
11901	Authorizes acquisition of certain real property (Special)
11902	Authorizes acquisition of certain real property (Special)
11903	Adds Ch. 2, Art. 12, prohibition on the sale of Saturday night specials (9.36)
11904	Adds §§ 2220(d), 2223, 2700—2714, 3252, 3255(d), 3256(c), 3352, 3355(d), 3356(c), 3452, 3455(d), 3456(c), 3552, 3555(d), 3556(c), 3580(d), 3581(c), 3602.1, 3605(d), 3606(c), 3652.1, 3655(d), 3656(c), 3752.1, 3755(d), 3756(c), 3802.1, 3805(d), 3806(c), 3852.1, 3855(d), 3856(b), 3902.1, 3905(d), 3906(b), 4205(d), 4206(b), 4252, 4255(d), 4256(c), 4305(c), 4306(d), 4355(d), 4356(b), 4405(d), 4406(b), 4430(d), 4431(b), 4452.1, 4455(d), 4456(b), 4480(d), 4481(b), 4502.1, 4505(d), 4506(b), 4527.1, 4530(c), 4531(c), 4552.1, 4555(d), 4556(c), 4602.1, 4605(d), 4606(b), 4827.1, 4831(c), 4852.1, 4855(d), 4856(d), 4877.1, 4880(d), 4881(c), 4902, 4905(c), 4906(b), 5402, 5405(c), 5406(b), 5602, 5605(c), 5606(b), 5702, 5705 (c), 5802, 5805(c), 6105(d), 6106(b), 6152.1, 6155(d), 6156(c), 6205(c), 6206(b), 6855(d), 6856(c), 8500—8510 and

<b>Ordinance Number</b>	<b>Ordinance Number</b>	<b>Description</b>
	11909	Authorizes transfer of certain real property (Special)
	11910	Transfer of unclaimed bicycles (Not codified)
	11911	Adds § 5-1.43 to and amends § 5-1.40(b) of prior code, business taxes (5.04)
	11912	Repeals § 5-14.20 of prior code (Repeater)
	11913	Amends § 3-16.09(b) of prior code, theater permits (5.66)
	11914	Amends Ord. 9336, master fee schedule (Not codified)
	11915	Amends Ord. 4727, employment classifications (Special)
	11916	Amends Ord. 4727, employment classifications (Special)
	11917	Repeals §§ 5-13.01-5-13.023 of prior code (Repeater)
	11918	Amends § 5-4.07 of prior code, cabarets (5.12)
	11919	Amends § 5-3.08 of prior code, immoral advertising (5.06)
	11920	Amends § 3-1.06 of prior code, nuisances (8.18)
	11921	Repeals Ch. 5, Art. 25 of prior code (Repeater)
	11922	Amends §§ 1-3.01(a) and 3-22.08 of prior code, penalties (1.28, 5.34)
	11923	Amends § 3-6.10(6)(A) of prior code, special event permits (9.52)
	11924	Amends §§ 7-4.071, 7-4.132, 7-4.361, 7-4.39 and 7-5.10(a) of prior code, subdivisions (16.04, 16.08, 16.20)
11905		Citizens' police review board; repeals Ord. 11567 (2.26) (Repealed by Ords. 12444 and 12454)
11906	11925	Amends Ord. 11896, employment classifications (Special)
11907	11926	Amends Ord. 4727, employment classifications (Special)
11908	11927	Authorizes lease of certain real property (Special)

## TABLES

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
11928	Amends § 3-12.22 of prior code, commercial building security requirements (8.04)	11947	Adds § 2-10.12(C) and (D), firearms dealers (5.26)
11929	Repeals §§ 3-4.11 and 3-4.12 of prior code (Repeater)	11948	Amends Ord. 4727, employment classifications (Special)
11930	Repeals § 3-12.012 of prior code (Repeater)	11949	Designates landmark (Special)
11931	Amends §§ 5-9.06 and 5-9.061 of prior code, pawnbrokers, secondhand dealers, scrap dealers and scrap collectors (5.46)	11950	Amends Ch. 14 of prior code, economic development revenue bond law (4.40)
11932	Repeals § 3-6.02 of prior code (Repeater)	11951	Amends Ord. 11562, conflict of interest code (3.16)
11933	Amends § 2-5.22 of prior code, explosives and fireworks (8.06)	11952	Authorizes city attorney to compromise and settle litigation (Special)
11934	Repeals Ch. 2, Art. 9 of prior code (Repeater)	11953	Amends Ord. 4727, employment classifications (Special)
11935	Repeals §§ 4-1.01-4-1.09 of prior code (Repeater)	11954	Establishes the Housing and Residential Rent and Relocation Board; discontinues the Housing Advisory and Appeals Board, Residential Rent Arbitration Board and the Relocation Appeals Board (Not codified)
11936	Repeals §§ 4-4.01(g) and (h), 4-4.03-4-4.12 and 4-4.14-4-4.42 of prior code (Repeater)	11955	Amends Ord. 4727, employment classifications (Special)
11937	Amends § 3-12.08 of prior code, commercial building security requirements (8.04)	11956	Adds § 7023(f) to and amends §§ 4903(b), 5604(b), 5703(b), 5704(b), 5803(b) and 5808(d) and Title of § 7023 of prior planning code (17.64, 17.68, 17.70, 17.72, 17.102)
11938	Repeals § 3-11.04 of prior code (Repeater)	11957	Regulates public meetings and public records (2.20)
11940	Amends § 3-12.011 of prior code, bicycles (12.60)	11958	Abandons lot (Special)
11941	Amends §§ 1-2.02-1-2.10 of prior code, general provisions (1.04)	11959	Abandons lot (Special)
11942	Amends § 6-2.66 of prior code, street use regulations (12.24)	11960	Rezone (Special)
11943	Repeals §§ 5-8.01-5-8.31 of prior code (Repeater)	11961	Establishes Public Ethics Commission (2.24)
11944	Amends § 5-4.05 of prior code, cabarets (5.12)	11962	Amends Ord. 4727, employment classifications (Special)
11945	Authorizes city manager to license, lease or convey easements for telecommunications facilities (Special)	11963	Authorizes sale of city-owned property (Special)
11946	Amends Ord. 4727, employment classifications (Special)	11964	Amends landmark designation (Special)
		11965	Amends § 6A of Ord. 11954 (Repealed by 12030)

<b>Ordinance Number</b>	
11966	Abandons side sewer easement (Special)
11967	Abandons easement (Special)
11968	Abandons easement (Special)
11969	Suspends Oakland Campaign Reform Act (Note to Ch. 3.12)
11970	Adopts voluntary expenditure ceilings for candidates for elective office (Repealed by 12037)
11971	Establishes procedures for donation of office space to the city for elected city officials (Repealed by 12037)
11972	Amends Ord. 4727, employment classifications (Special)
11973	Establishes the Business Budget Advisory Committee (Repealed by 12119)
11974	Extends interim controls on the issuance of building, zoning and other permits in certain area (Special)
11975	Amends § 401 of prior traffic code, parking fines (10.48)



<b>Ordinance Number</b>		<b>Ordinance Number</b>	
11976	Amends Ord. 9336, master fee schedule (Not codified)	11991	Abandons sanitary sewer easement (Special)
11977	Amends Ord. 4727, employment classifications (Special)	11992	Amends Ord. 4727, employment classifications (Special)
11978	Authorizes sale of city-owned surplus property (Special)	11993	Amends Ord. 9336, master fee schedule (Not codified)
11979	Amends Ord. 11562, conflict of interest code (3.16)	11994	Parking lease agreement (Special)
11980	Authorizes acquisition of land (Special)	11995	Establishes interim zoning controls on the issuance of building, zoning and other permits within the Boyle territory (Special)
11981	Abandons easement (Special)		
11982	Amends Ord. 9921, commission on aging (Not codified)		
11983	Abandons side sewer easement (Special)	11996	Discontinues health commission, commission on homelessness and child care advisory commission; establishes health and human services commission (Not codified)
11984	Authorizes alteration to the port boundary line (Special)		
11985	Amends § 401 of prior traffic code, parking fines (10.48)		
11986	Amends Ord. 9336, master fee schedule (Not codified)	11997	Authorizes acquisition of unimproved parcel of land (Special)
11987	Nuisance abatement for vehicles used to solicit an act of prostitution or acquire a controlled substance (Repealed by 12846)	11998	Authorizes access agreement providing for an exchange of property (Special)
11988	Issuance of temporary notes (Special)	11999	Abandons certain five-foot easement (Special)
11989	Adds Art. 15 to prior code Ch. 2, bedroom window security bar and smoke detector permit requirements, and § 1-304(a)(1)(d) to Art. 3 of prior code Ch. 1, and amends §§ 1-4.02(a)(3) of Art. 4, 1-6.02(a) of Art. 6, 1-7.02(a) of Art. 7 and 1-8.02(a) of Art. 8 of prior code Ch. 1, enforcement of administrative penalties (1.08, 1.12, 1.16, 1.24, 1.28, 15.64)	12000	Imposes moratorium on the issuance of short-term encroachment permits during Festival at the Lake (Special)
11990	Authorizes tax increase (Special)	12001	Approves and adopts first amendment to the redevelopment plan for the Coliseum area redevelopment project (Special)
		12002	Dedicates certain two-foot wide parcel (Special)
		12003	Adds Article 12 to prior code Ch. 2, security for events at Oakland-Alameda County Coliseum Complex (8.44)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12004	Adds Article 11 to prior code Ch. 6, newsrack controls (12.50)
12005	Amends prior code Ch. 20, creek protection, storm water management and discharge control (Repealed by 12024)
12006	Adds §§ 106-108 to Article 1 of the 1994 Uniform Fire Code (15.12)
12007	Authorizes city manager to negotiate and execute amendments to the ground lease for and affecting the financial restructuring of the Oakland Marriott City Center Hotel (Special)
12008	Amends Ord. 4727, employment classifications (Special)
12009	Code adoption (1.01)
12010	Abandons twelve-foot-wide sewer easement (Special)
12011	Authorizes the sale of city-owned property (Special)
12012	Amends Ord. 4727, employment classifications (Special)
12013	Amends Ord. 4727, employment classifications (Special)
12014	Amends Ord. 11562, conflict of interest code (3.16)
12015	Adds Article 23 to prior code Ch. 3, nuisance abatement for vehicles used to solicit an act of prostitution or acquire a controlled substance (Repealed by 12846)
12016	Amends §§ 4207(b), 4432(b) and (c), 4482(b), 7422(a)(3) and 9201(a)(8) of prior planning code (17.34, 17.44, 17.48, 17.114, 17.134)
12017	Amends § 7420(a) of prior planning code (17.114)
12018	Amends § 10.52.060, commercial vehicles and vehicle size and weight limits (10.52)
12019	Amends Article 22 of prior code Ch. 3, hotel rates and registration requirements, prior code §§ 5-20.15 and 5-20.16, transient occupancy tax, § 1-6.02(a), penalties, § 1-7.02(a), administrative citations and § 1-8.02(a), alternative administrative procedure for abatement of certain code violations (1.08, 1.12, 1.16, 4.24, 5.34)
12020	Authorizes nonexclusive license agreement (Special)
12021	Amends §§ 17.50.070(C), 17.54.070(C), 17.56.070(C), 17.58.070(C), 17.62.070(C), 17.64.050(B), 17.68.050(B), 17.70.050(B) and 17.72.050(B), zoning (17.50, 17.54, 17.56, 17.58, 17.62, 17.64, 17.68, 17.70, 17.72)
12022	Amends Ord. 4727, employment classifications (Special)
12023	Authorizes the sale of city-owned property (Special)
12024	Repeals and replaces Ch. 13.16, creek protection, storm water management and discharge control (13.16)
12025	Adds Ch. 16 and §§ 202, 212 and 215 to the sign code and amends §§ 1.08.020, 1.12.020 and 1.16.020, general provisions (1.08, 1.12, 1.16, 14.04)
12026	Amends Ord. 4727, employment classifications (Special)
12027	Adds § 5.64.070(B)(4) and amends § 5.64.090, taxicabs (5.64)

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
12028	Amends Appendix A of Ord. 11562, conflict of interest code (3.16)	12044	Abandonment of easement (Special)
12029	Amends master fee schedule (Special)	12045	Amends Ord. 11607, banking services program (Special)
12030	Amends §§ 8.22.030 and 8.22.050(E) and §§ 6A and B of Ord. 11954; repeals § 8.22.020 and Ord. 11965, residential rent arbitration program (8.22)	12046	Amends §§ 8.24.010, 8.24.020(C), (D), (F) and (G), and 8.24.050-8.24.090, property blight (8.24)
12031	Authorizes sale of city-owned surplus property (Special)	12047	Amends master fee schedule (Special)
12032	Amends § 6.04.080, animal control regulations generally (6.04)	12048	Amends Ord. 4727, positions and salaries (Special)
12033	Amends Ord. 9336, master fee schedule (Special)	12049	Adopts standard specifications for public works construction; repeals Ord. 11797 (Repealed by 12321)
12034	Adds § 5.64.055 and amends §§ 64.010-5.64.050, 5.64.060-5.64.100, 5.64.120 and 5.64.130, taxicabs (5.64)	12050	Oakland living wage ordinance (2.28)
12035	Hours of construction in fire-damaged area (Expired)	12051	Authorizes sale of surplus real property (Special)
12036	Repeals Ord. 11970, voluntary expenditure ceilings (Special)	12052	Amends Ord. 4727, positions and salaries (Special)
12037	Repeals Ord. 11971, donation of office space (Special)	12053	Amends § 10.52.060, commercial vehicles and vehicle size and weight limits (10.52)
12038	Amends §§ 10.28.120 and 10.28.130, stopping, standing and parking generally, and § 10.48.010, parking fines (10.28, 10.48)	12054	Adds Ch. 17.01; renames Chs. 17.04 to be 17.09, 17.06 to be 17.03, and 17.08 to be 17.05; amends § 17.07.020, planning (17.01, 17.03, 17.05, 17.07, 17.09)
12039	Sale of property (Special)	12055	Authorizes acquisition of easement (Special)
12040	Acceptance of real estate (Special)	12056	Amends § 10.52.060, commercial vehicles and vehicle size and weight limits (10.52)
12041	Sale of non-surplus real property (Not codified)	12057	Adds Ch. 8.42, certified unified program agency (8.42)
12042	Amends Ord. 9336, master fee schedule (Special)	12058	Authorizes sale of non-surplus real property (Special)
12043	Adds § 3.12.200(E) and amends § 3.12.220, campaign reform act (3.12)	12059	Borrowing of funds for 1998-99 (Special)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12060	Amends Ord. 9336, master fee schedule (Special)
12061	Adds § 5.34.021; amends §§ 4.24.020 and 4.24.110, transient occupancy tax, 5.34.010-5.34.041, 5.34.051 and 5.34.080; repeals and replaces § 5.34.050, hotel rates and registration requirements; repeals § 5.34.042 (4.24, 5.34)
12062	Amends Ord. 4727, positions and salaries (Special)
12063	Amends Ord. 4727, positions and salaries (Special)
12064	Easement abandonment (Special)
12065	Adopts redevelopment plan (Special)
12066	Amends Ord. 12045, banking services program (Special)
12067	Amends § 9.08.180, offenses against public peace and decency (9.08)
12068	Amends § 10.52.060, commercial vehicles and vehicle size and weight limits (10.52)
12069	Adds § 6.04.241, animal control regulations generally (6.04)
12070	Tax rate adjustment (Special)
12071	Amends § 2.04.020, purchasing system (2.04)
12072	Adds §§ 17.10.585-17.10.587, 17.68.071, 17.70.081 and 17.72.081; amends §§ 17.10.030(D), 17.68.040(C), 17.70.040, 17.72.040(C) and 17.134.020(A), planning (17.10, 17.68, 17.70, 17.72, 17.134)
12073	Adds § 17.104.050 and amends §§ 17.114.110(D) and 17.114.150-17.114.180, planning (17.104, 17.114)
12074	Authorizes sale of city property (Special)
12075	Amends Ch. 3.12, campaign reform act (3.12)
12076	Amends Ch. 17.52, planning (17.52)
12077	Adds Ch. 8.42 [8.46], medical cannabis (8.46)
12078	Adds Chs. 17.11 and 17.135 and §§ 17.09.050 and 17.144.055; amends §§ 17.10.040, 17.10.140, 17.10.170, 17.10.190, 17.10.240, 17.102.120, 17.104.010, 17.108.020(A), 17.110.020, 17.116.270, 17.116.280, 17.134.020(A), 17.134.030, 17.134.040 and 17.144.030, planning (17.04, 17.10, 17.11, 17.102, 17.104, 17.108, 17.110, 17.116, 17.134, 17.135, 17.144)
12079	Authorizes tenant leases (Special)
12080	Adds § 5.04.151, business taxes generally (5.04)
12081	Amends Ord. 4727, positions and salaries (Not codified)
12082	Amends Ord. 4727, positions and salaries (Not codified)
12083	Authorizes sale of surplus real property (Special)
12084	Abandons slope easement (Special)
12085	Amends §§ 14.04.070 and 14.04.280, sign code (14.04)
12086	Amends Ch. 15.60, code enforcement relocation program (15.60)
12087	Right-of-way vacation (Special)
12088	Amends §§ 15.08.020, 15.08.030, 15.08.090— 15.08.110, 15.08.130, 15.08.170,

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12088 (continued)	15.08.350, 15.08.370, 15.08.380 and 15.08.460, housing code; repeals §§ 15.08.470 and 15.32.010-15.32.080 (15.08)
12089	Authorizes sale of surplus real property (Special)
12090	Amends central district urban renewal plan (Not codified)
12091	Amends § 8.44.030 and 8.44.040, security for events at the Oakland-Alameda County Coliseum Complex (8.44)
12092	Repeals § 9.08.020 (Repeater)
12093	Amends Ch. 9.56, seizure and forfeiture of nuisance vehicles (Repealed by 12846)
12094	Abandons certain reserve easement (Special)
12095	Amends Ord. 9336, master fee schedule (Not codified)
12096	Abandons certain side sewer easement (Special)
12097	Amends Ord. 4727, salaries (Not codified)
12098	Approves residential permit parking area H (Special)
12099	Acquisition of certain property (Special)
12100	Adds new sections to Ch. 5.64; amends §§ 5.64.050(G) and 5.64.070(E), taxi standards (5.64)
12101	Amends § 8 of Ord. 11961, public ethics commission (2.24)
12102	Amends § 6(F)(5) of Ord. 11905, citizens' police review board (2.26) (Repealed by Ords. 12444 and 12454)
12103	Amends Ord. 9336, master fee schedule (Not codified)
12104	Amends Ord. 4727, salaries (Not codified)
12105	Amends Appendix A of Ch. 3.16, conflict of interest code (3.16)
12106	Amends § 2.20.070(D), public meetings and public records (2.20)
12107	Removal of cars parked on city streets for purposes of advertising their sale (12.24)



<b>Ordinance Number</b>	<b>Ordinance Number</b>
12108	Acquisition of certain property (Special)
12109	Amends §§ 10.52.060 and 10.52.065, commercial vehicles and vehicle size and weight limits (10.52)
12110	Establishes interim controls on the issuance of permits for truck repair and truck parking activities in the West Oakland community development district (Repealed by 12289)
12111	License agreement for use of display areas in Broadway Auto Row (Special)
12112	Amends Ord. 4727, salaries (Not codified)
12113	Amends § 5.12.050, cabaret permits (5.12)
12114	Amends §§ 5.36.010, 5.36.020, 5.36.030, 5.36.040, 5.36.050(A) and (H), 5.36.060(A)-(E), (J), 5.36.070(F), (H), 5.36.080, 5.36.090, 5.36.110, 5.36.120, 5.36.130, 5.36.140, 5.36.150, 5.36.160, 5.36.180, 5.36.190 and 5.36.200, massage establishments and massage therapists (5.36)
12115	Spunkmeyer Field lease agreement (Special)
12116	Amends §§ 17.12.100(B)(6), 17.14.100(B)(6) and 17.16.100(B)(6), planning (17.12, 17.14, 17.16)
12117	Amends §§ 5.10.040, 5.10.060, 5.10.080, 5.10.090, 5.10.100, 5.10.110, 5.10.130(K), 5.10.140, 5.10.150, 5.10.170, 5.10.180, 5.10.200, 5.10.330(A) and (C), 5.10.340(A), (C), (D), (F)-(H) and 5.10.350, bingo permits (5.10)
12118	Adds § 12.64.400, public parks as drug free zones (12.64)
12119	Repeals Ords. 11025, 11775 and 11973 (Repealer)
12120	Transfers ownership of Ettie Street pump station to Alameda County flood control and water conservation district (Special)
12121	Authorizes amended and restated lease agreement with Lew F. Galbraith golf course (Special)
12122	Authorizes settlement of Greene, et al vs. city of Oakland (Special)
12123	Designates Chapel of the Chimes as an Oakland landmark (Special)
12124	Designates American Bag Company Building as an Oakland landmark (Special)
12125	Amends § 10.52.060, truck weight restrictions on certain streets (10.52)
12126	Amends Ord. 4727, salaries (Not codified)
12127	Amends Appendix A in Ch. 3.16, conflict of interest code (3.16)
12128	Sale of property (Special)
12129	Estuary Park lease agreement (Special)
12130	Amends § 5.50.040, recovery of costs for extraordinary police services (5.50)
12131	Adds §§ 12.64.291, 12.64.320(J) and (K), 12.64.380, 12.64.390 and 12.64.400 [12.64.410]; amends §§ 12.64.260, 12.64.280, 12.64.290, 12.64.300, 12.64.310 and 12.64.330, park permit requirements (12.64)
12132	Amends Ch. 9.52, special event permit requirements (9.52)
12133	Amends Ord. 4727, salaries (Not codified)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12134	Easement (Special)
12135	Sale of City Center Garage to Shorenstein Realty Investors (Special)
12136	Adds Ch. 8.03, hotel, motel and rooming house operating standards, and § 5.34.025, guest receipts (5.34, 8.03)
12137	Adds Ch. 17.157, deemed approved hotel and rooming house regulations (17.157)
12138	Adds §§ 17.10.112, 17.10.114, 17.10.116, 17.10.118, 17.10.180(D), 17.10.240(X), 17.18.050(A), 17.20.040(A), 17.22.060(A), 17.24.060(A), 17.26.060(A), 17.28.060(A), 17.30.060(A), 17.32.060(A), 17.34.040(A), 17.36.050(A), 17.40.050(A), 17.42.050(A), 17.44.040(A), 17.46.060(A), 17.48.040(A), 17.50.060(A), 17.54.060(A), 17.56.060(A), 17.58.060(A), 17.60.060(A), 17.62.060(A), 17.74.040(A), 17.76.060(A), 17.78.050(A), 17.80.050(A), 17.82.050(A), 17.84.050(A), 17.86.050(A), 17.88.050(A), 17.90.050(A), 17.92.050(A), 17.94.050(A), 17.96.050(A), 17.98.050(A), 17.102.260, 17.116.060, 17.116.070 and 17.134.020; repeals §§ 17.10.160 and 17.10.210, planning (17.09, 17.10, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26, 17.28, 17.30, 17.32, 17.34, 17.36, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50, 17.54, 17.56, 17.58, 17.60, 17.62, 17.74, 17.76, 17.97, 17.102, 17.116, 17.134, 17.148)
	12139 Acquisition of certain property (Special)
	12140 Authorizes sale of city property (Special)
	12141 Street vacation (Special)
	12142 Street vacation (Special)
	12143 Amends Ord. 4727, employment classifications (Special)
	12144 Street vacation (Special)
	12145 Borrowing of funds for FY 1999-2000 (Special)
	12146 Amends §§ 17.104.050(B), (C)(4) and 17.114.110(D), planning (17.104, 17.114)
17.32.050(A) and (B), 17.32.060(A), 17.34.030(A) and (B), 17.34.040(A), 17.34.070	

Ordinance Number	Ordinance Number
12147	Adds §§ 17.102.340 and 17.134.020(26); amends §§ 17.09.040, 17.68.040(C), 17.70.030(C), 17.72.030(C) and 17.72.040(C); amends and reletters 17.70.040(C) and reletters (C) and (D) to be (D) and (E); repeals Ord. 12023.1, planning (17.09, 17.68, 17.70, 17.72, 17.102, 17.134)
12148	Establishes interim zoning controls to facilitate conversion of existing nonresidential facilities into residentially oriented live work facilities (Not codified)
12149	(Not codified)
12150	Repeals Ord. 11845; re-adopts Ch. 15.04, Oakland amendments to the California Model Building Codes (15.04)
12151	(Not codified)
12152	Adds § 15.36.100, dust control measures (15.36)
12153	Amends Ord. 9336, master fee schedule (Not codified)
12154	Amends §§ 17.156.070, 17.156.110 and 17.156.180, planning (17.156)
12155	Adds § 6.08.250; amends §§ 6.08.010(4), 6.08.090, 6.08.180 and 6.08.220(A) and (B), dangerous dogs (6.08)
12156	Authorizes purchase of certain property (Special)
12157	Authorizes purchase of certain property (Special)
12158	Amends Ch. 3.12, City of Oakland Campaign Reform Act (3.12)
12159	Authorizes sale of surplus city property (Special)
12160	Right-of-way vacation (Special)
12161	Authorizes sale of city-owned property (Special)
12162	Authorizes conveyance of certain property (Special)
12163	Lease agreement with East Bay community foundation (Special)
12164	Abandons certain easement (Special)
12165	Amends Appendix A for Ch. 3.16, conflict of interest code (3.16)
12166	Amends §§ 2, 3, 7 and 9 of Ord. 7769 (Not codified)
12167	Establishes six-month moratorium on issuance of building, zoning and other permits relating to sale of tobacco-related products (Not codified)
12168	Establishes interim controls on issuance of building, zoning and other permits on the waterfront warehouse district (Not codified)
12169	Consolidates municipal nominating election with statewide primary election of 3/7/2000 (Special)
12170	Amends § 10.48.010(A), parking citation fines (10.48)
12171	Amends § 10.48.020(C), delinquent parking citation fines (10.48)
12172	Adds § 5.04.631, exemption for family daycare (5.04)
12173	Amends § 10.52.060, prohibits one-half ton trucks on certain streets (10.52)
12174	Abandons sewer easement (Special)
12175	Abandons reserve easement (Special)
12176	Authorizes lease with East Bay Community Foundation (Special)
12177	Authorizes sale of nonsurplus real property (Special)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12178	Authorizes sale of surplus real property (Special)
12179	Authorizes sale of surplus real property (Special)
12180	Grants permanent utility easement (Special)
12181	Avenue vacation (Special)
12182	Discontinues community and economic development advisory commission and transfers its powers to community reinvestment commission (Not codified)
12183	Abandons reserve easement (Special)
12184	Abandons portion of utility easement (Special)
12185	Authorizes sale of surplus real property (Special)
12186	Adds Ch. 2.29, agencies, departments and offices in the city of Oakland (2.29)
12187	Establishes employment classifications; repeals Ord. 4727 CMS (Not codified)
12188	Suspends §§ 2.04.290-2.04.390, Nigeria divestment ordinance (Repealer)
12189	Abandons sewer easement (Special)
12190	Oakland business improvement management district ordinance (4.48)
12191	Suspends human relations commission (Not codified)
12192	Amends §§ 3.08.170 and 3.08.210, elections (3.08)
12193	Amends Ord. 12187, employment classifications (Not codified)
12194	Authorizes sale of surplus real property (Special)
12195	Parking licenses for city parking facilities (Not codified)
12196	Adds Ch. 3.13, Limited Public Financing Act (3.13)
12197	Amends §§ 3.12.050, 3.12.060 and 3.12.070, Campaign Reform Act (3.12)
12198	Amends zoning map (Special)
12199	Adds §§ 17.102.360, 17.134.020(A) (27) and 17.134.130; amends §§ 17.09.040, 17.10.650, 17.12.070(A), 17.12.100(B), 17.14.070(A), 17.14.100(B), 17.16.070(A), 17.16.100(B), 17.18.070(A), 17.18.100(B), 17.20.060(A), 17.20.100(B), 17.20.130(A)(3), 17.20.140, 17.22.080, 17.22.110(B), 17.24.080, 17.24.110(B), 17.34.040, 17.36.070, 17.38.060, 17.92.060, 17.116.060 (A), 17.16.240 (C) and 17.134.070; repeals §§ 17.10.660, 17.12.110, 17.14.110 and 17.16.110, planning (17.09, 17.10, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.36, 17.38, 17.92, 17.102, 17.116, 17.134)
12200	Sewer easement (Special)
12201	Temporary establishment of winter shelter for the homeless (Special)
12202	Establishes interim controls on certain nonresidential uses (Special)
12203	Amends Ord. 12203, employment classifications (Not codified)
12204	Extends Ords. 12110 and 12156.1, interim controls on certain permits (Repealed by 12289)
12205	Adds § 17.102.350; amends §§ 17.09.040 and 17.134.020 (A)(2), planning (17.09, 17.102, 17.134)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12206 Amends § 10.52.060, commercial vehicle weight limits (10.52)	17.50.080, 17.52.070, 17.52.080, 17.54.070, 17.54.080, 17.56.070, 17.56.080, 17.58.070, 17.58.080, 17.60.070, 17.60.080, 17.62.070, 17.62.080, 17.64.050, 17.64.080, 17.102.210, 17.102.335, 17.134.020 and 17.136.020, zoning (17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50, 17.52, 17.54, 17.56, 17.58, 17.60, 17.62, 17.64, 17.102, 17.134)
12207 Amends §§ 3.12.050 and 3.12.060, Campaign Reform Act (3.12)	17.102.212, zoning (17.102)
12208 Amends § 5.04.030, business taxes (5.04)	Amends § 17.102.212, zoning (17.102)
12209 Rezone (Special)	Amends Ord. 12187, salaries (Special)
12210 Adds §§ 9.36.400-9.36.450, weapons (9.36)	Lease authorization (Special)
12211 Adds § 5.26.120(E) and (F), firearms dealers (5.26)	Amends Appendix A of Ch. 3.16, conflict of interest code (3.16)
12212 Adds § 5.26.120(G), firearms dealers (5.26)	Alters port boundary line for estuary policy plan area properties (Special)
12213 Amends Ord. 12193, employment classifications (Special)	Approves sale of city-owned property (Special)
12214 Authorizes sale of real property (Special)	Amends certain master lease agreement (Special)
12215 Authorizes sale of real property (Special)	Amends California Public Employees' Retirement System contract (Special)
12216 Authorizes sale of real property (Special)	Adds §§ 17.152.060-17.152.230, enforcement (17.152)
12217 Authorizes sale of real property (Special)	Amends §§ 17.72.060, 17.72.090, 17.134.020, planning and Ch. 15 of the Uniform Sign Code (14.04, 17.72, 17.134)
12218 Authorizes sale of real property (Special)	Authorizes acquisition of real property (Special)
12219 Authorizes sale of real property (Special)	Authorizes acquisition of real property (Special)
12220 Authorizes sale of real property (Special)	Amends §§ 16.24.010, parcel maps, 17.84.060, 17.98.080, 17.102.030, 17.112.060,
12221 Authorizes sale of real property (Special)	
12222 Authorizes sale of real property (Special)	
12223 Authorizes sale of real property (Special)	
12224 Amends §§ 17.34.050, 17.34.060, 17.36.060, 17.36.070, 17.38.050, 17.38.060, 17.40.060, 17.40.070, 17.42.060, 17.42.070, 17.44.050, 17.44.060, 17.46.060, 17.46.070, 17.48.050, 17.48.060, 17.50.070,	

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
	17.128.080, 17.134.020, 17.134.040, 17.134.090, 17.135.030, 17.136.070, 17.136.110, 17.138.090, 17.140.120, 17.142.030, 17.142.080, 17.148.020, 17.148.040, 17.148.060, planning (16.24, 17.84, 17.98, 17.102, 17.128, 17.134, 17.135, 17.136, 17.138, 17.148)
12238	Amend zoning map (Special)
12239	Amend § 8.18.030, nuisances (8.18)
12240	Adds § 17.54.025, 17.64.025, 17.68.085, 17.70.085, 17.72.085; amends § 17.114.080, planning (17.68, 17.70, 17.72, 17.114)
12241	Amends § 17.102.210, planning (17.102)
12242	Amends Ord. 12191, human relations commission suspension (Not codified)
12243	Amends Ord. 12226, salaries (Special)
12244	Authorizes sale of city-owned real property (Special)
12245	Abandons certain sanitary sewer easement (Special)
12246	Amends Ord. 12141, utility easement (Special)
12247	Repeals Ord. 12232 (Repeater)
12248	Authorizes amendment to contract between city and Board of Administration of California Public Employees' Retirement System (Special)
12249	Authorizes funds borrowing for fiscal year 2000-2001 (Special)
12250	Amends Ord. 12187, salaries (Special)
12251	Amends Ord. 12226, salaries (Special)
12252	Sewer easement abandonment (Special)
	12253      Adds Ch. 15.34, construction and demolition debris waste reduction and recycling requirements (15.34)
	12254      Authorizes increase to special tax imposed for emergency medical services (Special)
	12255      Authorizes increase to special tax imposed for paramedic emergency services (Special)
	12256      Authorizes increase to tax imposed by Library Retention and Enhancement Act of 1994 (Special)
	12257      Amends Ord. 9336, master fee schedule (Not codified)
	12258      Authorizes sale of surplus real property (Special)
	12259      Approves and adopts redevelopment plan for Oakland Army Base redevelopment project (Special)
	12260      Amends §§ 3.12.050 and 3.12.060, Campaign Reform Act (3.12)
	12261      Sewer and utility easement abandonment (Special)
	12262      Approves quitclaim deed to transfer storm drain easement (Special)
	12263      Amends Port Area line on 98th Avenue and Doolittle Drive for the airport roadway project (Special)
	12264      Amends §§ 4.20.020, 4.20.030, 4.20.050, 420.070, 4.20.080, 4.20.090, 4.20.100 and 4.20.160, real property transfer tax (4.20)
	12265      Emergency ordinance amending Ords. 12110 and 12156, extending interim controls on certain permits (Repeated by 12289)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12266	Adds § 17.102.370; amends §§ 17.52.060, 17.58.060, 17.62.050 and 17.62.060, planning (17.52, 17.58, 17.62, 17.102)
12267	Alters Port Area to exclude Equitec Parcel (Special)
12268	Authorizes sale of 7.8 acres (Special)
12269	Approves and adopts redevelopment plan for Broadway/MacArthur/San Pablo development project (Special)
12270	Vacates portion of Tunnel Road right-of-way (Special)
12271	Repeals and replaces Ch. 8.20, pay telephones; repeals Ord. 11693 C.M.S (8.20)
12272	Adds Ch. 17.11A; amends §§ 17.102.270, 17.102.320, 17.108.010, 17.108.020, 17.108.090, 17.116.060, 17.122.090, 17.122.110, 17.128.060, 17.128.080 and 17.134.020; amends zoning section maps 129, 130, 140, 141, 158, 159, 160, 174, 175, 176, 193 and 194, planning (17.11A, 17.108, 17.116, 17.120, 17.122, 17.128, 17.134)
12273	Amends §§ 8.22.010, 8.22.030, 8.22.040, 8.22.050, 8.22.060, 8.22.070, 8.22.080, 8.22.090, 8.22.100, 8.22.110, 8.22.120 and 8.22.130; repeals § 8.22.140 and renumerbs § 8.22.150 to be § 8.22.140, residential rent arbitration program (8.22)
12274	Abandons roadway slope easement (Special)
12275	Authorizes acquisition of real property (Special)
12276	Authorizes acquisition of real property (Special)
12277	Authorizes acquisition of real property (Special)
12278	Authorizes acquisition of real property (Special)
12279	Authorizes acquisition of real property (Special)
12280	Path vacation (Special)
12281	Abandons reserve easements (Special)
12282	Amends Ord. 12193, employment classifications (Not codified)
12283	Amends § 14.8 of Ord. 713, municipal employees' retirement system (Not codified) (Number not used)
12284	Authorizes acquisition of real property (Special)
12285	Amends § 7 of Ord. 713, municipal employees' retirement system (Not codified)
12286	Amends Ord. 12187, salaries (Not codified)
12287	Amends Ord. 12193, employment classifications (Not codified)
12288	Adds Ch. 17.98 and § 17.102.380; amends §§ 17.68.030, 17.70.030, 17.102.190, 17.114.070, 17.116.080 and 17.116.090 and zoning section maps 200, 201, 202, 218, 219, 220, 235, 237, 238, 250, 251, 252 and 266; repeals Ords. 12110, 12156.1, 12204 and 12265, planning (17.68, 17.70, 17.98, 17.102, 17.114, 17.116)
12289	Adds § 1.28.020(A)(1)(e); amends § 8.44.040(J), Oakland-Alameda County Coliseum Complex (1.28, 8.44)
12290	Establishes Oakland Artisan Marketplace (5.72)
12291	

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12292	Authorizes acquisition of real property (Special)
12293	Authorizes acquisition of real property (Special)
12294	Suspends Ord. 11885, ban on contracting with companies doing business in Burma (Not codified)
12295	Adds § 1.24.020(8), Litter Control Officer power of arrest (1.24)
12296	Amends § 6.04.080, dogs at large in parks (6.04)
12297	Repeals Ord. 9669 and dissolves Private Industry Council (Repealer)
12298	Amends Ord. 12187, employment classifications (Not codified)
12299	Authorizes acquisition of real property (Special)
12300	Authorizes lease of property and equipment for police precinct station (Special)
12301	Establishes Rockridge Business Improvement District (Special)
12302	Authorizes acquisition of real property (Special)
12303	Amends Ord. 11945, authorization of city manager to license, lease or convey easements for telecommunications facilities (Special)
12304	Abandons side sewer easement (Special)
12305	Amends Ord. 11562, conflict of interest code (3.16)
12306	Authorizes acquisition of real property (Special)
12307	Amends Ord. 12187, employment classifications (Not codified)
12308	Amends Ch. 3.13, limited public financing act (3.13)
12309	Authorizes acquisition of real property (Special)
12310	Adds Ch. 5.49; amends §§ 5.48.050, 5.48.070 and 12.08.030, pushcart food vending pilot program (5.48, 5.49, 12.08)
12311	Amends Ord. 9336, master fee schedule (Special)
12312	Adds Ch. 8.09, vehicular food vending (8.09)
12313	Amends Ord. 9336, master fee schedule (Special)
12314	Amends § 17.10.290, planning (17.10)
12315	Amends Ord. 12298, employment classifications (Not codified)
12316	Authorizes acquisition of certain real property by eminent domain (Special)
12317	Rezone (Special)
12318	Street vacation (Special)
12319	Amends Ord. 9336, master fee schedule (Special)
12320	Authorizes lease of certain office space (Special)
12321	Adopts Greenbook Standard Specifications for Public Works Construction, 2000 Edition; repeals Ord. 12049 (Special)
12322	Places temporary ceiling on enforcement of utility user's tax (Not codified)
12323	Adds § 8.42.105, hazardous materials assessment report and remediation plan (8.42)
12324	Adds 2.30, equal access to services (2.30)
12325	Accepts transfer of certain real property from state Department of Transportation (Special)
12326	Authorizes certain ground lease (Special)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12327	Interim exemption of renewable energy production facilities from design review procedures (Not codified)
12328	Vacates certain easements (Special)
12329	Places temporary suspension on collection of utility user's tax from certain low-income ratepayers (Special)
12330	Authorizes amendment to contract with Board of Administration of California Public Employees' Retirement System (Special)
12331	Adds Ch. 17.107, zoning (17.107)
12332	Extends expiration date of Ord. 12054 (Special)
12333	Authorizes funds borrowing for fiscal year 2001-2002 (Special)
12334	Authorizes sale of surplus real property (Special)
12335	Authorizes increase to special tax for emergency medical services (Special)
12336	Authorizes increase to special tax for paramedic emergency services (Special)
12337	Authorizes increase to library services tax rate (Special)
12338	Amends Ord. 12298, salary ordinance (Special)
12339	Amends §§ 10.28.190, 10.36.050, 10.40.020 and 10.48.010, fines for parking violations (10.28, 10.36, 10.40, 10.48)
12340	Amends §§ 5.64.050(D) and (F), 5.64.055(B), 5.64.070(L), 5.64.080(E), 5.64.100(A) and 5.64.110, taxicabs (5.64)
12341	Authorizes settlement of certain potential claim and exchange of certain real property (Special)
12342	Amends Ord. 9336, master fee schedule (Not codified)
12343	Adds Ch. 17.99; amends § 17.126.010, zoning (17.99, 17.126)
12344	Approves building permit fee waiver program for certain residential seismic retrofit work (Not codified)
12345	Amends lease of real property (Special)
12346	Abandons easement (Special)
12347	Amends Ord. 12187, salaries (Not codified)
12348	Amends Central District urban renewal plan (Special)
12349	Amends § 17.106.030, zoning (17.106)
12350	Amends §§ 17.11.080, 17.11.090, 17.104.010(G)(1), 17.134.020(A)(2)(b) and 17.135.020, zoning (17.11, 17.104, 17.134, 17.135)
12351	Authorizes settlement of certain case relating to city's alcohol/tobacco billboard regulations (Special)
12352	Adds Ch. 8.48, vehicle-based solicitation restrictions (18.48)
12353	Amends §§ 8.20.030-8.20.080 and 8.20.128-8.20.140, pay telephones (8.20)
12354	Adopts interim design review controls for certain residential construction (Special)
12355	Franchise agreement (Special)
12356	Acquisition of certain real property (Special)
12357	Acquisition of certain real property (Special)
12358	Authorizes purchase of real property (Special)
12359	Street vacation (Special)
12360	Amends Ord. 12298, salaries (Not codified)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12361	Adds Ch. 5.33, home mortgage lending (5.33)
12362	Amends Ord. 12045, banking services program (Not codified)
12363	Authorizes amendment to contract with California Public Employees' Retirement System (Special)
12364	Amends Ord. 9336, master fee schedule (Not codified)
12365	Authorizes purchase agreement (Special)
12366	Authorizes purchase agreement (Special)
12367	Repeals Ord. 11630 (Repeater)
12368	Amends § 17.114.040, nonconforming uses (17.114)
12369	Authorizes lease agreement (Special)
12370	Abandons easement (Special)
12371	Amends Ord. 9945, landmark designation of Lakeside Park (Not codified)
12372	Consolidates municipal nominating election with statewide primary election of 3/5/2002 (Special)
12373	Adds Ch. 10.53, extralegal load transportation permits (10.53)
12374	Amends Ord. 9336, master fee schedule (Not codified)
12375	Amends Ch. 3.13, limited public financing act (3.13)
12376	Adds Chs. 17.101B and 17.147, §§ 17.102.370—17.102.380 [17.102.390—17.102.400]; amends §§ 17.03.010, 17.03.040, 17.09.040, 17.11A.020, 17.11A.130—17.11A.140, 17.12.020, 17.12.130-17.12.140, 17.14.020, 17.14.130-17.14.140, 17.16.020, 17.16.130-17.16.140, 17.18.020, 17.18.140, 17.20.140, 17.22.020, 17.22.150, 17.24.020, 17.24.150,
	17.26.020, 17.28.020, 17.30.020, 17.32.020, 17.36.020, 17.40.020, 17.42.020, 17.46.020, 17.50.020, 17.54.020, 17.56.020, 17.58.030, 17.60.020, 17.62.030, 17.76.020, 17.108.010—17.108.030, 17.108.050—17.108.060, 17.108.130, 17.116.060, 17.116.170, 17.116.200, 17.116.250—17.116.270, 17.124.020—17.124.050, 17.130.040—17.130.050, 17.132.010—17.132.030, 17.134.050—17.134.060, 17.136.020, 17.136.060—17.136.080, 17.136.120, 17.142.050, 17.146.040, 17.148.030—17.148.060, and 17.152.070; renumbers 17.11A.120 to be 17.11A.110, 17.11A.130 to be 17.11A.120, 17.11A.140—17.11A.160 to be 17.11A.150—17.11A.170, 17.12.120—17.12.160 to be 17.12.110—17.12.170, 17.14.120—17.14.160 to be 17.14.110—17.14.170, 17.16.100 to be 17.16.110, 17.16.120—17.16.160 to be 17.16.110—17.16.170, 17.18.140—17.18.160 to be 17.18.150—17.18.180, 17.20.140—17.20.170 to be 17.20.150—17.20.180, 17.22.150—17.22.180 to be 17.22.160—17.22.190, 17.24.150—17.24.180 to be 17.24.160—17.24.190, and 17.124.020—17.124.060 to be 12.124.060—17.124.100; repeals §§ 17.11A.110 and 17.98.040—17.98.080; repeals and replaces 17.98.030, zoning (17.03.17.09, 17.11A, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.101B, 17.102, 17.108, 17.116, 17.124, 17.130, 17.132, 17.134, 17.136, 17.148, 17.152)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12377	Authorizes lease agreement (Special)
12378	Establishes Montclar Business Improvement District (Special)
12379	Amends Ord. 4727, employment classifications (Special)
12380	Amends § 14.8 of Ord. 713, municipal employees' retirement system (Not codified)
12381	Amends Ord. 12298, salary ordinance (Special)
12382	Authorizes purchase agreement (Special)
12383	(Not used)
12384	Right-of-way vacation (Special)
12385	Authorizes acquisition of real property (Special)
12386	Authorizes sale of real property (Special)
12387	Abandons sanitary sewer easement (Special)
12388	Adds §§ 2.04.015 and 2.04.180-2.04.190, purchasing system; amends §§ 2.04.010-2.04.020 (2.04)
12389	Codifies four programs in response to Senate Bill 974 (Special)
12390	Adds § 8.04.160; amends § 8.04.011, commercial building security requirements (8.04)
12391	Authorizes purchase of real property (Special)
12392	Amends Ord. 12298, salary ordinance (Special)
12393	Amends Ord. 12298, salary ordinance (Special)
12394	Adds. Ch. 2.32, equal benefits ordinance (2.32)
12395	Approves installation of parking meters (Special)
12396	Amends Ord. 12298, salary ordinance (Special)
12397	Amends § 16.08.030, tentative maps (16.08)
12398	Authorizes amended and restated lease agreement (Special)
12399	Amends Ch. 8.22, residential rent adjustment program (8.22)
12400	Emergency ordinance requiring a major conditional use permit to operate a facility providing counseling and associated health services to intravenous drug users, and limiting the zones where such uses may be permitted (Special)
12401	Amends §§ 1.12.020 and 1.12.060, administrative citations (1.12)
12402	Amends Ord. 9336, master fee schedule (Not codified)
12403	Adds Ch. 2.34, identification cards (2.34)
12404	Amends § 10.28.120, parking (10.28)
12405	Street vacation (Special)
12406	Amends Ord. 9336; amends §§ 17.16.120, 17.24.130, minimum yards and maximum height; amends § 17.102.380 [17.102.400], special design requirements for lots that contain residential facilities and no nonresidential facilities; amends § 17.108.060, minimum side yard on street side of corner lot-Residential zones; amends §§ 17.116.060, 17.116.170, and 17.116.260, parking (17.16, 17.24, 17.102, 17.108, 17.116)
12407	Abandons a five-foot wide reserve easement (Special)
12408	Abandons a twenty-foot wide reserve easement (Special)
12409	Designates an Oakland landmark (Special)
12410	Designates an Oakland landmark (Special)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12411	Amends §§ 10.64.110, 10.64.120, 10.64.130, conduct of hearing and order of removal; order of removal (10.64).
12412	Amends Ord. 4727, increase the rate of pay for the classifications of specialty/combination inspector, and senior specialty/combination inspector (Special)
12413	Adds Ch. 17.97, Broadway auto row interim study combining zone regulations (Repealed by 12776)
12414	Adds §§ 1.24.20 (A)(9) and 15.12.050, power of arrest and uniform fire code (1.24, 15.12)
12415	Amends Ord. 12298, salaries of jail utility workers (Special)
12416	Requires a major conditional use permit to operate a facility providing counseling and associated health services to intravenous drug users, and limiting the zones where permitted (Special)
12417	Adds § 17.136.025, exemptions from design review; amends § 17.136.020, definition of regular and small project design review (17.136)
12418	Street vacation (Special)
12419	Increase to special tax imposed for emergency medical services (Special)
12420	Increase to special tax imposed for paramedic emergency services (Special)
12421	Amends Ord. 11820, waste management of Alameda county (Special)
12422	Amends Ord. 12389 and Resolution 69687, suspends the city's local employment and small local business programs (Special)
12423	Amends Ord. 9757, authorizes the city manager to execute a deed waiving the city's right to purchase a portion of a 14th street within the former Oakland army base (Special)
12424	Authorized property to and from redevelopment agency (Special)
12425	Adds § 17.104.060, general limitations on advertising signs; adds § 14.04.270, signs adjacent to freeways; amends §§ 17.72.060 and 17.72.090, M-40 zone (14.04, 17.72, 17.104)
12426	Provides for the borrowing, issuance and sales, and publication of funds, tax and revenue anticipation notes for fiscal year 2002-2003 (Special)
12427	Amends Ord. 9336, establish, modify and delete fees assessed by the office of the city clerk, city manager, community and economic development agency, fire services agency, life enrichment agency, police services agency, and public works agency (Special)
12428	Authorizes the increase of the tax imposed by the Library Retention and Enhancement Act of 1994 (Special)
12429	Public pedestrian path vacation (Special)
12430	Authorizes sale of property to redevelopment agency (Special)
12431	Amends Ch. 3.20, the City of Oakland Lobbyist Registration Act (3.20)
12432	Amends § 5.04.540, refund of tax, penalty or interest paid more than once or erroneously or illegally collected; amends § 5.04.570, apportionment (5.04)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12433	Authorized city manager to enter into a 10-year sublease for city-leased retail space (Special)
12434	Authorized city manager to enter into a ten-year lease for city property (Special)
12435	Orders the submission of a ballot measure to incur bonded indebtedness (Special)
12436	Amends Ord. 12298, salary schedule (Special)
12437	Approves the street furniture implementation plan (Special)
12438	Rezones (Special)
12439	Amends §§ 13.16.450 and 13.16.460, appeals (13.16)
12440	Requires the owner and/or person in possession of a firearm to report the theft or loss of a firearm within 48 hours (Special)
12441	Amends Ord. 12187, established employment classifications (Special)
12442	Adds Ch. 15.68, jobs/housing impact fee and affordable housing trust fund (15.68)
12443	Amends Ord. 12427, establish, modify, and delete fees (Special)
12444	Repeals Ords. 11905 and 12102; implements revisions to the citizens' police review board (Special)
12445	Rescinds Ord. 12215; authorized the negotiation and execution of a disposition and development agreement for the sale of city-owned property (Special)
12446	Public pedestrian path vacation (Special)
12447	Abandons a reserve easement (Special)
12448	Approves the installation of parking meters (Special)
12449	Amends § 10.48.010, schedule of parking fines; amends § 10.28.270, prohibiting parking where necessary for repair or construction of street or installation of undergrounding utilities and authorizing the removal of vehicles parked in violation of said prohibition (10.28, 10.48)
12450	Adds § 17.10.225, special health care activities; adds § 17.102.390 [17.102.410], regulations applying to special health care civic activities, amends §§ 17.42.050(B), 17.44.040(B), 17.44.040, 17.46.060(B), 17.48.040(B), 17.50.060(B); 17.56.060(B), 17.58.060 (B), 17.62.060(A), 17.14.040(A), 17.66.040(A), 17.68.040(A), 17.70.040(A),



<b>Ordinance Number</b>	<b>Ordinance Number</b>
12450 (continued)	17.74.040(B), 17.72.040 (A), conditionally permitted activities; amends § 17.134.020, definition of major and minor conditional use permits; amends and reletters §§ 17.54.060(D) and (A) as (C) and (B) as (D), 17.58.060(F) and (A) as (E) and (B) as (F) (17.42, 17.44 [17.134], 17.46, 17.48, 17.50, 17.54, 17.56, 17.58, 17.62, 17.66, 17.68, 17.70, 17.72, 17.74, 17.102)
12451	Re-adopts Ord. 12149 (Repealed by 12842)
12452	Adopts the California building standards code (Repealed by 12843)
12453	Adopts the 2001 State Fire Code and 1997 Uniform Fire Code standards (Special)
12454	Repeals Ords. 11905 and 12102 (Repeater)
12456	Authorizes the City Manager or his designee to execute all real estate documents required to enter into lease agreements (Special)
12457	Adjusts the zoning district boundary line (Special)
12458	Amends Ordinance number 11562 (Special)
12459	Authorizes the City Manager to enter into a purchase and sale agreement (Special)
12460	Authorizes the City Manager to enter into an offer to purchase agreement (Special)
12461	Emergency Ordinance establishing interim controls for signs within commercial zones (Special)
12462	Authorizes acquisition of certain real property interest by eminent domain (Special)
12463	Amends §§ 2.20.060(E), 2.20.070(B), meetings (2.20) Street Vacation (Special)
12464	Repeals § 10.24.040, standing in roadways (10.24)
12465	Amends § 4.20.050, domestic partner registration (4.20)
12466	Permanently codifies the Domestic Partner Registration Policy (Special)
12467	Authorizes a twenty-year lease agreement (Special)
12468	Amends § 5.10.170, prizes, and § 5.10.300, games (5.10)
12469	Adds Chapter 9.58, loitering (9.58)
12470	Amends Ordinance number 9336 (Not Codified)
12471	Amends § 10.48.010, schedule of parking fines (10.48)
12472	Amends § 10.48.010, schedule of parking fines (10.48)
12473	Amends Ordinance number 9336 (Not Codified)
12474	Amends § 10.64.020, vehicles (10.64)
12475	Approves the removal of parking meters (Special)
12476	Amends Ord. 12443, master fee schedule (Not Codified)
12477	Amends § 10.16.220, penalties for traffic violations (10.16)
12478	Authorized the negotiation and execution of a disposition and development agreement (Not Codified)
12479	Rezones (Special)
12480	Amends § 1.24.020, power of arrest; amends § 15.12.020, Uniform Fire Code (1.24, 15.12)
12481	Adopts and interim Ordinance (Not Codified)
12482	Amends Ch. 2.20, regulating public meetings and public records (2.20)
12483	

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12484	Amends Ord. 12187, salary schedule (Not Codified)
12485	Amends Ord. 12187, salary schedule (Not Codified)
12486	Amends Ord. 12187, salary schedule (Not Codified)
12487	Amends Ord. 12187, salary schedule (Not Codified)
12488	Amends Ord. 12187, salary schedule (Not Codified)
12489	Amends Ord. 12187, salary schedule (Not Codified)
12490	Amends Ord. 12187, salary schedule (Not Codified)
12491	Authorized amendments to the contract between City and Board of Administration (Not Codified)
12492	Authorized the sale of city-owned surplus property (Special)
12493	Landmark designation (Special)
12494	Voided
12495	Amends §§ 2.16.010 and 3.04.020, districts (2.16, 3.04)
12496	Amends § 17.102.220, mining (17.102)
12497	Authorizes City Manager to enter into a twenty (20) year lease with Family Bridges, Inc. (Special)
12498	ADOPTS 2002 EDITION OF STANDARD DETAILS FOR THE PUBLIC WORKS CONSTRUCTION; REPEALS ORD. 12049 [ORD. 12321], PUBLIC WORKS CONSTRUCTION (SPECIAL)
12499	Solid waste collection fees change
12500	Authorizes the sale of the City Center T-10 Site (Special)
	12501 Amends §§ 17.11A.020, 17.11A.060, 17.11A.070, 17.11A.100, 17.12.020, 17.12.060, 17.12.070, 17.12.100, 17.14.020, 17.14.060, 17.14.070, 17.14.100, 17.16.020, 17.16.060, 17.16.070, 17.16.100, 17.18.020, 17.18.060, 17.18.070, 17.18.100, 17.20.020, 17.20.025, 17.20.050, 17.20.060, 17.20.100, 17.22.020, 17.22.070, 17.22.080, 17.22.110, 17.24.020, 17.24.070, 17.24.080, 17.24.110, 17.26.020, 17.26.070, 17.26.110, 17.28.020, 17.28.070, 17.28.120, 17.30.020, 17.30.070, 17.30.140, 17.32.020, 17.32.070, 17.32.140, 17.34.020, 17.34.025, 17.34.060, 17.36.020, 17.36.070, 17.38.020, 17.38.060, 17.80.030, 17.80.040, 17.84.030, 17.84.035, 17.90.030, 17.90.035, 17.92.030, 17.92.035, 17.94.030, 17.94.040, 17.94.060, 17.94.070, 17.101B.030, 17.101B.040, 17.101B.050, 17.102.360, 17.107.020, 17.107.040, 17.107.045, 17.110.020, 17.116.060, 17.116.240, 17.134.020, 17.146.020, PLANNING (17.11A, 17.12, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26, 17.28, 17.30, 17.32, 17.34, 17.36, 17.38, 17.80, 17.84, 17.90, 17.94, 17.101B, 17.107, 17.110, 17.116, 17.134, 17.146)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12502	Establishes general fund reserve policy provisions (Special)
12503	Authorizes borrowing of funds for fiscal year 2003-2004 (Special)
12504	Amends Ord. 12443, master fee schedule (Not codified)
12505	Emergency medical services tax rate adjustment (Special)
12506	Paramedic emergency services tax rate adjustment (Special)
12507	Library improvement and enhancement tax rate adjustment
12508	Amends § 10.48.010, parking fine schedule (10.48)
12509	Amends §§ 1.12.060; repeals and replaces Ch. 8.02, assessment of fines (1.12, 8.02)
12510	Amends § 10.48.010, parking fine schedule (10.48)
12511	Street vacation (Special)
12512	Authorizes real property exchange (Special)
12513	Amends §§ 17.84.040, 17.102.030, 17.136.070 and 17.146.030; adds Ch. 17.101, planning (17.84, 17.101, 17.102, 17.136)
12514	Amends §§ 17.01.070, 17.01.080, 17.01.120, planning (17.01)
12515	Amends master fee schedule (Not Codified)
12516	(Original legislation not received)
12517	Amends § 8.22.500, residential units fee (8.22)
12518	Salary increase for unrepresented employee job classifications (Special)
12519	Adds § 3.13.280, run-off municipal elections (3.13)
12520	Authorizes real property purchase (Special)
12521	§ 3.13.280, run-off municipal elections (3.13)
12522	Rezones (Special)
12523	Tax levy for fiscal year 2003-2004 (Special)
12524	Solid waste collection fees change (Not codified)
12525	Amends master fee schedule (Not codified)
12526	Adds § 15.12.060, false fire alarms (15.12)
12527	Terminates Perlata College Urban Renewal Project (Special)
12528	Redevelopment plan (Special)
12529	Amends §§ 9.36.131 and 9.36.141; 60-day reporting periods (9.36)
12530	Rescinds Ord. 12223 (Special)
12531	Rescinds Ord. 12217 (Special)
12532	Alerts the Port Area Boundary (Special)
12533	Amends §§ 17.102.400 and 17.102.420, special design requirements; amends § 17.108.130, exceptions to required openness of minimum yards and courts; amends § 17.108.140, fences, dense hedges, barrier and similar freestanding walls; amends § 17.124.100, exceptions to requirements; amends § 17.136.020, definitions (17.102, 17.108, 17.124)
12534	Rescinds Ord. 12219 (Special)
12535	Authorizes the City Manager to enter into purchase and sales agreements (Special)
12536	Adds chapter 3.14, prohibitions on false endorsements in campaign literature (3.14)
12537	Amends Ch. 8.22, just cause for eviction (8.22)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12538	Amends Ch. 8.22, residential rent arbitration program and evictions (8.22)
12539	Amends Ch. 8.22, rent adjustments and evictions (8.22)
12540	Amends § 13.04.020, increases sewer service charge (13.04)
12541	Amends § 5.04.151, tax abatement (5.04)
12542	Land sales (Special)
12543	Not sent
12544	Authorizes the City Manager to enter into purchase and sales agreements (Special)
12545	Authorizes sale agreement (Special)
12546	Amends § 17.102.195, residentially-oriented joint living and working quarters (17.102)
12547	Amends § 17.09.040, definitions; amends §§ 17.10.340 and 17.10.345, commercial activities (17.09, 17.10)
12548	Amends salary schedule (Special)
12549	Amends appendix A of Ch. 316, list of designated positions (3.16)
12550	Amends Ch. 1.08, civil penalties; amends Ch. 1.12, administrative citations; amends Ch. 1.16, alternative procedure for abatement of certain violations (1.08, 1.12, 1.16)
12551	Adopts interim ordinance (Special)
12552	Amends § 5.04.550, board of review (5.04)
12553	Repeals § 5.04.450, combined gross receipts (5.04)
12554	Sale of property (Special)
12555	Amends § 17.102.360, secondary units (17.102)
12556	Adds Ch. 15.18, fire suppression, prevention, and preparedness districts (15.18)
12557	Authorizes City Manager to enter into purchase and sales agreements (Special)
12558	Adopts interim ordinance (Special)
12559	Approves and adopts redevelopment plan (Special)
12560	Establishes date for nominating election (Special)
12561	Amends §§ 17.97.050 and 17.97.100, conditionally permitted activities (17.97) (Not used)
12562	Extends existing interim controls on the issuance of building, zoning and other permits for the construction of new business, civic and residential signs (Special)
12563	Authorizes city manager to enter into purchase and sales agreements (Special)
12564	Emergency ordinance establishing controls for check cashiers and or check cashing businesses (Special)
12565	Emergency ordinance establishing interim controls for conditional use permits (Special)
12566	Emergency ordinance declaring a shelter crisis and suspending permits requirements to allow for the temporary establishment of youth shelter for the homeless (Special)
12567	Amends master fee schedule (Not Codified)
12568	Amends §§ 4.20.070, 5.04.180 and 5.04.260, tax liens (4.20, 5.04)
12569	

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12570	Amends Central District Urban Renewal Plan (Special)
12570	Authorizes purchase agreement (Special)
12571	Authorizes purchase agreement (Special)
12572	Sewer easement vacation (Special)
12573	Amends §§ 9.44.010, 9.44.020 and 9.44.080, discrimination based on sexual orientation (9.44)
12574	Approved removal and installation of parking meters (Special)
12575	Authorizes purchase and sale agreements for city manager (Special)
12576	Amends Ord. 12504, master fee schedule (Not codified)
12577	Rezones (Special)
12578	Approves reconfiguration, restructuring and restoration and authorizes city manager to enter into real property exchange agreement (Special)
12579	Amends Ch. 8.09, vehicular food vending (8.09)
12580	Amends Ord. 9336, master fee schedule (Not Codified)
12581	Amends § 17.10.290, permanent vehicular food vending program (17.10)
12582	Amends §§ 5.48.050, 5.48.070, 12.08.030 and Ch. 5.49, push-cart vending program (5.48, 5.49, 12.08)
12583	Amends Ord. 9336, master fee schedule (Not Codified)
12584	Amends § 8.46.030, medical cannabis distribution program (8.46)
12585	Adds Ch. 8.50, medical cannabis dispensing permits (8.50)
12586	Amends Ord. 9336, master fee schedule (Not Codified)
12587	Authorizes City Manager to enter an offer to purchase agreement (Special)
12588	Amends master fee schedule (Not codified)
12589	Amends master fee schedule (Not codified)
12590	Amends Ord. 12189 (Not codified)
12591	Amends Ord. 12187 (Not codified)
12592	Adds Ch. 8.23, nuisance eviction (8.23)
12593	Authorizes negotiation and execution of an agreement with Oakland Community Housing and Community Development Corp. of Oakland (Special)
12594	Authorizes sale of two lots (Special)
12595	Rescinds Ord. 1220 (Special)
12596	Authorizes city to enter lease agreement (Special)
12597	Authorizes city manager to enter into a purchase and sale agreement (Special)
12598	Designates property as landmark (Special)
12599	Designates property as a landmark (Special)
12600	Amends contract between the city and Board of Administration (Special)
12601	Adds § 8.06.060; repeals § 8.06.010, fireworks (8.06)
12602	Adds Ch. 2.36, worker retention at large-scale hospitality businesses (2.36)
12603	Amends salary schedule (Special)
12604	Amends § 8.28.290, sewer collection fees (8.28)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12605	Establishes FY 2004—2005 tax revenue anticipation note (Special)
12606	Amends §§ 17.34.020, 17.34.120, 17.42.030, 17.42.120, 17.44.020, 17.44.120, 17.46.110, 17.48.020, 17.48.110, 17.50.120, 17.52.040, 17.52.110, 17.56.120, 17.58.120, 17.60.120, 17.62.120, 17.64.090, 17.66.100, 17.68.100, 17.70.100, 17.72.090, 17.74.020, 17.78.020, 17.86.030, 17.97.020, 17.97.110, 17.104.020, 17.104.030; adds §§ 17.36.035, 17.46.045, 17.50.045, 17.54.045, 17.56.045, 17.58.045, 17.60.045, 17.62.045, 17.64.027, 17.66.025, 17.68.025, 17.70.025, 17.72.025 and 17.76.045; repeals § 17.86.120, signs (17.34, 17.42, 17.44, 17.46, 17.48, 17.50, 17.52, 17.56, 17.58, 17.60, 17.62, 17.64, 17.66, 17.68, 17.70, 17.72, 17.74, 17.78, 17.86, 17.97, 17.104)
12607	Amends §§ 1.28.020, 10.08.100, 10.12.050, 10.12.090 and 10.12.110; repeals §§ 10.08.090, 10.08.150, 10.12.030, 10.12.100, 10.16.030, 10.16.040, 10.16.050, 10.16.070, 10.16.080, 10.16.120, 10.16.210, 10.24.020, 10.24.050, 10.56.050, 10.56.070, 10.56.100, 10.56.120, 10.56.130, 10.56.140, 10.56.160, 10.56.200, 10.56.220, 10.56.230, 10.56.240, 10.56.250 and 10.56.260, vehicle and traffic infractions (1.28, 10.08, 10.12, 10.16, 10.24, 10.56)
12608	Adds Ch. 10.57, marine security zone (10.57)
12609	Tax increase (Special)
	12610 Tax increase (Special)
	12611 Amends master fee schedule (Special)
	12612 Rezones (Special)
	12613 Approves development agreement (Special)
	12614 Adopts “Standards and Specifications for Public Works Construction, 2003” (Special)
	12615 Authorizes sale of property (Special)
	12616 Amends Acorn Urban Renewal Plan (Special)
	12617 Amends Central District Urban Plan (Special)
	12618 Amends Oak Center Urban Renewal Plan (Special)
	12619 Amends Stanford/Adeline Redevelopment Plan (Special)
	12620 Amends §§ 15.52.010, 15.52.020, 15.52.030 and 15.52.060; renumbers § 15.52.040 to be 15.52.130, trees and views (15.52)
	12621 Councilmember salary (Special)
	12622 Amends §§ 15.52.010, 15.52.020, 15.52.030 and 15.52.060, view corridors (15.52)
	12623 Amends §§ 1.08.040, 1.08.160, 1.12.040, 1.16.040 and 15.08.130 (1.08, 1.12, 1.16, 15.08)
	12624 Adds Ch. 4.50, sewer revenue bond law (4.50)
	12625 Amends Ord. 713, retirement system (Special)
	12626 Adds § 17.102.430; amends §§ 17.38.040, 17.40.050, 17.46.060, 17.50.060, 17.54.060, 17.56.060, 17.60.060 and 17.62.060, planning (17.38, 17.40, 17.46, 17.50, 17.54, 17.56, 17.60, 17.62, 17.102)

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
12627	Abandonment of easement (Special)	12647	Adopts interim ordinance (Special)
12628	Abandonment of easement (Special)	12648	Amends § 3.13.080, Limited Public Financing Act (3.13)
12629	Executive salary (Special)	12649	Amends Ord. 9336, master fee schedule (Not codified)
12630	Encroachment (Special)		Amends Ord. 11562, conflict of interest code (3.16)
12631	Amends Ord. 12611, master fee schedule (Not Codified)	12650	Grants permanent utility easements (Special)
12632	Rezone (Special)	12651	Extends Ord. 12647, interim ordinance (Special)
12633	Rezone (Repealed by Ord. 12842)		(Number not used)
12634	Amends Ch. 2.04, purchasing system (2.04)	12652	Amends Ord. 12187, salary schedule (Not Codified)
12635	Amends salary schedule (Special)	12653	Authorizes purchase of vacant parcel of land (Special)
12636	Amends salary schedule (Special)	12654	Rezone (Special)
12637	Adds § 2.04.017, purchasing system (2.04)	12655	Rezone (Special)
12638	Adopts second amendment to Coliseum area redevelopment plan (Special)	12656	Adds Ch. 15.35, green building requirements for city building projects and traditional public works projects (15.35)
.		12657	Designates the Malonga Casquelourd Arts Center as an Oakland landmark (Special)
12639	Adopts third amendment to Coliseum area redevelopment plan (Special)	12658	Designates the Broadway Building, Lionel Wilson Building as an Oakland landmark (Special)
12640	Amends Acorn Urban Renewal Plan (Special)	12659	Designates St. Andrew Missionary Baptist Church as an Oakland landmark (Special)
12641	Amends Central District Urban Plan (Special)	12660	Designates the Municipal Boathouse as an Oakland landmark (Special)
12642	Amends Oak Center Urban Renewal Plan (Special)		Provides for the borrowing, issuance and sales, and publication of funds, tax and revenue anticipation notes for fiscal year 2005-2006 (Special)
12643	Adopts first amendment to Oak Knoll redevelopment plan (Special)	12661	
12644	Adopts first amendment to Oakland Army Base redevelopment plan (Special)	12662	
12645	Amends Stanford/Adeline redevelopment plan (Special)	12663	
12646	Authorizes city manager to enter an offer to purchase agreement (Special)		

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12664	Authorizes an amendment to the contract between the city of Oakland and the Board of Administration of the California Employees' Retirement System (Special)
12665	Amends Ord. 12347, salary schedule (Not codified)
12666	Amends Ord. 12379, wages of employees represented by the Oakland Park Rangers Association (Special)
12667	Authorizes lease agreement (Special)
12668	Amends Ch. 2.20, public meetings and public records (2.20)
12669	Amends Ch. 3.13, Limited Public Financing Act (3.13)
12670	Authorizes the city administrator to enter into and execute a purchase and sale agreement (Special)
12671	Adds Ch. 8.19, wood-burning appliances (8.19)
12672	Adopts the second amendment to the Oakland Army Base redevelopment plan (Special)
12673	Adopts the Wood Street zoning district (Special)
12674	Rezone (Special)
12675	Adds Ch. 5.36, massage establishments and massage therapists; amends §§ 17.09.040 and 17.102.170, planning (5.36, 17.09, 17.102)
12676	Amends Ord. 12611, master fee schedule (Not codified)
12677	Amends Ord. 12611, master fee schedule (Not codified)
12678	Amends Ord. 12611, master fee schedule (Not codified)
12679	Confirms a special tax imposed for violence prevention and public safety services (Special)
12680	Authorizes increase to special tax imposed for emergency medical services (Special)
12681	Authorizes increase to special tax imposed for paramedic emergency services (Special)
12682	Authorizes increase to library services tax rate (Special)
12683	Discontinues the health and human services commission (Special)
12684	Amends Ch. 9.56, seizure and forfeiture of nuisance vehicles (Repealed by 12846)
12685	Amends Ch. 15.04, Oakland Amendments of the California Model Building Codes (Repealed by 12843)
12686	Adds Ch. 9.60, slavery disclosure ordinance (9.60)
12687	Street vacation (Special)
12688	Rezone (Special)
12689	Authorizes the city administrator to enter into a sales agreement with the California Department of Transportation (Special)
12690	Establishes the terms and procedures of the violence prevention and public safety oversight committee (Special)
12691	Amends § 5.04.620, business taxes generally (5.04)
12692	Amends Ord. 12635, salary schedule (Special)
12693	Extends emergency ordinance 12566, interim controls for conditional use permits (Special)

**Ordinance  
Number**

- 12694 Establishes procedures of the community oversight committee (Special)
- 12695 Adds §§ 9.60.010—9.60.110, prohibition against vehicle sideshow events, penalties against spectators and forfeiture of vehicles used in such events (Repealed by 12831)  
(Missing legislation)
- 12696 Adds Ch. 10.17, motorized scooters and pocket bikes (10.17)
- 12697 Authorizes the city administrator to enter into a purchase and sale agreement (Special)
- 12698 Authorizes the city administrator to enter into a purchase and sale agreement (Special)
- 12699 Authorizes the city administrator to enter into a purchase and sale agreement (Special)
- 12700 Authorizes the city administrator to enter into a purchase and sale agreement (Special)
- 12701 Amends §§ 10.52.070 and 10.52.120, commercial vehicles and vehicle size and weight limits (10.52)
- 12702 Amends Ord. 12187, salary schedule (Not Codified)



<b>Ordinance Number</b>	<b>Ordinance Number</b>
12703	Adds § 2.04.018, purchasing system (2.04)
12704	Amends Ch. 10.36, parking meter zones (10.36)
12705	Adds §§ 6.04.400 and 6.04.410; amends §§ 6.04.020, 6.04.050, 6.04.320, animal control regulations generally (6.04)
12706	Amends § 8.22.040, residential rent adjustments and evictions (8.22)
12707	Emergency ordinance amending Ch. 8.22, residential rent adjustments and evictions (8.22)
12708	Amends Ch. 8.30, smoking (8.30)
12709	Authorizes the city administrator to enter into a purchase and sale agreement (Special)
12710	Authorizes the city administrator to acquire permanent storm drain easements (Special)
12711	Authorizes the city administrator to enter into a purchase and sale agreement (Special)
12712	Authorizes the city administrator to enter into a purchase and sale agreement (Special)
12713	Authorizes the city administrator to enter into a purchase and sale agreement (Special)
12714	Adopts the fourth amendment to Coliseum area redevelopment plan (Special)
12715	Rezone (Special)
12716	Amends Ord. 12676, master fee schedule (Not codified)
12717	Adds Ch. 5.90, skate park facilities (5.90)
12718	Authorizes sublease agreement (Special)
12719	Street vacation (Special)
12720	Authorizes the granting of a nonexclusive permanent storm drain easement (Special)
12721	Amends Ord. 12187, salary schedule (Not Codified)
12722	Authorizes city administrator to accept the offer to purchase agreements (Special)
12723	Amends Acorn Urban Renewal Plan (Special)
12724	Amends Oak Center Urban Renewal Plan (Special)
12725	Amends Stanford/Adeline Redevelopment Plan (Special)
12726	Amends Ord. 12214, sale of real property (Special)
12727	Enacts a fee on fast food businesses, convenience markets, and gasoline station markets to defray the cost of litter and trash clean-up resulting from their operation (Special)
12728	Adds Ch. 5.82, proprietary interest franchise labor requirements (Repealed by Ord. 12740)
12729	Amends Ch. 5.16, cable systems and open video systems (5.16)
12730	Franchise agreement (Special)
12731	Amends § 2.04.160, purchasing system (2.04)
12732	Number not used
12733	Franchise agreement (Special)
12734	Adopts third amendment to Oakland Army Base redevelopment plan (Special)

## TABLES

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
12735	Provides for the borrowing of funds for fiscal year 2006-2007 (Special)	12751	Amends Ord. 12698 authorizing the City Administrator to enter into a real estate exchange agreement (Special)
12736	Authorizes the exercise of the option to purchase real property for the Oakland Museum (Special)	12752	Amends §§ 15.52.010, 15.52.020 and 15.52.060, views (15.52)
12737	Amends Ord. 12187, established employment classifications (Special)	12753	Amends the Broadway/McArthur San Pablo Redevelopment Plan (Special)
12738	Alters the Port Area Boundary (Special)	12754	Rezone—Creates new KX zoning district (Special)
12739	Rezone of Panoramic Hill Neighborhood (Special)	12755	Adds § 10.28.280, parking prohibited during street sweeping (10.28)
12740	Repeals Ch. 5.82, proprietary interest franchise labor requirements (Repealer)	12756	Amends the Central City East Redevelopment Plan (Special)
12741	Establishes Development Service Fund (Not Codified)	12757	Amends the Central District Urban Renewal Plan (Special)
12742	Authorizes increase to special tax imposed for paramedic emergency services (Special)	12758	Adopts the Planned Waterfront (PWD-4) zoning district (Special)
12743	Number not used	12759	Rezone—Oak to Ninth Avenue Project Site from M-40 to PWD-4 (Special)
12744	Amends Ord. 12676, master fee schedule (Not codified)	12760	Approves Development Agreement with Oakland Harbor Partners, LLC (Special)
12745	Authorizes increase to special tax imposed for emergency medical services (Special)	12761	Amends Ord. 12187, salary schedule (Not Codified)
12746	Extends expiration date of Ord. 12514 (Interim Controls for implementation of General Plan) (Special)	12762	Extends the moratorium on new wireless communications facilities established by Ord. 12750 (Special)
12747	Adds Ch. 8.07, polystyrene foam food service ware (8.07)	12763	Orders the submission of a ballot measure to incur bonded indebtedness (Special)
12748	Amends § 6.04.080, dogs at large in parks (6.04)	12764	Authorizes City Administrator to convey City real property interests to BART (Special)
12749	Authorizes continuation of special tax imposed for violence prevention and public safety (Special)	12765	Amends § 10.52.065, oversize vehicles prohibited on certain streets (10.52)
12750	Establishes a moratorium on new wireless communications facilities (Special)		

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12766	Authorizes City Administrator to sell parcel of City real property (Special)
12767	Authorizes City Administrator to execute licensing agreement (Special)
12768	Adds §§ 17.128.110—17.128.130; amends §§ 17.10.860—17.10.910, 17.128.010—17.128.090, and 17.134.020, telecommunications (17.10, 17.128, 17.134)
12769	Number not used
12770	Number not used
12771	Authorizes City Administrator to execute lease agreement (Special)
12772	Adds Ch. 17.65, Housing and Business Mix (HBX) Commercial Zone; adds §§ 17.10.705 and 17.10.775, HBX facilities; amends §§ 17.09.040, 17.102.180, 17.102.230, 17.106.030, 17.114.080, 17.116.110, HBX facilities (17.09, 17.10, 17.65, 17.102, 17.106, 17.114, 17.116)
12773	Adds § 10.48.030, fee for collection of delinquent penalty payments (10.48)
12774	Amends Ord. 12187, salary schedule (Not Codified)
12775	Amends § 10.36.030, parking meter fees (10.36)
12776	Amends Title 17, Planning (17.01, 17.05, 17.09, 17.10, 17.11A, 17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26, 17.28, 17.30, 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50, 17.52, 17.54, 17.56, 17.58, 17.60, 17.62, 17.64, 17.65, 17.66, 17.68, 17.70, 17.72, 17.74, 17.76, 17.78, 17.80, 17.84, 17.86,
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	17.88, 17.90, 17.92, 17.96, 17.97, 17.98, 17.99, 17.101, 17.102, 17.104, 17.108, 17.112, 17.114, 17.116, 17.124, 17.130, 17.132, 17.134, 17.135, 17.136, 17.138, 17.140, 17.144, 17.148, 17.152, 17.154, 17.156, 17.157, 17.158) Amends the Central City East redevelopment plan (Special) Amends the Oak Knoll redevelopment plan (Special) Adds § 10.36.141; amends §§ 10.36.060 and 10.36.140, parking meter zones and locations (10.36) Adopts “Standards and Specifications for Public Works Construction, 2006” (Special) Amends §§ 8.22.030 and 8.22.070, rent adjustment ordinance (8.22) Adds §§ 3.20.180, 3.20.190, and 3.20.220—3.20.240; amends §§ 3.20.030, 3.20.040, 3.20.060, 3.20.110, lobbyist registration act (3.20) Amends Appendices A and B for Ch. 3.16, conflict of interest code (3.16) Adopts a two-year pilot Mills Act property tax abatement program for qualified historical properties (Special) Establishes emergency 45-day moratorium on establishment of any new activity or facility selling tobacco or tobacco related products (Not codified) Adds Ch. 10.70, Southeast Oakland Area Traffic Impact Fee (10.70)

## TABLES

<b>Ordinance Number</b>		<b>Ordinance Number</b>	
12787	Adopts first amendment to the Broadway/MacArthur/San Pablo redevelopment plan (Special)	12800	Describes eminent domain program for Oakland Army Base Redevelopment Project (Special)
12788	Extends moratorium on establishment of any new activity or facility selling tobacco or tobacco related products (Not codified)	12801	Describes eminent domain program for Stanford/Adeline Redevelopment Project (Special)
12789	Amends disposition and development agreement with SRI Three (Special)	12802	Describes eminent domain program for West Oakland Redevelopment Project (Special)
12790	Land Purchase (Beaconsfield Canyon) (Special)	12803	Amends §§ 3.20.030, 3.20.110, lobbyist registration act (3.20)
12791	Amends Ordinance 12187 (Salary Ordinance) (Not codified)	12804	Amends Ord. 12187, salary schedule (Not Codified)
12792	Authorizes borrowing of funds for fiscal year 2007-2008 and the issuance of revenue anticipation note (Special)	12805	Amends §§ 4.28.120, 4.28.180, utility users tax (4.28)
12793	Describes eminent domain program for Acorn Redevelopment Project (Special)	12806	Authorizes increase to special tax imposed for emergency medical services (Special)
12794	Describes eminent domain program for Broadway-MacArthur-San Pablo Redevelopment Project (Special)	12807	Authorizes increase to special tax imposed for paramedic emergency services (Special)
12795	Describes eminent domain program for Central City East Redevelopment Project (Special)	12808	Authorizes increase to special tax imposed for library services (Special)
12796	Describes eminent domain program for Central District Redevelopment Project (Special)	12809	Amends Ord. 12744, master fee schedule (Not Codified)
12797	Describes eminent domain program for the Coliseum Redevelopment Project (Special)	12810	Land Purchase (Sunshine Court) (Special)
12798	Describes eminent domain program for Oak Center Redevelopment Project (Special)	12811	Amends § 6.04.080, dogs at large in parks (6.04)
12799	Describes eminent domain program for Oak Knoll Redevelopment Project (Special)	12812	Adds Ch. 15.30, voluntary seismic strengthening (15.30)
		12813	Amends § 10.48.010, parking fines (10.48)
		12814	Amends § 10.48.010, parking fines (10.48)
		12815	Amends §§ 2.29.010—2.29.050, 2.29.070—2.29.100, city agencies, departments and offices; repeals § 2.29.060, life enrichment agency (2.29)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12816	Street Vacation (Paxton Avenue) (Special)
12817	Adds § 6.04.345, feeding feral pigeons; amends § 1.28.020, penalties (1.28, 6.04)
12818	Adds Ch. 8.11, non-compostable plastic carryout bags (Repealed by Ord. 12893)
12819	Adds Ch. 5.17, state video service franchises (5.170)
12820	Adds § 2.04.021, city auditor authority (2.04)
12821	Amends Ch. 12.50 and repeals Ch. 12.48, newsracks (12.50)
12822	Land Purchase (Olivet Missionary Baptist Church) (Special)
12823	Land Purchase (Butters Drive) (Special)
12824	Land Purchase (Butters Drive) (Special)
12825	Land Purchase (5818 International Blvd.) (Special)
12826	Extends moratorium on establishment of any new activity or facility selling tobacco or tobacco related products (Not codified)
12827	Sale of Land (4201 Foothill Blvd.) (Special)
12828	Land Purchase (Bay Trail along Oakland Tidal Canal) (Special)
12829	Land Purchase (1718 50th Avenue) (Special)
12830	Levy of Special Taxes within the Wood Street Development District (Special)
12831	Repeals §§ 9.60.010—9.60.110, prohibition against vehicle sideshow events, penalties against spectators and authority to forfeit vehicles used in sideshow events (Repeater)
12832	Land Exchange (Special)
12833	Amends Ord. 12744, master fee schedule (Not codified)
12834	Amends §§ 6.04.080, dogs at large in parks (6.04)
12835	Amends §§ 1.28.020 and 6.04.070, dogs at large (1.28, 6.04)
12836	Sale of Land (73rd and Deerwood Avenues) (Special)
12837	Amends §§ 8.30.030—8.30.140, prohibiting smoking in public places (8.30)
12838	Adds § 5.04.095; amends §§ 5.04.030—5.04.050, 5.04.070—5.04.120, 5.04.150—5.04.151, 5.04.160—5.04.280, 5.04.300, 5.04.330, 5.04.340, 5.04.410—5.04.430, 5.04.460, 5.04.470, 5.04.500—5.04.550, 5.04.600, 5.04.630—5.04.660; repeals § 5.04.480, business taxes generally (5.04)
12839	Extends expiration date of Ord. 12746 (Interim Controls for implementation of General Plan) (Special)
12840	Adds § 1.20.020, claims for money or damages (1.20)
12841	Adds Ch. 8.50, emergency management board and disaster preparedness council (8.50)
12842	Repeals Ords. 12451 and 12633; repeals and replaces Ch. 15.08, building maintenance code (15.08)
12843	Repeals Ords. 12452 and 12685; repeals and replaces Ch. 15.04, Oakland amendments to the California building, electrical, mechanical, and plumbing codes (15.04)

## TABLES

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12844	Amends §§ 4.28.020 and 4.28.030, telephone user's tax (4.28)
12845	Amends Appendix B for Ch. 3.16, disclosure categories (3.16)
12846	Repeals Ch. 9.56, seizure and forfeiture of nuisance vehicles; repeals Ords. 11987, 12015, 12093 and 12684 (Repeater)
12847	Adds Ch. 10.45, interim permit parking program for the Jack London District (10.45)
12848	Establishes interim controls requiring design review for new automotive-related construction and conditional use permits for automotive-related uses (Not codified)
12849	Adds Ch. 8.52, access to reproductive health care facilities (8.52)
12850	Adds Ch. 17.81, S-5 Broadway Retail Frontage Interim Combining Zone (17.81)
12851	Amends Ord. 12187, salary ordinance (Not codified)
12852	Establishes interim controls applying S-4 design review combining zone to certain parcels (Not codified)
12853	Extends emergency ordinance 12566 establishing interim controls for conditional use permits (Not codified)
12854	Amends Ord. 12809, master fee schedule (Not codified)
12855	Adds § 5.12.025 and amends §§ 5.12.010 and 5.12.020, cabarets (5.12)
12856	Amends §§ 5.02.030 and 5.02.050, applications for business permits (5.02)
12857	Adds Ch. 2.06, prompt payment (2.06)
12858	Lease renewal of city-owned property (Mercy Properties) (Special)
12859	Amends § 17.81.070, S-5 Broadway Retail Frontage Interim Combining Zone (17.81)
12860	Amends §§ 8.52.020 and 8.52.030, access to reproductive health care facilities (8.52)
12861	Extends cable franchise agreement with Comcast of California/Colorado LLC for ten years (Special)
12862	Consolidates municipal nominating election with statewide primary election of 6/3/2008 (Special)
12863	Amends salary ordinance to increase the salaries of certain employees (Oakland Park Rangers Association) (Special)
12864	Amends § 10.45.050, mixed use permit parking area for the Jack London District (10.45)
12865	Amends Ord. 12809, master fee schedule, to modify parking fees for the Jack London District (Not codified)
12866	Extends moratorium on establishment of any new activity or facility selling tobacco or tobacco related products (Not codified)
12867	Adds Ch. 5.91, licensure of tobacco retailers (5.91)
12868	Amends §§ 17.09.040 and 17.134.020, conditional use permits required for tobacco retailers (17.09, 17.134)

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12869      Rezone—Eades "B" residential project rezoned as R-40 garden apartments (Special)	12872      Amends §§ 17.09.040, 17.10.700, 17.11.170, 17.11A.160, 17.11A.170, 17.12.160, 17.12.170, 17.14.160, 17.14.170, 17.16.160, 17.16.170, 17.18.130, 17.18.150, 17.18.170, 17.20.130, 17.20.150, 17.20.170, 17.22.110, 17.22.160— 17.22.190, 17.24.110, 17.24.140, 17.24.160— 17.24.190, 17.26.170, 17.26.180, 17.28.180, 17.28.190, 17.30.200, 17.30.210, 17.32.200, 17.32.210, 17.34.050, 17.34.060, 17.34.190, 17.34.200, 17.36.180, 17.36.190, 17.38.110, 17.38.170, 17.40.210, 17.42.200, 17.44.210, 17.46.190, 17.46.200, 17.48.180, 17.48.190, 17.50.200, 17.50.210, 17.52.190, 17.52.200, 17.54.190, 17.54.200, 17.56.200, 17.56.210, 17.58.200, 17.58.210, 17.60.190, 17.60.200, 17.62.200, 17.62.210, 17.64.140, 17.64.150, Ch. 17.65; 17.66.160, 17.68.150, 17.70.150, 17.72.140, 17.74.180, 17.74.190, 17.76.200, 17.76.210, 17.78.150, Ch. 17.86, 17.97.030, 17.97.200, 17.97.210, Ch. 17.100A, Ch. 17.100B, Ch. 17.102, 17.104.020, 17.106.010— 17.106.060, 17.107.020, 17.108.060, 17.112.030, Ch. 17.124, 17.128.050, 17.134.020, Ch. 17.142, repeals §§ 17.10.705, 17.10.775, planning (17.09—17.12, 17.14, 17.16, 17.18, 17.20, 17.22, 17.24, 17.26, 17.28, 17.30, 17.32, 17.34, 17.36, 17.38, 17.40, 17.42, 17.44, 17.46, 17.48, 17.50, 17.52, 17.54, 17.56, 17.58, 17.60, 17.62, 17.64—17.66, 17.68, 17.70, 17.72, 17.74, 17.76, 17.78, 17.86, 17.97, 17.100A, 17.100B, 17.102, 17.104, 17.106— 17.108, 17.112, 17.124, 17.128, 17.134, 17.142)
12870      Approves and adopts the sixth amendment to the redevelopment plan for the Coliseum area redevelopment project (Special)	
12871      Repeals and replaces Ch. 15.12, Oakland Fire Code (15.12)	

## ORDINANCE LIST

<b>Ordinance Number</b>	<b>Ordinance Number</b>
12873	Establishes moratorium on new primary recycling collection centers and intermediate processing facilities (Special)
12874	Provides for the issuance and sale of 2008-2009 revenue anticipation notes (Special)
12875	Adds §§ 17.10.581—17.10.587, Ch. 17.73; amends §§ 17.10.540 — 17.10.580, zoning (17.10, 17.73)
12876	Levy of Special Tax for library services (Special)
12877	Increase in Special Tax for paramedic emergency services (Special)
12878	Increase in Special Tax for emergency medical services (Special)
12879	Amends Ord. 8064, Library Advisory Commission (Not codified)
12880	Amends Ord. 12744, master fee schedule (Not codified)
12881	Amends § 5.64.100, fare structure for taxicab service (5.64)
12882	Amends Ord. 12187, salary ordinance (Not codified)
12883	Rezone—MacArthur Transit Village Project rezoned as S-15 transit oriented zone (Special)
12884	Adds Ch. 17.117, Bicycle Parking Regulations; amends §§ 9.52.040, 9.52.060, 9.52.080, special event permits (9.52, 17.117)
12885	Interim Zoning Ordinance (Special)
12886	Adds Ch. 13.02, Sewer System; renames Ch. 13.04, Sewer System Funding; and amends § 13.08.020, definitions (13.02, 13.04, 13.08)
12887	Amends Ord. 12187, salary ordinance (Not codified)
12888	Amends § 10.45.050, Jack London District designated mixed use permit parking (10.45)
12889	Extends moratorium on new primary recycling collection centers and intermediate processing facilities (Special)
12890	Adds Ch. 2.38, Whistleblower Ordinance (2.38)
12891	Amends § 10.45.050, Jack London District designated mixed use permit parking (10.45)
12892	(Not sent)
12893	Repeals Ch. 8.11, non-compost-able plastic carryout bags (Repealer)
12894	Adds §§ 5.64.135 and 5.64.140; amends §§ 5.64.030—5.64.080, §§ 5.64.100—5.64.120, taxicabs (5.64)
12895	Amends Ord. 12809, master fee schedule (Not codified)
12896	Sale of Land (566 98th Avenue) (Special)
12897	Amends Ord. 12809, master fee schedule (Not codified)
12898	Amends § 10.48.010, parking fines (10.48)

**Ordinance  
Number**

12899 Amends §§ 17.09.040, 17.10.030—  
17.10.050, 17.10.240, 17.10.550—  
17.10.580, 17.10.730, 17.11.080,  
17.11.090, 17.11A.070, 17.12.070,  
17.14.070, 17.16.070, 17.18.070,  
17.20.060, 17.22.080, 17.24.080,  
17.26.080, 17.28.080, 17.30.080,  
17.32.080, 17.38.060, 17.40.060,  
17.42.060, 17.44.040, 17.44.050,  
17.44.080, 17.44.090, 17.44.200,  
17.46.060, 17.46.070, 17.48.050,  
17.50.070, 17.52.040—17.52.080,  
17.52.120, 17.52.140, 17.52.160,  
17.54.070, 17.56.050—17.56.070,  
17.58.070, 17.60.070, 17.62.060,  
17.62.070, 17.65.150, 17.65.160,  
17.66.030, 17.68.030, 17.68.040,  
17.70.030, 17.70.040, 17.72.030,  
17.72.040, 17.72.060, 17.73.060,  
17.81.060, 17.96.010, 17.97.050,  
17.97.080, 17.98.040—17.98.060,  
17.102.180, 17.102.240, 17.102.290,  
17.108.130, 17.110.030, 17.114.050,  
17.114.070, 17.116.090, 17.116.150,  
17.116.170, 17.116.220, 17.116.300,  
17.117.090, 17.117.110—  
17.117.130, 17.120.070,  
17.130.060—17.130.080,  
17.136.040, 17.148.050, 17.148.070,  
17.156.040; repeals §§ 17.10.500,  
17.10.530, 17.102.390, planning  
(17.09—17.32, 17.38—17.62,  
17.65—17.73, 17.81, 17.96—17.98,  
17.102, 17.108—17.117, 17.120,  
17.130, 17.136, 17.148, 17.156)

Beginning with Supplement No. 46, this table will be replaced with the "Code Comparative Table and Disposition List."



## CODE COMPARATIVE TABLE AND DISPOSITION LIST

This is a chronological listing of the ordinances of Oakland, California, beginning with Supplement No. 46, included in this Code.

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
12900	11-18-2008	Master fee schedule		Not codified
12901	11-18-2008	Taxicabs	4	5.64.040
				5.64.055 D.2.
				5.64.070 E.
				5.64.120
12902	11-18-2008	Master fee schedule		Not codified
12903	11-18-2008	Salary ordinance		Not codified
12904	11-18-2008	Anti-nepotism policy	Added	Ch 2.40, §§ 2.40.010—2.40.070
12905	11-18-2008	Transfer of funds to general fund	2 Added	3.13.290
12906	12- 9-2008	Sale of real property		Not codified
12907	12- 9-2008	Land purchase (Leimert Boulevard)		Not codified
12908	12- 9-2008	Anti-nepotism policy		2.40.010
				2.40.020
				2.40.060
12909	1- 6-2009	Definitions relating to public access to meetings	3	2.20.030 F.
12910	1- 6-2009	Dogs at large in parks	1	6.04.080 A.1.
12911	1- 6-2009	Designation of landmark (The Altenheim)		Not codified
12912	1- 6-2009	Designation of landmark (Studio One Art Center)		Not codified
12913	2- 3-2009	Taxicabs	4	5.64.030
				5.64.040 B.
				5.64.050—5.64.090
				5.64.100 E
				5.64.135 A.
12914	2-17-2009	Massage establishments and massage therapists	1	5.36.020
			Added	5.36.030 A.7.—9.
12915	2-17-2009	Salary ordinance		Not codified
12916	2-17-2009	Storm drainage standards	1 Added	Ch. 13.14, §§ 13.14.010—13.14.060
12917	2-17-2009	Bond insurance for specified employees and officers		Not codified
12918	3- 3-2009	Salary ordinance		Not codified
12919	3-17-2009	Sale of real property		Not codified
12920	3-17-2009	Taxicabs	6	5.64.040 B., E.
				5.64.090 C
12921	3-17-2009	Seventh amendment to Coliseum Area Redevelopment Plan		Not codified

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
12922	3-17-2009	Rezone of Lion Creek Crossings Phase IV project site		Not codified
81855 (Res.)	3-17-2009	Transient occupancy tax surcharge	1 Added	4.24.031
12924	3-31-2009	Authorization of City Administrator to take actions to facilitate transfer of properties owned by OCHI or OCHI affiliates to new ownership		Not codified
12925	4-21-2009	Special election		Not codified
81925 (Res.)	4-21-2009	Cannabis business tax	2 Added	5.04.480
81926 (Res.)	4-21-2009	Real property transfer tax	2	4.20.020
			3	4.20.030
12926	5- 5-2009	Debarment program	1 Added	Ch. 2.12, §§ 2.12.010-2.12.260
12927	5- 5-2009	Salary ordinance		Not codified
12928	5- 5-2009	Imposition of county and state surcharges	1 Added	10.48.025
12929	5- 5-2009	Master fee schedule		Not codified
12930	5-19-2009	Real property exchange		Not codified
12931	5-19-2009	General obligation bonds		Not codified
12934	6- 2-2009	Sale of real property		Not codified
12935	6- 2-2009	Amendment to contract with Board of Administration of CALPERS		Not codified
12936	6- 2-2009	Sale of real property		Not codified
12937	6-16-2009	Municipal identification card program	2 Added	2.34.020—2.34.090
12938	6-16-2009	Sale of real property		Not codified
12940	6-16-2009	Borrowing of funds for fiscal year 2009—2010		Not codified
12941	6-16-2009	Vacating public right-of-way of Skyline Circle		Not codified
12942	6-16-2009	Increase to special tax imposed for emergency medical services		Not codified
12943	6-16-2009	Increase to special tax imposed for paramedic emergency services		Not codified
12944	6-16-2009	Increase to special tax imposed for library services		Not codified
12945	6-16-2009	Increase to special tax imposed for violence prevention and public safety services		Not codified
12946	6-30-2009	General purpose fund reserve requirements		Not codified
12947	6-30-2009	City agencies, departments and offices	3	2.29.010, 2.29.020
				2.29.040
				2.29.070 2.29.090
12948	6-30-2009	Master fee schedule		Not codified
12949	7- 7-2009	Sale of real property		Not codified
12950	7- 7-2009	Civic Bay-Friendly landscaping requirements for all City of Oakland, Redevelopment Agency and public-private partnership projects that include landscaping	1 Added	Ch. 15.35, Art. I(title)
			Added	Ch. 15.35, Art. II, §§ 15.35.110—15.35.140
12951	7- 7-2009	Time-limited tax amnesty program		Not codified
12952	7- 7-2009	Schedule of parking fines	1	10.48.010
12953	7- 7-2009	Schedule of parking fines	1, 2	10.48.010
		Parking meter indication that space is illegally in use	3	10.36.050 A.

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
12954	7- 7-2009	Master fee schedule		Not codified
12956	7-21-2009	Sale of property		Not codified
12957	7-21-2009	Authorization of City Administrator to enter into purchase and sale agreement		Not codified
12958	7-21-2009	Amendment to procedures of the community oversight committee		Not codified
12960	7-21-2009	Eligibility of City to participate in National Flood Insurance Program		Not codified
12962	7-28-2009	Master fee schedule		Not codified
12963	7-28-2009	Salary ordinance		Not codified
12964	7-28-2009	Master fee schedule		Not codified
12965	7-28-2009	Master fee schedule		Not codified
12966	7-28-2009	Mandatory seismic screening of multiple story residential buildings	2 Added	Ch. 15.26, §§ 15.26.010—15.26.240
12967	7-28-2009	Bingo	4	Ch. 5.10, §§ 5.10.010—5.10.370
12968	7-28-2009	Master fee schedule		Not codified
12969	7-28-2009	Burglar alarm systems	3 Rpld	Ch. 8.02, §§ 8.02.000—8.02.140
			4 Added	Ch. 8.02, §§ 8.02.000—8.02.110
12970	7-28-2009	Master fee schedule		Not codified
12972	9-22-2009	Interim controls requiring a major conditional use permit for self-serve laundromats		Not codified
12973	10- 6-2009	Three-hour parking between certain hours	1 Added	10.28.205
12974	10- 6-2009	Land purchase (1730 50th Avenue)		Not codified
12976	11- 3-2009	Bidding, contracting and purchasing	1	2.04.010 A., G., H.
				2.04.030 A.1.
12977	11- 3-2009	Vacating portion of East 8th Street		Not codified
12978	11-17-2009	Land purchase (Butters Drive)		Not codified
12979	11-17-2009	Master fee schedule		Not codified
12980	11-17-2009	Allocation and expenditure of parking meter funds	1 Rpld	10.36.080
12981	11-17-2009	Master fee schedule		Not codified
12982	11-17-2009	Salary ordinance		Not codified
12983	11-17-2009	Quorum for oversight committee		Not codified
12984	12- 8-2009	Amendment to contract with Board of Administration of CALPERS		Not codified
12985	12- 8-2009	Salary ordinance		Not codified
12987	1- 5-2010	Mills Act Property Tax Abatement Program		Not codified
12988	1- 5-2010	Master fee schedule		Not codified
12989	1- 5-2010	Eighth amendment to Coliseum Area Redevelopment Plan		Not codified
12990	2- 2-2010	Conflict of interest code	1	Ch. 3.16, App. A
			2	Ch. 3.16, App. B
12991	2- 2-2010	Vacant building registration	2 Added	Ch. 8.54, Arts. I—V
			3 Added	Ch. 8.54 (note)

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
12992	2- 2-2010	Master fee schedule		Not codified
12993	2- 2-2010	Sewer lateral regulations	3	13.08.020
				13.08.120
				13.08.520
			Added	13.08.522
12994	2-16-2010	Firearms dealers		Ch. 5 26, §§ 5.26.010—5 26.190
12995	2-16-2010	Ammunition sales registration		Ch. 9.20, §§ 9.20.010—9 20.060
12996	2-16-2010	Theft or loss of firearms—Reporting of stolen and/or lost firearms required		9.36.131 B.
		Severability		9.36.140
		Penalty—Misdemeanor		9.36.141 A.
12997	2-16-2010	Dogs at large in parks	1	6.04.080
12998	3- 2-2010	Election of candidates	1 Rpld	3.08.140
		Order of candidate's names		3.08.150 A.
			Rpld	3.08.150 B.
		Interpretation of this Act		3.12.040
		Time periods for expenditures	Rpld	3.12.210
13000	4-20-2010	Schedule of parking fines	1	10.48.010 B.
13001	4-20-2010	Sale of surplus vacant lots		Not codified
13002	4-20-2010	Schedule of parking fines	1	10.48.010 A
13003	4-20-2010	Authorization of City Administrator to negotiate and execute billboard relocation/franchise agreement		Not codified
13004	5- 4-2010	Sale of City's interest in land		Not codified
13005	5- 4-2010	Designation of landmark (Buddhist Church of Oakland)		Not codified
13006	5- 4-2010	Cabarets	4	Ch. 5.12, §§ 5.12.010—5.12.080
13007	5- 4-2010	Master fee schedule		Not codified
13008	5- 4-2010	General purposes fund financial policies		Not codified
13009	5- 4-2010	Parking meter zones	1(Exh. A)	10.36.140
13010	5- 4-2010	Sale of property		Not codified
13011				Voided
13012	5- 4-2010	Limited Public Financing Act	2 Added	3.13.210, 3.13.211
13013	5-18-2010	Public Works Agency	2	2.29.050
		Community and Economic Development Agency		2.29.070
13014	5-18-2010	Immoral dress	3	9.08.080
13015	5-18-2010	Burglar alarm systems	3	8.02.010
				8.02.020 F., K., N., O.
			Rpld	8.02.020 P.
				8.02.040 G.
				8.02.050 B.— G.
13016	5-18-2010	Master fee schedule		Not codified
13017	6- 1-2010	Borrowing of funds for fiscal year 2010 -2011		Not codified

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
13018	6-15-2010	Master fee schedule		Not codified
13019	6-15-2010	Sublease for the George P. Scottan Memorial Convention Center		Not codified
13020	6-15-2010	Increase to special tax imposed for emergency medical services		Not codified
13021	6-15-2010	Increase to special tax imposed for paramedic emergency services		Not codified
13022	6-15-2010	Authorization of City Administrator to negotiate and execute billboard relocation/franchise agreement		Not codified
13023	7- 6-2010	Vacating portion of Peralta Street		Not codified
13024	7- 6-2010	Master fee schedule		Not codified
13025	7- 6-2010	Increase to special tax imposed for library services		Not codified
13026	7- 6-2010	Enforcement of East Bay Municipal Utuhty District (EBMUD) ordinance	1 Added	13.08.590
13027	7- 6-2010	Master fee schedule		Not codified
13028	7-20-2010	Demolition permits	2(Exh. A)	15.36.010
				15.36.080 B.
			Added	15.36.085
13029	7-20-2010	Emergency response services fees program	1 Added	Ch. 8.56, §§ 8.56.010—8.56.050
13030	7-20-2010	Interim controls applying S-4 design review combining zone to certain parcels		Not codified
82949 (Res.)	7-26-2010	Business taxes generally	2	5.04.480
			Added	5.04.481
82951 (Res.)	7-26-2010	Amending Violence Prevention and Public Safety Act of 2004 (Measure Y)		Not codified
13031	7-27-2010	Limited Public Financing Act		Ch. 3.13, §§ 3.13.010—3.13.260
13032	7-27-2010	Consolidation of City general municipal election with Statewide general election		Not codified
13033	7-27-2010	Medical cannabis cultivation facility permitting	3 Added	Ch. 5.81, §§ 5.81.010—5.81.120
13034	7-27-2010	Assumption and extension of lease		Not codified
13035	7-27-2010	Imposition of sewer service charge	1	13.04.020
13036	9-21-2010	Extending interim controls requiring a major conditional use permit for self-serve laundromats		Not codified
13037	10- 5-2010	Thirteenth amendment to disposition and development agreement with Oakland T12 LLC		Not codified
13038	10- 5-2010	Abandoning public utility easement and sanitary sewer main		Not codified
13039	10- 5-2010	Adopting "Standard Specifications for Public Works Construction, 2009 Edition"		Not codified
13040	10-19-2010	Sustainable green building requirements for private development	4 Added	Tit. 18, Ch. 18.02, §§ 18.02.010—18.02.180
			8 Added	Ch. 18.02 (note)
13041	10-19-2010	First amendment to West Oakland Redevelopment Plan		Not codified
13043	10-19-2010	Sale of real property		Not codified
13044	11- 9-2010	Authorization of City Manager to acquire property rights		Not codified
13045	11- 9-2010	Conditional assignment agreement with Chabot Space and Science Center		Not codified

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
13046	11- 9-2010	Building Maintenance Code	1 Rpld	Ch. 15.08, Arts. I—XII
			3 Added	Ch. 15.08, Arts. I--XII
13047	11- 9-2010	California Model Building Codes	1 Rpld	15.04.005—15.04.990
			2, 3 Added	15.04.005—15.04.1200
13048	11- 9-2010	Missing legislation		Not codified
13049	12- 7-2010	Medical cannabis dispensary permits	3 Rpld	5.80.010—5.80.090
			Added	5.80.010—5.80.100
13050	1-18-2011	Sale of vacant lot		Not codified
13051	1-18-2011	Grant award approval	1 Rnbd	2.04.016, 2.04.017
			as	2.07.020, 2.07.030
			2 Added	2.07.010
			3	2.04.015
13052	1-18-2011	Fire Code	1 Rpld	15.12.010, 15.12.020
			Added	15.12.010, 15.12.020
13053	2- 1-2011	Increase the enterprise zone processing fees		Not codified
13054	2-11-2011	Salary schedule		Not codified
13055	12-21-2010	Imposition of county and state surcharges	1	10.48.025
13056	3- 1-2011	Increase to special tax imposed for violence prevention and public safety services		Not codified
13057	3- 1-2011	Prohibition of prostitution and prostitution related offenses	2	9.08.260
13058	3- 1-2011	Nuisance vehicles	Added	Ch. 9.56, §§ 9.56.010 9.56.060
13061	3- 3-2011	Sale of city-owned parcels		Not codified
13062	3- 3-2011	Sale of various city properties		Not codified
13063	3-15-2011	Parking meter zones	1(Exh. A)	10.36.140
13065	4- 5-2011	Salary ordinance		Not codified
13066	5-17-2011	Authorization of City Manager to enter into license agreement		Not codified
13067	6- 7-2011	Borrowing of funds for fiscal year 2011—2012		Not codified
13068	6- 7-2011	Sale of various city-owned properties		Not codified
13069	6-21-2011	Parking program for Jack London District	1 Added	10.45.150
13070	6-21-2011	Commercial vehicle weight limits	1	10.52.060
13071	6-21-2011	Increase to special tax imposed for emergency medical services		Not codified
13072	6-21-2011	Increase to special tax imposed for paramedic emergency services		Not codified
13073	6-21-2011	Increase to special tax imposed for library services		Not codified
13074	6-21-2011	Increase to special tax imposed for violence prevention and public safety services		Not codified
13075	7- 5-2011	Conflict of interest code	1	Ch. 3.16, App. A
13076	7- 5-2011	Temporary vehicle permits for taxicabs		Not codified
13077	7-19-2011	City agencies, departments and offices	3	2.29.010—2.29.090
13078	7-19-2011	Master fee schedule		Not codified

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
13079	7-19-2011	Authorization to negotiate and execute new lease with Oakland Museum of California Foundation		Not codified
13080	7-19-2011	Building sewers	1	13.08.020
			2—4Added	13.08.600—13.08.620
13081	7-19-2011	2011 Special municipal election	3 Added	3.08.015
13082	7-26-2011	Salary schedule		Not codified
13083	7-26-2011	Salary schedule		Not codified
13084	7-26-2011	Continuing existence of the redevelopment agency		Not codified
13085	7-26-2011	New public safety-related telecommunications facilities	3 Added	Ch. 15.10, §§ 15.10.010—15.10.040
13086	7-26-2011	Medical cannabis dispensary permits	1	Ch. 5.80, §§ 5.80.010—5.80.100
13087	7-26-2011	Master fee schedule		Not codified
13088	7-26-2011	Amendment to lease agreement		Not codified
13089	7-26-2011	Authorization to acquire parcels		Not codified
13091	10-18-2011	Salary schedule		Not codified
13092	10-18-2011	Salary schedule		Not codified
13094	11- 1-2011	Amendment to contract with Board of Administration for CALPERS		Not codified
13095	11-15-2011	Establishes moratorium on secondhand jewelry dealers and establishments		Not codified
13096	12- 6-2011	Salary schedule		Not codified
13097	12- 6-2011	Amending local and small local business enterprise program		Not codified
13098	12-20-2011	Food vending group site pilot program	1 Added	Ch. 5.51, §§ 5.51.010—5.51.210
13099	12-20-2011	Master fee schedule		Not codified
13101	12-20-2011	Amending local and small local business enterprise program		Not codified
13102	12-20-2011	Purchasing system	1	2.04.040 B.
			Added	2.04.045
				2.04.050 A., E.
				2.04.051 A.
			Added	2.04.051 C.
13103	12-20-2011	Extending moratorium on secondhand jewelry dealers and establishments		Not codified
13104	1-17-2012	Sale of City-owned parcel		Not codified
13106	2- 7-2012	Amendment to contract with Board of Administration for CALPERS		Not codified
13107	2-21-2012	Vacant building registration	2	Ch. 8.54, Arts. I—V
13108	3-20-2012	Extends moratorium on secondhand jewelry dealers and establishments		Not codified
13109	4- 3-2012	Seventeenth amendment to Central District Redevelopment Plan		Not codified
13110	4- 3-2012	Eighteenth amendment to Central District Redevelopment Plan		Not codified
13111	4- 3-2012	Master fee schedule		Not codified
13113	5-15-2012	Master fee schedule		Not codified

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
13114	5-15-2012	Disposition and development agreement with Sunfield Development, LLC		Not codified
13115	5-15-2012	Interim controls requiring a major conditional use permit for establishing crematoriums		Not codified
13116	6- 5-2012	Missing legislation		Not codified
13117	6- 5-2012	Borrowing of funds for fiscal year 2012—2013		Not codified
13118	6- 5-2012	Salary schedule		Not codified
13119	6- 5-2012	Amendment to contract with Board of Administration for CALPERS		Not codified
13120	6- 5-2012	Civil service rules and procedures	1	Ch. 2.08, §§ 2.08.010—2.08.060
13121	6-19-2012	Increase to special tax imposed for emergency medical services		Not codified
13122	6-19-2012	Increase to special tax imposed for paramedic emergency services		Not codified
13123	6-19-2012	Increase to special tax imposed for library services		Not codified
13124	6-19-2012	Increase to special tax imposed for violence prevention and public safety services		Not codified
13125	6-19-2012	Salary schedule		Not codified
13126	6-19-2012	Foreclosed and defaulted residential property registration and abatement program	2	Ch. 8.54, Arts. I—VII
13127	6-19-2012	Master fee schedule		Not codified
13128	6-28-2012	Issuance and sale of City taxable pension obligation bonds		Not codified
13129	7- 3-2012	Consolidation of City general municipal election with Statewide general election		Not codified
13130	7- 3-2012	Salary schedule		Not codified
13131	7- 3-2012	Authorization of City Administrator to negotiate and execute lease disposition and development/billboard franchise agreement		Not codified
13132	7-17-2012	Extends moratorium on secondhand jewelry dealers and establishments		Not codified
13133	7-17-2012	Master fee schedule		Not codified
13134	10- 2-2012	General purposes fund financial policies		Not codified
13135	10-16-2012	Master fee schedule		Not codified
13136	10-16-2012	Secondhand jewelry dealers	1	5.46.010
				5.46.030
			Added	5.46.031
				5.46.050
				5.46.080—5.46.130
13137	10-16-2012	Master fee schedule		Not codified
13138	11-13-2012	Marathons	2 Rpld	9.08.200
13139	11-13-2012	Affordable housing trust fund	1	15.68.100
13140	11-13-2012	Establishes Community Jobs Oversight Commission		Not codified
13141	11-13-2012	Non-owner occupied residential building registration	2 Added	Ch. 8.58, Arts. I—VI
13142	1-22-2013	Conflict of interest code	1 Rpld	Ch. 3.16, App. A
			Added	Ch. 3.16, App. A
				Ch. 3.16, App. B

<b>Ordinance Number</b>	<b>Date</b>	<b>Description</b>	<b>Section</b>	<b>Section this Code</b>
			Added	Ch. 3.16, App. C
13143	1-22-2013	Salary schedule		Not codified
13144	1-22-2013	Salary schedule		Not codified
13145	1-22-2013	Authorization of City Administrator to enter into purchase and sale agreement		Not codified
13146	1-22-2013	Vandalism by defacement of property (graffiti)	1	Ch. 8.10, Arts. I—IX
		Violations as infraction	2	1.28.020 A.7.
13147	1-22-2013	Authorization of City Administrator to negotiate and execute tenant leases		Not codified
13148	1-22-2013	Amendment to purchase and sale agreement		Not codified
13150	1-22-2013	Master fee schedule		Not codified
13152	2- 5-2013	Food vending group site pilot program	1	Ch. 5.51, §§ 5.51.010—5.51.210
13153	2-19-2013	Complete street design standards	1 Added	Ch. 12.02, §§ 12.02.001—12.02.010
		Improvement standards	2	12.16.050
		Design standards	3 Added	16.16.002
				16.16.020
				Added 16.16.025
				16.16.030
				16.16.040 B.
			Rpld	16.16.080
				16.16.130
				16.16.150, 16.16.160
				16.16.170 A., F.
13154	3-19-2013	Salary schedule		Not codified
13155	3-19-2013	Salary schedule		Not codified
13156	3-19-2013	City Campaign Reform Act	3	3.12.040
			Added	Ch. 3.12, Art. IX, § 3.12.340
			4	3.12.250
			5	3.12.270
				3.12.280 A., C.
			Added	3.12.280 E.1.
13158	5- 7-2013	Extending interim controls requiring a major conditional use permit for establishing crematoriums		Not codified
13159	5-21-2013	Amendment to lease disposition and development agreement		Not codified
13160	5-21-2013	Authorization of City Administrator to negotiate and execute purchase and sale agreement		Not codified
13161	5-21-2013	Taxicabs	4	Ch. 5.64, §§ 5.64.010—5.64.135
13162	5-21-2013	Borrowing of funds for fiscal year 2013—2014		Not codified



**Index****— A —****ABANDONED VEHICLES**

See VEHICLES 10.64.010

**ACCESS TO REPRODUCTIVE HEALTH CARE FACILITIES**

Accommodation of competing rights 8.52.050  
 Definitions 8.52.020  
 Enforcement 8.52.040  
 Prohibited harassment of individuals seeking access to health care facilities 8.52.030  
 Severability 8.52.060  
 Title and purpose 8.52.010

**ADMINISTRATIVE DEPARTMENT**

Established, purpose 2.29.080

**ADVERTISING MATTER**

Alcoholic beverages, outdoor advertisement prohibitions, exceptions, violations, penalties, reinspection fees 14.40.280  
 Billboards  
     See Signs 5.06.080  
 Circulars, distributing, regulations, permit 5.06.010  
 Defective merchandise, restrictions 5.06.050  
 Distribution  
     handbills, circulars, other matter, regulations, permit 5.06.010  
     motor vehicles, on, prohibitions 5.06.040  
 False advertising, prohibitions 5.06.100  
 Handbills, distributing, regulations, permit 5.06.010  
 Immoral activities, events, prohibitions 5.06.070  
 Littering, prohibitions 5.06.060  
 Merchandise, seconds, secondhand, defective, restrictions 5.06.050  
 Public streets, prohibitions 5.06.030  
 Secondhand merchandise, restrictions 5.06.050  
 Signs  
     See also SIGN CODE 14.04.010  
     billboards  
         See also Specific Subject 5.06.020

location maintenance 5.06.080  
 immoral activities, events, prohibitions 5.06.070  
 location maintenance 5.06.080  
 political signs, posting, restrictions, removal when 5.06.020  
 posting, restrictions, removal when 5.06.020  
 public streets, prohibitions 5.06.030  
 real estate, mutilation prohibited 5.06.090  
 Tobacco products, outdoor advertisement prohibitions, exceptions, violations, penalties, reinspection fees 14.40.280

**AFFIRMATIVE ACTION**

Purchasing, goals, plan 2.04.170

**AGENCIES, DEPARTMENTS, OFFICES**

See also Specific Agency, Department, Office  
 Purpose of provisions 2.29.010

**AIDS DISCRIMINATION**

Definitions 9.40.030  
 Findings 9.40.020  
 Nonwaiverability of provisions 9.40.170  
 Notices, posting 9.40.120  
 Purpose of provisions 9.40.010  
 Unlawful practices  
     affirmative defenses 9.40.090  
     association, retaliation 9.40.110  
     business establishments, public accommodations 9.40.060  
     city facilities, services 9.40.070  
     educational institutions 9.40.080  
     employment 9.40.040  
     exceptions  
         affirmative defenses 9.40.090  
         generally 9.40.160  
         housing 9.40.050  
         testing, disclosure 9.40.100  
 Violation  
     actions  
         scope 9.40.140  
         time limits 9.40.150  
     liability 9.40.130  
     penalties 9.40.140

# AIRCRAFT

## AIRCRAFT

Repossession, regulations 5.70.050  
Sound amplification equipment, prohibitions  
8.18.100

## AIRPORT GROUND TRAFFIC CODE

Accidents, debris removal 10.56.150  
Administration, scope, authority 10.56.020  
Applicability, public employees 10.56.210  
Authorized emergency vehicles, regulations  
10.56.160  
Crosswalks  
parking prohibited 10.56.360  
pedestrians using  
required 10.56.390  
yielding to pedestrians 10.56.240  
stopped car, overtaking prohibited 10.56.250  
Definitions 10.56.010  
Directing, authorized persons designated 10.56.190  
Double line, driving over, restrictions 10.56.110  
Driver  
See also Specific Subject 10.56.010  
license required 10.56.140  
under influence of liquor, narcotics prohibited  
10.56.130  
Driving on right, exceptions 10.56.220  
Emergency regulations 10.56.370  
Entrances, use 10.56.060  
Exits, use 10.56.060  
General traffic code regulations  
See TRAFFIC CODE Title 10  
Obedience, authorized officers designated 10.56.200  
Obstructing traffic, vehicle impoundment when  
10.56.340  
Parking  
administration, scope, authority 10.56.280  
areas  
driving in, requirements 10.56.090, 10.56.260  
procedure generally 10.56.330  
commercial vehicles, yellow curbs, regulations  
10.56.310  
crosswalks, prohibited 10.56.360  
green curbs, regulations 10.56.300  
meter zones  
coin deposit  
legal coins required 10.56.450  
required 10.56.420  
established 10.56.400  
length of parking time 10.56.420  
line painting 10.56.410  
meter  
installation 10.56.410  
tampering prohibited 10.56.460  
parking in excess of time limit prohibited  
10.56.440  
unlawful parking when 10.56.430  
parallel, required when, procedure 10.56.350  
passenger vehicle, taxicab loading zones  
10.56.310, 10.56.320  
procedure generally 10.56.330  
prohibitions  
generally 10.56.270  
red curbs 10.56.290  
red curbs, prohibited 10.56.290  
time limits, green curbs 10.56.300  
violation, vehicle impoundment when 10.56.340  
white curbs, regulations 10.56.310, 10.56.320  
yellow curbs, regulations 10.56.310  
Pedestrians  
crosswalks  
See also Crosswalks 10.56.240  
in crosswalk, yielding to 10.56.240  
use required when 10.56.390  
sidewalk use required when 10.56.380  
Reckless driving 10.56.120  
Regulations  
See also Specific Subject 10.56.010  
effective twenty-four hours per day 10.56.030  
Service roadways 10.56.080  
Signs, validity presumption 10.56.180  
Speed limits  
designated 10.56.040  
exceeding prohibited 10.56.050  
Stops required, stop signs 10.56.070  
Turning movements  
procedure generally 10.56.230  
U-turns prohibited 10.56.100  
Violation  
citation, arrest when 10.56.170  
parking, vehicle impoundment when 10.56.340

**ALARM SYSTEMS**

- Administration 8.02.060
- Alarm businesses
  - responsibilities 8.02.050
  - licensing of 8.02.055
- Alarm dispatch cancellation 8.02.071
- Alarm dispatch requests 8.02.070
- Alarm users responsibilities 8.02.040
- Appeals 8.02.090
- Definitions 8.02.010
- False alarm response subject to cost recovery fees 8.02.080
- Purpose 8.02.000
- Registration and permits 8.02.020
- Scope of police duty—immunities preserved 8.02.100
- Severability 8.02.110
- Standards 8.02.030

**ALCOHOLIC BEVERAGES**

- Bingo games
  - participation, intoxicated persons
    - prohibited 5.10.280
    - prohibitions 5.10.290
- Drink establishments, customers, annoying, unlawful acts 9.08.240
- Open containers, prohibited acts, signposting 9.08.190
- Outdoor advertisement, prohibitions, exceptions, violations, penalties, reinspection fees 14.40.280
- Pay telephones, outdoor, prohibited locations, alcohol beverage sales establishments, exceptions 8.20.140
- Public places, private property near, prohibitions 9.08.180
- Vehicles, intoxicated persons in, about, regulations 10.16.100

**ALTERNATE FUEL USERS TAX**

- See **UTILITY USERS TAX** 4.28.070

**AMBULANCES**

- Private
  - See **PUBLIC MOTOR VEHICLES** 5.30.010
- Traffic code applicability 10.08.130

**AMMUNITION VENDORS**

- Business tax 5.04.485
- Definitions 9.20.030

**AMMUNITION VENDORS (Cont'd.)**

- Findings 9.20.020
- Purpose of provisions 9.20.020
- Sales, recordkeeping
  - requirements generally 9.20.040
  - violation, penalty 9.20.050
- Severability of provisions 9.20.060
- Title of provisions 9.20.010

**AMUSEMENT CENTERS**

- See **OUTDOOR AMUSEMENT CENTERS** 5.44.010

**AMUSEMENT PLACES**

- Unlawful entry, prohibitions 9.08.210

**ANIMALS**

- See also **RIDING ACADEMIES** 5.56.010
- Animal hospitals, regulations, permit 6.04.300
- Animal-drawn vehicles, prohibited where, designated hours 10.16.190
- At large
  - See also **DOGS** 6.04.070
  - unlawful acts 6.04.200
- Birds
  - See **Fowl** 6.04.290
- Cats
  - See also **Specific Subject** 6.04.010
  - sale by animal control center, spaying, neutering required 6.04.120
- Dead, burial, cremation
  - report requirements 6.04.280
  - responsibility, regulations generally 6.04.260
- Definitions 6.04.020
- Destruction
  - epidemic, regulations when 6.04.170
  - impounded animal, when 6.04.230
  - report requirements 6.04.280
- Driving animals
  - accidents, property damage, report requirements 10.08.140
- Dumping, prohibitions designated 8.38.170
- Enforcement
  - authorized persons designated 6.04.370
  - interference prohibited 6.04.180
  - rules, regulations adoption 6.04.380
- Epidemic, declaration, regulations when 6.04.170

## **ANIMALS**

### **ANIMALS (Cont'd.)**

- Establishments, regulations, permit 6.04.300
- Euthanization
  - dog, surrendering, fee 6.04.110
  - impounded animal, when 6.04.240
- Fowl
  - baby fowl, unlawful acts 6.04.360
  - keeping, restrictions 6.04.290, 6.04.320
  - water fowl, Lake Merritt, unlawful acts 6.04.330
  - wild birds, unlawful acts 6.04.340
- Implementation of provisions, rules, regulations adoption 6.04.380
- Impoundment
  - adoption when, fees 6.04.230
  - care, regulations 6.04.250
  - euthanization when 6.04.240
  - holding period
    - determination 6.04.240
    - generally 6.04.210
  - redemption
    - fees 6.04.210, 6.04.220
    - procedure generally 6.04.220
    - report requirements 6.04.280
    - spay, neuter requirements 6.04.241
    - stray animal, regulations 6.04.270
    - when, procedure 6.04.210
- Keeping
  - establishments, regulations, permit 6.04.300
  - livestock, restrictions 6.04.290
  - nuisance animals, conditions, abatement, impounding, redemption 6.04.310
  - sanitary conditions 6.04.300
- Kennels
  - See DOGS 6.04.190
- Livestock, keeping, restrictions 6.04.290
- Nuisance animals, conditions, abatement, impounding, redemption 6.04.310
- Parks, recreation areas
  - prohibitions generally 12.64.050
  - zoo, prohibited acts 12.64.220
- Pet shops, regulations, permit 6.04.300
- Rabbits
  - baby rabbits, unlawful acts 6.04.360
  - keeping, restrictions 6.04.290
- Rats, eradication, infestation prevention 8.38.180
- Rendering, restrictions, prohibitions 5.54.010

### **ANIMALS (Cont'd.)**

- Slaughtering
    - general regulations
      - See MEAT BUSINESSES 8.14.200
      - unlawful, exceptions 8.40.080
  - Squirrels, unlawful acts 6.04.350
  - Stray animal, procedure when 6.04.270
  - Title of provisions 6.04.010
  - Violation, citation, arrest when 6.04.370
  - Zoo, prohibited acts 12.64.220
- ### **APARTMENT HOUSES**
- Hallways, exits, obstruction prohibited 8.40.170
- ### **APPEALS**
- Abandoned, wrecked, dismantled, inoperative vehicles abatement and removal 10.64.120
  - Advertising distributor permit decisions 5.06.010
  - Barred, barricaded room, house permit revocation 9.24.070
  - Bingo game permit decisions 5.10.100
  - Buildings and construction
    - See also Specific Subject 15.04.025
    - moving building permit decisions 15.44.060
  - Business permit decisions 5.02.100
  - Business tax decisions 5.04.550
  - California building codes, Oakland amendments
    - building code requirements
    - encroachment requirements decisions 15.04.705
    - grading, excavations, fills permit revocation 15.04.780
    - electrical code 15.04.405
    - generally 15.04.025
  - Charitable solicitation permit denial, revocation 5.18.200
  - Cigarette tax decisions 4.12.090
  - Circular distributor permit decisions 5.06.010
  - Code enforcement relocation program decisions 15.60.120
  - Code violations
    - administrative abatement 1.16.080
    - administrative citations 1.12.080
    - civil penalties, administrative assessment 1.08.080

## APPEALS (Cont'd.)

- Commercial building security, intrusion detection device requirements 8.04.150
- Construction and demolition debris waste reduction, recycling plan disapproval 15.34.090
- Director of PWA 13.16.460
- Earthquake-damaged structures
  - historic structures 5.24.190
  - mandatory abatement
    - determination of building official 5.24.320
  - nonhistoric structures 5.24.180
  - structural, life-safety determinations 15.24.070
- Employer-based trip reduction program violation decisions 10.68.050
- Filming activities
  - film permit decisions
    - generally 5.24.170
    - suspension, revocation decision 5.24.160, 5.24.170
    - generally 5.24.170
- Foreclosed and defaulted residential property registration and abatement program 8.54.500
- Handbill distributor permit decisions 5.06.010
- Houseboats, houseboat moorage decisions 15.56.370
- Housing code decisions 15.08.100, 15.08.410
- Immoral exhibition abatement 9.08.040
- Intersection view obstruction abatement 10.60.050
- Living wage ordinance noncompliance determination 2.28.070
- Medical cannabis dispensary permits
  - revocation, suspension, appeals 5.80.070
- Moving building permit decisions 15.44.060
- Newsrack
  - permit denial 12.50.080
  - removal for violation 12.50.150
- Non-owner occupied residential building registration 8.58.500
- Parade permit decisions 12.44.150

## APPEALS (Cont'd.)

- Park use permit grant, denial 12.64.330
- Parking tax decisions 4.16.170
- Pay telephones, outdoor, pay phone permit appeals 8.20.120
- Personnel, disciplinary actions 2.08.030
- Planning Commission 13.16.450
- Residential rent increase dispute hearing decision 8.22.120
- Saturday night specials, junk guns
  - classification 9.36.210
  - roster placement 9.36.240
- Sewers
  - See also Storm water sewers 13.16.300
  - dangerous, insanitary conditions abatement 13.08.260
- Sign code
  - freeways, signs adjacent to, regulations appeals 14.04.270
  - generally 14.04.050
- Sound amplification permit denial, revocation 12.56.070
- Special events
  - permit denial reconsideration 9.52.090
  - police services, extraordinary, costs, traffic control services, fees 9.52.120
- Statute of limitations 1.20.010
- Storm water sewers
  - to director of public works agency 13.16.460
  - to planning commission 13.16.450
  - violation abatement
    - administrative hearing findings appeal 13.16.300
    - hearing 13.16.310
- Street trees, shrubs
  - See also Trees 15.52.100
  - protected tree removal permit decisions
    - city-owned tree removals 12.36.090, 12.36.120
    - development-related tree removals 12.36.070, 12.36.100
    - nondevelopment-related tree removals 12.36.080, 12.36.110

## APPEALS

### APPEALS (Cont'd.)

- Streets and sidewalks
  - driveway opening construction provisions 12.04.300
- encroachments
  - California building codes, Oakland amendments, decisions 15.04.705
  - encroachment permit decisions
    - denial decision appeals 12.08.190
    - major encroachment permit 12.08.070
- improvements construction requirements 12.16.070
- Subdivision decisions
  - generally 16.04.100
  - private access easement, lot creation on, map, application decisions 16.32.090
  - soil correction actions 16.20.090
- Swimming pool enclosure requirements 8.36.010
- Theater permit decisions 5.66.120
- Transient occupancy tax decisions 4.24.100
- Trees
  - See also Street trees, shrubs 12.36.070
  - view-obstructing trees, shrubs, vegetation, city trees 15.52.100
- Unreinforced masonry buildings provisions, actions 15.28.160
- Utility users tax decisions 4.28.140
- Vandalism by defacement of property (graffiti) 8.10.700
- View-obstructing trees, shrubs, vegetation, city trees 15.52.100

### ARKS

- General regulations
  - See HOUSEBOATS 15.56.010

### ARTIST'S MARKETPLACE

- Certificate
  - application 5.43.030
  - issuance, fee, term 5.43.040
  - revocation, suspension, denial 5.43.090
- Cleanup, damage liability 5.43.060
- Definitions 5.43.020
- Purpose of provisions 5.43.010

### ARTIST'S MARKETPLACE (Cont'd.)

- Regulations generally 5.43.050
- Spaces, chosen by lottery 5.43.070
- Violations, penalties 5.43.080

### ASHES

- Separation from solid waste 8.38.150

### ASSEMBLIES

- See also SPECIAL EVENTS 9.52.010
- STREET MEETINGS 12.44.010
  - Crowds, dispersal when 12.44.010
- Pre-advertised, park, recreation areas use
  - See PARKS, RECREATION AREAS 12.64.280

### ASSESSMENT BOARD OF REVIEW

- See OAKLAND TAXATION AND ASSESSMENT BOARD OF REVIEW 4.16.170

### AUCTIONS, AUCTIONEERS

- Auction
  - See also Specific Subject 5.08.030
  - Jewelry auction 5.08.020
  - Permit 5.08.030
  - bidders, buyers, identification 5.08.120
  - inventory, requirements 5.08.090
  - property
    - identification 5.08.130
    - owned by auction house, auctioneer, restrictions 5.08.100
  - sale by, applicability of provisions 5.08.040
  - suspension, termination, when 5.08.110
  - unlawful acts 5.08.080

### Auctioneer

- See also Specific Subject 5.08.010
  - Permit 5.08.030
  - bond, regulations 5.08.070
  - records, requirements 5.08.250
  - substitutes, criers
    - fingerprinting 5.08.050
    - regulations generally 5.08.240
- Definitions 5.08.010, 5.08.020
- Exempt sales designated 5.08.260
- Jewelry auction
  - conducting, regulations 5.08.210, 5.08.230

AUCTIONS, AUCTIONEERS (Cont'd.)

Jewelry auction (Cont'd.)

definitions 5.08.020

location 5.08.220



**AUCTIONS, AUCTIONEERS (Cont'd.)**

- Jewelry auction (Cont'd.)
  - merchandise
    - identification 5.08.180
    - investigation 5.08.190
    - permitted property 5.08.140
    - regulations generally 5.08.230
  - permit
    - applicant investigation 5.08.190
    - application, contents 5.08.170
    - required 5.08.160
  - police department member attendance, duties 5.08.200
  - time, limitations 5.08.150
  - unlawful acts 5.08.210
- Permit
  - See also Jewelry auction 5.08.160
  - application procedure 5.08.050
  - denial, grounds 5.08.050
  - limited permit when, regulations 5.08.060
  - required when 5.08.030
  - suspension, revocation when 5.08.110
- Violation, penalty 5.08.270

**— B —****BARRED, BARRICADED ROOMS, HOUSES**

- See GAMBLING 9.24.050

**BATHING**

- Unlawful acts 9.08.090

**BEDROOM TAX**

- Administration, enforcement 4.08.060
- Definitions 4.08.020
- Exemptions 4.08.050
- Imposed, rate, applicability 4.08.030
- Payment, due date 4.08.040
- Title of provisions 4.08.010

**BEDROOM WINDOW SECURITY**

- See SECURITY DEVICES 15.64.060

**BEGGING**

- Unlawful acts 9.08.240

**BENCHES**

- See STREETS AND SIDEWALKS  
12.52.010

**BICYCLES**

- Freeways, limited access highways, prohibited 10.16.130
- License
  - destruction, unlawful acts 12.60.060
  - fees 12.60.030
  - issuance when, effect 12.60.020
  - lost, new license 12.60.030
  - plates, attachment 12.60.030
  - required 12.60.010
  - term 12.60.020
- Licensee changes, report duties 12.60.050
- Numbers, destruction, unlawful acts 12.60.060
- Operation
  - regulations generally 12.60.070
- Prohibited where 10.16.150
- Registration card
  - destruction, unlawful acts 12.60.060
  - fees 12.60.030
  - issuance when, effect 12.60.020
  - term 12.60.020
- Secondhand bicycles, parts businesses, report requirements 12.60.040
- Sidewalks, crosswalks, roadways, prohibitions 10.16.160
- Violation, penalties
  - generally 12.60.080
  - operation regulations violations 12.60.070

**BICYCLE PARKING**

- Automobile parking credit 17.117.150
- General provisions
  - applicability 17.117.010
  - determination by director of city planning 17.117.040
  - required for new and existing lots 17.117.020
- Minimum number of bicycle parking spaces calculation rules 17.117.080
- civic activities 17.117.100
- commercial activities 17.117.110
- manufacturing activities 17.117.120
- more than one activity on a lot 17.117.030
- residential activities 17.117.090

## BICYCLE PARKING

### BICYCLE PARKING (Cont'd.)

- Minimum number of bicycle parking spaces  
(Cont'd.)
  - required shower and locker facilities
    - 17.117.130
  - variances, additional considerations
    - 17.117.140
- Standards for required bicycle parking spaces
  - location and design 17.117.070
  - minimum specifications 17.117.060
  - types required 17.117.050

### BILINGUAL ACCESS TO CITY SERVICES

- Definitions 2.30.020
- Enforcement
  - authority 2.30.150
  - complaints 2.30.090
  - compliance plan 2.30.100
  - monitoring 2.30.130
  - rules 2.30.140
- Federal publications 2.30.060
- Hearings 2.30.070
- Meetings 2.30.070
- Purpose of provisions 2.30.030
- Severability of provisions 2.30.160
- Staffing
  - initial plan 2.30.040
  - recruitment 2.30.120
- State publications 2.30.060
- Telephone messages 2.30.080
- Title of provisions 2.30.010
- Translation of materials 2.30.050

### BILLBOARDS

- See ADVERTISING MATTER 5.06.080

### BILLIARD ROOMS

- Compliance requirements 5.50.040
- Hours permitted 5.50.030
- Minors, prohibitions 9.12.010
- Permit
  - required, procedure 5.50.010
  - suspension, revocation, grounds 5.50.040
- Police services, extraordinary, costs recovery
  - 5.50.040
- Private rooms, prohibitions 5.50.020

### BINGO GAMES

- Alcoholic beverages
  - intoxicated persons, participation
    - prohibited 5.10.280
    - prohibitions 5.10.290
- Definitions 5.10.020
- Eligible organizations 5.10.070
- Expenses, income
  - See also Profits or proceeds 5.10.180,
    - 5.10.190
  - reports, monthly 5.10.200
- Financial interest, limitations 5.10.210
- Games, operation of
  - attendance limited to capacity 5.10.240
  - conducted on property owned or leased by permittee 5.10.250
  - intoxicated persons prohibited 5.10.280
  - minors prohibited 5.10.270
  - participant must be present 5.10.320
  - open to the public 5.10.230
  - operation exclusive to permittee 5.10.220
- Hours permitted 5.10.320
- Inspections, scope, authority 5.10.160
- Law enforcement and public safety fee
  - 5.10.115
- Number of games permitted; notice to police department 5.10.300
- Permit
  - appeals 5.10.100
  - applicant
    - investigation 5.10.140
    - qualifications 5.10.120
  - application
    - contents
      - bingo game operator 5.10.130
      - bingo hall operator 5.10.135
      - filings, requirements 5.10.080
    - denial, suspension, revocation; conditional approval 5.10.090
    - eligible organizations designated 5.10.070
    - issuance of, contents 5.10.150
    - nontransferable 5.10.260
    - posting 5.10.050
    - required 5.10.040

**BINGO GAMES (Cont'd.)**

- Permit (Cont'd.)
  - revocation
    - effect 5.10.350
    - hearing 5.10.340
  - suspension
    - effect 5.10.350
    - hearing 5.10.340
    - summary 5.10.330
  - term 5.10.110
- Permitted, limitations 5.10.010
- Prizes, maximum amount 5.10.170
- Profits or proceeds
  - separation, fund, account 5.10.180
  - use, limitations 5.10.190
- Rules, posting, filing 5.10.060
- State penal code provisions incorporated 5.10.030
- Violation
  - enjoinment 5.10.360
  - penalty 5.10.370

**BIRTHS**

- Certificates, issuance when, fees 8.40.040
- Registration, requirements 8.40.020

**BLIGHTED PROPERTY**

- See PROPERTY BLIGHT 8.24.010

**BLINDER RACKS**

- Materials harmful to minors, display, required 9.08.060

**BOARD OF EARTHQUAKE APPEALS FOR HISTORIC STRUCTURES**

- Created, purpose, composition, appointment, powers, duties 15.24.190

**BOATS**

- See HOUSEBOATS 15.56.010

**BONDS**

- Auctioneer 5.08.070
- Buildings
  - See also Specific Subject 15.36.030
  - moving buildings
    - completion bond 15.44.030
    - surety bond 15.44.070

**BONDS (Cont'd.)**

- California building codes, Oakland amendments, building code requirements, grading, excavations, fills 15.04.685
- Demolition permit 15.36.030
- Economic development revenue bonds 4.40.030
- Health facility revenue bonds 4.36.030
- Moving buildings
  - completion bond 15.44.030
  - surety bond 15.44.070
- Outdoor amusement centers 5.44.020
- Police, fire retirement system pension obligation debentures, bonds 4.44.020
- Purchasing, bid security, contract bonds 2.04.050
- Residential mortgage revenue bonds 4.32.030
- Sewers, discharges, special agreements 13.08.190
- Streets and sidewalks encroachments, minor encroachments 12.08.050
- Subdivision improvements completion generally 16.20.100
  - parcel map requirements 16.24.060
- Trampoline centers 5.44.020

**BOTTLED BEVERAGES**

- Sporting events, prohibitions 9.08.140

**BOTTOMLESS DANCING**

- See NUDITY 9.28.010

**BOWLING ALLEYS**

- Compliance requirements 5.50.040
- Permit
  - required, procedure 5.50.010
  - suspension, revocation, grounds 5.50.040
- Police services, extraordinary, costs recovery 5.50.040
- Private rooms, prohibitions 5.50.020

**BUILDING CODE**

- See BUILDING MAINTENANCE CODE 15.08.010
- CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS 15.04.005

## **BUILDING CODES, OAKLAND AMENDMENTS**

### **BUILDING CODES, OAKLAND AMENDMENTS**

See CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS 15.04.005

### **BUILDING MAINTENANCE CODE**

See also FORECLOSED AND  
DEFAULTED RESIDENTIAL  
PROPERTY REGISTRATION AND  
ABATEMENT PROGRAM Ch. 8.54

Appeals 15.08.100

- administrative hearing, effect of 15.08.450
- failure to appeal, effect of 15.08.420
- in general 15.08.410
- review of administrative determination 15.08.460
- scope of hearing on appeal 15.08.430
- staying of enforcement 15.08.440

Building Code definitions 15.08.180

Declaration of Public Nuisance—

Substandard

- demolition 15.08.370
- in general 15.08.350
- order to vacate 15.08.380
- recordation of declaration 15.08.360
- repair and rehabilitation 15.08.370

Definitions 15.08.170

Enforcement

- abatement of violations 15.08.110
- in general 15.08.080
- substandard and public nuisance buildings 15.08.090

Exits

- fire assemblies 15.08.280
- in general 15.08.270
- transoms 15.08.290
- wooden stairs 15.08.300

Fees and inspections

- certificate of occupancy 15.08.150
- fees and collection 15.08.130
- in general 15.08.120
- permit inspection 15.08.140
- report of permit record 15.08.160

Fire protection

- in general 15.08.310
- smoke detectors 15.08.320

### **BUILDING MAINTENANCE CODE**

(Cont'd.)

- Habitable space
- courts 15.08.200
- light and ventilation 15.08.220
- room dimensions 15.08.210
- sanitation 15.08.230
- scope 15.08.190
- security 15.08.240
- yards 15.08.200
- Mechanical and electrical systems 15.08.260
- Scope of chapter
- application to existing buildings and structures 15.08.040
- effect on other codes, regulations, and ordinances 15.08.060
- general standards 15.08.050
- modifications and partial invalidity 15.08.070
- purpose 15.08.020
- title 15.08.010
- Structural requirements 15.08.250
- Substandard and public nuisance buildings
- definitions 15.08.340
- enforcement 15.08.090

### **BUILDING SECURITY**

See COMMERCIAL BUILDING SECURITY 8.04.010

FORECLOSED AND DEFAULTED RESIDENTIAL PROPERTY REGISTRATION AND ABATEMENT PROGRAM Ch. 8.54

### **BUILDING SEWERS**

See SEWERS 13.08.010

### **BUILDINGS AND CONSTRUCTION**

See BUILDING MAINTENANCE CODE 15.08.010

CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS 15.04.005

CODE ENFORCEMENT

RELOCATION PROGRAM 15.60.010

CONSTRUCTION AND DEMOLITION DEBRIS 15.34.010

**BUILDINGS AND CONSTRUCTION**

(Cont'd.)

- EARTHQUAKE-DAMAGED STRUCTURES 15.24.010
- FEES 15.68.050
- FIRE CODE 15.12.010
- FIRE-DAMAGED AREA 15.16.010
  - FORECLOSED AND DEFAULTED RESIDENTIAL PROPERTY REGISTRATION AND ABATEMENT PROGRAM Ch. 8.54
    - HOUSEBOATS 15.56.010
    - HOUSING CODE 15.08.010
    - NON-OWNER OCCUPIED RESIDENTIAL BUILDING REGISTRATION Ch. 8.58
      - PROPERTY BLIGHT 8.24.010
      - SIGN CODE 14.04.010
      - SUBDIVISIONS 16.04.010
      - UNREINFORCED MASONRY BUILDINGS 15.28.010

## Building numbers

- designation, assignment 15.40.030
- incorrect numbers, correction 15.40.040
- obliterated numbers, replacement 15.40.050
- required, requirements generally 15.40.010
- system, records 15.40.020
- unnumbered buildings, numbering 15.40.050
- violation, penalty 15.40.060

## California Environmental Quality Act,

applicability 15.36.090

## fees

- generally 15.36.050
- notice list fees 15.36.040
- issuance, conditions, extension 15.36.040
- required, unlawful without 15.36.020
- violation, penalties, assessments 15.36.060

## Codes

See **BUILDING MAINTENANCE CODE**

15.08.010

CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS 15.04.005**BUILDINGS AND CONSTRUCTION**

(Cont'd.)

## Codes (Cont'd.)

- FIRE CODE 15.12.010
- HOUSING CODE 15.08.010
- SIGN CODE 14.04.010



**BUILDINGS AND CONSTRUCTION**

(Cont'd.)

- Dangerous buildings, structures
  - See also DANGEROUS, INSANITARY CONDITIONS 8.38.090
  - EARTHQUAKE-DAMAGED STRUCTURES 15.24.010
  - UNREINFORCED MASONRY BUILDINGS 15.28.010
  - high voltage wires prohibited, designated districts 15.32.090
- Demolition permits
  - See also EARTHQUAKE-DAMAGED STRUCTURES 15.24.130
  - application, posting requirements 15.36.040
  - bond, requirements 15.36.030
  - definitions 15.36.010
  - design review procedure 15.36.085
  - exceptions 15.36.080
  - fees 15.36.050
  - unlawful to demolish without 15.36.070
- Disease-infested buildings 8.38.080
- Earthquake hazards
  - See EARTHQUAKE-DAMAGED STRUCTURES 15.24.010
  - UNREINFORCED MASONRY BUILDINGS 15.28.010
  - Earthquake-damaged structures
    - See EARTHQUAKE-DAMAGED STRUCTURES 15.24.010
  - Fire code
    - See FIRE CODE 15.12.010
  - Fire-damaged area
    - See FIRE-DAMAGED AREA 15.16.010
  - Geologic reports
    - additional, required when 15.20.110
    - applicability of provisions generally 15.20.020
    - projects designated 15.20.040
      - definitions 15.20.030
      - map, contents 15.20.060
      - preparation costs, responsibility 15.20.080
      - purpose of provisions 15.20.010

**BUILDINGS AND CONSTRUCTION**

(Cont'd.)

- Geologic reports (Cont'd.)
  - projects designated (Cont'd.)
    - requirements generally 15.20.050
    - scope of provisions 15.20.020
    - submittal, evaluation 15.20.090
    - text, contents 15.20.070
    - waiver when, requirements 15.20.100
- Green building requirements
  - Bay-friendly landscaping requirements
    - compliance 15.35.140
    - definitions 15.35.130
    - purpose and intent 15.35.120
    - title 15.35.110
  - Practices
    - city building projects 15.35.040
    - compliance 15.35.050
    - definitions 15.35.030
    - promoting, in private development projects 15.35.046
    - purpose and intent 15.35.020
    - title 15.35.010
    - traditional public works projects 15.35.045
- High voltage wires prohibited, designated districts 15.32.090
- Houseboats
  - See HOUSEBOATS 15.56.010
- Housing code
  - See HOUSING CODE 15.08.010
- Jobs/Housing Impact Fee, Affordable Housing Trust Fund
  - See also FEE 15.68.050
    - FUNDS 15.68.100
    - applicability 15.68.120
    - definitions 15.68.030
    - findings 15.68.020
    - purpose 15.68.010
    - regulations 15.68.110
    - requirements 15.68.040
- Moving buildings
  - bonds
    - completion bond, requirements 15.44.030

## BUILDINGS AND CONSTRUCTION

### BUILDINGS AND CONSTRUCTION

(Cont'd.)

- Moving buildings (Cont'd.)
  - bonds (Cont'd.)
    - surety bond
      - conditions 15.44.080
      - required, requirements 15.44.070
    - completion, requirements, city performance when, costs 15.44.030
    - incomplete, nuisance, demolition when 15.44.030
    - insurance, requirements 15.44.090
    - permit
      - appeals 15.44.060
      - application
        - card, contents, posting 15.44.100
        - denial, grounds 15.44.040
        - expiration when, effect 15.44.050
        - filings, contents 15.44.010
        - grant, conditions 15.44.020
        - hearing 15.44.020
        - required 15.44.010
      - procedure
        - damages, repairing, payments 15.44.130
        - generally, street protection 15.44.110
        - wires, cutting, replacement, costs 15.44.120

#### Numbers

See Building numbers 15.40.010

#### Property blight

See PROPERTY BLIGHT 8.24.010

#### Rental units, rooms

See also HOUSING CODE 15.08.010  
RESIDENTIAL RENT 8.22.010

#### relocation assistance when

See CODE ENFORCEMENT  
RELOCATION PROGRAM  
15.60.010

#### Seismic screening of multiple story buildings

15.26. et seq.

See MANDATORY SEISMIC  
SCREENING OF MULTIPLE STORY  
RESIDENTIAL BUILDINGS

### BUILDINGS AND CONSTRUCTION

(Cont'd.)

Seismic strengthening for residential buildings  
15.30. et seq.

See VOLUNTARY SEISMIC  
STRENGTHENING FOR  
RESIDENTIAL BUILDINGS

#### Setback lines

construction within, prohibitions 15.48.070  
definitions 15.48.010  
establishment

objections, protests, procedure, effect  
15.48.060

pending, building permit issuance  
prohibited 15.48.050

proceedings, initiation 15.48.020

resolution of intention, contents,  
publishing, posting 15.48.040

when, authority 15.48.030

violation, penalty 15.48.080

#### Sign code

See SIGN CODE 14.04.010

#### Subdivisions, regulations generally

See SUBDIVISIONS 16.04.010

#### Substandard buildings

See HOUSING CODE 15.08.090

#### Sustainable green building requirements

See SUSTAINABLE GREEN BUILDING  
REQUIREMENTS FOR PRIVATE  
DEVELOPMENT

#### Unreinforced masonry buildings

See UNREINFORCED MASONRY  
BUILDINGS 15.28.010

#### View-obstructing trees, shrubs, vegetation

See TREES 15.52.010

## BURGLAR ALARMS

See ALARM SYSTEMS 8.02.010

## BUS SHELTERS

Street, sidewalk use, encroachment regulations  
See STREETS AND SIDEWALKS  
12.08.010

## BUSES

See PARKING 10.40.090  
PUBLIC MOTOR VEHICLES 5.30.010

**BUSINESS IMPROVEMENT  
MANAGEMENT DISTRICT**

- Administration 4.48.160
- Advisory board
  - appointment, duties 4.48.190
  - report, contents 4.48.200
- Approval 4.48.100
- Assessment
  - collection 4.48.180
  - levying 4.48.140
  - validity contesting 4.48.150
- Definitions 4.48.040
- Dissolution 4.48.220
- Establishment 4.48.050
- Generally 4.48.020
- Modifications 4.48.210
- Plan, contents 4.48.060
- Procedures
  - alternative 4.48.030
  - generally 4.48.070
- Protests, hearing 4.48.120
- Report 4.48.090
- Resolution of intention
  - contents 4.48.080
  - notice 4.48.110
  - record of notice, map 4.48.130
- Special fund advance 4.48.170
- Title of provisions 4.48.010

**BUSINESS PERMIT**

- See also FRANCHISES, PERMITS, PRIVILEGES 5.32.010
- Appeals 5.02.100
- Application
  - action
    - See also Grant, denial 5.02.060
    - notice requirements 5.02.140
  - contents 5.02.020
  - hearing
    - notice 5.02.050
    - procedure generally 5.02.030
  - investigation
    - fees 5.02.040
    - procedure generally 5.02.030
  - zone regulations, effect 5.02.130

**BUSINESS PERMIT (Cont'd.)**

- Denial
  - See Grant, denial 5.02.060
- Display 5.02.120
- Exhibition 5.02.120
- Expiration when 5.02.150
- Grant, denial
  - appeals 5.02.100
  - authority, criteria 5.02.060
- Hearings
  - See also Application 5.02.030
  - authority, regulations generally 5.02.090
- Premises
  - inspection 5.02.110
  - zone regulations, effect 5.02.130
- Renewal 5.02.150
- Required when 5.02.010
- Suspension, revocation
  - appeals 5.02.100
  - grounds, procedure 5.02.080
- Transfer, procedure 5.02.070

**BUSINESS TAX**

- Abatements, liability caps 5.04.151
- Amount
  - administrative headquarters 5.04.400
  - ambulances 5.04.490
  - ammunitions sales 5.04.485
  - amusements 5.04.370
  - audits, results, effect 5.04.600
  - automobile dealers 5.04.310
  - business services 5.04.330
  - construction contractors 5.04.380
  - determination
    - deficiency determination 5.04.640
    - no declaration filed 5.04.650
    - redetermination 5.04.660
  - entertainment 5.04.370
  - estimation
    - first year, procedure 5.04.110
    - renewal tax, procedure 5.04.120
  - firearms sales 5.04.485
  - grocers 5.04.300
  - interest, no declaration filed 5.04.650
  - limousines 5.04.490
  - manufacturing 5.04.390

## BUSINESS TAX

### BUSINESS TAX (Cont'd.)

#### Amount (Cont'd.)

- media firms 5.04.470
- medical cannabis businesses 5.04.480
- miscellaneous businesses 5.04.500
- non-medical cannabis businesses 5.04.481
- personal services 5.04.330
- private patrol services, private patrol
  - operators 5.52.120
  - processing 5.04.390
  - professional services 5.04.340
  - property rental
    - commercial property rental 5.04.430
    - exemptions, buildings rented, leased by city 5.04.440
    - industrial property rental 5.04.430
    - residential property rental 5.04.420
  - public utilities 5.04.460
  - real estate developers 5.04.350
  - real estate rehabilitation 5.04.360
  - recreation 5.04.370
  - retail sales 5.04.290
  - semi-professional services 5.04.340
  - taxicabs 5.04.490
  - transportation, goods, persons 5.04.410
  - two or more businesses 5.04.510
  - wholesale sales 5.04.320
- Appeals 5.04.550
- Apportionment 5.04.570
- Audits
  - results, effect 5.04.600
  - when, procedure 5.04.580
- Books, records
  - examination, scope, authority 5.04.580
  - requirements generally 5.04.610
- Certificate
  - application procedure 5.04.070
  - changes to 5.04.160
  - contents 5.04.070
  - display 5.04.170
  - expiration date 5.04.080
  - information required, availability 5.04.060
  - issuance
    - denial when 5.04.080
    - procedure generally 5.04.070

### BUSINESS TAX (Cont'd.)

#### Certificate (Cont'd.)

- lost, replacement, fee 5.04.180
- new business, registration fee 5.04.100
- posting 5.04.170
- renewal
  - first renewal, requirements 5.04.130
  - procedure generally 5.04.090
  - tax, payment 5.04.120
  - required when 5.04.020
  - separate required, each place of business 5.04.040
  - transacting business without not waiver of tax 5.04.280
  - transferability 5.04.160
  - verification, right of entry 5.04.530
- Collection
  - actions
    - lien
      - constitutes a debt 5.04.240
      - hearing, notice 5.04.250
      - recordation 5.04.270
      - when 5.04.250
      - special tax roll assessment 5.04.260
    - duty designated 5.04.520
    - lien
      - See actions 5.04.250
      - refunds when 5.04.540
  - Compliance requirements 5.04.050
  - Confidential documents, disclosure
    - information exchange with state 5.04.150
    - regulations generally 5.04.140
  - Debt to city, collection 5.04.240
  - Definitions 5.04.030
  - Estimation
    - See Amount 5.04.110
  - Exemptions
    - day care 5.04.631
    - generally 5.04.560
    - nonprofit corporations, associations 5.04.630
    - small business 5.04.620
  - Interest
    - audits, results, effect 5.04.600
    - collection actions 5.04.240

**BUSINESS TAX (Cont'd.)**

Interest (Cont'd.)

- deficiency determinations 5.04.640
- generally 5.04.230
- no declaration filed, when 5.04.650
- refunds when 5.04.540

Lien

- See Collection 5.04.250

Notices not required, effect 5.04.220

Notification to city of business termination  
5.04.095

Payment

certificate

- prerequisite 5.04.070
  - renewal certificate 5.04.090
- delinquent
- audits, results, effect 5.04.600
  - when, penalties 5.04.190



**BUSINESS TAX (Cont'd.)**

Payment (Cont'd.)

- first year estimated tax 5.04.110
- prior year registration assessments  
5.04.210
- renewal tax 5.04.120
- return check penalty 5.04.200
- time limits, extension, regulations 5.04.550
- transacting business without certificate not  
waiver of tax 5.04.280

Penalties

- audits, results, effect 5.04.600
- collection actions 5.04.240
- delinquency penalties 5.04.190
- determinations, effect 5.04.660
- interest 5.04.230
- no declaration filed, when 5.04.650
- refunds when 5.04.540
- return check penalty 5.04.200
- Policy review, modification 5.04.152
- Prohibited businesses not permitted 5.04.050
- Refunds 5.04.540
- Revenue measure, limitations 5.04.050
- Review 5.04.152
- Savings clause 5.04.560
- Title of provisions 5.04.010
- Violation
  - conviction not waiver of tax 5.04.280
  - penalty 5.04.590

**BUSINESS TAX BOARD OF REVIEW**

- Created, composition, appointment, powers,  
duties 5.04.550

**BUSINESSES**

See also BUSINESS PERMIT 5.02.010

**BUSINESS TAX 5.04.010**

- New business, police report requirements  
5.70.020

— C —

**CABARETS**

- Booths and entertainers 5.12.070
- Definitions 5.12.010
- Permit
  - application review process 5.12.050
  - extended hours permit process 5.12.040
  - fee 5.12.080
  - process 5.12.030

**CABARETS (Cont'd.)**

- Permit (Cont'd.)
  - required 5.12.020
- Regulations 5.12.060

**CABLE SYSTEMS AND OPEN VIDEO SYSTEMS**

General

- access, PEG access, or PEG use 5.16.020
- affiliate 5.16.060
- basic Service 5.16.070
- cable
  - communications system 5.16.090
  - service 5.16.100
  - system 5.16.110
- Cable Act 5.16.080
- channel 5.16.120
- city 5.16.130
- city administrator 5.16.140
- construction, operation or repair 5.16.150
- definitions 5.16.010
- education access or education use 5.16.040
- FCC 5.16.160
- franchise 5.16.170
- franchise area 5.16.180
- franchisee 5.16.190
- government access or government use  
5.16.050
- gross revenues 5.16.200
- operator 5.16.210
- OVS 5.16.220
- OVS agreement 5.16.230
- person 5.16.240
- public
  - access or public use 5.16.030
  - property 5.16.250
  - rights-of-way 5.16.260
- school 5.16.270
- subscriber 5.16.280
- user 5.16.290

General Provisions

- administration of ordinance 5.16.370
- books and records 5.16.420
- costs borne by franchisee 5.16.350
- enforcement and remedies 5.16.410
- exemptions 5.16.460
- failures to perform 5.16.360
- form of franchise 5.16.310

## CABLE SYSTEMS AND OPEN VIDEO SYSTEMS

### CABLE SYSTEMS AND OPEN VIDEO SYSTEMS (Cont'd.)

#### General Provisions (Cont'd.)

##### franchise

non-exclusive 5.16.330

required 5.16.300

term 5.16.340

general conditions upon construction,  
operation and repair 5.16.390

maps required 5.16.440

other records required 5.16.450

privacy 5.16.470

procedures for paying franchise fees and  
fees in lieu of franchise fees 5.16.480

protection of city and residents 5.16.400

reports 5.16.430

scope of franchise 5.16.320

transfers 5.16.380

#### Miscellaneous

calculation of time 5.16.650

captions 5.16.640

connections to cable systems 5.16.670

discrimination prohibited 5.16.680

severability 5.16.660

#### Open video systems

applications for grant or renewal of  
franchises 5.16.580

exclusive contracts 5.16.630

fee in lieu of franchise fee 5.16.620

legal qualifications 5.16.600

minimum requirements 5.16.610

transfers 5.16.590

#### Special rules applicable to cable systems

##### application

generally 5.16.490

initial franchise or renewal franchise

5.16.500

renewal filed pursuant to 47 U.S.C.

Section 546 5.16.510

transfer 5.16.520

consumer protection and customer service  
5.16.570

franchise fee 5.16.540

legal qualifications 5.16.530

no exclusivity 5.16.550

rate regulation 5.16.560

### CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS

Adoption, effect 15.04.010

Appeal 15.04.025

Building code

amendments, additions, deletions,  
substitutions

Appendix Chapter 1 15.04.102—  
15.04.136, 15.04.142—15.04.156

Appendix I adopted 15.04.696

Chapter 3B added 15.04.697

Chapter 7B added 15.04.626

Chapter 16B amended 15.04.646

Chapter 18B added 15.04.660

Item 5 added 15.04.672

Section 105.3, Subparagraph 8 of CBC

Appendix Chapter 1 added 15.04.118

Section 105.2 amended 15.04.600

Section 105.3, Subparagraph 9 of CBC  
Appendix Chapter 1 added 15.04.120

Section 106.1 15.04.138

Section 106.1, Subsection 106.1.4, of  
CBC Appendix Chapter 1 added  
15.04.132

Section 106.1, Subsection 106.1.5, of  
CBC Appendix Chapter 1 added  
15.04.134

Section 106.2 15.04.140

Section 108.8 15.04.158

Section 310.1 amended 15.04.601

Section 406.1.4 amended 15.04.602

Section 419 deleted and replaced  
15.04.603

Section 501.2 amended 15.04.604,  
15.04.609

Section 506.4 amended 15.04.605

Section 507 amended 15.04.606

Section 602.1 amended 15.04.607

Section 602.2 amended 15.04.608

Section 602.4 amended 15.04.610

Section 602.5 amended 15.04.612

Section 701A.3.1 amended 15.04.624

Section 702 amended 15.04.614

Section 704.6 amended 15.04.616

Section 708.3 amended 15.04.618

Section 716.5.3 amended 15.04.622

Section 1008.1.1 amended 15.04.628,  
15.04.630

Section 1013 amended 15.04.632

## CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS

**CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS (Cont'd.)**

Building code (Cont'd.)

    amendments, additions, deletions,  
    substitutions (Cont'd.)

        Section 1027.6 amended 15.04.636  
        Section 1029.5.2 amended 15.04.638  
        Section 1203.4.1 amended 15.04.640  
        Section 1704.1 amended 15.04.648  
        Section 1704.4 amended 15.04.649  
        Section 1704.8 amended 15.04.650  
        Section 1704.9 amended 15.04.651  
        Section 1805.2.1 amended 15.04.652  
        Section 1805.5 amended 15.04.658  
        Section 1807.1.6.1 amended 15.04.654  
        Section 1809.3 amended 15.04.655  
        Section 1908.1.8 amended 15.04.662  
        Section 1909.2 amended 15.04.664  
        Section 1909.4 amended 15.04.666  
        Section 1909.6 deleted 15.04.668  
        Section 2304.7.1 amended 15.04.669  
        Section 2304.7.2 amended 15.04.670  
        Section 2304.9.5.2 deleted 15.04.671  
        Section 2306.4 amended 15.04.673  
        Section 2308.3.3 amended 15.04.674  
        Section 2308.6 amended 15.04.676  
        Section 2406.3 amended 15.04.677  
        Section 2509.3 amended 15.04.678  
        Section 3201.4 deleted and replaced  
            15.04.679  
        Section 3305.1 amended 15.04.680  
        Section 3307.1 amended 15.04.681  
        Section 3401.2 amended 15.04.682  
        Section 3401.4.3 amended 15.04.683  
        Section 3403.1.1 amended 15.04.684  
        Section 3404.1 amended 15.04.685  
        Section 3404.1.1 amended 15.04.686  
        Section 3405.1.2 amended 15.04.687  
        Section 3406 amended 15.04.688  
        Section 3408.1 amended 15.04.689  
        Section 3408.4 amended 15.04.691  
        Section 3411.4.1 deleted and replaced  
            15.04.692  
        Section 3411.4.2 deleted and replaced  
            15.04.693  
        Section 3411.5 amended 15.04.694  
        Sections 1807.1.3 and 1807.1.4 deleted  
            15.04.653

**CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS (Cont'd.)**

Building code (Cont'd.)

    amendments, additions, deletions,  
    substitutions (Cont'd.)

        Sections 1809.8, 1809.9.2, 1809.11, and  
            1809.12 deleted 15.04.656  
        Sections 3408.3 and 3412 deleted  
            15.04.690  
        Sections 3411.6, 3411.7, 3411.8, and  
            3411.9 deleted 15.04.695  
    boundary, topographic survey,  
    requirements 15.04.045, 15.04.140  
    concrete slabs, under floors, inspections  
            15.04.154  
    fences 15.04.116  
    fire-hazard areas 15.04.075  
    Conflicting provisions, resolution 15.04.020  
    Construction workers, toilet facilities,  
    requirements 15.04.070  
    Definitions 15.04.075  
    Electrical code

        See also Specific Subject

        administration, enforcement, scope,  
        authority 15.04.215

        alternate materials, methods of  
        construction 15.04.225

        amendments, additions, deletions,  
        substitutions

            Article 210.8 15.04.700  
            Article 210.11 15.04.705  
            Article 210.12 15.04.710  
            Article 230.26 15.04.715  
            Article 230.28 15.04.720  
            Article 230.43 15.04.725  
            Article 230.44 15.04.730  
            Article 300.11 15.04.735  
            Article 334.15 15.04.740  
            Article 334.23 15.04.745  
            Article 358.12 15.04.750  
            Article 410.16 15.04.755  
            Article 600.1 15.04.760  
            Article 695.13 15.04.765  
                Article 760.1 15.04.770  
        board of appeals 15.04.245  
        connection approval, regulations 15.04.275  
        definitions 15.04.280  
        existing electrical systems 15.04.220  
        inspections 15.04.270

# CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS

## CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS (Cont'd.)

### Electrical code (Cont'd.)

- fire protective signaling systems 15.04.770
- fire pumps 15.04.765
- fixture installations 15.04.755
- general standards 15.04.245
- permits
  - See also Permits 15.04.035
  - application, contents, fees 15.04.250
  - expiration when, extension 15.04.265
  - issuance, conditions 15.04.260
  - safety requirements 15.04.285

### Expiration or extension of issued permit 15.04.055

### Mechanical code

- See also Specific Subject
- amendments, additions, deletions,  
substitutions
  - Section 101 15.04.305
  - Section 104.1 15.04.310
  - Section 109 15.04.315
  - Section 110.1 15.04.320
  - Section 111 15.04.325
  - Section 113 15.04.330
  - Section 114 15.04.335
  - Section 115 15.04.337
  - Section 116 15.04.340
  - Table No. 1-A 15.04.345

### Plumbing code

- See also Specific Subject
- ABS, PVC DWV piping 15.04.920
- amendments, additions, deletions,  
substitutions
  - Section 101 15.04.405
  - Section 102 15.04.410
  - Section 103 15.04.415
  - Section 202.0 15.04.420
  - Section 301.1 15.04.425
  - Section 301.2 15.04.430
  - Section 301.4.5 15.04.435
  - Section 316.2.2 15.04.440
  - commercial garbage, food waste grinders  
15.04.935
  - private sewage disposal systems 15.04.925
  - rainwater drainage, disposal 15.04.975
- Powers and duties of the building official  
15.04.080
- Repeal, effect 15.04.020

## CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS (Cont'd.)

### Residential code

- amendments, additions, deletions,  
substitutions
  - Section R301.1.3 amended 15.04.1005
  - Section R302.1 amended 15.04.1006
  - Section R302.5.1 amended 15.04.1010
  - Section R302.7 amended 15.04.1015
  - Section R303.1, Exception 2 deleted  
15.04.1020
  - Section R303.1 amended 15.04.1025
  - Section R303.1 amended 15.04.1030
  - Section R308.4 amended 15.04.1035
  - Section R311.2 amended 15.04.1040
  - Section R311.3.2 amended 15.04.1045
  - Section R401.1, first paragraph,  
amended 15.04.1050
  - Section R401.1, second paragraph,  
deleted 15.04.1060
  - Section R402.1 deleted 15.04.1065
  - Section R403.1 amended 15.04.1070
  - Section R403.1.1 amended 15.04.1075
  - Section R403.1.3 amended 15.04.1080
  - Section R403.1.3.1 amended 15.04.1085
  - Section R403.1.6, second paragraph, first  
sentence amended 15.04.1090
  - Section R403.1.6, second paragraph,  
second sentence amended 15.04.1095
  - Section R403.1.6.1 amended 15.04.1100
  - Sections R403.2 and R403.4.1 deleted  
15.04.1115
  - Section R404.1.1.1 and Table  
R404.1(1) amended 15.04.1116
  - Section R404.1.4.1 amended 15.04.1120
  - Section R404.1.4.2 amended 15.04.1125,  
15.04.1130
  - Section R404.1.5.1 amended 15.04.1135
  - Section R404.1.5.2 amended 15.04.1140
  - Section R404.2 and Table R404.2.3  
deleted 15.04.1145
  - Section R405.2 deleted 15.04.1150
  - Section R406.3 deleted 15.04.1155
  - Section R408.3, Item 1, amended  
15.04.1160
  - Section R606.2.4 amended 15.04.1165
  - Section R702.3.7 amended 15.04.1170
  - Section R702.4.2 deleted 15.04.1175
  - Section R702.4.2 added 15.04.1180

**CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS (Cont'd.)**

- Residential code (Cont'd.)
  - amendments, additions, deletions, substitutions (Cont'd.)
    - Section R802.3 amended 15.04.1185
- Scope of provisions 15.04.010
- Standards
  - See also Specific Subject 15.04.005
  - generally 15.04.015
- Swimming pool, spa, hot tub code
  - See also Specific Subject
  - amendments, additions, deletions, substitutions
    - Section 1.3 15.04.505
    - Section 1.7 15.04.510
    - Section 1.10 15.04.515
    - Section 1.11 15.04.520
    - Section 1.15 15.04.525
    - Section 1.18 15.04.530
    - Section 1.19 15.04.530
    - Section 102 15.04.535
    - Section 310 15.04.540
    - waste water disposal 15.04.540
- Title of provisions 15.04.005
- Toilet facilities, construction workers, requirements 15.04.070
- Violation, penalties 15.04.030

**CAMPAIGN REFORM ACT**

- Agency responsibility 3.12.240
- Applicability, other laws 3.12.320
- Candidates
  - See also Specific Subject 3.12.010
  - one campaign committee, checking account 3.12.110
- Contributions
  - city officials, candidates, effect 3.12.120
  - contractors doing business with city, redevelopment agency, school district, prohibitions 3.12.140
  - contributor identification required when 3.12.130
  - expenditures ceilings adoption, effect 3.12.190
  - family contributions 3.12.100

**CAMPAIGN REFORM ACT (Cont'd.)**

- Contributions (Cont'd.)
  - legal expense fund, effect 3.12.170
  - limitations
    - aggregation of payments 3.12.080
    - broad based political committees 3.12.060
  - city officials, candidates, effect 3.12.120
  - family contributions 3.12.100
  - independent expenditures, effect 3.12.230
  - loans 3.12.090
  - officeholder fund contributions 3.12.150
  - persons 3.12.050
  - return of contributions, effect 3.12.070
  - loans, regulations 3.12.090
  - office space donations, effect 3.12.160
  - return of contributions, effect 3.12.070
  - volunteer services, exemption when 3.12.180
- Definitions 3.12.040
- Electronic filing requirements
  - statements 3.12.340
- Expenditures
  - ceilings
    - adoption, effect 3.12.190
    - amount 3.12.200
    - lifted when 3.12.220
  - independent expenditures, mass mailings, slate mailings, campaign materials, requirements 3.12.230
  - legal defense fund, effect 3.12.170
  - officeholder accounts, regulations 3.12.150
  - volunteer services, exemption when 3.12.180
- Findings, declarations 3.12.020
- Forms, furnishing 3.12.250
- Furtherance, regulations promulgation 3.12.250
- Independent expenditures
  - See Expenditures 3.12.230
- Officeholders
  - legal expense fund, account, regulations 3.12.170
  - office space donations, effect 3.12.160

## CAMPAIGN REFORM ACT

### CAMPAIGN REFORM ACT (Cont'd.)

#### Officeholders (Cont'd.)

- officeholder fund, account, regulations 3.12.150
- Public ethics commission 3.12.240, 3.12.260
- Purpose of provisions 3.12.030
- Severability of provisions 3.12.330
- Title of provisions 3.12.010
- Violation
  - criminal misdemeanors actions 3.12.270
  - enforcement actions 3.12.280
  - injunctive relief 3.12.290
  - litigation costs, award 3.12.300
  - official disqualification when 3.12.310
  - Volunteer services, exemption when 3.12.180

### CANDIDATES

- See CAMPAIGN REFORM ACT 3.12.010
- ELECTIONS 3.08.040

### CANNABIS, MEDICAL

- Business tax
  - medical cannabis businesses 5.04.480
  - non-medical cannabis businesses 5.04.481
- Confidentiality 8.46.060
- Definitions 8.46.020
- Distribution program 8.46.030
- Findings, purpose of provisions 8.46.010
- Liability 8.46.040
- Paraphernalia, goods permitted when 8.46.080
- Patients, identification cards 8.46.050
- Transportation 8.46.070
- Violation, penalties 8.46.090

### CANNED GOODS

- Sporting events, prohibitions 9.08.140

### CAR LOTS

- Enclosure, requirements 8.04.010

### CARD GAMES

- See GAMBLING 9.24.040

### CARNIVALS

- Definitions 5.14.010
- Health, sanitation, regulations 5.14.050
- Insurance, requirements 5.14.060

### CARNIVALS (Cont'd.)

#### Permit

- denial, revocation, grounds 5.14.040
- qualifications 5.14.030
- required, restrictions 5.14.020
- Regulations generally 5.14.020

### CELLAR DOORS

- Unlawful acts 8.40.120

### CEMETERIES

- Dead bodies, burial, regulations, permit, fees 8.40.030

### CESSPOOLS

- Restrictions, regulations 8.38.050

### CHARITABLE SOLICITATIONS

- See also RELIGIOUS SOLICITATIONS

#### 5.18.010

#### Agents, solicitors

- See also Specific Subject 5.18.070
- credentials, requirements 5.18.090
- Books, records, requirements 5.18.150
- Definitions 5.18.020
- Hearing officer, interim, regulations 5.18.010
- Methods prohibited 5.18.070

#### Permit

- appeals 5.18.200
- application
- contents 5.18.050
- decision, filing 5.18.080
- investigation 5.18.060
- denial, hearing, decision 5.18.120
- facsimile copies
  - purpose, use 5.18.090
  - return on expiration 5.18.100
- issuance, criteria 5.18.070
- nontransferable, return on expiration 5.18.100
- required, exceptions 5.18.040
- suspension, revocation
  - notice to chief of police 5.18.140
  - when, hearing, decision 5.18.130
- Prohibited acts designated 5.18.210
- Receipt, requirements 5.18.110
- Reports, requirements 5.18.160

<b>CHARTER OFFICES</b>	<b>CLOSE-OUT SALES (Cont'd.)</b>
Preservation 2.29.100	License application contents 5.20.060 investigation 5.20.070
<b>CHURCHES</b>	display 5.20.100 issuance, term 5.20.070 renewal, procedure 5.20.080 required 5.20.050
Hallways, exits, obstruction prohibited 8.40.170	Purpose of provisions 5.20.010
<b>CIGARETTE TAX</b>	Rules, regulations generally 5.20.090
Appeals 4.12.090	Stock no additional goods permitted 5.20.120 records, requirements 5.20.110
Deductions, offsets 4.12.050	Supervision, regulation, authority designated 5.20.040
Definitions 4.12.020	
Imposed, rate, applicability 4.12.030	
Payment	
due date, procedure 4.12.060	
failure	
collection actions 4.12.110	
determination when, effect 4.12.080	
penalties, interest 4.12.070	
Records, statements, requirements 4.12.050	
Refunds 4.12.100	
Registration, requirements 4.12.040	
Title of provisions 4.12.010	
Violation, penalty 4.12.120	
<b>CIGARETTES</b>	
See CIGARETTE TAX 4.12.010	
TOBACCO PRODUCTS 8.32.010	
<b>CINDERS</b>	
Separation from solid waste 8.38.150	
<b>CIRCULARS</b>	
See ADVERTISING MATTER 5.06.010	
<b>CITY COUNCIL</b>	
See COUNCIL, CITY 9.04.070	
<b>CITY COUNCIL DISTRICTS</b>	
See COUNCIL DISTRICTS 2.16.010	
<b>CIVIL SERVICE BOARD</b>	
Composition, appointment, organization, powers, duties generally 2.08.030	
Provision 2.08.010	
<b>CLOSE-OUT SALES</b>	
Advertising, regulations 5.20.130	
Definitions 5.20.030	
Exempt activities 5.20.140	
Liberal construction of provisions 5.20.020	

## CODES

### CODES

See BUILDING MAINTENANCE CODE

15.08.010

CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS 15.04.005

FIRE CODE 15.12.010

HOUSING CODE 15.08.010

MUNICIPAL CODE 1.04.010

SIGN CODE 14.04.010

TRAFFIC CODE Title 10

### COLISEUM

Regulations

See OAKLAND-ALAMEDA COUNTY  
COLISEUM COMPLEX 8.44.010

### COMMERCIAL BUILDING SECURITY

Administration, enforcement, scope, authority  
police chief 8.04.030

police department members 8.04.060

Burglary prevention

See Specific Subject 8.04.020

Intrusion detection device requirements  
8.04.140

Car lots

enclosure

generally 8.04.010

when businesses are closed 8.04.011

Deficiencies, notification 8.04.050

Doors

exit doors 8.04.070

front doors 8.04.080

rear, side, basement doors 8.04.090

roof doors 8.04.100

Enforcement, scope, authority 8.04.160

Exemptions 8.04.020

Exterior accessible openings 8.04.070

Glass windows 8.04.110

Intrusion detection device requirements

appeals 8.04.150

generally 8.04.140

Requirements

See also Specific Subject 8.04.010

generally, exemptions 8.04.020

Responsible person

deficiencies, notification 8.04.050

### COMMERCIAL BUILDING SECURITY

(Cont'd.)

Responsible person (Cont'd.)

determination 8.04.040

Roofs

doors 8.04.100

openings 8.04.130

Transoms, accessible 8.04.120

Unattended building

See also Specific Subject 8.04.010

requirements generally 8.04.020

Windows 8.04.110

### COMMERCIAL VEHICLES

See PARKING 10.28.110

TRAFFIC CODE 10.52.010

### COMMISSION OF PUBLIC CHARITIES

Composition, appointment, organization,  
powers, duties 5.18.010

Report requirements 5.18.220

### COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY

Established, purpose 2.29.070

### COMMUTE TRIP REDUCTION PROGRAM

See TRAFFIC CODE 10.68.010

### CONDOMINIUM CONVERSION

See SUBDIVISIONS 16.36.010

### CONFETTI

Used, picking up, using, prohibitions  
8.40.060

### CONFLICT OF INTEREST CODE

Adopted, scope, authority 3.16.010

Disclosure statements, filing

due date 3.16.030

required, designated persons 3.16.020

### CONSTRUCTION AND DEMOLITION DEBRIS

Collection, hauling, transportation 15.34.040

Definitions 15.34.030

Purpose, intent of provisions 15.34.020

Title of provisions 15.34.010

- CONSTRUCTION AND DEMOLITION DEBRIS (Cont'd.)**
- Waste reduction, recycling
    - diversion attainment
    - determination, report requirements
      - 15.34.070
    - monitoring, inspection, scope, authority
      - 15.34.080
  - plan
    - disapproval, appeals, fees 15.34.090
    - required, form, contents 15.34.050
    - review, approval, criteria 15.34.060
    - purpose, intent of provisions 15.34.020
- CONSTRUCTION CODES**
- See **BUILDING MAINTENANCE CODE**
    - 15.08.010
  - CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS** 15.04.005
    - BUILDINGS AND CONSTRUCTION**
      - 15.20.010
        - FIRE CODE** 15.12.010
        - HOUSING CODE** 15.08.010
        - SIGN CODE** 14.04.010
- CONTRACEPTIVES**
- Sales, unlawful acts, exceptions 8.40.100
- CONTRACTORS**
- See **DEBARMENT PROGRAM**
    - EQUAL BENEFITS ORDINANCE**
    - LIVING WAGE ORDINANCE**
  - Construction contractors
    - business tax 5.04.380
  - Contractors doing business with city, redevelopment agency, school district
    - See **CAMPAIGN REFORM ACT**
      - 3.12.140
- CONTRACTS**
- See **LIVING WAGE ORDINANCE** 2.28.010
    - DEBARMENT PROGRAM** 2.12.010
    - PURCHASING** 2.04.020
- CORPUS**
- Personal data, obtaining, unlawful acts
    - 9.04.080
- COUNCIL, CITY**
- Orders, defeating, obstructing, unlawful
    - 9.04.070
- COUNCIL DISTRICTS**
- Boundaries 3.04.010
  - Descriptions 3.04.020
  - Map 2.16.010
- CREEKS**
- Dumping in, unlawful acts 8.18.080
  - Protection
    - See **STORM WATER SEWERS** 13.16.120
- CRIMINAL ORIENTED RECORDS**
- PRODUCTION UNIFIED SYSTEM**
- Personal data, obtaining, unlawful acts
    - 9.04.080
- CROSSWALKS**
- See **AIRPORT GROUND TRAFFIC CODE**
    - 10.56.240
  - TRAFFIC CODE** 10.24.010
- CROWDS**
- See also **STREET MEETINGS** 12.44.010
  - Dispersal required when 12.44.010
- CRUISING**
- Limousines, cruising for fares prohibited
    - 5.30.220
  - Traffic, prohibitions, penalties 10.16.140
- CURBS**
- See **STREETS AND SIDEWALKS**
    - 12.04.320
- CURFEW**
- Minors, public places
    - designated 9.12.020
    - violation, parent, guardian, custodian liability 9.12.030
- CURING**
- Hides, skins, peltry, unlawful, exceptions
    - 8.40.080

**— D —**

- DANCE HALLS**
- Applicability of provisions 5.22.030

## DANCE HALLS

### DANCE HALLS (Cont'd.)

Permit required, procedure 5.22.010

Regulations generally 5.22.020

## DANCES, PUBLIC

Dance hall regulations, applicability 5.22.030

## DANGEROUS ARTICLES

Transportation, Posey Tube, Webster Street

Tube, prohibitions 8.06.020

## DANGEROUS BUILDINGS, STRUCTURES

See also EARTHQUAKE-DAMAGED

STRUCTURES 15.24.010

UNREINFORCED MASONRY

BUILDINGS 15.28.010

High-voltage wires, restriction 15.32.090

## DANGEROUS, INSANITARY CONDITIONS

See also SEWERS 13.08.220

Abatement

authority designated 8.38.090

by city

costs, lien against property

assessment, notice 8.38.120

interest, enforcement 8.38.130

procedure generally 8.38.110

procedure generally 8.38.110

DANGEROUS, INSANITARY CONDITIONS (Cont'd.)	DEBARMENT PROGRAM (Cont'd.)
Complaint hearing	Restrictions on subcontracting 2.12.230
procedure generally 8.38.110	Scope of debarment 2.12.160
when, notice 8.38.100	Time computation 2.12.090
High-voltage wires, restriction 15.32.090	
DANGEROUS WEAPONS	DEMOLITION
See WEAPONS 9.36.010	See BUILDINGS AND CONSTRUCTION 15.36.010
DEATHS	CONSTRUCTION AND DEMOLITION DEBRIS 15.34.010
Certificates, issuance when, fees 8.40.040	EARTHQUAKE-DAMAGED STRUCTURES 15.24.130
Dead bodies, burial, regulations, permit, fees 8.40.030	HOUSING CODE 15.08.370
Personnel, city, from injuries, report requirements, applicability 8.40.110	
DEBARMENT PROGRAM	DISCRIMINATION
Actions other than debarment 2.12.240	See AIDS DISCRIMINATION 9.40.010
Continuation of current contracts 2.12.220	BILINGUAL ACCESS TO CITY SERVICES
Contractors, debarment of grounds 2.12.050	HOUSING DISCRIMINATION 9.48.010
notice of proposed debarment to contractor (respondent) 2.12.060	SEXUAL ORIENTATION DISCRIMINATION 9.44.010
Coverage 2.12.020	
Debarment decision 2.12.180	DISGUISES
Debarment hearing board	Unlawful acts, exceptions 9.08.070
documents submitted to board 2.12.070	
powers and responsibilities 2.12.100	DISMANTLED VEHICLES
Debarment hearing procedure 2.12.110	See VEHICLES 10.64.010
burden of proof 2.12.130	
closing of the hearing record 2.12.140	DISORDERLY PERSONS
rules of evidence 2.12.150	Designated, dispersal when 9.08.110
standard of proof 2.12.120	
Definitions 2.12.010	DOGS
Documents submitted to hearing board 2.12.070	Adoption, fee 6.04.110
Service of 2.12.080	Anti-rabies vaccination and chipping
Effect of debarment 2.12.200	required for license 6.04.050
Excluded contractor list 2.12.190	veterinarian responsibilities 6.04.040
General 2.12.030	At large, restrictions
Imputed conduct 2.12.210	epidemic, regulations when 6.04.170
Investigation, referral and temporary suspension 2.12.040	generally 6.04.070
Judicial review 2.12.250	parks, school yards, playgrounds 6.04.080
Period of debarment 2.12.170	Biting, examination, isolation when
Pre-emption 2.12.260	law enforcement dogs 6.04.160

## DOGS

### DOGS (Cont'd.)

- Destruction
  - epidemic, regulations when 6.04.170
  - potentially dangerous, vicious, when 6.08.210
- Enforcement, interference prohibited 6.04.180
- Epidemic, declaration, regulations when 6.04.170
- Euthanasia, surrendering, fee 6.04.110
- General animal regulations
  - See ANIMALS 6.04.010
- Impoundment
  - See also Potentially dangerous, vicious 6.08.090
  - release, fee-exempt dogs, regulations 6.04.130, 6.04.140
- Kennels
  - location restrictions 6.04.190
  - requirements generally, permit 6.04.300
- Law enforcement dogs, biting, examination, isolation when 6.04.160
- License
  - anti-rabies vaccination
    - See also Anti-rabies vaccination 6.04.040
    - required 6.04.050
    - duplicate, fees 6.04.030
    - exempt dogs designated 6.04.090
    - expiration 6.04.030
    - fees
      - exemptions when, procedure 6.04.130, 6.04.140
      - generally 6.04.030
      - required 6.04.030, 6.04.060
    - tag
      - attaching to collar 6.04.060
      - issuance, contents 6.04.030
      - unlawful acts designated 6.04.100
  - Number of dogs 6.04.400
    - enforcement, penalty 6.04.420
    - exemptions 6.04.410
  - Potentially dangerous, vicious
    - compliance inspections 6.08.160
    - definitions 6.08.010

### DOGS (Cont'd.)

- Potentially dangerous, vicious (Cont'd.)
  - determination
    - See also impoundment 6.08.090
    - exempt conditions designated 6.08.080
  - hearing
    - evidence 6.08.060
    - findings, determinations, declarations, orders 6.08.070
    - notice to owner 6.08.030
    - open to public 6.08.050
    - setting, time limits 6.08.040
    - when 6.08.020
  - other jurisdiction, unlawful acts when 6.08.140
- impoundment
  - alternative procedures 6.08.100
  - release, fees, penalties 6.08.110
  - when, procedure, authority 6.08.090
  - insurance, requirements 6.08.170
  - license, tag, regulations, fees 6.04.030
  - list, removal from 6.08.250
  - minors, keeping unlawful 6.08.190
  - muzzling, requirements 6.08.120, 6.08.200
  - notice requirements 6.08.130
  - police dog exemption 6.08.230
  - premises, posting 6.08.150
  - restraint, enclosure, requirements 6.08.120
  - severability of provisions 6.08.240
  - tattoos, sterilization, requirements 6.08.180
  - violation
    - civil penalties, fines 6.08.220
    - misdemeanor, fine, nuisance when, destruction when 6.08.210
- Rabies
  - See also Anti-rabies vaccination 6.04.040
  - epidemic, declaration, regulations when 6.04.170
- Registration required 6.04.060
- Sale by animal control center, spaying, neutering required 6.04.120
- Seeing-eye dogs, signal dogs, service dogs
  - biting, examination, isolation when 6.04.150
  - license fee exception, procedure 6.04.130

**DOGS (Cont'd.)**

- Surrendering, designated purposes, fee  
6.04.110
- Unlicensed, unlawful acts 6.04.060
- Vaccination
  - See Anti-rabies vaccination 6.04.040
- Vicious
  - See Potentially dangerous, vicious 6.08.010

**DONATIONS TO CITY**

- Expenditures, permitted 2.04.160

**DRAINAGE**

- See STORM DRAINAGE STANDARDS
- Unlawful overflow 8.38.010

**DRESS**

- Immoral, designated, unlawful 9.08.080

**DRINK ESTABLISHMENTS**

- Customers, annoying, unlawful acts 9.08.240

**DRIVEWAYS APPEALS BOARD**

- Created, composition, authority generally  
12.04.290
- Decisions appealable, procedure 12.04.310
- Powers, duties generally 12.04.300

**DRUG FREE ZONES**

- Parks, city, designated 12.64.400

**DRUGS**

- Vehicles, intoxicated persons in, about,  
regulations 10.16.100

**DRUNKENNESS**

- Unlawful acts 9.08.100

**DUMPING**

- Prohibited materials designated 8.38.170
- Public roads, places, cleanup costs, liability  
8.38.040
- Unlawful acts, exceptions 8.18.080

— E —

**EARTHQUAKE DAMAGE ABATEMENT BOARD**

- Created, purpose, composition, appointment,  
powers, duties 15.24.260

**EARTHQUAKE-DAMAGED STRUCTURES**

- Abatement
  - Mandatory abatement 15.24.210

**EARTHQUAKE-DAMAGED STRUCTURES**

## (Cont'd.)

- Alteration, repair, restoration, rehabilitation
- See also Immediate hazard, danger  
structures 15.24.130
- Mandatory abatement 15.24.210
- damage assessment report
- compliance failure, penalties, lien  
15.24.090
- required when, requirements generally  
15.24.080
- permits
  - nonhistoric structures 15.24.180
  - requirements generally 15.24.080
- regulations, standards
  - generally 15.24.050
  - variances, scope, procedure 15.24.060
- repair program, plans, certification  
15.24.120
- seismic hazard exemption when 15.24.110

## Appeals

- historic structures
  - abandonment determination 15.24.200
  - generally 15.24.190
- immediate hazard, danger structures
  - determination 15.24.130
- mandatory abatement 15.24.320
- nonhistoric structures 15.24.180
- occupancy permit revocation, provisions  
compliance failure 15.24.090
- structural, life safety determinations
  - generally 15.24.070
  - nonhistoric structures 15.24.180

## Applicability of provisions 15.24.020

Building permit, revocation, provisions  
violation 15.24.100

## Damage assessment report

- alteration, repair, restoration, rehabilitation
- compliance failure, penalties, lien  
15.24.090
- required when, requirements generally  
15.24.080

## historic structures 15.24.190

## nonhistoric structures 15.24.170

## Definitions

- generally 15.24.040
- mandatory abatement 15.24.250

## EARTHQUAKE-DAMAGED STRUCTURES

### EARTHQUAKE-DAMAGED STRUCTURES (Cont'd.)

#### Demolition

See Immediate hazard, danger structures  
15.24.130

Mandatory abatement 15.24.350

#### Enforcement, scope, authority

alteration, repair, restoration, rehabilitation  
requirements 15.24.100

generally 15.24.030

immediate hazard, danger structures

15.24.150

mandatory abatement 15.24.240

#### Historic structures

See also Specific Subject 15.24.010

abandoned, requirements when 15.24.200

alteration, abatement, repair, restoration,  
rehabilitation, requirements generally  
15.24.190

#### appeals

abandonment determination 15.24.200  
generally 15.24.190

#### mandatory abatement

See also Mandatory abatement  
15.24.210

regulations when 15.24.350

securing, requirements, failure, effect  
15.24.200

#### Immediate hazard, danger structures

abatement, alteration, repair, vacation,  
demolition

criteria, standards 15.24.140

general demolition regulations  
See Specific Subject 15.24.130

BUILDINGS AND  
CONSTRUCTION 15.36.010

requirements generally, failure, city work,  
costs 15.24.130

appeals 15.24.130

enforcement, right of entry 15.24.150

nuisance, declaration, effect 15.24.130

violation, penalty 15.24.160

#### Inspections, purpose, scope, authority

15.24.030

#### Mandatory abatement

administration, scope, authority 15.24.260

#### appeals

authority designated 15.24.260

hearing, procedure, effect 15.24.330

### EARTHQUAKE-DAMAGED STRUCTURES (Cont'd.)

#### Mandatory abatement (Cont'd.)

##### appeals (Cont'd.)

scope, contents 15.24.320

##### applicability of provisions

central business district, designated  
buildings 15.24.230

city, state, federal approval processes,  
permitting requirements 15.24.210

designated, posted buildings 15.24.220

exempt buildings designated 15.24.230

city performance, regulations, costs liability,  
lien 15.24.360, 15.24.410

completion date, determination 15.24.310,

15.24.340

##### conceptual abatement plan

required when 15.24.300

review, hearing 15.24.340

##### definitions 15.24.250

##### demolition

general demolition regulations

See BUILDINGS AND

CONSTRUCTION 15.36.010

standards when 15.24.350

design review, requirements 15.24.370

ground floor occupancy, certificate of  
occupancy 15.24.390

historic structures, regulations 15.24.350

implementation costs, recovery fees

15.24.400

inspections, scope, authority 15.24.240

notice and order of abatement

contents, procedure 15.24.300

issuance when 15.24.290, 15.24.340

##### nuisances

generally 15.24.210, 15.24.270

identification, listing 15.24.280

owner notification 15.24.290

private property

See also Specific Subject 15.24.210

access, regulations 15.24.420

purpose of provisions 15.24.210

required when 15.24.270

requirements, standards generally

15.24.350

##### violation

minimum requirements noncompliance

15.24.340

**EARTHQUAKE-DAMAGED STRUCTURES**  
 (Cont'd.)

- Mandatory abatement (Cont'd.)
  - violation (Cont'd.)
    - penalties, lien 15.24.380
    - refusal to abate 15.24.270
- Nonhistoric structures
  - See also Specific Subject 15.24.010
  - alteration, abatement, repair, restoration, rehabilitation
    - design review, requirements 15.24.180
    - requirements generally 15.24.170
    - appeals 15.24.180
- Occupancy permit revocation
  - abandoned historic structure 15.24.200
  - provisions compliance failure, appeals 15.24.090
- Purpose of provisions 15.24.010
- Scope of provisions 15.24.020
- Structural, life safety
  - determinations, appeals, generally 15.24.070
  - variances, scope, procedure 15.24.060
- Variances, scope, procedure 15.24.060
- Violation
  - other remedies 15.24.100
  - penalties generally 15.24.090

**EARTHQUAKE HAZARDS**

- See EARTHQUAKE-DAMAGED STRUCTURES 15.24.010
- UNREINFORCED MASONRY BUILDINGS 15.28.010

**ECONOMIC DEVELOPMENT AGENCY**

- See COMMUNITY AND ECONOMIC DEVELOPMENT AGENCY 2.29.070

**ECONOMIC DEVELOPMENT REVENUE BONDS**

- Citation 4.40.010
- Definitions 4.40.010
- Findings 4.40.010
- Issuance, amount limitation 4.40.030
- Liability disclaimer 4.40.030
- Purpose of provisions 4.40.010
- Regulations generally 4.40.020

**ECONOMIC DEVELOPMENT REVENUE**

- BONDS (Cont'd.)
  - Supplemental provisions 4.40.040

**ELECTIONS**

- See also CAMPAIGN REFORM ACT
- 3.12.010

**LIMITED PUBLIC FINANCING ACT** 3.13.010

- 2011 Special municipal election 3.08.015

**Ballot**

- city measures, title, summary 3.08.240
- order
  - candidates 3.08.150
  - elective offices 3.08.170

**Campaign literature** 3.14

- citation 3.14.020
- definitions 3.14.030
- endorsements, false 3.14.040
- enforcement, penalties 3.14.060
- exemptions 3.14.050
- findings, purpose 3.14.010
- severability 3.14.080
- statute of limitations 3.14.070

**Campaign reform act**

- See CAMPAIGN REFORM ACT
- 3.12.010

**Candidates**

- See also CAMPAIGN REFORM ACT
- 3.12.010

**Nomination petition** 3.08.040

- ballot order, determination 3.08.150

**qualifications statement**

- filling, time limits 3.08.100
- required, requirements 3.08.080

**write-in**

- See also Nomination petition 3.08.130
- filling, requirements generally 3.08.090

**City measures**

- See also Initiative 3.08.180
- advisory measures, effect 3.08.190

**arguments**

- rebuttal arguments, filing, printing 3.08.230

- submission, date 3.08.220

- ballot title, summary 3.08.240

## ELECTIONS

### ELECTIONS (Cont'd.)

#### City measures (Cont'd.)

- cost analysis, printing 3.08.210
- legal analysis, printing 3.08.200
- text, preparation 3.08.250

#### Contributions, regulations

- See CAMPAIGN REFORM ACT
- 3.12.010

#### Elective officers

- designated, ballot order 3.08.170
- election procedure

See Specific Subject 3.08.040

#### General municipal elections

- See also Specific Subject 3.08.020
- designated 3.08.020

#### Informalities, effect 3.08.030

#### Initiative

- See also City measures 3.08.190
- petition, filing fees 3.08.180

#### Measures

- See City measures 3.08.190
- Municipal nominating election, general municipal election, designated 3.08.020

#### Nomination petition

- circulators, requirements 3.08.050
- filings
- fees
  - designated 3.08.060
  - unpaid, effect 3.08.070
  - write-in candidate 3.08.130
- regulations generally 3.08.040
- time limits 3.08.100
- form 3.08.110
- regulations generally 3.08.040
- signers, requirements 3.08.120
- write-in candidate

See Specific Subject 3.08.040

#### Public financing

- See LIMITED PUBLIC FINANCING ACT 3.13.010

#### Roster, contents, use 3.08.160

#### State law, applicability 3.08.010

## ELECTRIC METERS

### Fraud designated, unlawful 9.04.030

## ELECTRICAL CODE

### See CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS 15.04.005

## ELECTRICITY USERS TAX

### See UTILITY USERS TAX 4.28.040

## ELECTRONIC GAMES

### See MECHANICAL, ELECTRONIC GAMES 5.40.010

## EMERGENCY RESPONSE SERVICES FEES PROGRAM

### Purpose 8.56.01

#### Fees

##### master fee schedule 8.56.02

##### Alcohol and drug intoxicated drivers

##### criminally negligent drivers 8.56.030

##### Collection 8.56.04

##### Revisions 8.56.05

## EMPLOYEES, CITY

### See PERSONNEL 2.08.010

## ENCROACHMENTS

### California building codes, Oakland amendments, building code requirements

#### See CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS 15.04.690

#### Generally

##### See STREETS AND SIDEWALKS

##### 12.08.010

## ENTERTAINMENT

### Park, recreation areas use

#### See PARKS, RECREATION AREAS

##### 12.64.280

## ENVIRONMENT

#### Buildings and construction

##### California Environmental Quality Act

##### 15.36.090

#### Sustainable green building requirements

#### See SUSTAINABLE GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

## EQUAL ACCESS TO CITY SERVICES

### See BILINGUAL ACCESS TO CITY SERVICES

**EQUAL BENEFITS ORDINANCE**

- Contractors subject to requirements 2.32.030
- Definitions 2.32.020
- Effective date 2.32.110
- Employee complaints to city 2.32.080
- Enforcement 2.32.090
- Nondiscrimination in the provision of benefits  
2.32.040
- Required contract provisions 2.32.050
- Retaliation and discrimination prohibited  
2.32.070
- Severability 2.32.100
- Title and purpose 2.32.010
- Waivers and exemptions 2.32.060

**EVENTS**

- See SPECIAL EVENTS 9.52.010

**EXCAVATIONS**

- See CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS 15.04.780
- STREETS AND SIDEWALKS  
12.12.010

**EXCHANGE DEALERS**

- See PAWNBROKERS, SECONDHAND  
DEALERS, SCRAP DEALERS,  
COLLECTORS 5.46.010

**EXHIBITIONS**

- Immoral, unlawful, abatement, appeal  
9.08.040

**EXPECTORATION**

- Unlawful where 8.38.070

**EXPLOSIVES**

- Prohibitions
- sale, transfer, possession, use 8.06.030
- transportation, Posey Tube, Webster Street  
Tube 8.06.020

— F —

**FALSE REPORTS**

- Law enforcement agencies, designated,  
unlawful 9.04.060

**FALSE REPRESENTATION**

- Officers, designated, prohibited 9.04.020

**FALSE STATEMENTS**

- City multi-lender mortgage purchase program  
applications, prohibited 9.04.010

**FAMILY RELATIONSHIPS**

- Nepotism, prohibition on  
See PERSONNEL 2.40.010

**FEES**

- Animals
  - adoption fees 6.04.230
  - redemption fees 6.04.210, 6.04.220
- Bedroom window security devices
  - certificate of compliance permit 15.64.200
  - existing installations permit 15.64.180
  - investigation fees 15.64.220, 15.64.270
  - new installation permit 15.64.190
- Bicycle license 12.60.030
- Billiard rooms
  - police services, extraordinary, costs  
5.50.040
- Bingo game permit 5.10.110
- Birth certificates 8.40.040
- Bowling alleys
  - police services, extraordinary, costs  
5.50.040
- Buildings and construction
  - See also Specific Subject 15.04.065
  - moving building
    - completion by city, costs 15.44.030
    - damages, repairing, payments 15.44.130
    - wires, cutting, replacement, costs  
15.44.120
- Burial permits 8.40.030
- Business permit application investigation fees  
5.02.040
- Business tax
  - amount
    - See BUSINESS TAX 5.04.110
  - certificate
    - lost, replacement fee 5.04.180
    - new business registration fee 5.04.100
- Cabaret permit fee 5.12.080
- California building codes, Oakland  
amendments
  - additional fees 15.04.070

## FEES

### FEES (Cont'd.)

California building codes, Oakland amendments (Cont'd.)  
building code fees  
grading, excavations, fills violation  
abatement costs 15.04.780  
reinspection fees 15.04.200  
sidewalk, residential street  
encroachments, permit fees, removal costs 15.04.705  
electrical code fees  
generally 15.04.435  
permit fees 15.04.420  
reinspections 15.04.440  
generally 15.04.065  
Collection of delinquent parking citations 10.48.030  
Construction and demolition debris waste reduction, recycling plan disapproval appeals fees 15.34.090  
Death certificates 8.40.040  
Demolition permits 15.36.050  
Dogs  
license fees  
duplicate license 6.04.030  
generally 6.04.030  
potentially dangerous, vicious, impounded, release fees 6.08.110  
surrendering for adoption, euthanasia 6.04.110  
Dumping cleanup costs 8.38.040  
Earthquake-damaged structures  
damage assessment report, compliance failure, penalties, lien 15.24.090  
historic structure, securing by city, costs 15.24.200  
mandatory abatement  
city performance, costs 15.24.360  
implementation costs, recovery fees 15.24.400  
Elections  
initiative filing fees 3.08.180  
nomination petition filing fees  
generally 3.08.060  
write-in candidate 3.08.130

### FEES (Cont'd.)

Emergency response services fees program Ch. 8.56  
Extralegal load transportation permit 10.53.040  
Filming activities 5.24.090  
Fire code violations abatement costs 15.12.010, 15.12.020, 15.12.030  
Firearms dealer permit fees  
generally 5.26.050  
renewal fees 5.26.100  
Flying field license fees 5.28.020  
Foreclosed and defaulted residential property registration and abatement program; registration 8.54.230  
Hazardous materials  
generally 8.12.040  
unified hazardous waste, hazardous materials management regulatory program facilities closure fees 8.42.110  
schedule 8.42.130  
Health facilities financing fees 4.36.020  
Heliport, helistop license fees 5.28.020  
Hotel operating standards violations  
abatement costs 8.03.150  
Houseboats, certificate of moorage application fees 15.56.080  
Housing code  
appeals hearing request 15.08.410  
certificate of occupancy 15.08.150  
generally 15.08.130  
vacated building, securing by city when, charges 15.08.390  
violation abatement costs 15.08.110, 15.08.130  
Inoculation certificates 8.40.050  
Interstate truck terminal permit fees, route fees 10.52.140  
Jobs/housing impact  
amount 15.68.050  
in-lieu housing production mitigation measures 15.68.080  
payment 15.68.060  
reductions and exceptions 15.68.070

## FEES (Cont'd.)

- Jobs/housing impact (Cont'd.)
  - review 15.68.090
- Massage establishment permit, massage therapists 5.36.190
- Meat businesses
  - license fees 8.14.400
  - outside city 8.14.420
  - special inspection services 8.14.390
- Medical cannabis dispensary permits
  - regulatory fees; seller's permit 5.80.050
- Milk, dairy products inspection fees
  - milk distributors 8.16.640
  - processors 8.16.630
- Motel operating standards violations
  - abatement costs 8.03.150
- Moving building
  - completion by city, costs 15.44.030
  - damages, repairing, payments 15.44.130
  - wires, cutting, replacement, costs 15.44.120
- Non-owner occupied residential building
  - registration
    - enforcement 8.58.420
    - registration, inspection, and abatement
      - 8.58.320
- Parades
  - cleanup deposits 12.44.190
  - permit application fees 12.44.100
  - traffic control fees 12.44.180
- Park use permit
  - appeals fees 12.64.330
  - application fees 12.64.280
- Parking
  - meters 10.36.030
  - residential permit parking areas permit
    - 10.44.090



## FEES (Cont'd.)

Parking (Cont'd.)  
 violation ticket processing fees 10.48.020

Parking fines  
 assessment 10.48.020  
 collection of delinquent parking citations  
 10.48.030  
 imposition of county and state surcharges  
 10.48.025

Pay telephones, outdoor  
 pay phone permit  
 appeals costs 8.20.120  
 application fees 8.20.040  
 renewal fees 8.20.160  
 removal costs, removed telephone recovery  
 costs 8.20.100  
 schedule 8.20.200

Police services, extraordinary, costs  
 bowling alleys, billiard rooms, pool rooms  
 5.50.040  
 special events, police services,  
 extraordinary, costs, traffic control  
 services, fees 9.52.120

Pool rooms  
 police services, extraordinary, costs  
 5.50.040

Private patrol services, private patrol operators  
 5.52.120

Private watchman permit 5.52.050

Real property transfer tax, delinquent,  
 administrative charges, lien recordation fees  
 4.20.070

Residential mortgage program loan fees  
 4.32.020

Residential rent increase dispute hearing filing  
 fees 8.22.080

Rooming house operating standards  
 violations abatement costs 8.03.150

Sewers  
 building sewers  
 emergency condition abatement costs  
 13.08.100  
 emergency work by city, procedure, costs  
 13.08.540  
 malfunctions, city work when, costs  
 13.08.110  
 permit 13.08.040  
 charges generally 13.04.020

## FEES (Cont'd.)

Sewers (Cont'd.)  
 dangerous, insanitary conditions abatement  
 by city, costs 13.08.270

Sign code  
 alcoholic beverage, tobacco product  
 outdoor advertising reinspection fees  
 14.04.280  
 checking fees 14.04.120  
 permit fees 14.04.120, 14.04.130

Solid waste collection rates, charges  
 city surcharges  
 generally 8.28.080  
 waste reduction mandates compliance  
 costs 8.28.090  
 delinquent, procedural fees 8.28.250  
 generally 8.28.020  
 nonpayment, administrative charge when  
 8.28.190  
 recyclables, organic recyclable materials  
 8.28.030  
 schedule 8.28.290

Solid waste provisions violation costs  
 8.28.280

Sound amplification equipment permit, parks,  
 recreation areas 12.64.120

Special events  
 extraordinary police services, costs, traffic  
 control services, fees 9.52.120  
 permit application fees  
 generally 9.52.050  
 park use permit 12.64.280

Storm water sewers  
 schedule 13.16.470  
 violation reinspection fees 13.16.400

Street trees, shrubs  
 See also Trees 15.52.060  
 dangerous trees, removal by city, costs  
 12.32.040  
 protected tree removal permit  
 appeals fees  
 city-owned tree removals 12.36.120  
 development-related tree removals  
 12.36.100  
 nondevelopment-related tree removals  
 12.36.110  
 protected trees, violations costs,  
 replacement costs 12.36.150, 12.36.180

## FEES

### FEES (Cont'd.)

Streets and sidewalks  
dangerous, out of repair conditions  
barricades, lights, safety devices costs  
12.04.010  
mandatory repair, costs 12.04.060  
voluntary requested repairs, costs  
12.04.030  
decorations permit 12.24.080  
driveway, abandoned, elimination by city,  
costs 12.04.370  
encroachments  
California building codes, Oakland  
amendments, building code  
requirements  
sidewalk, residential street  
encroachments, permit fees, removal  
costs 15.04.705  
major encroachment permit fees  
12.08.070  
minor encroachment permit fees  
12.08.080  
removal costs 12.08.140  
short term encroachment permit  
fees 12.08.090  
short term encroachment traffic  
control fees, police personnel costs  
12.08.060  
sidewalk, residential street  
encroachments 15.04.705  
waiver of damages and indemnity  
agreement application fees 12.08.180  
excavations  
completion by city, fees, costs 12.12.030,  
12.12.150, 12.12.210  
construction materials storage,  
obstruction fees 12.12.140  
covered area-way excavation permit fees  
12.12.070  
sewer connection excavation permit fees  
12.12.050  
storage tank excavation permit fees  
12.12.060  
sidewalk bench  
permit fees  
generally 12.52.050  
inspection fees 12.52.010  
removal, recovery fees 12.52.100

### FEES (Cont'd.)

Streets and sidewalks (Cont'd.)  
sidewalks, driveways, private construction  
completion by city, costs 12.04.180  
permit fees  
generally 12.04.130  
transfer penalty fees 12.04.210  
Taxicabs, metallic medallions 5.64.080  
Trees  
See also Street trees, shrubs 12.32.040  
view-obstructing trees, shrubs, vegetation,  
restorative actions, costs  
attorney fees 15.52.070  
generally 15.52.060  
Unreinforced masonry buildings  
implementation fees 15.28.190  
penalties assessment 15.28.170  
Utility users tax recovery, administrative fees  
4.28.130  
Vaccination certificates 8.40.050  
View-obstructing trees, shrubs, vegetation,  
restorative actions, costs  
attorney fees 15.52.070  
generally 15.52.060  
FENCES  
Prohibitions generally 8.18.070  
FILLS  
See CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS 15.04.780  
FILMING ACTIVITIES  
Appeals  
See also Film permit 5.24.160  
generally 5.24.170  
Definitions 5.24.020  
Fees 5.24.090  
Film permit  
appeals  
generally 5.24.170  
suspension, revocation decision  
5.24.160, 5.24.170  
application  
filing, time limits 5.24.050  
form, contents 5.24.060  
approval, denial, criteria 5.24.070  
date change, procedure 5.24.100  
exempt activities 5.24.040  
issuance, conditions 5.24.080

# FIRE SUPPRESSION, PREVENTION, AND PREPAREDNESS DISTRICTS

## FILMING ACTIVITIES (Cont'd.)

- Film permit (Cont'd.)
  - permittee duties 5.24.130
  - required, regulations generally 5.24.030
  - suspension, revocation, grounds, procedure, appeals 5.24.160
- Insurance requirements 5.24.110
- Liability, indemnification, requirements 5.24.120
- Permits
  - See also Film permit 5.24.030
  - pyrotechnics, fire permit 5.24.150
  - street closure, encroachment permit 5.24.140
- Private property use, permission required 5.24.030
- Purpose of provisions 5.24.010
- Pyrotechnics, fire permit 5.24.150
- Regulations generally 5.24.080, 5.24.130
- Street closure, encroachment permit 5.24.140
- Violation, penalty 5.24.180

## FINANCE AND MANAGEMENT AGENCY

- Established, purpose 2.29.040

## FINANCE DIRECTOR

- Treasurer, city, appointed as, ex officio position 4.04.010

## FINANCIAL INSTITUTIONS

- Investment restrictions
- See BURMA 2.04.180

## FINANCIAL SERVICES AGENCY

- Established, purpose 2.29.040

## FIRE CODE

- See also FIRE-DAMAGED AREA 15.16.010
- FIRE-HAZARD AREAS 15.04.660
- HOUSING CODE 15.08.320
- Adopted and amended 15.12.010
- Amendments, additions, deletions, substitutions 15.12.020

## FIRE DEPARTMENT

- Emergency response services fees program Ch. 8.56
- Officers, false representation prohibited 9.04.020
- Vehicles, traffic code applicability 10.08.130

## FIRE HAZARDS

- See CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS 15.04.660
- FIRE CODE 15.12.010

## FIRE HYDRANTS

- Subdivisions, requirements 16.20.030
- Tampering, misdemeanor 15.12.050

## FIRE PERMIT

- Filming activities, pyrotechnics 5.24.150

## FIRE RETIREMENT SYSTEM

- See POLICE, FIRE RETIREMENT SYSTEM 4.44.010

## FIRE SERVICES AGENCY

- Established, purpose 2.29.030

## FIRE SUPPRESSION, PREVENTION, AND PREPAREDNESS DISTRICTS

- Annual budget 15.18.220
- Assessment, determination by City Council of 15.18.130
- Collection 15.18.150
- Costs 15.18.150
- Deduction by county 15.18.150
- Determination and levy of assessment 15.18.030
- Establishment of advisory committee 15.18.210
- Establishment of zones or areas of benefit 15.18.070
- Fees 15.18.230
- Filing of written report 15.18.060
- Finding and purpose 15.18.020
- Fines 15.18.230
- Hearing
  - effect of majority protest 15.18.110
  - notice of, 15.18.080
  - withdrawal of protest 15.18.100
  - written protest prior to, 15.18.090
- Levy of annual assessments after the first year 15.18.140
- Levy of assessment 15.18.070
- Other fees, charges, assessments and taxes 15.18.180
- Presumption of compliance with requirements 15.18.050
- Proceedings to change or amend the final report 15.18.160

## FIRE SUPPRESSION, PREVENTION, AND PREPAREDNESS DISTRICTS

### FIRE SUPPRESSION, PREVENTION, AND PREPAREDNESS DISTRICTS (Cont'd.)

Proceedings to challenge resolutions levying assessment 15.18.170  
Risk classification 15.18.040  
Title 15.18.010  
Uniform schedules and rates 15.18.040  
Validity of proceedings begun prior to the effective date of this chapter 15.18.240

### FIREARMS

See also AMMUNITION VENDORS  
9.20.010  
See also FIREARMS DEALERS 5.26.010  
See also WEAPONS 9.36.050  
Sales, business tax 5.04.485

### FIREARMS DEALERS

Compliance 5.26.170  
Definitions 5.26.030  
Findings 5.26.020  
Permit  
    application  
        denial 5.26.070  
        forms, fees 5.26.050  
        investigation 5.26.060  
    assignment 5.26.110  
    authority to inspect 5.26.160  
    conditions 5.26.120  
    display 5.26.040.010  
    duration, renewal 5.26.100  
    form 5.26.090  
    hearing 5.26.140  
    liability insurance and indemnification 5.26.150  
    required 5.26.040  
    suspension or revocation 5.26.180  
        grounds for revocation 5.26.130  
Security measures for premises 5.26.080  
See also AMMUNITION VENDORS  
9.20.010  
Severability 5.26.190  
Title 5.26.010

### FIRE-DAMAGED AREA

Administrative guidelines 15.16.110  
Applicability of provisions 15.16.020

### FIRE-DAMAGED AREA (Cont'd.)

California building codes, Oakland amendments  
    building code, construction regulations 15.04.785  
    utilities undergrounding, requirements 15.04.090  
Cleanup, debris removal  
    See also Specific Subject 15.16.010  
    standards 15.16.050  
Conflicting provisions, resolution 15.16.090  
Construction activities, hours permitted 15.16.055  
Definitions 15.16.030  
Foundation removal  
    See also Specific Subject 15.16.010  
    required when, permit, requirements 15.16.040  
    standards 15.16.050  
Purpose of provisions 15.16.010  
Severability of provisions 15.16.100  
Violation  
    offenses designated, infraction 15.16.060  
    stop work order  
        contesting, hearing 15.16.080  
        when, effect 15.16.070

### FIRE-HAZARD AREAS

California building codes, Oakland amendments, building code requirements  
    construction regulations 15.04.785  
    roofs 15.04.660, 15.04.785

### FIREWORKS, FIRE CRACKERS

Prohibitions, exceptions 8.06.010  
Sale, transfer, possession, use 8.06.030

### FIXTURES, PUBLIC

Vandalism, unlawful acts 9.16.020

### FLAGPOLES

Street, sidewalk use, encroachment regulations  
    See STREETS AND SIDEWALKS  
        12.08.020

### FLAMMABLE LIQUIDS

Transportation, Posey Tube, Webster Street  
Tube, prohibitions 8.06.020

### FLOATING HOMES

General regulations  
    See HOUSEBOATS 15.56.010

**FLYING FIELDS**

- Definitions 5.28.010
- Exempt activities designated 5.28.070
- Heliports, helistops
  - See Specific Subject 5.28.010
- License fees
  - exempt activities designated 5.28.070
  - generally 5.28.020
- Permit
  - application
    - contents 5.28.030
    - hearing, notice 5.28.040
  - grant, conditions 5.28.050
  - required 5.28.020
  - suspension, revocation when 5.28.050, 5.28.060
- Regulations
  - additional 5.28.070
  - generally 5.28.050

**FOOD ESTABLISHMENTS**

- Customers, annoying, unlawful acts 9.08.240

**FOOD HANDLING ESTABLISHMENTS**

- See also MEAT BUSINESSES 8.14.010
- MILK, DAIRY PRODUCTS
  - 8.16.010
- Definitions 8.08.010
- Permit required, applicability, procedure 8.08.020
- Toilet facilities, requirements 8.08.030
- Vehicles, permit required 8.08.020

**FOOD VENDING GROUP SITE PILOT PROGRAM**

- Abatement generally 5.51.170
  - notice to abate 5.51.180
  - procedure 5.51.190
- Applicability 5.51.020
- Definitions 5.51.040
- Enforcement 5.51.160
- Expiration date 5.51.030
- Operating standards 5.51.130
- Penalties for violation of permit requirements 5.51.150
- Permits
  - annual renewal 5.51.120

**FOOD VENDING GROUP SITE PILOT**

- PROGRAM (Cont'd.)**
- Permits (Cont'd.)
  - application
    - action on 5.51.080
    - form; contents 5.51.060
    - procedure 5.51.070
    - conditional approval 5.51.090
    - grounds for denial 5.51.100
    - penalties for violation of requirements 5.51.150
    - required 5.51.050
    - revocation 5.51.140
    - transferability and requests for changes in food vendor participants 5.51.110
- Requests for additional vending dates and annual renewal 5.51.120
- Title and purpose 5.51.010
- Violations constituting infractions 5.51.200
  - penalty for violation 5.51.210

**FOOD VENDORS**

- Pushcarts
  - cleanup, damage liability 5.49.070
  - definitions 5.49.020
  - effective date 5.49.030
  - permit
    - required 5.49.040
    - revocation, suspension, denial 5.49.090
  - permitted where 5.49.050
  - purpose of provisions 5.49.010
  - regulations generally 5.49.060
  - violations, penalties 5.49.080
- Vehicular
  - abatement
    - See also nuisances 8.09.120
    - locations designated 8.09.150
    - replacement prohibited 8.09.140
  - definitions 8.09.020
  - enforcement of provisions 8.09.080
  - nuisances
    - See also Abatement 8.09.140
    - abatement procedure 8.09.120
    - assessment, lien 8.09.130
    - authority, declaration 8.09.090
    - designated 8.09.070

## **FOOD VENDORS**

### **FOOD VENDORS (Cont'd.)**

- Vehicular (Cont'd.)
  - nuisances (Cont'd.)
    - hearing, notice 8.09.110
    - order to abate 8.09.100
  - permit
    - applications 8.09.040
    - expiration, revocation 8.09.060
    - issuance conditions 8.09.050
  - permitted where 8.09.030
  - purpose of provisions 8.09.010
  - violations
    - civil actions 8.09.190
    - continuing 8.09.180
    - infractions 8.09.160
    - liability 8.09.210
    - penalties 8.09.170
    - remedies not exclusive 8.09.200

### **FORECLOSED AND DEFAULTED RESIDENTIAL PROPERTY REGISTRATION AND ABATEMENT PROGRAM**

- Appeal
  - generally 8.54.500
  - review 8.54.510
- Definitions
  - accepted meanings 8.54.110
  - construed meanings 8.54.100
- Enforcement
  - actual and constructive notice 8.54.430
  - additional remedies 8.54.440
  - alternative monetary penalties for violations of California Civil Code Section 2929.3 8.54.450
  - assessments 8.54.420
  - compliance 8.54.400
  - violations 8.54.410
- Inspection, maintenance, and security requirements
  - inspection requirements 8.54.310
  - maintenance requirements 8.54.320
  - retention of management company 8.54.300
  - security requirements 8.54.330

### **FORECLOSED AND DEFAULTED RESIDENTIAL PROPERTY REGISTRATION AND ABATEMENT PROGRAM (Cont'd.)**

- Intent
  - authority 8.54.040
  - exclusions 8.54.050
  - purpose and intent 8.54.020
  - scope 8.54.030
  - title 8.54.010
- Miscellaneous
  - regulations 8.54.610
  - severability 8.54.600
  - use of fines and penalties 8.54.620
- Registration
  - fees 8.54.230
  - properties subject to registration 8.54.200
  - recordation of transfer of loan/deed of trust/substitution of beneficiary of deed of trust 8.54.210
  - registration procedure 8.54.220
  - special provisions where property is encumbered with the security interests of multiple beneficiaries 8.54.250
  - status 8.54.240

### **FOR-HIRE VEHICLES**

- See PUBLIC MOTOR VEHICLES 5.30.010
- TAXICABS 5.64.010

### **FOWL**

- See ANIMALS 6.04.290

### **FRANCHISES**

- See FRANCHISES, PERMITS, PRIVILEGES 5.32.010
- CABLE SYSTEMS AND OPEN VIDEO SYSTEMS 5.16.010

### **FRANCHISES, PERMITS, PRIVILEGES**

- See BUSINESS PERMIT 5.02.010
- CABLE SYSTEMS AND OPEN VIDEO SYSTEMS 5.16.010
- PERMITS 5.02.010
- Gross receipts payments
  - amount, determination, due date 5.32.050
- applicability of provisions 5.32.010

**FRANCHISES, PERMITS, PRIVILEGES**  
 (Cont'd.)  
 Gross receipts payments (Cont'd.)  
     failure to comply, report when 5.32.060  
     receipts statement  
         forms, provision, time limits 5.32.030  
         required when, procedure generally  
             5.32.020  
     submittal, time limits 5.32.040

**FRAUD**  
 Gas meters, electric meters 9.04.030  
 Municipal identification cards  
     counterfeit and fraudulent cards 2.34.090

**FUNDS**  
 Affordable housing trust 15.68.100

**FUNERAL PROCESSIONS**  
 Driving through, prohibitions 10.16.020

**— G —**

**GAMBLING**  
 Barred, barricaded rooms, houses, permit denial, grounds 9.24.060  
 required  
     application, contents 9.24.060  
     building permit 9.24.080  
     generally 9.24.050  
 revocation, grounds, appeals 9.24.070  
 Card games, permit required 9.24.040  
 Definitions 9.24.010  
 Unlawful activities  
     betting tips 9.24.030  
     generally 9.24.020  
     pinball machines 9.24.090

**GAMES**  
 See MECHANICAL, ELECTRONIC GAMES 5.40.010  
     MINIATURE GOLF COURSES 5.42.010  
     OUTDOOR AMUSEMENT CENTERS 5.44.010

**GARBAGE**  
 See CONSTRUCTION AND DEMOLITION

**GARBAGE** (Cont'd.)  
 DEBRIS 15.34.010  
 SOLID WASTE 8.28.010  
 GAS METERS  
 Fraud designated, unlawful 9.04.030

**GAS PIPES, MAINS**  
 Leaks, repair, responsibility 9.16.050

**GAS STATIONS**  
 Storm water sewer discharges, pollutants reduction 13.16.100

**GAS USERS TAX**  
 See UTILITY USERS TAX 4.28.050

**GEOLOGIC REPORTS**  
 See BUILDINGS AND CONSTRUCTION 15.20.010

**GIFTS TO CITY**  
 Expenditures, permitted 2.04.160

**GOLF COURSES**  
 See also MINIATURE GOLF COURSES 5.42.010  
 Unlawful acts 12.64.240

**GRADING**  
 See CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS 15.04.780

**GRAFFITI**  
 See VANDALISM BY DEFACEMENT OF PROPERTY (GRAFFITI) Ch. 8.10

**GRAVEL**  
 Sales, regulations 5.70.040

**GUNS**  
 See FIREARMS DEALERS 5.26.010  
     WEAPONS 9.36.050

**GUTTERS**  
 See STREETS AND SIDEWALKS 12.04.320

**HANDBILLS**  
 See ADVERTISING MATTER 5.06.010

**— H —**

## HANDGUNS

### HANDGUNS

See WEAPONS 9.36.400

### HAZARDOUS MATERIALS

Disclosure form, requirements

See Unified hazardous waste, hazardous materials management regulatory program  
8.42.030

Fees, scope, applicability 8.12.040

Jurisdiction designated 8.12.010

Radioactive materials, transportation, restrictions, regulations 8.38.200

State provisions

    administration, enforcement, authority  
        8.12.030

    adoption 8.12.020

    hazardous materials management programs

        See Unified hazardous waste, hazardous materials management regulatory program 8.42.030

    implementation, authority, responsibility  
        8.12.010

Storm water sewers, hazardous materials inventory, response program coordination requirements 13.16.440

Unified hazardous waste, hazardous materials management regulatory program

    administration

        administering agency designated,  
            authority 8.42.050

        scope, authority generally 8.42.010,  
            8.42.040

    assessment report, remediation plan  
        8.42.105

    certified unified program agency, city  
        designated, effect 8.42.010

    definitions 8.42.060

    enforcement

        agency designated, responsibilities  
            8.42.050

        city responsibility 8.42.010

        existing laws 8.42.160

        remedies 8.42.150

        scope of provisions 8.42.040

    existing laws, effect 8.42.160

### HAZARDOUS MATERIALS (Cont'd.)

Unified hazardous waste, hazardous materials management regulatory program (Cont'd.)  
facilities

    See also Specific Subject 8.12.010,  
        8.42.010

closure, regulations, procedure, fees  
    8.42.110

contamination, nuisance when,  
    abatement 8.42.110

inspections, scope, authority 8.42.140  
unauthorized release, procedure when  
    8.42.110

fees

    due date, failure to pay by, deemed  
        violation 8.42.150

    facilities closure fees 8.42.110

    schedule, scope 8.42.130

findings 8.42.020

hazardous materials disclosure form

    acceptance, procedure 8.42.100  
    community right to know 8.42.120

    contents 8.42.080

    exemptions 8.42.090

    filing required when 8.42.070

    liability, responsibility not affected  
        8.42.160

    required when 8.42.070

    review, purpose, scope 8.42.100

    trade secrets, regulations when 8.42.120

hazardous materials management programs  
    administration, enforcement

        administering agency designated,  
            authority 8.42.050

        findings, purpose of provisions  
            8.42.020

        scope, authority 8.42.010, 8.42.040  
        designated 8.42.010

        findings 8.42.020

        purpose of provisions 8.42.020  
        state act adopted 8.42.030

        state provisions adopted 8.42.040

    implementation

        city responsibility 8.42.010

        scope of provisions 8.42.040

**HAZARDOUS MATERIALS (Cont'd.)**

Unified hazardous waste, hazardous materials management regulatory program (Cont'd.)  
    purpose of provisions 8.42.020  
    state provisions adoption  
        programs 8.42.040  
        state act 8.42.030  
    violations  
        penalties 8.42.150  
    prosecution, authority designated  
        8.42.010

Violation  
    civil penalties, remedies 8.12.050  
    criminal penalties 8.12.060

**HAZARDOUS WASTES**

Unified hazardous waste, hazardous materials management regulatory program  
See HAZARDOUS MATERIALS  
    8.42.010

**HEALTH FACILITIES FINANCING**

Authority, regulations generally 4.36.020  
Definitions 4.36.010  
Purpose of provisions 4.36.010  
Revenue bonds  
    purpose, regulations generally 4.36.030  
    supplemental provisions 4.36.040  
Supplemental provisions 4.36.040  
Title of provisions 4.36.010

**HELIPORTS**

See FLYING FIELDS 5.28.010

**HELISTOPS**

See FLYING FIELDS 5.28.010



**HIDES**

Curing, unlawful, exceptions 8.40.080

**HIGH VOLTAGE WIRES**

Prohibited, designated districts 15.32.090

**HIGHWAYS**

See TRAFFIC CODE 10.16.060

**HILLSIDE DEVELOPMENT**

See SUBDIVISIONS 16.28.010

**HISTORIC STRUCTURES**

See EARTHQUAKE-DAMAGED  
STRUCTURES 15.24.190

UNREINFORCED MASONRY  
BUILDINGS 15.28.070

**HOGS**

Keeping unlawful, exceptions 8.40.080

**HOME MORTGAGE LENDING**

Applicability 5.33.120

Civil enforcement and remedies 5.33.080

Corrections 5.33.060

Criminal liability 5.33.100

Definitions 5.33.030

Findings 5.33.020

for high-cost home loans 5.33.050

for home loans in general 5.33.040

Investments and loan assignments 5.33.070

Limitations on actions 5.33.090

Nonwaiverability 5.33.110

Prohibited terms and practices 5.33.050

Purpose 5.33.010

**HOTEL TAX**

See TRANSIENT OCCUPANCY TAX

4.24.010

**HOTELS**

See also HOTELS, MOTELS, ROOMING  
HOUSES 8.03.010

Billing, requirements 5.34.025

Definitions 5.34.010

Guest receipts, requirements 5.34.025

Guest register

compliance failure, recordkeeping submittal  
requirements 5.34.041

**HOTELS (Cont'd.)**

Guest register (Cont'd.)

inspections

availability requirements 5.34.050

compliance required 5.34.042

required, contents 5.34.030

retention period 5.34.040

Hourly rates prohibited 5.34.020

Operating standards

See HOTELS, MOTELS, ROOMING  
HOUSES 8.03.010

Owner/operator identification posting  
requirements 5.34.051

Provisions posting requirement 5.34.070

Rates posting/display required 5.34.021

Receipts, requirements 5.34.025

Tax

See TRANSIENT OCCUPANCY TAX  
4.24.010

Violations

penalties 5.34.080

separate offenses 5.34.060

**HOTELS, MOTELS, ROOMING HOUSES**

See also HOTELS 5.34.010

Operating standards

applicability of provisions 8.03.030

common areas 8.03.110

conflicting provisions, resolution 8.03.130

criminal activity 8.03.120

definitions 8.03.040

exterior of property 8.03.100

facilities

See also Specific Subject 8.03.010

inspections 8.03.060

housekeeping conditions 8.03.080

management practices 8.03.050

nuisance activity 8.03.120

property security 8.03.070

purpose of provisions 8.03.020

records, inspection 8.03.060

rooms

See also Specific Subject 8.03.010

furnishings 8.03.090

housekeeping conditions 8.03.080

property security 8.03.070

## HOTELS, MOTELS, ROOMING HOUSES

### HOTELS, MOTELS, ROOMING HOUSES

(Cont'd.)

- Operating standards (Cont'd.)
  - scope of provisions 8.03.030
  - title of provisions 8.03.010
  - violation
    - abatement
      - costs, recovery 8.03.170
      - imminent danger, when, scope 8.03.160
    - enforcement methods 8.03.150
    - separate offenses, each violation 8.03.140

Tax

- See TRANSIENT OCCUPANCY TAX  
4.24.010

### HOUSEBOATS

Appeals 15.56.370

Applicability of provisions

- building code requirements 15.56.060
- compliance, time limits 15.56.360
- existing houseboats, houseboat moorages 15.56.030
- generally 15.56.020
- moorage occupancies other than houseboats 15.56.040
- movement, relocation 15.56.110

Arks

See Specific Subject 15.56.010

Certificate of moorage

- application, contents, fees 15.56.080
- issuance, revocation, conditions 15.56.080
- required, time limits, procedure 15.56.070

Compliance, time limits 15.56.360

Definitions 15.56.050

Enforcement

- right of entry 15.56.350
- scope, authority
  - building official 15.56.320, 15.56.330
  - fire chief 15.56.340

Floating homes

See Specific Subject 15.56.010

Moorage

See also Specific Subject 15.56.010

### HOUSEBOATS (Cont'd.)

Moorage (Cont'd.)

- applicability of provisions
  - existing houseboats, houseboat moorages 15.56.030
  - moorage occupancies other than houseboats 15.56.040
- compliance, time limits 15.56.360
- location, restrictions 15.56.130
- register of houseboat owners, requirements 15.56.120
- site plan required, requirements 15.56.140
- standards
  - access 15.56.150
  - electrical service, wiring 15.56.210
  - fire protection 15.56.240
  - fuel gas piping 15.56.230
  - garbage disposal 15.56.180
  - laundry facilities 15.56.190
  - lighting 15.56.200
  - open space 15.56.250
  - parking 15.56.170
  - walkways 15.56.160
  - water service, piping system 15.56.220
  - work on, permit requirements

See Permits required when 15.56.090

Movement, regulations 15.56.110

Permits required when

- building permit 15.56.090
- designated systems, work 15.56.100

Port of Oakland, rights not limited by provisions 15.56.390

Purpose of provisions 15.56.010

Relocation, regulations 15.56.110

Standards

- compartmentation, flotation devices 15.56.270
- exit facilities 15.56.290
- fuel gas piping 15.56.280
- guardrails 15.56.300
- housing standards 15.56.310
- stability 15.56.260
- Violation, penalty 15.56.380

HOUSING AND RESIDENTIAL RENT  
AND RELOCATION BOARD  
Composition, functions 8.22.040

HOUSING AUTHORITY PROPERTY  
Loitering, prohibitions 9.08.250

HOUSING CODE  
See also BUILDING CONSERVATION  
CODE  
BUILDING MAINTENANCE  
CODE  
CODE ENFORCEMENT  
RELOCATION PROGRAM 15.60.010  
HOUSEBOATS 15.56.010  
HOUSING DISCRIMINATION  
9.48.010  
RESIDENTIAL RENT 8.22.010



**HOUSING CODE (Cont'd.)**

Administrative hearing  
See Appeals 15.08.410

Amendments, effect 15.08.070

Appeals  
generally 15.08.100  
hearing  
decision, effect 15.08.450  
request  
failure, effect 15.08.420  
procedure, fees 15.08.410  
scope, limitations 15.08.430

judicial review when 15.08.460

stays enforcement 15.08.440

Applicability of provisions  
existing buildings, structures 15.08.040  
generally 15.08.030  
other codes, provisions 15.08.060

Buildings, structures  
See also Specific Subject 15.08.010  
construction, requirements generally  
15.08.250  
location on property 15.08.190

Certificate of occupancy, requirements  
15.08.150

Conflicting provisions, resolution 15.08.060,  
15.08.070

Definitions  
building code definitions 15.08.180  
generally 15.08.170

Demolition  
See also BUILDING CONSERVATION  
CODE 15.08.370  
BUILDINGS AND  
CONSTRUCTION 15.36.010

Substandard buildings 15.08.370

Electrical equipment 15.08.270

Enforcement, scope, authority 15.08.080,  
15.08.110

Exits  
fire assemblies 15.08.290  
generally 15.08.280  
transoms 15.08.300  
wooden stairs 15.08.310

**HOUSING CODE (Cont'd.)**

Fees  
appeals hearing request 15.08.410  
certificate of occupancy 15.08.150  
generally, regulations 15.08.130  
vacated building, securing by city when,  
charges 15.08.390  
violation abatement costs 15.08.110,  
15.08.130

Fire protection  
generally 15.08.320  
smoke detectors 15.08.330

Heating, requirements 15.08.270

Inspections  
enforcement inspections 15.08.080  
permit inspections 15.08.140

Invalidity, effect 15.08.070

Light, requirements 15.08.220

Mechanical equipment 15.08.270

Occupancy separation 15.08.260

Occupant responsibilities 15.08.080

Owner responsibilities 15.08.080

Permit  
fees 15.08.130  
required when 15.08.120

Purpose of provisions 15.08.020

Rental units, rooms  
See also Specific Subject 15.08.010  
relocation assistance when  
See CODE ENFORCEMENT  
RELOCATION PROGRAM  
15.60.010

Residential building  
See also Specific Subject 15.08.010  
report of residential building record,  
requirements 15.08.150

Rooms  
See also Specific Subject 15.08.010  
requirements generally 15.08.210

Sanitation 15.08.230

Scope of provisions 15.08.030

Security 15.08.240

Smoke detectors 15.08.330

Standards  
See also Specific Subject 15.08.010

## **HOUSING CODE**

### **HOUSING CODE (Cont'd.)**

Standards (Cont'd.)  
    generally 15.08.050

Substandard buildings  
    conditions designated 15.08.340

demolition  
    See **BUILDING CONSERVATION CODE** 15.08.370  
        **BUILDINGS AND CONSTRUCTION** 15.36.010

notice and order  
    contents, service 15.08.350  
    recordation 15.08.360  
        repair, vacation, demolition 15.08.370

nuisance, abatement 15.08.090

repair, rehabilitation, vacation, demolition  
    See also notice and order 15.08.350

demolition criteria 15.08.400

permit required, requirements 15.08.380

    requirements generally 15.08.370

vacated building  
    notice, posting 15.08.380  
    securing by city when, charges 15.08.390

Title of provisions 15.08.010

Unconstitutionality, effect 15.08.070

Ventilation, requirements 15.08.220,  
    15.08.270

Violation  
    abatement  
        costs, liability 15.08.110  
        fees when 15.08.130  
        fees when 15.08.130  
        liability 15.08.080  
        penalties 15.08.110  
        unlawful acts 15.08.110

Yards, courts 15.08.200

### **HOUSING DISCRIMINATION**

Based on AIDS  
    See also **AIDS DISCRIMINATION**  
        9.40.010  
        unlawful practices 9.40.050

Based on pregnancy, tenancy of minor child  
    definitions 9.48.020  
    findings 9.48.010  
    local, state laws applicability 9.48.050

### **HOUSING DISCRIMINATION (Cont'd.)**

Based on pregnancy, tenancy of minor child (Cont'd.)  
    purpose of provisions 9.48.010

unlawful practices  
    designated 9.48.030  
    exemptions 9.48.040

violation  
    affirmative defenses 9.48.090  
    civil remedies 9.48.070  
    criminal penalties 9.48.060  
    injunctive relief 9.48.080

Based on sexual orientation  
    See also **SEXUAL ORIENTATION DISCRIMINATION** 9.44.010  
        unlawful practices 9.44.020

— I —

### **ICE SKATING RINKS**

See **SKATING RINKS** 5.60.010

### **IDENTIFICATION CARDS**

Generally 2.34.010

Municipal identification cards  
    acceptance by City departments 2.34.070  
    applications 2.34.040  
    city undertaking limited to promotion of general welfare 2.34.080  
    counterfeit and fraudulent cards 2.34.090  
    definitions 2.34.020  
    fees 2.34.060  
    implementation 2.34.050  
    issuance and purpose 2.34.030

### **IMMORAL DRESS**

Designated, unlawful 9.08.080

### **IMMORAL EXHIBITIONS**

Immoral, unlawful, abatement, appeal  
    9.08.040

### **INITIATIVE**

See **ELECTIONS** 3.08.180

### **INOCULATIONS**

Certificates, issuance when, fees 8.40.050

**INTERNATIONAL AIRPORT 200-YARD  
MARINE SECURITY ZONE**

- Citation 10.52.030
- Enforcement 10.57.030
- Entry, prohibited 10.57.020
- Establishment 10.57.010
- Prohibited entry 10.57.020
- Violation, penalty 10.57.040

**INTERSTATE TRUCK TERMINALS**

See **TRAFFIC CODE** 10.52.140

**INTERURBAN TRAINS**

- Crossing street, alarm sounding 5.62.110
- Smoking in, unlawful acts 8.18.090
- Speed limits 5.62.120

**ITINERANT RESTAURANTS**

See **FOOD HANDLING  
ESTABLISHMENTS** 8.08.010

— J —

**JACK LONDON DISTRICT**

- Interim mixed use permit parking program
- See **PARKING** 10.45.010

**JEWELRY AUCTIONS**

See **AUCTIONS, AUCTIONEERS** 5.08.020

**JEWELRY DEALERS, SECONDHAND**

See **PAWNBROKERS, SECONDHAND  
DEALERS, SCRAP DEALERS,  
COLLECTORS** 5.46.010

**JUNK GUNS**

See **WEAPONS** 9.36.150

— K —

**KENNELS**

See **DOGS** 6.04.190

**KNIVES**

- Dangerous weapons
- See **WEAPONS** 9.36.010

— L —

**LAKE MERRITT**

See **PARKS, RECREATION AREAS**  
12.64.070

**LAND DIVISION REGULATIONS**

See **SUBDIVISIONS** 16.04.010

**LAW ENFORCEMENT AGENCIES**

False reports to, unlawful 9.04.060

**LICENSES**

- Bicycles 12.60.010
- Close-out sales 5.20.050
- Dogs 6.04.030, 6.04.050
- Driver, airport grounds 10.56.140
- Recyclables, organic recyclable materials collectors 8.28.030

**LIMITED PUBLIC FINANCING ACT**

**Definitions**

interpretation of this act 3.13.040

**Disbursement**

- applicability of other laws 3.13.240
- construction 3.13.220
- criminal misdemeanor actions 3.13.190
- disbursement and deposit 3.13.120
- duties of public ethics commission and office of the city auditor 3.13.100
- enforcement 3.13.180
- enforcement actions 3.13.200
- public debates 3.13.170
- requests 3.13.110
- return of surplus funds 3.13.150
- severability 3.13.260

Election campaign fund 3.13.050

allocation 3.13.065

appropriation of funds 3.13.060

**Eligibility**

application and withdrawal procedures 3.13.070

qualification procedures 3.13.080

use of personal funds 3.13.090

Findings and declarations 3.13.020

Purpose of this act 3.13.030

Title 3.13.010

**LIMOUSINES**

See **PUBLIC MOTOR VEHICLES** 5.30.010

**LITTER**

Parks, prohibitions 12.64.030

Recreation areas, prohibitions 12.64.030

## LITTER RECEPTACLES

### LITTER RECEPTACLES

See SOLID WASTE 8.28.160

### LITTERING

Advertising matter, prohibitions 5.06.060  
Storm water sewer discharges, pollutants reduction 13.16.100

### LIVE OAKS

Protected tree, removal regulations  
See STREET TREES, SHRUBS 12.36.010  
View-obstructing trees, shrubs, vegetation, exemption from provisions 15.52.030

### LIVERY STABLES

Regulations generally, permit 5.30.430  
Riding academy as, regulations when 5.56.030

### LIVESTOCK

See ANIMALS 6.04.290

### LIVING WAGE ORDINANCE

Applicability of provisions  
expenditures covered 2.28.170  
generally 2.28.010  
new contracts, new city financial assistance 2.28.180  
Contractors, subcontractors, city financial assistance recipients  
See also Specific Subject  
    Applicability of provisions 2.28.010  
    collective bargaining agreement  
        supersession 2.28.160  
    complaint against, retaliation,  
        discrimination prohibited 2.28.120  
    contract review, scope, process, reports, records 2.28.060  
    exemptions, conditions 2.28.090  
    monitoring, purpose, scope 2.28.130  
    noncompliance determination, effect,  
        appeals 2.28.070  
    obligations 2.28.110  
    waiver procedure, requirements 2.28.080  
Contracts  
See also Specific Subject

### LIVING WAGE ORDINANCE (Cont'd.)

Contracts (Cont'd.)  
    Applicability of provisions 2.28.010  
        agreement language, requirements 2.28.100  
        collective bargaining agreement  
            supersession 2.28.160  
    review  
        rules, regulations, scope, development 2.28.130  
        scope, process, reports, records 2.28.060  
Definitions 2.28.020  
Employees of service contractors, subcontractors, city financial assistance recipients  
See also Specific Subject 2.28.010  
    Applicability of provisions 2.28.010  
        collective bargaining agreement  
            supersession 2.28.160  
    complaint  
        private right of action 2.28.150  
        process 2.28.140  
        retaliation, discrimination against  
            prohibited 2.28.120  
        duration of requirements 2.28.040  
        federal earned income credit, potential right  
            notification 2.28.050  
        list, recordkeeping requirements 2.28.110  
        minimum compensation, requirements 2.28.030  
        notification requirements  
            federal earned income credit, potential  
                right 2.28.050

# MANDATORY SEISMIC SCREENING OF MULTIPLE STORY RESIDENTIAL BUILDINGS

## LIVING WAGE ORDINANCE (Cont'd.)

- Employees of service contractors, subcontractors, city financial assistance recipients (Cont'd.)
  - notification requirements (Cont'd.)
    - generally 2.28.110
  - Implementing rules, regulations, procedures approval 2.28.190
  - Purpose of provisions 2.28.010
  - Title of provisions 2.28.010
  - Violation
    - complaint
      - private right of action 2.28.150
      - process 2.28.140
      - retaliation, discrimination prohibited 2.28.120
    - notice, remedies when 2.28.130
    - penalties 2.28.130

## LOADING, UNLOADING

- See PARKING 10.28.060, 10.40.010

## LOBBYIST REGISTRATION ACT

- Definitions 3.20.030
- Employment or activity
  - cessation of 3.20.050
  - unregistered, no 3.20.120
- Exceptions 3.20.060
- Information
  - availability 3.20.080
  - filings 3.20.090
  - records 3.20.100
- Noncompliance
  - order to show cause 3.20.070
- Penalties
  - civil 3.20.210
  - criminal 3.20.220
- Procedures and action 3.20.200
- Prohibited acts by city officials
  - personal obligation 3.20.130
  - deception 3.20.140
  - false appearances 3.20.160
  - improper influence 3.20.150
  - representations 3.20.170
- Public ethics commission
  - registration 3.20.040

## LOBBYIST REGISTRATION ACT (Cont'd.)

- Quarterly disclosure 3.20.110
- Restrictions on former city officers from acting as lobbyists 3.20.190
- Restrictions on payments and expenses benefiting candidates for local office 3.20.180
  - benefiting designated employees 3.20.180
  - benefiting public officials 3.20.180
- Title 3.20.010
- Words and phrases 3.20.020

## LODGING

- Rented lodging quarters, occupancy by minors, reporting when 9.08.120

## LOITERING

- Definitions 9.58.010
- Essential industries, services property, prohibitions 9.32.050
- Expiration, chapter 9.58.040
- Housing authority property, prohibitions 9.08.250
- Illegal drug activity, purposes 9.58.020
- Prostitution purposes, unlawful acts 9.08.260
- Violation—Infraction 9.58.030

## — M —

## MANAGER, CITY

- Office established, purpose 2.29.090

## MANDATORY SOLID WASTE

### COLLECTION FUND

- Deposits, use 8.28.260

## MANDATORY SEISMIC SCREENING OF MULTIPLE STORY RESIDENTIAL BUILDINGS

### Administrative

- authority 15.26.110
- appeals of the building official's decision or determination 15.26.150
- definitions 15.26.100
- enforcement 15.26.140
- fees, penalties, and collections 15.26.130
- notification of the building official's decision or determination 15.26.160
- right of entry 15.26.120

# MANDATORY SEISMIC SCREENING OF MULTIPLE STORY RESIDENTIAL BUILDINGS

## MANDATORY SEISMIC SCREENING OF MULTIPLE STORY RESIDENTIAL BUILDINGS (Cont'd.)

- Amendments 15.26.050
- Application 15.26.040
- Effect of adoption and repeals 15.26.060
- Intent 15.26.020
- Purpose 15.26.030
- Technical
  - compliance 15.26.230
  - format 15.26.220.
  - level 1 screening 15.26.200
  - level 2 evaluation 15.26.210
  - occupant and tenant advisory 15.26.240
- Title 15.26.010

## MARIJUANA

- Medical use
- See CANNABIS, MEDICAL 8.46.010

## MARINE SECURITY ZONE

- See also INTERNATIONAL AIRPORT
- 200-YARD MARINE SECURITY ZONE

## MASKS

- Unlawful acts, exceptions 9.08.070

## MASONRY BUILDINGS

- See UNREINFORCED MASONRY BUILDINGS 15.28.010

## MASSAGE ESTABLISHMENTS, MASSAGE THERAPISTS

- Appeals 5.36.310
- Definitions 5.36.020
- Enforcement, inspection 5.36.170
- Exemptions 5.36.030
- Fees 5.36.040
- Home occupation solo practitioners 5.36.070
- Legislative policy 5.36.010
- Permits
  - application review process 5.36.260
  - issuance and conditions 5.36.270
  - massage establishments 5.36.080
    - applicability to existing massage establishments 5.36.110
    - application contents 5.36.090
    - duration and renewal 5.36.140

## MASSAGE ESTABLISHMENTS, MASSAGE THERAPISTS (Cont'd.)

- Permits (Cont'd.)
  - massage establishments (Cont'd.)
    - exhibited 5.36.130
    - minimum requirements 5.36.100
    - operating requirements 5.36.160
    - permit contents 5.36.120
    - massage therapists 5.36.180
      - applicability to existing massage therapist permits 5.36.220
      - application contents
    - massage therapists, massage therapist trainees and home occupation solo practitioners 5.36.210
      - duration and renewal 5.36.240
      - minimum requirements 5.36.190
      - operating requirements 5.36.250
      - permit contents 5.36.230
      - trainee permits 5.36.200
      - not transferable 5.36.050
    - Prohibited massage areas 5.36.290
    - Responsibility of owner(s) 5.36.150
    - Revocation and suspension 5.36.300
    - Schools of massage 5.36.060
    - Violations 5.36.280

## MATTRESSES

- Certificate of health department, requirements 5.38.020
- Definitions 5.38.010
- Materials
  - prohibited, designated 5.38.030
  - statement
    - misleading, prohibitions 5.38.070
    - requirements generally 5.38.060
    - used, sterilization 5.38.050
- Rules, regulations generally 5.38.090
- Sterilization, requirements
  - renovated, used mattress 5.38.040
  - used materials 5.38.050
- Tag, prohibited acts 5.38.080
- Violation, separate offense when 5.38.100

**MEASURES, CITY**

See ELECTIONS 3.08.190

**MEAT BUSINESSES**

- Adulterated food, prohibitions 8.14.340
- Bacons, trade name required 8.14.300
- Clothes closets 8.14.160
- Compliance requirements 8.14.040
- Corn beef trays 8.14.130
- Counters 8.14.110
- Employees
  - cleanliness 8.14.180
  - lavatories, toilet facilities, clothes closets 8.14.160
- Fees
  - default, inspections prohibited when 8.14.410
  - license fees 8.14.400
  - special inspection services 8.14.390
- Fixed place of business required 8.14.080
- Food handling establishment regulations
  - See FOOD HANDLING
  - ESTABLISHMENTS 8.08.010
- Hams, trade name required 8.14.300
- Inspections
  - application procedure 8.14.250
  - fees default, inspections prohibited when 8.14.410
  - final, holding, quarantine tag, use when 8.14.380
  - hams, bacons, trade name required 8.14.300
  - interstate shipments 8.14.270
  - mark, brand, stamp
    - number, designation, use 8.14.280
    - possession, use, restrictions 8.14.310
    - time of use 8.14.290
  - meat
    - See also Specific Subject 8.14.250
    - bringing into city, regulations 8.14.330
    - partly dressed meat 8.14.320
    - number, designation, use 8.14.280
    - outside city, procedure, fees 8.14.420
    - scope, authority 8.14.350
    - slaughtering establishments
      - See also Specific Subject 8.14.250

**MEAT BUSINESSES (Cont'd.)****Inspections (Cont'd.)**

- slaughtering establishments (Cont'd.)
  - hours permitted, exceptions, special permit 8.14.210
  - special services, fees 8.14.390
  - time, fixing, exceptions, notice 8.14.260
- Lard room 8.14.120
- Lavatories 8.14.160
- Live animals, fowl
  - See also Slaughtering establishments 8.14.230
  - keeping, restrictions 8.14.240

**Meat**

- See also Inspections 8.14.250
- advertising, sales by weight 8.14.430
- brand of approval 8.14.020
- bringing into city, regulations 8.14.330
- condemnation when, authority 8.14.350
- partly dressed, regulations 8.14.320
- preparation supervision 8.14.010
- quarantine tag, use when 8.14.380
- scraps, trimmings, use prohibitions 8.14.360
- unwholesome, testing methods 8.14.370

**Meat markets**

- See also Specific Subject 8.14.010
- basement location, regulations 8.14.150
- glass doors, fans 8.14.100
- refrigeration 8.14.090

**Permit**

- issuance, conditions 8.14.040
- nontransferable 8.14.170
- outside city, procedure, fees 8.14.420
- posting 8.14.170
- required, procedure 8.14.030
- revocation, grounds, effect 8.14.170

**Premises**

- See also Specific Subject 8.14.010
- construction, specifications 8.14.070
- floors, walls 8.14.050
- killing room, cooling room 8.14.060
- Racks, rails, hooks, brackets, metal construction 8.14.140
- Refuse cans, requirements 8.14.140

## **MEAT BUSINESSES**

### **MEAT BUSINESSES (Cont'd.)**

#### **Slaughtering establishments**

- See also Specific Subject 8.14.010
- animals, standing at place of slaughter, time period 8.14.230
- inspections
  - See also Inspections 8.14.250
  - hours permitted, exceptions, special permit 8.14.210
  - offensive matters, removal 8.14.220
  - regulations generally 8.14.200
  - slaughtering
    - See also inspections 8.14.210
    - hours permitted, exceptions, special permit 8.14.210
    - time, fixing, exceptions, notice 8.14.260
- Toilet facilities 8.14.160
- Vehicles, regulations 8.14.190

### **MECHANICAL CODE**

See CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS 15.04.005

### **MECHANICAL, ELECTRONIC GAMES**

- Definitions 5.40.010
- Exempt activities designated 5.40.020
- Operation
  - See also Permit 5.40.030
  - minors, hours permitted 5.40.110
  - regulations generally 5.40.120
- Other laws, compliance 5.40.130
- Permit
  - application
    - form, applicant fingerprinting 5.40.070
    - notice of intent to apply for, posting 5.40.050
  - existing businesses, regulations 5.40.030
  - posting 5.40.080
  - prerequisite to installation 5.40.060
  - required when, requirements 5.40.040
  - suspension, revocation 5.40.100
  - transfer, procedure 5.40.090
  - Violation, nuisance, abatement 5.40.140

### **MEDICAL CANNABIS CULTIVATION**

#### **FACILITY PERMITS**

Appeals 5.81.120

### **MEDICAL CANNABIS CULTIVATION**

#### **FACILITY PERMITS (Cont'd.)**

- Application for permit 5.81.050
- Definitions 5.81.020
- Examination of books, records, witnesses; information confidential; penalty 5.81.080
- Findings and purpose 5.81.010
- Industrial cultivation of medical marijuana 5.81.040
- Liability and indemnification 5.81.100
- Operating standards 5.81.070
- Permit required 5.81.030
- Prohibited operations 5.81.110
- Residential and individual limits for non-licensed medical cannabis cultivation 5.81.101

### **MEDICAL CANNABIS DISPENSARY PERMITS**

- Business permit required, application 5.80.020
- Definitions 5.80.010
- Examination of books, records, witnesses, penalty 5.80.100
- Liability 5.80.090
- Performance standards 5.80.040
- Profit 5.80.060
- Prohibited operations, nonconforming uses 5.80.080
- Regulations 5.80.030
- Regulatory fees; seller's permit 5.80.050
- Revocation, suspension, appeals 5.80.070

### **MEDICINE SAMPLES**

Free samples, distributing unlawful 8.40.010

### **MEETINGS**

See STREET MEETINGS 12.44.010

### **MERCHANDISE**

Return, prohibited articles designated, exceptions 8.38.190

### **MILK, DAIRY PRODUCTS**

- Administration
  - rules, regulations establishment 8.16.030
  - scope, authority 8.16.040
- Bulk milk dispensers 8.16.550

**MILK, DAIRY PRODUCTS (Cont'd.)**

Definitions 8.16.010

Eggnog, standards 8.16.590

Enforcement

interference unlawful 8.16.830

scope, authority

milk inspection bureau 8.16.020

milk inspectors 8.16.050

Food handling establishment regulations

See FOOD HANDLING

ESTABLISHMENTS 8.08.010

Impure products distribution unlawful

8.16.840

Inspections

application procedure, applicability

8.16.250

fees

delinquent, penalties 8.16.660

milk distributors 8.16.640

processors 8.16.630

permit application inspection 8.16.500

Milk

See Standards 8.16.070

Milk handlers, regulations 8.16.560

Permit

application, contents, procedure 8.16.500

carrying 8.16.620

contents 8.16.510

dairy permit

See also Specific Subject 8.16.500

required when 8.16.480

dairy products permit

See also Specific Subject 8.16.500

fluid dairy products processor, required

when 8.16.200

grade A cream limited permit,

regulations 8.16.540

required when 8.16.490

expiration 8.16.520



## MILK, DAIRY PRODUCTS (Cont'd.)

## Permit (Cont'd.)

- milk handler permit
  - See also Specific Subject 8.16.500
  - carrying 8.16.620
- pasteurizer permit
  - See also Specific Subject 8.16.500
  - required when 8.16.600
- posting 8.16.620
- renewal, procedure 8.16.520
- suspension, revocation
  - effect 8.16.530
  - grounds 8.16.530, 8.16.610
  - hearing 8.16.610
  - inspection fees nonpayment 8.16.660
  - tuberculin test results, effect 8.16.760
- tuberculin test results, effect 8.16.760
- Premises
  - dairy products plants
    - See Standards 8.16.670
    - sanitary conditions approval 8.16.470
- Recordkeeping requirements 8.16.650
- Samples, taking, purpose, authority 8.16.060
- Standards
  - bulk milk dispensers 8.16.550
  - communicable diseases 8.16.810
  - containers
    - See also labels 8.16.270
    - processing date coding 8.16.320
  - dairy animals
    - diseased animals, exclusion 8.16.770
    - sanitation 8.16.800
    - tuberculin tests 8.16.750, 8.16.760
  - dairy drinks
    - bacteria count 8.16.150
    - grade A milk use 8.16.160
    - pasteurization 8.16.150
    - temperatures 8.16.350
  - dairy products
    - homogenized milk 8.16.180
    - maintenance, supervision 8.16.190
    - manufacturing milk 8.16.170
    - market milk 8.16.170
  - dairy products plants
    - construction 8.16.680, 816.690
    - rooms, separate, requirements 8.16.670
    - score 8.16.700
  - degrading
    - sealing, labeling, handling 8.16.380

## MILK, DAIRY PRODUCTS (Cont'd.)

## Standards (Cont'd.)

- degrading (Cont'd.)
  - when, condemnation 8.16.370
- different grades in plant
  - conversion, holding over, regulations 8.16.240
  - inspection, application procedure 8.16.250
  - supervision required 8.16.230
- eggnog 8.16.590
- fluid dairy products
  - final packages, sealing 8.16.440
  - label, shipping packages 8.16.280
  - labels, final package 8.16.300, 8.16.310
  - processor 8.16.200
  - single service containers, sanitary regulations 8.16.460
  - temperatures 8.16.360
  - transferring 8.16.210
- grade A cream
  - bacteria count 8.16.110
  - grade A cream limited permit, regulations 8.16.540
  - labels, shipping packages 8.16.290
  - pasteurization 8.16.110
  - standardizing use 8.16.120
- grade A milk
  - dairy drinks use 8.16.160
  - fats, solids 8.16.070
  - generally 8.16.090
  - grade A cream limited permit, regulations 8.16.540
  - labels, shipping packages 8.16.270
  - market milk 8.16.170
  - milk for cream 8.16.340
  - pasteurization 8.16.080, 8.16.090, 8.16.100
  - score 8.16.080
  - temperatures 8.16.330, 8.16.340
  - transferring 8.16.210
  - transportation 8.16.720
- homogenized milk 8.16.180
- labels
  - degraded products 8.16.380
  - delivery vehicles 8.16.260
  - fluid dairy product
    - final package 8.16.300, 8.16.310
    - shipping packages 8.16.280

## MILK, DAIRY PRODUCTS

### MILK, DAIRY PRODUCTS (Cont'd.)

- Standards (Cont'd.)
  - labels (Cont'd.)
    - grade A cream shipping packages
      - 8.16.290
    - grade A milk shipping packages
      - 8.16.270
  - manufacturing milk
    - generally 8.16.170
    - location 8.16.240
  - market milk 8.16.170
    - manufacturing in receiving, storing,
      - processing rooms prohibited 8.16.710
    - samples, analysis 8.16.190
    - temperatures 8.16.330
    - transportation 8.16.720
    - transporting, equipment, package
      - cleaning,
      - sterilization 8.16.220
      - vehicles 8.16.730, 8.16.740
  - milk
    - See Specific Subject 8.16.070
    - milk handlers 8.16.560
    - milk plant 8.16.710
      - premises, sanitary conditions approval
        - 8.16.470
      - processing date coding 8.16.320
      - sanitation
        - animals 8.16.790, 8.16.800
        - communicable diseases 8.16.810
        - dairy equipment 8.16.780
        - generally 8.16.800
      - single service containers
        - sample, filing, approval 8.16.450
        - sanitary regulations 8.16.460
    - skim milk
      - bacteria count 8.16.130
      - pasteurization 8.16.130
      - standardizing use 8.16.140
      - temperatures 8.16.350
      - transferring 8.16.210
    - temperatures
      - bulk milk dispensers 8.16.550
      - fluid dairy products 8.16.350, 8.16.360
      - market milk 8.16.330
      - milk for cream 8.16.340
      - preheating control 8.16.430
      - store refrigeration 8.16.360
      - whip cream topping 8.16.570

### MILK, DAIRY PRODUCTS (Cont'd.)

- Standards (Cont'd.)
    - thermometers
      - pasteurization thermometers 8.16.390, 8.16.410
      - recording thermometers 8.16.410
      - weight tank thermometers 8.16.400
    - tuberculin test
      - generally 8.16.750
      - permit denial, revocation when 8.16.760
    - valves
      - generally 8.16.420
      - preheating control 8.16.430
    - vehicles, generally 8.16.730, 8.16.740
      - whip cream topping
        - generally 8.16.570
        - imitation whip cream topping 8.16.580
        - pasteurization 8.16.570
        - temperatures 8.16.570
  - State law applicability 8.16.850
  - Unlawful acts
    - enforcement interference 8.16.830
    - impure products distribution 8.16.840
    - noncompliance 8.16.820
  - Violation of provisions unlawful 8.16.820
- ### MILK INSPECTION BUREAU
- Created, composition, authority generally 8.16.020
  - Powers, duties
    - chief dairy and milk inspector 8.16.040
    - generally 8.16.020
    - milk inspectors
      - generally 8.16.050
      - samples taking 8.16.060

### MINIATURE GOLF COURSES

- Operation, regulations 5.42.020
- Permit required, requirements 5.42.010
- Sanitary facilities, requirements 5.42.030

### MINORS

- Advertising matter, immoral activities, events, prohibitions 5.06.070
- Bingo games, participation prohibited 5.10.270
- Curfew, public places
  - designated 9.12.020
  - violation, parent, guardian, custodian liability 9.12.030

**MINORS (Cont'd.)**

- Dance halls, restrictions 5.22.020
- Dogs, potentially dangerous, vicious, keeping by, unlawful 6.08.190
- Firearms, projectile weapons
  - projectile weapons, unlawful acts 9.36.130
  - violation, parent, guardian responsibility 9.36.100
- Housing discrimination
  - See **HOUSING DISCRIMINATION** 9.48.010
- Lake Merritt, estuary, boat hiring, rental restrictions 12.64.190
- materials harmful to, display, blinder rack required 9.08.060
- mechanical, electronic games, hours permitted 5.40.110
- Pawnbrokers, secondhand dealers, exchange dealers
  - permit, minor applicant, prohibited 5.46.040
  - purchase from minors
    - legal status declaration 5.46.120
    - restrictions 5.46.110
- Poolrooms, prohibitions 9.12.010
- Rented lodging quarters occupancy, reporting when 9.08.120
- Smoking, unlawful where 9.12.040
- Street cars, getting on, off while in motion, prohibitions 5.62.100
- Tobacco product vending machines in places accessible to minors
  - See **TOBACCO PRODUCTS** 8.34.010
- Vandalism by defacement of property (graffiti) 8.10.350, 8.10.400

**MONTEREY PINES**

- Protected tree, removal regulations
  - See **STREET TREES, SHRUBS** 12.36.010

**MONUMENTS**

- Unlawful acts 9.16.030

**MOORAGES**

- Houseboat regulations
  - See **HOUSEBOATS** 15.56.030

**MORTGAGES**

- See also **HOME MORTGAGE LENDING**

5.33.030

**RESIDENTIAL MORTGAGES**

4.32.010

- City multi-lender mortgage purchase program, applications, false statements prohibited 9.04.010

**MOTELS**

- See **HOTELS, MOTELS, ROOMING HOUSES** 8.03.010

**MOTOR VEHICLES, PUBLIC**

- See **PUBLIC MOTOR VEHICLES** 5.30.010

**MOTORBUSES**

- See **PUBLIC MOTOR VEHICLES** 5.30.010

**MOTORCYCLE ESCORT SERVICES**

- See **PUBLIC MOTOR VEHICLES** 5.30.010

**MOTORIZED SCOOTERS AND POCKET BIKES**

- Definition 10.17.010
- Regulations 10.17.020
- Violations 10.17.030

**MOVING BUILDINGS**

- See **BUILDINGS AND CONSTRUCTION** 15.44.010

**MOVING PICTURE THEATERS**

- See **THEATERS** 5.66.030

**MULTI-LENDER MORTGAGE PURCHASE PROGRAM**

- Applications, false statements prohibited 9.04.010

**MUNICIPAL CODE**

- Acts by agent deemed acts by principal 1.04.040

Adoption 1.01.020

Amendments, reference applicability 1.01.030

Constitutionality of provisions 1.01.080

Construal of provisions 1.04.070

Definitions 1.04.010

Effect on past actions, obligations 1.01.070

# MUNICIPAL CODE

## MUNICIPAL CODE (Cont'd.)

Interpretation  
    grammar 1.04.030  
    language 1.04.020

Ordinances  
    passed prior to code adoption 1.01.060  
    reference to specific 1.01.050  
    repeal not to revive 1.04.080

Prior code, references to 1.01.090

Prohibited acts include causing, permitting  
    1.04.050

Time, computation 1.04.060

Title, chapter, section headings 1.01.040

Title, citation, reference 1.01.020

Violations  
    administrative abatement  
        adjudication, administrative hearing  
            1.16.080  
        administrative expenses 1.16.070  
        notice requirements 1.16.050  
        procedures designated 1.16.060  
        purpose of provisions 1.16.010  
        remedies, not exclusive 1.16.090  
        scope, applicability of provisions  
            1.16.020  
        violations 1.16.030  
        when, authority generally 1.16.040

    administrative citations  
        adjudication, administrative hearing  
            1.12.080  
        administrative expenses 1.12.070  
        notice requirements 1.12.050  
        purpose of provisions 1.12.010  
        remedies, not exclusive 1.12.090  
        schedule of violations and assessments  
            1.12.060  
        scope, applicability of provisions  
            1.12.020  
        violations 1.12.030  
        when, authority generally 1.12.040

    arrest  
        designated violations, authorized persons  
            designated 1.24.020  
            statutory authority 1.24.010

## MUNICIPAL CODE (Cont'd.)

Violations (Cont'd.)  
    civil penalties  
        adjudication, administrative hearing  
            1.08.080  
        administrative expenses 1.08.070  
        notice requirements 1.08.050  
        purpose of provisions 1.08.010  
        remedies, not exclusive 1.08.090  
        schedule of violations and assessments  
            1.08.060  
        scope, applicability of provisions  
            1.08.020  
            violations 1.08.030  
            when, authority generally 1.08.040  
        infractions, designated acts 1.28.020  
        misdemeanors, designated acts 1.28.010

## MUNICIPAL IDENTIFICATION CARDS

See IDENTIFICATION CARDS 2.34.010

## MUSICAL ENTERTAINMENT

Park, recreation areas use  
See PARKS, RECREATION AREAS  
    12.64.250

## — N —

## NEPOTISM, PROHIBITION

See PERSONNEL 2.40.010

## NEWSRACKS

City-wide regulations  
    abandonment, removal 12.50.120,  
        12.50.150  
    advertising restrictions 12.50.130  
    applicability of provisions 12.50.050  
    city council findings 12.50.020  
    definitions 12.50.040  
    establishment 12.50.010  
    indemnification requirements 12.50.170  
    identification requirements 12.50.140  
    permit  
        application requirements 12.50.070  
        denial, hearing 12.50.080  
        required 12.50.060  
        revocation when 12.50.150

**NEWSRACKS (Cont'd.)**

- City-wide regulations (Cont'd.)
  - permitted types, regulations, time limits 12.50.090
  - purpose of provisions 12.50.030
  - standards, specifications
    - generally 12.50.100
    - maintenance requirements 12.50.110
  - violations
    - penalties 12.50.160
    - removal 12.50.150

**NOISE**

- Aircraft, sound amplification equipment, prohibitions 8.18.100
- Condominium conversions, noise insulation standards 16.36.130
- Excessive, annoying, prohibitions, nuisance 8.18.010
- Exempt noise designated, special permit 8.18.030
- Persistent, prohibitions, nuisance 8.18.020
- Quiet zones established, regulations 8.40.070

**NON-OWNER OCCUPIED RESIDENTIAL BUILDING REGISTRATION**

- Appeal
  - generally 8.58.500
  - review 8.58.510
- Definitions
  - accepted meanings 8.58.110
  - construed meanings 8.58.100
- Enforcement
  - actual and constructive notice 8.58.430
  - compliance 8.58.400
  - fees and assessments 8.58.420
  - violations 8.58.410
- Registration, inspection, and abatement
  - fees 8.58.320
  - inspection by city, abatement, and supplemental reporting 8.58.310
  - registration 8.58.300
- Scope and exclusions
  - exclusions 8.58.210
  - scope 8.58.200

**NON-OWNER OCCUPIED RESIDENTIAL BUILDING REGISTRATION (Cont'd.)**

- Title and purpose
  - authority 8.58.030
  - purpose 8.58.020
  - title 8.58.010

**NOTICES, PUBLIC**

- See also TELECOMMUNICATIONS
- FACILITIES, PUBLIC
- SAFETY-RELATED 15.10.010
- Defacing unlawful 9.04.050

**NOXIOUS WEEDS**

- Prohibited acts 8.18.060

**NUDE DANCING**

- See NUDITY 9.28.010

**NUDITY**

- Bathing, swimming, unlawful acts 9.08.090
- Definitions 9.28.020
- Display prohibitions
  - exceptions 9.28.060
  - female breasts 9.28.030
  - private parts 9.28.040
  - violation, accessory liability 9.28.050
- Immoral, designated, unlawful 9.08.080
- Immoral exhibitions, unlawful acts 9.08.040
- Nude, topless, bottomless dancing
  - See Specific Subject 9.28.010
- Statutory authority of provisions 9.28.010

**NUISANCE VEHICLES**

- Definitions 9.56.010
- Nuisance vehicles 9.56.020
- Promulgation of administrative instructions and protocols 9.56.060
- Security interest holder 9.56.040
- State law requirements 9.56.050
- Towing and storage cost, responsibility 9.56.030

**NUISANCES**

- Aircraft, sound amplification equipment 8.18.100
- Animals, when 6.04.310

## **NUISANCES**

### **NUISANCES (Cont'd.)**

Buildings  
  earthquake-damaged structures  
    generally 15.24.210, 15.24.270, 15.24.280  
  immediate hazard, danger structures  
    15.24.130  
  moving building, incomplete move  
    15.44.030  
  substandard buildings 15.08.090,  
    15.08.340  
  unreinforced masonry building  
    provisions violation 15.28.180  
Dog, potentially dangerous, vicious, when  
  6.08.210  
Dumping, when 8.18.080  
Earthquake-damaged structures  
  generally 15.24.210, 15.24.270, 15.24.280  
  immediate hazard, danger structures  
    15.24.130  
Electronic games provisions violation  
  5.40.140  
Eviction, illegal activity 8.23.100  
Fences, when 8.18.070  
Fire code violations 15.12.030  
Fire hazards 15.12.020  
Firearms, projectile weapons discharge  
  9.36.110  
Graffiti public nuisance and unlawful  
  8.10.110, 8.10.120  
Hazardous materials, hazardous wastes  
  facility contamination 8.42.110  
Hotels, nuisance activity 8.03.120  
Intersection view obstruction 10.60.060  
Massage establishment permit, massage  
  therapist permit, operation without 5.36.200  
Mechanical games provisions violation  
  5.40.140  
Motels, nuisance activity 8.03.120  
Moving building, incomplete move 15.44.030  
Noise  
  aircraft, sound amplification equipment  
    8.18.100  
  excessive, annoying noise 8.18.010  
  persistent noise 8.18.020  
Noxious weeds 8.18.060

### **NUISANCES (Cont'd.)**

Pay telephones, outdoor, designated  
  conditions 8.20.080  
Property blight 8.24.020  
Rooming houses, nuisance activity 8.03.120  
Scrap yards, illegal 8.26.020  
Sign code violations 14.04.060, 14.04.290  
Smoke, soot 8.18.040  
Smoking in public conveyances 8.18.090  
Solid waste provisions violations 8.28.280  
Soot 8.18.040  
Storm water sewer provisions violations  
  13.16.280  
Street trees, shrubs, dangerous trees 12.32.030  
Substandard buildings 15.08.090, 15.08.340  
Theater provisions violations 5.66.190  
Unreinforced masonry building provisions  
  violation 15.28.180  
Vehicles abandoned, wrecked, dismantled,  
  inoperative 10.64.010  
Weeds, noxious 8.18.060

## — O —

### **OAKLAND TAXATION AND ASSESSMENT BOARD OF REVIEW**

Composition, powers, duties generally  
  4.16.170

### **OAKLAND-ALAMEDA COUNTY COLISEUM COMPLEX**

Arena area, prohibited activities 8.44.030  
Parking facilities, prohibited activities  
  8.44.040  
Security for events  
  definitions 8.44.020  
  purpose of provisions 8.44.010  
Stadium area, prohibited activities 8.44.030  
Violations, penalties 8.44.050

### **OBJECTS**

Throwing, kicking in public places,  
  prohibitions 9.08.150

### **OBSCENITY**

Unlawful acts 9.08.030

**OFFENSIVE BUSINESS, OCCUPATIONS**

Unlawful, exceptions 8.40.080

**OFFENSIVE MATTERS**

Designated, transportation restrictions

8.38.140

**OFFICERS, CITY**

See also CONFLICT OF INTEREST CODE

3.16.010

Elective offices

designated 3.08.170

election procedure

See ELECTIONS 3.08.040

officeholder regulations

See CAMPAIGN REFORM ACT

3.12.150

False representation prohibited 9.04.020

**OFF-STREET PARKING METER FUND**

Deposits, use 10.36.080

**ORDINANCES**

See MUNICIPAL CODE 1.01.050, 1.04.080

**ORES**

Smelting, unlawful ores designated 8.40.090

**OUTDOOR AMUSEMENT CENTERS**

Bond, requirements 5.44.020

Definitions 5.44.010

Insurance, requirements 5.44.050

Permit

applicant requirements 5.44.030

required, requirements generally 5.44.020

Rules, regulations generally 5.44.020

Sanitary facilities, requirements 5.44.040

Trampoline centers

See Specific Subject 5.44.020

TRAMPOLINE CENTERS 5.68.010

**OUTDOOR PAY TELEPHONES**

See PAY TELEPHONES, OUTDOOR

8.20.010

— P —

**PARADES**

Cleanup deposits, required when, regulations

12.44.190



required when 12.44.060  
 unlawful without 12.44.080  
 Permittee, responsibilities 12.44.070  
 Pre-established event routes, use, effect  
     12.44.180  
 Purpose of provisions 12.44.040  
 Sponsor, responsibilities 12.44.070  
 Title of provisions 12.44.030  
 Traffic control fees 12.44.180  
 Unlawful acts  
     exceeding scope of permit 12.44.090  
     generally 12.44.080  
 Violation, penalties 12.44.200

**PARK USE REGULATIONS**

See PARKS, RECREATION AREAS  
12.64.010

**PARKING**

See also AIRPORT GROUND TRAFFIC CODE 10.56.090

Airport regulations  
See AIRPORT GROUND TRAFFIC CODE 10.56.090

Alleys, loading, unloading purposes only  
10.40.080

Angle, when, procedure 10.28.050

Applicability of provisions 10.28.010

Bus zones  
See Loading, unloading 10.40.090

Commercial vehicles  
disabled, warning devices 10.28.110  
prohibitions, exceptions, designated vehicle weights  
    certain areas 10.28.140  
    generally 10.28.130  
    residential districts 10.28.120

Curb markings  
driveways 10.40.040  
regulations indication 10.40.020

Definitions 10.04.040

Emergency prohibitions 10.28.100

Exempt vehicles designated, regulations  
10.08.130

Grade, on, procedure 10.16.090

Houseboat moorage, requirements 15.56.170

Loading, unloading  
alleys, regulations 10.40.080  
angle, backing up, regulations, permit  
    10.28.060  
bus zones  
establishment, regulations generally  
    10.40.090  
unlawful use prohibited 10.40.110  
use, regulations 10.40.100

curb markings, regulations indication  
driveways 10.40.040  
generally 10.40.020

passenger loading zones  
See also Specific Subject 10.40.010  
regulations  
generally 10.40.070  
yellow ones 10.40.060

permission, applicability, effect 10.40.050

regulations generally 10.40.050

signs, posting, regulations indication  
10.40.030

size restrictions 10.52.065

yellow zones  
curb markings, regulations 10.40.020  
regulations generally 10.40.060

zones  
curb markings, regulations indication  
    10.40.020  
establishment, regulations 10.40.010,  
    10.40.030

Lots  
See also Municipal parking lots, areas  
10.28.220

storm water sewer discharges, pollutants  
reduction 13.16.100

Meters  
acceptable card 10.36.015  
coins  
deposit, procedure, regulations generally  
    10.36.030  
unlawful deposits in lieu 10.36.040

covers, issuance when, parking restrictions  
when 10.36.130

definitions 10.36.010

exempt times designated 10.36.050

## PARKING

- holidays
  - designated 10.36.090
  - exemption form use when 10.36.050
- illegally-in-use indication, effect 10.36.050
- installation, requirements 10.36.020
- location of additional meters 10.40.141
- municipal parking lots
  - See zones in municipal parking lots
    - 10.36.100
  - pay and display meter 10.36.015
  - tampering, unlawful acts 10.36.070
  - time limits
    - coins, time per coin, effect 10.36.030
    - declaration 10.36.060
    - exceeding, unlawful acts 10.36.060
    - zones 10.36.140
  - zones
    - See also zones in municipal parking lots
      - 10.36.100
    - designated, time limits 10.36.140
- zones in municipal parking lots
  - coins, deposit, procedure, regulations
  - generally 10.36.100
  - illegally in use
    - proof, conditions 10.36.110
    - unlawful acts 10.36.100
  - special parking permits 10.36.120
- Municipal parking lots, areas
  - mechanical gates, coin-operated, procedure, prohibitions 10.32.010
  - meter zones, regulations
    - See Meters 10.36.100
  - official cars, parking areas designated
    - See Official cars, parking areas
      - designation 10.32.020
  - time limits
    - generally 10.28.220
    - violation, proof 10.28.230
- Narrow streets, prohibitions 10.28.080
- Official cars, parking areas designation
  - Administrative Annex Building 10.32.060
  - Alameda County Courthouse 10.32.080
  - City Hall 10.32.020
  - City Hall Annex Building 10.32.050
  - consuls, vice-consuls 10.32.160
- county cars 10.32.140
- GSA Federal Protective Service 10.32.110
- Kaiser Center Building 10.32.090
- Oakland Detention Facility Building 10.32.070
- Oakland Fire Department vehicles 10.32.130
- Oakland Police Department and Bay Area Rapid Transit District 10.32.120
- Oakland Police Department and County of Alameda 10.32.100
- Office of Parks and Recreation vehicles 10.32.170
- Police Administration Building 10.32.030
- Port of Oakland 10.32.040
- press parking privileges 10.32.180
- U.S. Mail vehicles 10.32.150
- Off-street parking, houseboat moorage, requirements 15.56.170
- Parallel, procedure 10.28.040
- Parks 12.64.140
- Parkways, prohibitions 10.28.020
- Port of Oakland Outer Harbor Terminal Area regulations generally 10.32.190
- violation, citation 10.32.200
- Press parking privileges 10.32.180
- Prohibitions
  - See also Specific Subject 10.28.020
  - emergency, scope, authority 10.28.100
  - generally 10.28.090
  - hours prohibited
    - at all times 10.28.250
    - between 3:00 a.m. and 6:00 a.m. 10.28.260
    - certain hours 10.28.240
    - during street sweeping and cleanin 10.28.280
    - parked in violation, removal 10.28.270
- Public motor vehicle stands
  - bus zones
    - See Loading, unloading 10.40.090
  - generally
    - See PUBLIC MOTOR VEHICLES 5.30.200
  - unlawful use prohibited 10.40.110

**PARKING (Cont'd.)**

Official cars, parking areas designation  
(Cont'd.)  
 City Hall Annex Building 10.32.050  
 consuls, vice-consuls 10.32.160  
 county cars 10.32.140  
 GSA Federal Protective Service 10.32.110  
 Kaiser Center Building 10.32.090  
 Oakland Detention Facility Building  
 10.32.070  
 Oakland Fire Department vehicles  
 10.32.130  
 Oakland Police Department and Bay Area  
 Rapid Transit District 10.32.120  
 Oakland Police Department and County of  
 Alameda 10.32.100  
 Office of Parks and Recreation vehicles  
 10.32.170  
 Police Administration Building 10.32.030  
 Port of Oakland 10.32.040  
 press parking privileges 10.32.180  
 U.S. Mail vehicles 10.32.150  
 Off-street parking, houseboat moorage,  
 requirements 15.56.170  
 Parallel, procedure 10.28.040  
 Parks 12.64.140  
 Parkways, prohibitions 10.28.020  
 Port of Oakland Outer Harbor Terminal Area  
 regulations generally 10.32.190  
 violation, citation 10.32.200  
 Press parking privileges 10.32.180  
 Prohibitions  
 See also Specific Subject 10.28.020  
 emergency, scope, authority 10.28.100  
 generally 10.28.090  
 hours prohibited  
 at all times 10.28.250  
 between 3:00 a.m. and 6:00 a.m.  
 10.28.260  
 certain hours 10.28.240  
 during street sweeping and cleaning  
 10.28.280  
 parked in violation, removal 10.28.270

**PARKING (Cont'd.)**

Public motor vehicle stands  
 bus zones  
 See Loading, unloading 10.40.090  
 generally  
 See PUBLIC MOTOR VEHICLES  
 5.30.200  
 unlawful use prohibited 10.40.110  
 Recreation areas 12.64.140  
 Residential permit parking areas  
 applicability of provisions 10.44.040  
 definitions 10.44.030  
 designation, procedure, criteria 10.44.050  
 findings 10.44.010, 10.44.020  
 implementation, interpretation of  
 provisions 10.44.130  
 modification, procedure 10.44.060  
 parking privileges designated  
 resident, business permit 10.44.040  
 visitor permit 10.44.080  
 permit  
 fees 10.44.090  
 parking privileges designated  
 residents, businesses 10.44.040  
 visitors 10.44.080  
 residents, businesses, issuance,  
 regulations 10.44.070  
 revocation, temporary, when 10.44.110  
 visitor permit, regulations 10.44.080  
 purpose of provisions 10.44.010  
 signposting 10.44.100  
 violation  
 designated acts, penalties 10.44.120  
 revoked permit, failure to surrender  
 10.44.110  
 Schools, adjacent to, prohibitions 10.28.070  
 Stopping, standing, regulations  
 See Specific Subject 10.28.010  
 Tall vehicles, prohibitions, exceptions  
 10.28.170  
 Time limits  
 See also Meters 10.36.060  
 four hours 10.28.210  
 municipal parking lots, areas  
 generally 10.28.220

## PARKING

### PARKING (Cont'd.)

#### Time limits (Cont'd.)

- municipal parking lots, areas (Cont'd.)
  - violation, proof 10.28.220
  - one hour 10.28.180
  - three-hour parking between certain hours 10.28.205
  - two hours
    - certain hours 10.28.200
    - generally 10.28.190
- Trailers, unattached, prohibitions 10.28.160
- Vehicles
  - See also Specific Subject 10.28.020
  - advertised for sale 10.28.175
  - storage purposes, prohibited, removal 10.28.030
  - unattended, ignition keys removal 10.28.150

#### Violation

- fines, schedule 10.48.010
- infractions 10.08.160
- misdemeanors 10.08.170
- municipal parking lots, areas, time limits 10.28.230
- Port of Oakland Outer Harbor Terminal Area 10.32.200
  - residential permit parking areas
    - designated acts, penalties 10.44.120
    - revoked permit, failure to surrender 10.44.110
  - ticket processing fees 10.48.020

## PARKING STATIONS

### Tax

See PARKING TAX 4.16.010

## PARKING TAX

- Administration, enforcement, scope, authority 4.16.170
- Appeals 4.16.170
- Applicability 4.16.030, 4.16.040
- Charges subject to tax 4.16.040
- Collection
  - duty, procedure generally 4.16.060
  - procedure generally 4.16.160
- Definitions 4.16.020

### PARKING TAX (Cont'd.)

- Exemptions 4.16.090, 4.16.180
- Imposed, rate 4.16.030
- Payment
  - See also Collection 4.16.060
  - advertising prohibitions 4.16.080
  - determination
    - jeopardy determination, effect 4.16.140
    - no return made, penalties, interest 4.16.130
  - redeterminations 4.16.150
  - underpayment, overpayment, when, interest, penalties 4.16.120
  - due date, procedure generally 4.16.110
  - extension, interest 4.16.110
  - extension, regulations 4.16.170
  - failure
    - extension, when, penalty 4.16.110
    - penalties, interest 4.16.070
- parking space occupants
  - See also Specific Subject 4.16.070
  - obligation 4.16.050
  - receipt 4.16.060
- Refund when 4.16.160
- Registration, requirements 4.16.100
- Saving clause 4.16.180
- Security required when 4.16.160
- Title of provisions 4.16.010
- Violation, penalty 4.16.190

## PARKS, RECREATION AREAS

### Animals

- prohibitions generally 12.64.050
- zoo, prohibited acts 12.64.220

### Assembly, pre-advertised

See Park use permit 12.64.250

### Axes, prohibitions 12.64.020

### Birds, disturbing, prohibitions 12.64.070

### Boats, hiring, renting, age restrictions 12.64.190

### Brush knives, prohibitions 12.64.020

### Compliance requirements 12.64.270

### Definitions 12.64.010

### Disorderly conduct prohibited 12.64.100

### Disorderly persons, dispersal when 9.08.110

### Dogs at large, restrictions 6.04.080

**PARKS, RECREATION AREAS (Cont'd.)**

Drug free zones, parks designated as  
    12.64.400

Entertainment  
    See Park use permit 12.64.250

Firearms, prohibitions 12.64.070

Fires  
    red flag days, prohibited 12.64.170  
    restrictions generally 12.65.160

Games, playing, restrictions 12.64.060

Gaming prohibited 12.64.080

Golf courses, unlawful acts 12.64.240

Hatchets, prohibitions 12.64.020

Horses, prohibitions 12.64.050

Hours 12.64.110

Indecent acts prohibited 12.64.080

Injuring, prohibitions 12.64.090

Lake Merritt  
    birds, disturbing, prohibitions 12.64.070  
    boats  
        hiring, renting, age restrictions 12.64.190  
        regulations generally, permit 12.64.200  
        fishing, restrictions 12.64.210

Littering, prohibitions 12.64.030

Machetes, prohibitions 12.64.020

Motor vehicles  
    roadway, parking areas use only 12.64.140  
    traffic regulations 12.64.130  
    washing, repairing, prohibitions 12.64.150

Musical entertainment, permit  
    See Park use permit 12.64.250

Notices, destroying, prohibitions 12.64.040  
    Obscene acts prohibited 12.64.080

Park use permit  
    application  
        contents 12.64.300  
        fees 12.64.280  
        filing, time limits  
            private events 12.64.290  
            special events, additional requirements  
                12.64.291

cancellation for misrepresentation of event  
    12.64.390

cleanup provisions 12.64.350

compliance requirements 12.64.270

**PARKS, RECREATION AREAS (Cont'd.)**

Park use permit (Cont'd.)  
    crowd control monitors, requirements  
        12.64.340

definitions 12.64.260

drug free zones, parks designated as  
    12.64.400

fees  
    appeals fees 12.64.330  
    application fees 12.64.280  
    forfeiture for misrepresentation of event  
        12.64.390

grant, denial  
    appeals, fees 12.64.330  
    criteria 12.64.320  
    time limits, notice 12.64.310

indemnification agreement, requirements  
    12.64.370

insurance requirements 12.64.380

misrepresentation of event, cancellation  
    when 12.64.390

principles, statement 12.64.250

required when  
    private events 12.64.280  
    special events 12.64.280

special events  
    See also Specific Subject 12.64.250  
    required when 12.64.280  
    toilet facilities, provision 12.64.360  
    violation, penalty 12.64.410

Permit  
    See Park use permit 12.64.250

Pilfering prohibited 12.64.100

Principles, statement 12.64.250

Prohibitions  
    See Specific Subject 12.64.020

Red flag days  
    fires prohibited 12.64.170

Joaquin Miller Park, closure when 12.64.180

Restrictions  
    See Specific Subject 12.64.020

Rules, regulations  
    See also Specific Subject 12.64.020  
    destroying, prohibitions 12.64.040

Selling in, restrictions 12.64.080

## PARKS, RECREATION AREAS

PARKS, RECREATION AREAS (Cont'd.)  
Sleeping on benches prohibited 12.64.100  
Sound amplification equipment, restrictions, permit 12.64.120  
Special events  
general regulations  
See SPECIAL EVENTS 9.52.010  
permit requirements  
See Park use permit 12.64.2250  
SPECIAL EVENTS 9.52.030  
Swimming pools, municipal, use, attendant required 12.64.230  
Theatrical entertainment, permit  
See Park use permit 12.64.250  
Traffic  
regulations generally 10.16.010, 12.64.130  
roadway, parking areas use only 12.64.140  
Trees, injuring, prohibitions 12.64.090  
Use regulations  
See Specific Subject 12.64.010  
Park use permit 12.64.250  
Vandalism  
prohibited generally 12.64.090  
unlawful 12.64.100  
Vehicles  
See Motor vehicles 12.64.130  
Violation, penalty 12.64.410

PARKWAYS  
See PARKING 10.28.020

PATROL SERVICES  
See PRIVATE PATROL SERVICES,  
PRIVATE WATCHMAN 5.52.010

PAWNBROKERS, SECONDHAND DEALERS, SCRAP DEALERS, COLLECTORS  
Definitions 5.46.010  
Exchange dealers  
See Specific Subject 5.46.010  
Pawnbrokers, secondhand dealers, exchange dealers 5.46.030  
Pawnbrokers, secondhand dealers, exchange dealers  
See also Specific Subject 5.46.010

PAWNBROKERS, SECONDHAND DEALERS, SCRAP DEALERS, COLLECTORS (Cont'd.)  
Pawnbrokers, secondhand dealers, exchange dealers (Cont'd.)  
customer identification  
failure, effect 5.46.080  
requirements 5.46.070  
hours permitted 5.46.130  
merchandise  
hold-order, effect 5.46.100  
holding period 5.46.090  
minors, purchase from  
legal status declaration 5.46.120  
restrictions 5.46.110  
pawnbroker receipts  
customer receipts, requirements 5.46.230  
receipt books, requirements 5.46.220  
permit  
minor applicant, prohibited 5.46.040  
required, procedure  
pawnbrokers 5.46.020  
secondhand building materials storage 5.46.150  
secondhand dealers, exchange dealers 5.46.030  
suspension, revocation, grounds  
customer identification failure 5.46.080  
pawnbrokers 5.46.030  
secondhand dealers, exchange dealers 5.46.030  
premises, inspection 5.46.060  
servants, purchase from, restrictions 5.46.110  
transaction records  
open to inspection, copy transmittal 5.46.060  
requirements generally 5.46.050  
secondhand automobile dealers, parts dealers, wreckers 5.46.140  
Scrap dealers, collectors  
See also Specific Subject 5.46.010  
permit  
applicant requirements 5.46.180  
required, procedure 5.46.170

**PAWNBROKERS, SECONDHAND DEALERS, SCRAP DEALERS, COLLECTORS (Cont'd.)**

- Scrap dealers, collectors (Cont'd.)
  - regulations generally 5.46.210
  - transaction records
    - requirements generally 5.46.190
    - signature requirements 5.46.200
- Secondhand bicycles, parts businesses, report requirements 12.60.040
- Secondhand building materials storage
  - permit required, procedure 5.46.150
  - regulations generally 5.46.160
- Secondhand dealers, secondhand jewelry dealers
  - See also Specific Subject 5.46.010
  - Pawnbrokers, secondhand dealers, exchange dealers 5.46.030
  - secondhand jewelry dealers 5.46.031

**PAY TELEPHONES, OUTDOOR**

- Administration of provisions, scope, rules, guidelines 8.20.180
- Applicability of provisions
  - exempt telephones, locations designated 8.20.020
  - generally 8.20.010
- City nonliability, scope 8.20.190
- Definitions 8.20.030
- Enforcement
  - scope, authority generally 8.20.100
- Exempt telephones, locations designated 8.20.020
- Fees
  - pay phone permit
    - appeals costs 8.20.120
    - application fees 8.20.040
    - renewal fees 8.20.160
    - schedule 8.20.200
- Hold harmless agreement, requirements 8.20.190
- Indemnification of city 8.20.190
- Inspections, purpose, scope, authority 8.20.100
- Installation
  - See Location 8.20.040

**PAY TELEPHONES, OUTDOOR (Cont'd.)**

- Intent of provisions 8.20.010
- Location
  - applicability of provisions 8.20.010
  - exempt locations designated 8.20.020
  - improved property outside a building
    - installation regulations
      - See Specific Subject 8.20.040
  - pay phone permit
    - alcohol beverage sales establishments, issuance prohibited when, exceptions 8.20.140
    - appeals, scope, procedure, costs 8.20.120
    - authorization, findings required 8.20.060
    - failure to obtain, phone removal when 8.20.040
    - fees 8.20.040, 8.20.120, 8.20.160
    - indemnification of city, hold harmless agreement requirements 8.20.190
    - overconcentration of phones at intersection, issuance prohibited when 8.20.130
    - renewal, procedure, fees 8.20.120
    - required, requirements, procedure, fees 8.20.040
    - revocation when 8.20.110
    - revoked, telephone removal when, effect 8.20.100
  - installation
    - See also improved property outside a building 8.20.040
    - public right-of-way 8.20.050
    - intersections, overconcentration, prohibited when 8.20.130
    - new installations, moratorium, scope, term, effect 8.20.150
    - intersections, overconcentration, prohibited when 8.20.130
  - pay phone permit
    - See improved property outside a building 8.20.040
  - prohibited locations
    - alcohol beverage sales establishments,

## PAY TELEPHONES, OUTDOOR

### PAY TELEPHONES, OUTDOOR (Cont'd.)

#### Location (Cont'd.)

- prohibited locations (Cont'd.)
  - exceptions 8.20.140
  - generally, removal when 8.20.080
  - intersections, overconcentration,
    - prohibited when 8.20.130
- public right-of-way
  - installation regulations
    - See Specific Subject 8.20.050
- space use agreement
  - authorization, findings required
    - 8.20.060
  - existing, effect 8.20.050
  - required, requirements, procedure
    - 8.20.050
- space use agreement
  - See public right-of-way 8.20.050

#### Operation

- improved property outside a building
  - restrictions 8.20.060
  - standards
    - compliance 8.20.060
    - designated 8.20.070
- public right-of-way
  - restrictions 8.20.060
  - standards
    - compliance 8.20.060
    - designated 8.20.070

#### Pay phone permit

- See Location 8.20.040

#### Public nuisance

- designated conditions 8.20.080
- removal
  - replacement prohibited, time limits
    - 8.20.090
    - when 8.20.080

#### Public right-of-way location

- See Location 8.20.050

#### Purpose of provisions 8.20.010

#### Removal

- costs, recovery 8.20.100
- forfeiture when 8.20.100
- installation moratorium violations 8.20.150

### PAY TELEPHONES, OUTDOOR (Cont'd.)

#### Removal (Cont'd.)

- pay phone permit, failure to obtain, when
  - 8.20.040
- prohibited locations, when 8.20.080
- public nuisance telephones
  - replacement prohibited, time limits
    - 8.20.090
  - when, designated conditions 8.20.080
- recovery after, costs 8.20.100
- scope, authority generally 8.20.100

#### Severability of provisions 8.20.220

#### Space use agreement

- See Location 8.20.050

#### Street, sidewalk

- public right-of-way location
  - See Location 8.20.050
- use, encroachment regulations
  - See STREETS AND SIDEWALKS 12.08.010

#### Violations

- administrative citations when 8.20.170
- civil actions when 8.20.240
- continuing, effect 8.20.220
- joint, several liability 8.20.210
- pay phone permit revocation when
  - 8.20.110
- penalties 8.20.170
- public nuisance when 8.20.080
- remedies
  - designated 8.20.240
  - not exclusive 8.20.250

## PEDDLERS, SOLICITORS

- See also SOLICITATIONS 5.18.020
- Carts, stands, restrictions 5.48.070
- Certificates, requirements
  - police certificate 5.48.020
  - weights, measures, accuracy certificate
    - 5.48.040

#### Definitions 5.48.010

#### Foodstuffs

- See also Specific Subject 5.48.010
- restrictions generally 5.48.050
- "No Peddler" signs, obedience 5.48.030
- Noise, permitted, designated 8.18.030

PEDDLERS, SOLICITORS (Cont'd.)

Prohibited districts

designated 5.48.080



**PEDDLERS, SOLICITORS (Cont'd.)**

- Prohibited districts (Cont'd.)
  - exempt activities designated, permit 5.48.090
- Publications, permit required 5.48.060

**PEDESTRIANS**

- See also AIRPORT GROUND TRAFFIC CODE 10.56.240
  - TRAFFIC CODE 10.24.020
- Obstructing, prohibitions 9.08.170

**PELTRY**

- Curing, unlawful, exceptions 8.40.080

**PERMITS**

- See also BUSINESS PERMIT 5.02.010
  - FRANCHISES, PERMITS, PRIVILEGES 5.32.010
  - Advertising distributor 5.06.010
  - Animal hospitals 6.04.300
  - Auctions, auctioneers
    - generally 5.08.030
    - jewelry auction 5.08.160
  - Barred, barricaded rooms, houses
    - building permit 9.24.080
    - generally 9.24.050
  - Bedroom windows security devices 15.64.100, 15.64.130
  - Benches 12.52.010
  - Billiard rooms 5.50.010
  - Bingo games 5.10.040
  - Boats, Lake Merritt 12.64.200
  - Bowling alleys 5.50.010
  - Buildings
    - See also Specific Subject 15.04.035
    - demolition permit
      - building permit requirements 15.36.070
      - generally 15.36.020
      - moving buildings 15.44.010
  - Burial, dead bodies 8.40.030
  - Cabarets 5.12.020
  - California building codes, Oakland amendments, requirements
    - building code permits
      - Expiration of permit 15.04.055
      - Fees 15.04.065

**PERMITS (Cont'd.)**

- California building codes, Oakland amendments, requirements (Cont'd.)
  - building code permits (Cont'd.)
    - Suspension or revocation 15.04.060
    - electrical code 15.04.415
    - encroachments
      - revocable permit 15.04.690
      - sidewalks 15.04.705
    - excavations 15.04.685, 15.04.780
      - generally 15.04.035
  - Card games 9.24.040
  - Carnivals 5.14.020
  - Charitable solicitations 5.18.040
  - Circulars distributor 5.06.010
  - Commercial vehicles
    - heavy loads, restricted districts 10.52.030
    - interstate truck terminals 10.52.140
  - Creek protection, development, work permit 13.16.120
  - Dairy products
    - See Milk, dairy products 8.16.200
  - Dance halls 5.22.010
  - Dead bodies, burial 8.40.030
  - Demolition permit
    - building permit requirements 15.36.070
    - generally 15.36.020
  - Earthquake-damaged structures, alteration, repair, restoration, rehabilitation
    - generally 15.24.080
    - historic structures 15.24.190
  - Electronic games 5.40.040
  - Encroachment permits
    - See also Streets and sidewalks 12.08.010
    - California building codes, Oakland amendments, requirements
      - building code
        - revocable permit 15.04.690
        - sidewalks 15.04.705
      - filming activities, street closure 5.24.140
  - Excavations
    - See Streets and sidewalks 12.12.010
  - Exchange dealers 5.46.030
  - Extralegal load transportation permits
    - See TRAFFIC CODE 10.53.030

## **PERMITS**

### **PERMITS (Cont'd.)**

- Filming activities
  - film permit 5.24.030
  - pyrotechnics, fire permit 5.24.150
  - street closure, encroachment permit 5.24.140
- Fire permit, filming activities, pyrotechnics 5.24.150
- Firearms dealers 5.26.040
- Firearms, projectile weapons firing, discharging 9.36.120
- Fire-damage area, foundation removal 15.16.040
- Flying fields 5.28.020
- Food handling establishments 8.08.020
- Food vending group site pilot program
  - See **FOOD VENDING GROUP SITE PILOT PROGRAM** 5.51.050
- Handbills distributor 5.06.010
- Heliports, helistops 5.28.020
- Houseboats, houseboat moorages
  - building permit 15.56.090
  - designated systems, work 15.56.100
- Housing code requirements 15.08.120
- Itinerant restaurants 8.08.020
- Jack London District, interim mixed use permit parking program
  - See **PARKING** 10.45.010
- Jewelry auction 5.08.160
- Kennels 6.04.300
- Lake Merritt, boats 12.64.200
- Livery stables 5.30.430
- Loading, unloading at angle 10.28.060
- Massage establishments, massage therapists 5.36.040
- Meat businesses
  - generally 8.14.030
  - slaughtering, inspections exceptions, special permit 8.14.210
- Mechanical games 5.40.040
- Medical cannabis cultivation facility
  - See **MEDICAL CANNABIS CULTIVATION FACILITY PERMITS**

### **PERMITS (Cont'd.)**

- Medical cannabis dispensary
  - See **MEDICAL CANNABIS DISPENSARY PERMITS**
- Milk, dairy products
  - dairy permit 8.16.480
  - dairy products permit
  - fluid dairy products processor 8.16.200
  - generally 8.16.490
  - milk handler permit 8.16.620
  - pasteurizer permit 8.16.600
- Miniature golf courses 5.42.010
- Moorage
  - See **Houseboats, houseboat moorages** 15.56.090
- Moving buildings 15.44.010
- Moving picture theater 5.66.030
- Newsracks
  - generally 12.50.060
  - temporary newsracks 12.50.090
- Noise special permit 8.18.030
- Outdoor amusement centers 5.44.020
- Parades 12.44.060
- Park use permits
  - private events 12.64.280
  - special events 12.64.280
- Parking
  - loading, unloading at angle 10.28.060
  - meter zones in municipal parking lots, special parking permits 10.36.120
  - residential permit parking areas
  - residents, businesses 10.44.040
  - visitor permit 10.44.080
- Pawnbrokers 5.46.020
- Pay phone permit 8.20.040
- Peddling, prohibited district exception 5.48.090
- Pet shops 6.04.300
- Pool rooms 5.50.010
- Private watchman 5.52.040
- Projectile weapons firing, discharging 9.36.120
- Public motor vehicles
  - driver's permit 5.30.080
  - emergency operation permit 5.30.340

## PERMITS (Cont'd.)

- Public motor vehicles (Cont'd.)
  - limousine, grouping of passengers 5.30.230
  - livery stables 5.30.430
  - motorbuses
    - prohibited areas, special permit 5.30.130
    - street railroad extension, operation as 5.30.400
  - owner's permit 5.30.020
  - stand permit 5.30.200
- Publications peddling, soliciting 5.48.060
- Recycling facilities 8.28.030
- Restaurants 8.08.020
- Riding academies 5.56.020
- School stores 5.58.030
- Scrap dealers, collectors 5.46.170
- Secondhand building materials storage 5.46.150
- Secondhand dealers 5.46.030
- Sewers
  - See also Storm water sewers 13.16.110
  - building sewers, designated activities 13.08.040
  - temporary building sewer, connection 13.08.460
- Sidewalk benches 12.52.010
- Sidewalks, driveways, private construction
  - generally 12.04.110
  - multiple services 12.04.120
- Sign code requirements 14.04.120
- Skating rinks 5.60.020
- Soliciting, prohibited district exception 5.48.090
- Sound amplification equipment
  - generally 12.56.020
  - parks, recreation areas 12.64.120
- Special events
  - additional permits required when, designated 9.52.050
  - generally 9.52.030
  - park use permit 12.64.280
- Storm water sewers
  - creek protection development, work permit 13.16.120

## PERMITS (Cont'd.)

- Storm water sewers (Cont'd.)
  - watercourses, designated activities 13.16.110
- Street trees, shrubs
  - designated activities 12.32.060
  - protected tree removal permit 12.36.040
- Streets and sidewalks
  - construction materials, appliances, obstructions 12.08.200
  - curbs, gutters, private construction 12.04.320
  - decorations 12.24.080
  - encroachment permits
    - bus shelters, public telephones 12.08.010
    - California building codes, Oakland amendments, building code requirements
    - revocable permit 15.04.690
    - sidewalks, residential streets 15.04.705
    - filming activities, street closure 5.24.140
    - major encroachment permit 12.08.040
    - minor encroachment permit 12.08.050
    - short term encroachment permit 12.08.060
  - excavations
    - between curb and sidewalk 12.12.240
    - California building codes, Oakland amendments, requirements 15.04.685, 15.04.780
    - covered area-way excavation 12.12.070
      - emergencies 12.12.270
      - generally 12.12.010
    - public utilities, annual permit 12.12.020
    - public utility possessing franchise 12.12.090
    - sewer connection excavation 12.12.050
    - storage tank excavation 12.12.060
    - filming activities, street closure 5.24.140
    - improvements construction
      - by private contract 12.20.010
      - generally 12.16.010
    - industrial wastes, waters, depositing on 12.24.060

## **PERMITS**

### **PERMITS (Cont'd.)**

- Streets and sidewalks (Cont'd.)
  - obstructions, construction materials, appliances 12.08.200
  - railroad tracks in, on, crossing street, spur tracks, side tracks 12.28.110
  - sidewalk benches 12.52.010
  - sidewalks, driveways, private construction generally 12.04.110
  - multiple services 12.04.120
- Street closure, filming activities 5.24.140
- Substandard buildings, repair, vacation, demolition 15.08.380
- Taxicabs
  - driver permit 5.64.070
  - fleet management permit 5.64.040
  - operating permit 5.64.055
  - spare taxicab permit 5.64.060
  - stand permit 5.64.120
  - vehicle permit 5.64.050
- Theaters 5.66.030
- Trampoline centers 5.44.020, 5.68.020
- Trees
  - See Street trees, shrubs 12.32.060
- Unreinforced masonry building hazard abatement work 15.28.070
- Watercourses, designated activities 13.16.110

### **PERSONNEL**

- See also CONFLICT OF INTEREST CODE 3.16.010
  - POLICE, FIRE RETIREMENT SYSTEM** 4.44.010
    - Appeals, disciplinary actions 2.08.030
    - Death from injuries, report requirements, applicability 8.40.110
    - Disciplinary actions 2.08.030
    - Injuries, report requirements, applicability 8.40.110
    - Manual 2.08.040
    - Nondiscrimination regulations 2.08.060
    - Port department, rules, regulations 2.08.050
    - Prohibition on nepotism in city employment definitions 2.40.010
      - disclosure of relationships 2.40.030
      - enforcement 2.40.070

### **PERSONNEL (Cont'd.)**

- Prohibition on nepotism in city employment (Cont'd.)
  - failure to report relationships, including cohabitant and romantic relationships involving supervision 2.40.050
    - prohibited supervisory relationships 2.40.040
  - prohibition on participation or use of influence in hiring and in setting or changing terms and conditions of employment 2.40.060
    - purpose 2.40.020
- System
  - administration, scope, authority
  - city manager 2.08.020
  - civil service board 2.08.030
    - adopted, purpose 2.08.010

### **PHOTOGRAPHY**

- Film permit, regulations
  - See FILMING ACTIVITIES 5.24.030

### **PICKETING**

- Unlawful acts, penalty 9.08.010

### **PICKLE MANUFACTURING**

- Restrictions, prohibitions 5.70.030

### **PICTURE ARCADES**

- Interior, visibility, unlawful acts 9.08.050

### **PINBALL MACHINES**

- See GAMBLING 9.24.090

### **PLACES OF PUBLIC ASSEMBLAGE**

- Hallways, exits, obstruction prohibited 8.40.170

### **PLAYGROUNDS, PUBLIC**

- Dogs at large, restrictions 6.04.080

### **PLAYING**

- Streets, sidewalks, unlawful acts 8.40.130

### **PLUMBING CODE**

- See CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS 15.04.005

### **POLICE DEPARTMENT**

- See also TRAFFIC DIVISION 10.08.010

**POLICE DEPARTMENT (Cont'd.)**

- Officers, false representation prohibited  
9.04.020
- Police services, extraordinary, costs
  - bowling alleys, billiard rooms, pool rooms  
5.50.040
  - special events, police services,  
extraordinary, costs, traffic control  
services, fees 9.52.120
- Vehicles, traffic code applicability  
10.08.130

**POLICE, FIRE RETIREMENT SYSTEM**

- Pension obligation debentures, bonds
  - definitions 4.44.010
  - purpose of provisions 4.44.010
  - regulations generally 4.44.020
  - supplemental regulations 4.44.030
  - title of provisions 4.44.010

**POLICE SERVICES AGENCY**

- Established, purpose 2.29.020

**POLYSTYRENE FOAM FOOD SERVICE WARE**

- Biodegradable and compostable disposable  
food service ware required 8.07.030
- Definitions 8.07.010
- Exemptions 8.07.040
- Liability and enforcement 8.07.050
- Prohibited food service ware 8.07.020
- Study 8.07.070
- Violations and penalties 8.07.060

**POOL ROOMS**

- Compliance requirements 5.50.040
- Hours permitted 5.50.030
- Minors, prohibitions 9.12.010
- Permit
  - required, procedure 5.50.010
  - suspension, revocation, grounds 5.50.040
- Police services, extraordinary, costs recovery  
5.50.040
- Private rooms, prohibitions 5.50.020

**PORNOGRAPHIC MATERIAL**

- Possession in public places, unlawful acts  
9.08.130

**PORT DEPARTMENT**

- Personnel, rules, regulations 2.08.050

**POSEY TUBE**

- Explosives, flammable fluids, dangerous  
articles, transportation prohibitions 8.06.020

**PREMISES**

- See also PROPERTY BLIGHT 8.24.010
- Dangerous, insanitary conditions
  - See DANGEROUS, INSANITARY  
CONDITIONS 8.38.090
- Rats, eradication, infestation prevention  
8.38.180
- Sanitary condition, maintenance, prohibition  
8.38.160

**PRESS CARDS**

- Issuance, eligible persons, regulations  
5.70.010

**PRIVATE AMBULANCES**

- See PUBLIC MOTOR VEHICLES 5.30.060

**PRIVATE PATROL SERVICES, PRIVATE WATCHMAN**

- Badges
  - regulations, prohibitions 5.52.090
  - unlawful manufacture, sale 5.52.100
- Complaints, procedure 5.52.110
- Definitions 5.52.010
- Private patrol operators
  - See also Specific Subject 5.52.010
- Private patrol services 5.52.030
  - See also Specific Subject 5.52.010
  - business license tax, fee 5.52.120
  - registration, requirements 5.52.020
  - regulations generally 5.52.030
- Private watchman
  - See also Specific Subject 5.52.010
  - permit
    - application, contents 5.52.040, 5.52.050
    - contents 5.52.040
    - fees 5.52.050
    - grant, denial, conditions 5.52.060
    - required, procedure 5.52.040
    - revocation, grounds 5.52.040, 5.52.070
  - Uniforms, regulations 5.52.080

# PRIVATE PATROL SERVICES, PRIVATE WATCHMAN

PRIVATE PATROL SERVICES, PRIVATE WATCHMAN (Cont'd.)  
Violation, penalty 5.52.130

## PRIVILEGES

See FRANCHISES, PERMITS,  
PRIVILEGES 5.32.010

PROJECTILE WEAPONS  
See WEAPONS 9.36.050

## PROPERTY

See also Specific Subject 8.24.010  
FORECLOSED AND  
DEFAULTED RESIDENTIAL  
PROPERTY REGISTRATION AND  
ABATEMENT PROGRAM Ch. 8.54  
TRESPASSING 9.32.010  
VANDALISM 9.16.010  
VANDALISM BY DEFACEMENT  
OF PROPERTY (GRAFFITI) Ch. 8.10  
Repossession, regulations 5.70.050

## PROPERTY BLIGHT

Abatement  
applicability of provisions 8.24.090  
by city  
procedure generally 8.24.080  
scope, authority 8.24.060  
dangerous, imminently hazardous conditions,  
use, occupancy restriction when 8.24.070  
Conditions designated 8.24.020  
Enforcement, scope, authority 8.24.050  
Item parking, storage  
prohibitions 8.24.020  
time limits 8.24.030  
Maintaining, permitting, prohibitions  
8.24.040  
Purpose of provisions 8.24.010  
Violation  
See also Abatement 8.24.060  
penalty 8.24.100  
remedies cumulative 8.24.090

PROPERTY TRANSFER TAX  
See REAL PROPERTY TRANSFER TAX  
4.20.010

## PROSTITUTION

Vehicles  
see NUISANCE VEHICLES  
Prohibition of prostitution and related  
offenses 9.08.260

## PROTECTED TREES

See STREET TREES, SHRUBS 12.36.010

## PUBLIC BUILDINGS

Vandalism, unlawful acts 9.16.020

PUBLIC CHARITIES COMMISSION  
See COMMISSION OF PUBLIC  
CHARITIES 5.18.010

## PUBLIC CONVEYANCES

Smoking in, unlawful acts 8.18.090

## PUBLIC ETHICS COMMISSION

Authority designated 2.24.030  
Campaign reform act  
duties 3.12.250  
enforcement 3.12.270  
Chairperson election 2.24.060  
Composition 2.24.040  
Created 2.24.010  
Duties, responsibilities 2.20.290, 2.24.020  
Legal assistance from city 2.24.090  
Meetings, generally 2.24.060  
Members  
appointment, terms, vacancies 2.24.040  
qualifications 2.24.050  
Protection against retaliation 2.23.100  
Quorum 2.24.040  
Rules, regulations, procedures promulgation  
authority 2.24.070  
Staff assistance from city 2.24.080

## PUBLIC GROUNDS

Unlawful acts 9.16.010

## PUBLIC MEETINGS

See also PUBLIC RECORDS  
Administrative responsibility 2.20.280  
Agenda  
disclosures, closed sessions 2.20.100  
subscribers 2.20.090  
Attendance barriers prohibited 2.20.140

PUBLIC MEETINGS (Cont'd.)

Brown Act applicability 2.20.050  
Citations 2.20.020  
Closed sessions  
    agenda disclosure 2.20.100  
    conduct 2.20.120



**PUBLIC MEETINGS (Cont'd.)**

- Closed sessions (Cont'd.)
  - discussions, actions disclosure requirements
    - 2.20.130
  - Conduct of business 2.20.060
  - Conduct of meetings 2.20.040
  - Definitions 2.20.030
  - Effective date 2.20.300
  - Findings 2.20.010
  - Minutes, recordings 2.20.160
  - Public comments by members of local bodies
    - 2.20.170
  - Public Ethics Committee 2.20.270
  - Public testimony 2.20.150
  - Purpose of provisions 2.20.010
  - Regular meetings, agenda requirements
    - 2.20.080
  - Severability 2.20.290
  - Special meetings, agenda requirements
    - 2.20.070
  - Time, place, notice requirements 2.20.060

**PUBLIC MOTOR VEHICLES**

- See also TAXICABS 5.64.010
- Additional vehicles, regulations when
  - 5.30.360
- Ambulances, private
  - See also Specific Subject 5.30.010
  - identification emblem, requirements
    - 5.30.060
  - investigation, scope, effect 5.30.440
  - regulations generally 5.30.450
- Bus zones
  - See PARKING 10.40.090
  - Stands 5.30.200
- Buses
  - See Motorbuses 5.30.010
  - Stands 5.30.200
- Daily operation, failure, effect 5.30.390
- Definitions 5.30.010
- Driver's permit
  - address change, notification 5.30.110
  - applicant, requirements 5.30.090
  - application, contents 5.30.080
  - denial, grounds 5.30.090
  - display, contents 5.30.090

**PUBLIC MOTOR VEHICLES (Cont'd.)**

- Driver's permit (Cont'd.)
  - required 5.30.080
  - suspension, revocation, grounds 5.30.120
  - temporary, grant when, effect 5.30.100
  - validity 5.30.090
- Emergency operation permit, grant when, regulations 5.30.340
- Fares
  - limousine, refusal to pay unlawful 5.30.260
  - receipt upon request 5.30.250
- Liability policy
  - See Motor vehicle liability policy 5.30.140
- Limousines
  - See also Specific Subject 5.30.010
  - cruising for fares prohibited 5.30.220
  - direct route required when 5.30.240
  - exclusive use, exceptions, special permit
    - 5.30.230
  - fares, refusal to pay unlawful 5.30.260
  - fixed location required 5.30.220
  - owner identification, requirements 5.30.190
  - rates, display 5.30.190
  - smoking permitted 5.30.350
  - waybills, requirements 5.30.270
- Livery stables, regulations, permit 5.30.430
- Load, maximum 5.30.370
- Motor vehicle liability policy
  - amount, conditions 5.30.150
  - continuing liability, cancellation restrictions
    - 5.30.160
  - required, requirements generally 5.30.140
  - surplus lines insurance, requirements when
    - 5.30.170
- Motorbuses
  - See also Specific Subject 5.30.010
  - Stands 5.30.200
- bus zones
  - See PARKING 10.40.090
- passengers
  - compartment, lighting 5.30.310
  - receiving, discharging, regulations
    - 5.30.320
  - refusal, restrictions 5.30.280
  - trip completion, requirements 5.30.290

## PUBLIC MOTOR VEHICLES

### PUBLIC MOTOR VEHICLES (Cont'd.)

#### Motorbuses (Cont'd.)

- prohibited where, exception, special permit  
5.30.130
- railroad crossings, regulations 5.30.330
- route change, procedure 5.30.300
- sign requirements 5.30.380
- stops, regulations 5.30.320
- street railroad extension, operation as additional buses, regulations when  
5.30.410
- regulations generally, permit 5.30.400

#### Motorcycle escort services

See Specific Subject 5.30.010

#### Owner's permit

- application
  - contents 5.30.020
  - denial, grounds 5.30.040
  - hearing, notice 5.30.030
  - renewal application 5.30.050
- expiration 5.30.050
- renewal 5.30.050
- required 5.30.020
- suspension, revocation, grounds 5.30.070

#### Private ambulance

See Ambulances, private 5.30.060

#### Safety features, requirements 5.30.380

#### Sightseeing buses

- See also Specific Subject 5.30.010
- driver's identification, requirements  
5.30.180

#### Smoking in, unlawful acts 8.18.090

#### Smoking unlawful, exceptions 5.30.350

#### Soliciting passengers

- limousines, cruising prohibited 5.30.220
- prohibitions generally 5.30.420

#### Stands

- bus zones
  - See PARKING 10.40.090
- permitted when, regulations, permit  
5.30.200
- unattended vehicle prohibited 5.30.210

### PUBLIC RECORDS

See also PUBLIC MEETINGS

### PUBLIC RECORDS (Cont'd.)

#### Administration

- responsibility for 2.20.280
- Chapter citation 2.20.020

#### Definitions 2.20.180

#### Disclosure request, immediate 2.20.230

#### Documentary public information release 2.20.190

#### Duplication, fees 2.20.260

#### Effective date 2.20.300

#### Nonexempt public information 2.20.220

#### Oral public information release 2.20.200

#### Public Ethics Committee 2.20.270

#### Public review file

- policy body communications 2.20.210

#### Purpose of provisions 2.20.010

#### Severability 2.20.290

#### Withholding from disclosure

- justification for 2.20.250
- minimum 2.20.240

### PUBLIC WORKS AGENCY

#### Established, purpose 2.29.050

### PURCHASING

See also DEBARMENT PROGRAM

#### Administrative directives, controls 2.04.130

#### Affirmative action goals, plan 2.04.170

#### Bids

- collusion, prohibitions 2.04.140
- lowest responsible bidder 2.04.060
- required when, procedure generally  
2.04.050

#### Collusion, prohibitions 2.04.140

#### Contracts

See also Bid procedure 2.04.050

#### LIVING WAGE ORDINANCE

#### 2.28.010

- Supplies, services, professional services 2.04.020
- award, regulations, bond requirements  
2.04.050
- collusion, prohibitions 2.04.140
- procedures 2.04.040
- splitting, separating, prohibitions 2.04.110

#### Cooperative purchasing agreements 2.04.080

## REAL PROPERTY TRANSFER TAX

### PURCHASING (Cont'd.)

- Definitions 2.04.010
- Delivery method
  - construction manager-at-risk 2.04.190
  - design-build 2.04.180
- General construction services
  - pre-qualification and bid processes 2.04.045
- Gifts, donations, expenditures permitted 2.04.160
- Grant awards
  - city council approval 2.07.020
  - definitions 2.07.010
  - pay-go grants, policy, requirements 2.07.030
- Inspections 2.04.100
- Open market purchasing 2.04.070
- Pay-go funded purchases 2.04.018
- Preferred small local business ("PSLB") program
  - pre-qualification and bid processes 2.04.045
- Pre-qualification and bid processes for general construction services and the preferred small local business ("PSLB") program 2.04.045
- Procedures, contracting 2.04.040
- Project delivery method
  - See Delivery method
- Restrictions, prohibitions
  - See BURMA 2.04.180
- Scope 2.04.011
- Supplies, services, professional services, consultants
  - See also Specific Subject 2.04.010
  - contracts, agreements
    - See also Contracting Procedures 2.04.040
- LIVING WAGE
  - ORDINANCE 2.28.010
  - city administrator authority 2.04.020
  - city council authority 2.04.030
- Surplus supplies, purchases
  - disposal, authority, procedures 2.04.120
  - purchasing when 2.04.090
- Testing 2.04.100

### PURCHASING (Cont'd.)

- Unauthorized, unlawful 2.04.150

## — Q —

### QUIET ZONES

- Established, regulations 8.40.070
- Establishment, location, purpose 12.56.080
- Signs, posting 12.56.090
- Sound amplification equipment prohibited 12.56.100
- Violation, penalties 12.56.110

## — R —

### RABIES

- See DOGS 6.04.040

### RADIOACTIVE MATERIALS

- Transportation, restrictions, regulations 8.38.200

### RAILROAD TRACKS

- See STREETS AND SIDEWALKS 12.28.010

### RAILROAD TUNNEL

- Trespass
  - essential industries, services property regulations
    - See TRESPASSING 9.32.010
  - prohibitions generally 5.62.130

### RATS

- Eradication, infestation prevention 8.38.180

### REAL PROPERTY TRANSFER TAX

- Administration, scope, authority 4.20.020, 4.20.060
- Applicability 4.20.020, 4.20.040
- Collection
  - See also Lien against property 4.20.190
  - special tax roll assessment when, procedure 4.20.210
- Debt to city, recovery 4.20.170
- Definitions 4.20.030
- Exemptions
  - generally 4.20.020, 4.20.050

## **REAL PROPERTY TRANSFER TAX**

### **REAL PROPERTY TRANSFER TAX**

(Cont'd.)

#### **Exemptions (Cont'd.)**

low, moderate income first-time  
homebuyers 4.20.080

Imposed, rate 4.20.020

Liability 4.20.040

Lien against property

designated, effect 4.20.190  
notice, hearing 4.20.200

Notices

deficiency determination 4.20.110  
service, procedures 4.20.120

Payment

declaration required when, requirements  
4.20.090

deficiency determination  
See also redetermination 4.20.130

notice 4.20.110

when, effect 4.20.100

due date, delinquency, penalties, interest,  
fees 4.20.070

redetermination

finality 4.20.160

increase, decrease prior to decision  
4.20.150

petition

hearing 4.20.140

procedure generally 4.20.130

Purpose of provisions 4.20.010

Refunds 4.20.180

Title of provisions 4.20.010

### **RECORDS, PUBLIC**

Altering, falsifying, unlawful 9.04.040

### **RECREATION AREAS**

See PARKS, RECREATION AREAS  
12.64.010

### **RECYCLING**

See CONSTRUCTION AND  
DEMOLITION DEBRIS 15.34.010  
SOLID WASTE 8.28.030

### **RED FLAG DAYS**

See PARKS, RECREATION AREAS  
12.64.170

### **REFUSE**

Public streets, prohibited acts 8.38.020

### **RELATIVES AND RELATIONSHIPS**

Nepotism, prohibition on  
See PERSONNEL 2.40.010

### **RELIGIOUS SOLICITATIONS**

See also CHARITABLE SOLICITATIONS  
5.18.010

Agents, solicitors

See also Specific Subject 5.18.170  
credentials, requirements 5.18.180

Certificate of registration

issuance, contents, renewal 5.18.180  
required, application, contents 5.18.170

Definitions 5.18.020

Hearing officer, interim, regulations 5.18.010

Investigations, scope, authority 5.18.190

Prohibited acts designated 5.18.210

### **RELOCATION ASSISTANCE, PROGRAM**

See CODE ENFORCEMENT  
RELOCATION PROGRAM 15.60.010

### **RENDERING**

Restrictions, prohibitions 5.54.010

### **RENTAL UNITS, ROOMS**

See CODE ENFORCEMENT

#### **RELOCATION**

PROGRAM 15.60.010

HOUSING CODE 15.08.010

RESIDENTIAL RENT 8.22.010

### **RESIDENCY, PROOF OF**

Municipal identification cards  
See IDENTIFICATION CARDS 2.34.010

### **RESIDENTIAL CODE**

See CALIFORNIA BUILDING CODES,  
OAKLAND AMENDMENTS 15.04.005

### **RESIDENTIAL MORTGAGES**

See also HOME MORTGAGE LENDING  
MORTGAGES 9.04.010

**RETROFITTING**

See UNREINFORCED MASONRY  
BUILDINGS 15.28.070

**REVENUE BONDS**

Economic development 4.40.030  
Health facility revenue bonds 4.36.030  
Residential mortgage 4.32.030  
Sewer See SEWER REVENUE BOND LAW

**RIDING ACADEMIES**

Definitions 5.56.010  
Livery stable, regulations when 5.56.030  
Permit required, procedure 5.56.020  
Regulations generally 5.56.030

**ROLLER SKATES**

Sidewalks, crosswalks, roadways 10.16.160

**ROLLER SKATING RINKS**

See SKATING RINKS 5.60.010

**ROOMING HOUSES**

See HOTELS, MOTELS, ROOMING  
HOUSES 8.03.010

— S —

**SAND**

Sales, regulations 5.70.040

**SATURDAY NIGHT SPECIALS**

See WEAPONS 9.36.150

**SCHOOL DIRECTORS' DISTRICTS**

Descriptions 3.04.020  
Map 2.16.010

**SCHOOLS**

Crossings, traffic control, authority 10.08.090  
Grounds, dogs at large, restrictions 6.04.080  
Parking adjacent to, prohibitions 10.28.070  
Stores  
    definitions 5.58.020  
    employees, police reports 5.58.060  
    permit  
        regulations generally 5.58.040  
        required 5.58.030  
    purpose of provisions 5.58.010  
    regulations generally 5.58.050

**SCRAP DEALERS, COLLECTORS**

See PAWNBROKERS, SECONDHAND  
DEALERS, SCRAP DEALERS,  
COLLECTORS 5.46.010

**SCRAP YARDS**

See also PAWNBROKERS, SECONDHAND  
DEALERS, SCRAP DEALERS,  
COLLECTORS 5.46.010

Illegal scrap yards, operations  
abatement

    by owner, procedure, effect 8.26.120  
    procedure generally 8.26.050  
    right of entry 8.26.060  
    when 8.26.020

abatement costs

    accounting 8.26.070  
    assessment against property 8.26.100  
    hearing, effect 8.26.090  
    lien against property  
        collection, alternative method  
            8.26.140  
    interest, statute of limitations  
        8.26.110  
    limitations 8.26.130  
    recordation 8.26.100  
    report, copy service 8.26.080

complaint

    filing, resolution, notice procedure  
        8.26.040  
        hearing, effect 8.26.050  
    definitions 8.26.030  
    nuisance, designated when 8.26.020  
    purpose of provisions 8.26.010  
    remedies nonexclusive 8.26.020

**SECONDHAND DEALERS,****SECONDHAND JEWELRY DEALERS**

See PAWNBROKERS, SECONDHAND  
DEALERS, SCRAP DEALERS,  
COLLECTORS 5.46.010

**SECURITY**

See FORECLOSED AND DEFAULTED  
RESIDENTIAL PROPERTY  
REGISTRATION AND ABATEMENT  
PROGRAM Ch. 8.54

## **SECURITY**

### **SECURITY (Cont'd.)**

OAKLAND-ALAMEDA COUNTY  
COLISEUM COMPLEX 8.44.010  
SECURITY DEVICES 15.64.010  
Marine see INTERNATIONAL AIRPORT  
200-YARD MARINE SECURITY ZONE  
Ch. 10.57

### **SECURITY DEVICES**

See also SMOKE DETECTORS 15.08.330,  
15.64.010  
Bedroom security bars, devices  
abatement  
  costs recovery 15.64.070  
  imminently dangerous conditions  
  15.64.060  
administrative enforcement authority  
  15.12.010  
certificate of compliance permit  
  application requirements 15.64.130  
  fees 15.64.200  
fees  
  inspection fees 15.64.270  
  permit fees  
    existing installations 15.64.110  
    new installations 15.64.120  
    refunds 15.64.230  
inspections  
  fees generally 15.64.270  
  record card 15.64.250  
  requests for 15.64.260  
  required 15.64.130, 15.64.240  
installation approval certificate 15.64.280  
permit  
  application requirements  
    existing installations 15.64.110  
    new installations 15.64.120  
  expiration 15.64.160  
  fees  
    existing installations 15.64.180  
    new installations 15.64.190  
  guidelines establishment authority  
    15.64.340  
  issuance 15.64.140  
  release mechanisms maintenance  
    15.64.290

### **SECURITY DEVICES (Cont'd.)**

Bedroom security bars, devices (Cont'd.)  
  permit (Cont'd.)  
    rental property maintenance log  
      15.64.300  
    required 15.64.100  
    residential property sale 15.64.330  
    suspension, revocation 15.64.170  
    validity 15.64.150  
Building code modification authority  
  15.64.090  
Definitions 15.64.020  
Effective date of provisions 15.64.010  
Enforcement  
  alternative methods 15.64.050  
  authority designated 15.64.030  
Marine security zone  
  See INTERNATIONAL AIRPORT 200-YARD MARINE SECURITY ZONE  
Purpose of provisions 15.64.010  
Right of entry for inspection 15.64.040  
Smoke detectors  
  See also SMOKE DETECTORS 15.64.010  
  purpose of provisions 15.64.010  
Stop work orders issuance authority  
  15.64.080  
Work done without permit  
  investigation 15.64.210  
  investigation fees 15.64.220

## **SETBACK LINES**

See BUILDINGS AND CONSTRUCTION  
15.48.010

## **SEWER REVENUE BOND LAW**

Amendment, chapter 4.50.180  
  Application 4.50.070  
Bonds authorization  
  generally 4.50.050  
  proceedings 4.50.060  
Controlling chapter 4.50.190  
Definitions 4.50.030  
General powers 4.50.040  
Indenture 4.50.080  
Insurance, credit enhancement 4.50.090

**SEWER REVENUE BOND LAW (Cont'd.)**

- Investments, bonds, interest rate, cash flow  
4.50.100
- Liberal construction 4.50.150
- Partial invalidity 4.50.200
- Personal liability 4.50.110
- Provisions 4.50.160
- Purpose 4.50.020
- Refund 4.50.130
- Title 4.50.010
- Validity 4.50.170



**SEWER SERVICE CHARGE FUND**  
Continuance, deposits, use 13.04.060

**SEWERAGE**  
Unlawful overflow 8.38.010

**SEWERS**  
See also STORM WATER SEWERS  
13.16.010

Building sewers  
See also Specific Subject 13.08.020

inflow/infiltration correction program  
13.08.520

inspection, replacement, compliance with EBMUD regional PSL ordinance, compliance certificates 13.08.600

private sewer laterals  
adoption of the EBMUD regional PSL ordinance by reference 13.08.620  
compliance with EBMUD regional PSL ordinance, compliance certificate  
13.08.600

enforcement of EBMUD Ordinance No. 311, Title VIII 13.08.59

responsibility and standards for maintenance of upper and lower building sewer laterals 13.08.610

sewage overflow devices  
installation and maintenance 13.08.520,  
13.08.522

standard cleanout fitting, exterior riser, sewage overflow device installation adjacent to building 13.08.520

Charges 13.04.010  
abandonment 13.08.490  
applicability of provisions 13.08.030  
compliance requirement 13.08.120  
connection, regulations  
See Connections 13.08.140  
construction 13.08.530  
definitions 13.08.020  
delinquent  
lien  
enforcement 13.04.050  
when 13.04.040  
remedies 13.04.050

**SEWERS (Cont'd.)**  
Charges (Cont'd.)  
delinquent (Cont'd.)  
when 13.04.030  
deposit, use 13.04.050  
designated 13.04.020  
discharge regulations  
See Discharges 13.08.130  
emergency condition, abatement, costs, assessment 13.08.100  
emergency work by city, procedure, costs  
13.08.540  
fund  
See SEWER SERVICE CHARGE FUNDS 13.04.060

inflow/infiltration correction program, sewers subject to  
inspections, tests, requirements  
13.08.510

inspections, tests, requirements  
generally 13.08.500  
sewers subject to inflow/infiltration correction program 13.08.510  
malfunctions, dispute, city work when, costs, liability 13.08.110  
payment, regulations 13.04.070  
permit  
conditions, regulations generally  
13.08.050  
emergency work, regulations 13.08.070  
required, designated activities, fees  
13.08.040  
revocation, grounds 13.08.090  
pressurized, required when, regulations  
13.08.550  
purpose of provisions 13.08.010  
rehabilitation by sliplining  
materials, methods, standards  
13.08.570  
restrictions, procedure generally  
13.08.560  
temporary, permit, regulations 13.08.460  
work  
See also permit 13.08.040  
commencement, notice 13.08.060

## **SEWERS**

### **SEWERS (Cont'd.)**

Charges (Cont'd.)  
work (Cont'd.)  
    emergency work, regulations 13.08.070  
enforcement, deviations approval,  
    authority 13.08.080

Connections  
building sewers  
    See also Specific Subject 13.08.140  
existing  
    damaging, repair, responsibility  
        13.08.480  
    use permitted when 13.08.470  
illegal, designated, abatement 13.08.140  
lower lateral repair, replacement by city  
    when, regulations 13.08.350  
manhole required when 13.08.430  
procedure  
    common private sanitary sewer  
        13.08.440  
    generally 13.08.420  
required when 13.08.340  
separate required, exceptions 13.08.450  
temporary, permit, regulations 13.08.460  
test-wye  
    not required when 13.08.380  
    required, point of discharge in  
        easement, location 13.08.370  
two-way cleanout  
    not required when 13.08.380  
required  
    point of discharge in right-of-way,  
        location 13.08.360  
reduction in building sewer size  
    13.08.390  
rehabilitation of building sewer,  
    portion 13.08.410  
replacement of existing building sewer,  
    portion 13.08.400

Construction, materials, methods, standards  
    13.08.530

Dangerous, insanitary conditions  
abatement  
    appeals  
        hearing, effect 13.08.270

### **SEWERS (Cont'd.)**

Dangerous, insanitary conditions (Cont'd.)  
abatement (Cont'd.)  
    appeals (Cont'd.)  
        notice, time limits 13.08.260  
failure hearing  
    nonappearance, untimely appeal,  
        effect 13.08.270  
    when, decision, appeals 13.08.260

when, order, procedure  
sewers not subject to  
    inflow/infiltration correction  
        program 13.08.240  
sewers subject to inflow/infiltration  
    correction program 13.08.250

abatement by city, costs, lien  
    emergency work, notice of lien  
        13.08.330  
generally, prospective notice of lien  
    13.08.270

mandatory abatement  
    notice of lien 13.08.290  
    regulations generally 13.08.280

voluntary abatement  
    notice of lien 13.08.310  
    payment failure, effect 13.08.320  
    regulations generally 13.08.300

inflow/infiltration correction program  
abatement regulations  
    sewers not subject to program  
        13.08.240  
    sewers subject to program 13.08.250  
applicability, regulations generally  
    13.08.230

inspection when, procedure 13.08.220

Definitions  
    building sewers 13.08.020  
    generally 13.04.010  
    system funding 13.04.010

Discharges  
    See also STORM WATER SEWERS  
        13.16.010  
    limitations  
        authority generally 13.08.200

**SEWERS (Cont'd.)**

Discharges (Cont'd.)

    limitations (Cont'd.)

        designated substances 13.08.160,  
        13.08.170

        excessive volume 13.08.170

        radioactive wastes 13.08.180

    prohibitions

        designated substances 13.08.160,  
        13.08.170

        excessive volume 13.08.170

        generally 13.08.140, 13.08.150

        sampling structures, requirements  
        13.08.210

        scope, regulations generally 13.08.130

        special agreements, scope, effect  
        13.08.190

Fund

    See **SEWER SERVICE CHARGE FUND**

    13.04.060

**SEWER REVENUE BOND LAW**

Inflow/infiltration correction program

    Building sewers 13.08.510

    Dangerous, insanitary conditions  
    13.08.230

    Insanitary conditions

        See Dangerous, insanitary conditions  
        13.08.230

    Materials, standards 13.08.530

    Private sanitary sewer

        connection, regulations 13.08.440  
        private sewage disposal systems, California  
            building codes, Oakland amendments,  
            plumbing code regulations 15.04.800

    Responsibilities

        director of public works 13.02.030

    Right of entry

        dangerous, insanitary conditions,  
        inspections 13.08.220

    inflow/infiltration correction program  
    13.08.230

    Test-wye

        See Connections 13.08.370

    Two-way cleanout

        See Connections 13.08.360

**SEWERS (Cont'd.)**

Violation

    inspection when, procedure 13.08.220

    penalties 13.08.580

**SEXUAL ORIENTATION**

**DISCRIMINATION**

    Definitions 9.44.010

    Nonwaiverability of provisions 9.44.070

    Notice requirements 9.44.020

    Unlawful practices designated, exceptions  
    9.44.020

Violation

    civil actions

        designated 9.44.050

        time limits 9.44.060

        civil remedies 9.44.030

        criminal liability 9.44.040

        infractions 9.44.040

        Severability 9.44.080

**SHERIFF'S OFFICE**

    Officers, false representation prohibited  
    9.04.020

**SHRUBS**

    See **STREET TREES, SHRUBS** 12.32.010  
    **TREES** 15.52.010

**SIDEWALKS**

    See **STREETS AND SIDEWALKS**  
    12.04.010

**SIGHTSEEING BUSES**

    See **PUBLIC MOTOR VEHICLES** 5.30.010



## SIGN CODE

## Additions

- approval, adoption 14.04.020
- Chapter 15 14.04.270
- Chapter 16 14.04.280
- Section 202, definitions 14.04.070
- Section 206.1 14.04.080
- Section 207.1 14.04.090
- Section 212, definitions 14.04.100
- Section 215, definitions 14.04.110
- Section 307 14.04.130
- Adoption 14.04.010
- Advertising matter

See also Specific Subject 14.04.010

## ADVERTISING MATTER 5.06.020

- alcoholic beverages, tobacco products,  
outdoor advertisement prohibitions,  
exceptions, violations, penalties,  
reinspection fees 14.40.280

## Alcoholic beverages, outdoor advertisement

- prohibitions, exceptions, violations, penalties,  
reinspection fees 14.40.280

## Amendments

- approval, adoption 14.04.020
- Section 101 14.04.030
- Section 102 14.04.040
- Section 103(c) 14.04.050
- Section 103(d) 14.04.060
- Section 304 14.04.120
- Section 401(e) 14.04.140
- Section 402(a) 14.04.150
- Section 402(c) 14.04.160
- Section 403(a) 14.04.170
- Section 403(d) 14.04.180
- Section 503(b) 14.04.190
- Section 803(b) 14.04.200
- Section 903 14.04.210
- Section 1003(b) 14.04.220
- Section 1103(b) 14.04.230
- Section 1302 14.04.260
- Table 4-B 14.04.240

## Appeals

- freeways, signs adjacent to, regulations  
appeals 14.04.270
- generally 14.04.050

## Citation, procedure 14.04.030

## Combustible materials, restrictions 14.04.160

- Definitions 14.04.070, 14.04.080, 14.04.090,  
14.04.100, 14.04.110

## Deletions

- approval, adoption 14.04.020
- Table 4-C 14.04.250

Electric signs, construction, installation  
14.04.260

## Fees

- alcoholic beverage, tobacco product outdoor  
advertising reinspection fees 14.04.280
- checking fees, permit fees 14.04.120
- permit fees 14.04.120, 14.04.130

## Fin signs, projection thickness 14.04.190

Freeways, signs adjacent to, regulations, appeals  
14.04.270Lights, extension over sidewalk, restrictions  
14.04.150

## Openings, obstruction restrictions 14.04.180

## Permits

- expiration when, new permit required, fee  
14.04.130
- fees 14.04.120, 14.04.130

## Projecting signs

- maximum projection 14.04.240
- thickness
  - combination signs 14.04.230
  - fin signs 14.04.190
  - generally 14.04.220

## References, effect 14.04.030

## Roof signs, clearance, access 14.04.200

## Stresses, allowable 14.04.140

## Structural design 14.04.140

## Title of provisions 14.04.010, 14.04.030

## Tobacco products, outdoor advertisement

- prohibitions, exceptions, violations, penalties,  
reinspection fees 14.40.280

## Violations

- not permitted by provisions 14.04.040
- nuisance when, abatement 14.04.060,  
14.04.290
- penalties 14.04.060, 14.04.290

## Wall signs, extension restrictions 14.04.210

## SIGNS

See ADVERTISING MATTER 5.06.020

SIGN CODE 14.04.010

## SKATE PARK FACILITIES

### SKATE PARK FACILITIES

- Definitions 5.90.010
- Hours of operation 5.90.020
- Use regulations, prohibited activities 5.90.030
- Violation as infractions 5.90.040

### SKATEBOARDS

- Sidewalks, crosswalks, roadways, prohibitions 10.16.160

### SKATING RINKS

- Definitions 5.60.010
- Permit required, procedure 5.60.020

### SKINS

- Curing, unlawful, exceptions 8.40.080

### SLAUGHTERING ESTABLISHMENTS

- Slaughterhouses, slaughtering
  - general regulations
    - See MEAT BUSINESSES 8.14.200
  - unlawful, exceptions 8.40.080

### SLAVERY ERA DISCLOSURE 9.60.010

### SMELTING

- Unlawful ores designated 8.40.090

### SMOKE DETECTORS

- Definitions 15.64.020
- Enforcement
  - alternative methods 15.64.050
  - authority designated 15.64.030
- Guidelines establishment authority 15.64.340
- Housing code requirements 15.08.330
- Inspections
  - request for 15.64.260
  - right of entry for 15.64.100
- Installation standards 15.64.320
- Purpose of provisions 15.64.010
- Rental property, installation maintenance log 15.64.300

### SMOKE, SOOT

- Enforcement, inspection, authority 8.18.050
- Nuisance when 8.18.040

### SMOKING

- Applicability of provisions
  - city-owned facilities 8.30.040
  - other applicable laws 8.30.150
- City-owned facilities
  - See also Specific Subject 8.30.010
  - applicability of provisions 8.30.040
- Definitions 8.30.030
- Enforcement, scope, authority 8.30.100
- Findings 8.30.020
- Minors, unlawful where 9.12.040
- Policy
  - governmental agencies 8.30.140
  - more restrictive, permitted 8.30.070
  - nonretaliation 8.30.120
  - places of employment 8.30.060
  - restaurants 8.30.050
- Prohibitions
  - enclosed places 8.30.050
  - exceptions
    - generally 8.30.080
    - places of employment 8.30.060
    - multi-housing complexes 8.30.050
    - unenclosed places 8.30.055
- Public conveyances, unlawful acts 8.18.090
- Public education 8.30.130
- Public motor vehicles, prohibitions, exceptions 5.30.350
- Purpose of provisions 8.30.020
- Signposting, requirements 8.30.090
- Title of provisions 8.30.010
- Violation
  - complaint procedure 8.30.100
  - nonretaliation 8.30.120
  - penalties 8.30.110

### SOLICITATIONS

- See also CHARITABLE SOLICITATIONS 5.18.010
  - PEDDLERS, SOLICITORS 5.48.010
  - RELIGIOUS SOLICITATIONS 5.18.010
- Accidents, soliciting at scene, prohibitions 10.16.200
- Definitions 5.18.020

- Food, drink establishments, unlawful acts  
9.08.240
  - Private needs, prohibitions 5.18.030
  - Public motor vehicles, soliciting passengers
    - limousines, cruising prohibited 5.30.220
    - prohibitions generally 5.30.420
  - Streets, on, unlawful acts 9.08.230
  - Tort claims, unlawful acts 9.08.220
  - Vehicle-based
    - definitions 8.48.020
    - prohibited
      - commercial parking areas 8.48.040
      - public rights-of-way 8.48.030
      - severability of provisions 8.48.060
      - title of provisions 8.48.010
      - violations, penalties 8.48.050
- SOLID WASTE**
- See also CONSTRUCTION AND DEMOLITION DEBRIS 15.34.010
  - Ashes, cinders, separation 8.38.150
  - Charges
    - See Rates, charges 8.28.020
  - Collection
    - collector
      - See also Rates, charges 8.28.020
      - sole authority, exceptions 8.28.060
      - transportation, sole authority, exceptions 8.28.070
    - containers, requirements, regulations 8.28.140
    - frequency 8.28.120
    - prohibited materials designated 8.28.130
    - rates, charges
      - See Rates, charges 8.28.030
    - recyclables, organic recyclable materials
      - See also Recyclables, organic recyclable materials 8.28.050
      - collectors, regulations, license 8.28.030
      - fees 8.28.030
      - ownership 8.28.040
      - regulations generally 8.28.030
    - service
      - failure to initiate, effect 8.28.110
      - required, requirements generally 8.28.100
  - Definitions 8.28.010
  - Disposal
    - litter receptacles, use 8.28.160
    - unlawful disposal designated 8.28.150
  - Houseboat moorage, disposal standards 15.56.180
  - Litter receptacles, use 8.28.160
  - Mandatory solid waste program 8.28.260
  - Rates, charges
    - city surcharges
      - generally 8.28.080
      - waste reduction mandates compliance costs 8.28.090
    - collector
      - See Specific Subject 8.28.020
      - delinquent 8.28.180
      - payment 8.28.170
    - delinquent
      - administrative hearing
      - notice 8.28.220
      - when, procedure, decision 8.28.200
    - lien assessment
      - collection 8.28.240
      - recordation when 8.28.230
      - release when 8.28.250
      - mandatory solid waste collection fund, deposits, use 8.28.260
      - nonpayment complaint
        - See also administrative hearing 8.28.200
        - city payment, owner liability, administrative charge when 8.28.190
        - filing when, procedure 8.28.180
        - notices, giving, manner 8.28.270
        - procedural fees 8.28.250
        - report, transmittal 8.28.210
    - generally 8.28.020
    - payment required, collector entitlement 8.28.170
    - recyclables, organic recyclable materials 8.28.030
    - schedule 8.28.290
    - Recyclables, organic recyclable materials
      - See also Collection 8.28.030
      - CONSTRUCTION AND DEMOLITION DEBRIS 15.34.020
      - collector, sole authority, exceptions 8.28.060
      - disposal, rights of persons 8.28.050
      - Transportation, collector, sole authority, exceptions 8.28.070
    - Violation, penalty, nuisance 8.28.280

## SOOT

### SOOT

See SMOKE, SOOT 8.18.040

### SOUND AMPLIFICATION EQUIPMENT

Definitions 12.56.010

Parks, recreation areas, restrictions, permit, fees  
12.64.120

#### Permit

denial, revocation

appeals 12.56.070

grounds 12.56.060

exemptions 12.56.050

issuance, conditions 12.56.030

parks, recreation areas, fees 12.64.120

required when 12.56.020

#### Quiet zones

See also QUIET ZONES 8.40.070, 12.56.080

prohibited 12.56.100

#### Use restrictions

applicability 12.56.040

exemptions 12.56.050

generally 12.56.030

Violation, penalties 12.56.110

## SOUTHEAST OAKLAND AREA TRAFFIC IMPACT FEE

Authority of chapter 10.70.110

#### Credits and Reimbursements

allocation of reimbursements 10.70.350

amount of potential credit 10.70.330

application for potential credit 10.70.310

request for reimbursement 10.70.340

timing of application 10.70.320

Definitions 10.70.150

#### Fees, payment of

amount of payment 10.70.230

exemptions and exceptions 10.70.250

fee adjustment by the city 10.70.240

obligation to pay fees 10.70.210

timing of payment 10.70.220

Impact program area 10.70.130

#### Protests and Appeals

appeal of director's determination 10.70.430

cost of protest 10.70.440

director's determination 10.70.420

implementing regulations 10.70.450

notice of protest rights 10.70.410

Purpose of fees 10.70.120

Use of fees 10.70.140

## SPECIAL EVENTS

### Appeals

permit denial reconsideration 9.52.090

police services, extraordinary, costs, traffic  
control services, fees 9.52.120

Definitions 9.52.040

Exempt activities designated 9.52.040

### Fees

permit application fees 9.52.050

police services, extraordinary, costs, traffic  
control services, fees 9.52.120

### Permit

application

action on, scope, authority 9.52.070

contents 9.52.060

denial

action on, authority 9.52.070

grounds, reconsideration 9.52.090

fees 9.52.050

procedure generally 9.52.050

### conditions

designated, imposition 9.52.080

violation

penalties 9.52.110

permit revocation when 9.52.100

### fees

application fees 9.52.050

### park use permit

general regulations, requirements

See PARKS, RECREATION AREAS

required when 16.24.280

### required

additional permits required, when

9.52.050

generally 9.52.030

### park use permit

See also PARKS, RECREATION AREAS

when 12.64.280

revocation, grounds 9.52.100

Police services, extraordinary, costs, traffic

control services, fees 9.52.120

Purpose of provisions 9.52.020

Title of provisions 9.52.010

### Violation

penalties 9.52.110

permit revocation when 9.52.100

## SPEED LIMITS

See TRAFFIC CODE 10.20.010

- SPITTING**
    - Unlawful where 8.38.070
  - SPORTING EVENTS**
    - Canned goods, bottled beverages, prohibitions 9.08.140
  - SQUIRRELS**
    - See ANIMALS 6.04.350
  - STAGNANT WATER**
    - Unlawful conditions 8.38.060
  - STAIRS**
    - Sidewalks, near, protection requirements 8.40.140
  - STORM DRAINAGE STANDARDS**
    - Construction and application 13.14.040
    - Definitions 13.14.010
    - Effective date 13.14.060
    - Purpose 13.14.020
    - Responsibilities 13.14.030
    - Severability 13.14.050
  - STORM WATER SEWERS**
    - Administration, scope, authority 13.16.040
    - Appeals
      - to director of public works agency 13.16.460
      - to planning commission 13.16.450
      - violation abatement
        - administrative hearing findings appeal 13.16.300
        - hearing 13.16.310
    - Applicability of provisions 13.16.050
    - Construction of provisions 13.16.050
    - Creek protection
      - development, work permit application
        - decision, notice 13.16.210
        - notice requirements 13.16.180
        - submittal, procedure, contents 13.16.140
      - category determination 13.16.130
      - denial, decision, notice 13.16.210
      - grant
        - criteria 13.16.200
        - decision 13.16.210
        - terms, conditions generally 13.16.190
        - required when 13.16.120
      - dumping in, unlawful acts 8.18.080
- STORM WATER SEWERS (Cont'd.)**
  - Creek protection (Cont'd.)
    - hydrology report
      - required when 13.16.160
      - requirements generally 13.16.170
    - permit
      - See development, work permit 13.16.120
      - plan, requirements 13.16.150
  - Definitions 13.16.030
  - Discharge regulations
    - pollutants reduction, methods
      - generally 13.16.100
      - watercourses 13.16.110
  - prohibitions
    - illicit discharges, connections 13.16.090
    - nonstormwater discharges, exceptions 13.16.070
    - permit violation discharges 13.16.080
  - Discharges
    - See also Violations 13.16.230
    - coordination requirements 13.16.440
    - hazardous materials inventory, response program
    - inspections, scope, authority 13.16.220
    - monitoring requirements 13.16.220
    - report requirements 13.16.220
    - samples, sampling 13.16.220
    - spill, notification requirements 13.16.220
    - testing requirements 13.16.220
  - Enforcement
    - administrative remedies 13.16.360
    - civil actions 13.16.350
    - inspections, scope, authority 13.16.220
    - scope, authority 13.16.040
  - Fees
    - schedule 13.16.470
    - violation reinspection fees 13.16.400
  - Inspections, scope, authority 13.16.220
  - Intent of provisions 13.16.020
  - Interpretation of provisions 13.16.040
  - Permit
    - creek protection
      - See Creek protection 13.16.120
    - watercourses, designated activities 13.16.110
  - Pollutants reduction, methods
    - generally 13.16.100
    - watercourses 13.16.110
  - Purpose of provisions 13.16.020

## STORM WATER SEWERS

### STORM WATER SEWERS (Cont'd.)

- Severability of provisions 13.16.060
- Title of provisions 13.16.010
- Validity of provisions 13.16.060
- Violations
  - abatement
    - See also abatement by city when 13.16.310
    - abatement costs 13.16.310
  - appeals
    - administrative findings appeal 13.16.300
      - hearing 13.16.310
    - failure, administrative hearing when, procedure, appeals 13.16.300
    - notice to abate, issuance when 13.16.310
  - nuisances, when 13.16.280
  - order when, procedure, effect 13.16.290
    - procedure generally 13.16.310
  - abatement by city when
    - See also abatement costs 13.16.310
    - emergency abatement 13.16.330
      - generally 13.16.310
  - abatement costs
    - emergency abatement, collection 13.16.330
    - generally, lien when 13.16.310
    - notice of special assessment lien, contents 13.16.340
    - special assessment when, collection 13.16.320
  - acts potentially violating federal Clean Water Act, Porter-Cologne Act 13.16.270
  - administrative remedies 13.16.360
  - citations, issuance
    - administrative citations, when 13.16.380
    - authorized persons designated 13.16.410
  - civil actions 13.16.350
  - concealment designated violation 13.16.260
  - continuing violations 13.16.250
  - discharges
    - See Specific Subject 13.16.230
    - infraction when 13.16.230
    - liability, joint, several 13.16.430
    - nuisance when, abatement actions 13.16.280
  - penalties
    - administrative civil penalties 13.16.370
    - generally 13.16.240

### STORM WATER SEWERS (Cont'd.)

- Violations (Cont'd.)
  - property use limitations when 13.16.390
  - reinspection fees when 13.16.400
  - remedies not exclusive 13.16.420
- Watercourses
  - See also Creek protection 13.16.120
  - storm water sewer discharges, pollutants reduction 13.16.100

## STREAMS

- Creek protection
  - See STORM WATER SEWERS 13.16.120
- Dumping in, unlawful acts 8.18.080
- Watercourse regulations
  - See STORM WATER SEWERS 13.16.100

## STREET CARS

- Crossing street, alarm sounding 5.62.110
- Employees
  - See also Operators 5.62.010
  - weapons, carrying, prohibitions 5.62.030
- Fenders
  - required, location, use 5.62.080
  - specifications 5.62.090
- Minors, getting on, off while in motion, prohibitions 5.62.100
- Operators
  - instruction
    - operation without, unlawful 5.62.020
    - requirements generally 5.62.010
  - leaving station prohibited 5.62.050
  - two per car, requirements 5.62.040
  - weapons, carrying, prohibitions 5.62.030
- Riding, prohibited locations 5.62.100
- Speed limits 5.62.120
- Trolley wires, guard requirements 5.62.060
- Wheel guards, requirements 5.62.070

## STREET LIGHTING

- Ornamental, service connection, inspection, approval 9.16.060

## STREET MEETINGS

- Dispersal not required when 12.44.010
- Regulations generally 12.44.020

## STREET RAILROADS

- Motorbuses as extension
- See PUBLIC MOTOR VEHICLES 5.30.400

**STREET RAILWAYS**

See STREET CARS 5.62.010

**STREET TREES, SHRUBS**

See also PARKS, RECREATION AREAS  
12.64.090

## TREES 15.52.010

Administration, scope, authority 12.32.020

## Dangerous trees

nuisance when 12.32.030

removal by city

costs

lien when, recordation 12.32.050

reimbursement, responsibility

12.32.040

when, authority 12.32.030

removal required, failure, effect 12.32.030

## Definitions

generally 12.32.010

hazardous trees 12.40.020

protected trees 12.36.020

## Hazardous trees

claims, resolution

costs

apportionment 12.40.060

attorney fees 12.40.070

procedure

city trees 12.40.050

non-city trees 12.40.040

rights, liabilities not established

12.40.090

standards designated 12.40.030

definitions 12.40.020

findings 12.40.010

intent of provisions 12.40.010

## Violation

civil penalties 12.40.080

injunctive actions 12.40.100

## Permit

issuance, contents, revocation 12.32.070

required, designated activities 12.32.060

## Protected trees

construction, protection, replacement,  
regulations 12.36.060

definitions 12.36.020

findings 12.36.010

**STREET TREES, SHRUBS (Cont'd.)**

## Protected trees (Cont'd.)

intent of provisions 12.36.010

removal

general requirements, regulations

See removal permit 12.36.030

violations

See violations 12.36.150

## removal permit

application, procedure 12.36.030

approval, conditions 12.36.060

decision appeals, procedure

city-owned tree removals 12.36.120

development-related tree removals

12.36.100

nondevelopment-related tree removals

12.36.110

grant, denial, criteria 12.36.050

not required, designated activities

12.36.140

procedure

city-owned tree removals 12.36.090

development-related tree removals

12.36.070

nondevelopment-related tree removals

12.36.080

required, fees, regulations generally

12.36.040

rights, liabilities not created 12.36.200

violations

costs, replacement costs

generally 12.36.150, 12.36.180

lien when, recordation 12.36.190

designated, penalties 12.36.150

hearing 12.36.170

investigation, notice 12.36.160

**STREETS AND SIDEWALKS**

See also PARKING 12.28.010

TRAFFIC CODE 10.04.010

## Benches

See Sidewalk benches 12.52.010

## Bus shelters, encroachment regulations

See Encroachments 12.08.010

## Cellar doors, unlawful acts 8.40.120

## STREETS AND SIDEWALKS

### STREETS AND SIDEWALKS (Cont'd.)

Closure, filming activities, encroachment permit 5.24.140  
Complete street design standards acceptance by the city council 12.02.007 definitions 12.02.001 design standards 12.02.010 purpose 12.02.003 responsibility 12.02.005  
Construction materials, appliances See Obstructions 12.08.200  
Crowds See also STREET MEETINGS 12.44.010 dispersal required when 12.44.010  
Curbs See also Curbs, gutters, private construction 12.04.320 improvements construction 12.16.010 painting, unauthorized, prohibitions 10.12.080  
Curbs, gutters, private construction completion, requirements, time limits 12.04.330 permit contents 12.04.330 required 12.04.320 supervision, inspections 12.04.340  
Dangerous, out of repair conditions barricades, lights, safety devices required when, costs liability 12.04.010 mandatory repair when, costs, prospective notice of lien 12.04.060 repair See also voluntary requested repairs, costs 12.04.030 by city See also voluntary requested repairs, costs 12.04.030 mandatory repair, costs, lien 12.04.060 notice to repair 12.04.020 responsibility, failure unlawful 12.04.020 voluntary requested repairs, costs payment failure, assessment when, effect 12.04.050

### STREETS AND SIDEWALKS (Cont'd.)

Dangerous, out of repair conditions (Cont'd.) voluntary requested repairs, costs (Cont'd.) procedure, regulations generally 12.04.030 prospective notice of lien 12.04.040 Decorations, regulations, permit, fees 12.24.080 Drainage, overflow unlawful 8.38.020 Driveways abandonment elimination failure, by city when, cost 12.04.370 when, notice 12.04.360 sidewalks, driveways, private construction, restoration requirements when 12.04.350 construction, private See Sidewalks, driveways, private construction 12.04.100 curb markings 10.40.040 Dumping, cleanup costs, liability 8.38.040 Earth, transporting, spilling, prohibitions 12.24.030 Encroachments bus shelters, public telephones minor encroachment permit required 12.08.010 number, location, design, regulations generally 12.08.010 regulations, restrictions generally 12.08.100 California building codes, Oakland amendments, building code requirements privileges, suspension, revocation, right 15.04.695 revocable permit 15.04.690 sidewalks, residential streets, regulations, permit 15.04.705 flagpoles, flagpole sockets, flags, regulations, restrictions generally 12.08.020, 12.08.100 improved residential streets regulations, restrictions generally 12.08.170

## STREETS AND SIDEWALKS (Cont'd.)

## Encroachments (Cont'd.)

- improved residential streets (Cont'd.)
  - waiver of damages and indemnity agreement, required, application procedure 12.08.180
  - insurance requirements 12.08.120
  - major, minor encroachments
    - See also permits 12.08.040
    - designated, regulations generally 12.08.030
    - permits
      - See also Specific Subject 12.08.010
      - denial, appeals 12.08.190
      - exceptions
        - generally 12.08.150
        - unimproved residential streets 12.08.160
      - filming activities, street closure 5.24.140
      - major encroachment permit
        - disclaimer, agreement required 12.08.110
        - improved residential streets 12.08.170
        - procedure, regulations generally, appeals 12.08.070
        - requirements generally 12.08.040
      - minor encroachment permit
        - improved residential streets 12.08.170
        - procedure, regulations generally, appeals 12.08.080
        - requirements generally 12.08.050
      - revocation, grounds 12.08.130
      - short term encroachment permit
        - procedure, regulations generally, appeals 12.08.090
        - requirements generally 12.08.060
      - types designated, regulations generally 12.08.030
    - regulations, restrictions generally 12.08.100
    - removal upon permit revocation
      - failure prohibited, penalties, removal costs 12.08.140
      - required when 12.08.130

## STREETS AND SIDEWALKS (Cont'd.)

## Encroachments (Cont'd.)

- residential streets
  - California building codes, Oakland amendments, building code requirements 15.04.705
  - regulations, restrictions
    - improved residential streets 12.08.170
    - unimproved residential streets 12.08.160
  - short term encroachments
    - See also permits 12.08.060
    - regulations generally 12.08.030
  - sidewalks
    - See also Specific Subject 12.08.010
    - California building codes, Oakland amendments, building code requirements 15.04.705
  - telephones
    - See Bus shelters, encroachment regulations 12.08.010
  - types designated, regulations generally 12.08.030
  - unimproved residential streets
    - regulations, restrictions generally 12.08.160
    - waiver of damages and indemnity agreement
      - application procedure 12.08.180
      - required when 12.08.160
    - waiver of damages and indemnity agreement
      - application procedure 12.08.180
      - unimproved residential streets
        - application procedure 12.08.180
        - required 12.08.150
  - Excavations
    - accidents, claims, liabilities, responsibility 12.12.200
  - area
    - between curb and sidewalk, restrictions 12.12.240
    - city use, right designated 12.12.170, 12.12.240

## STREETS AND SIDEWALKS

### STREETS AND SIDEWALKS (Cont'd.)

#### Excavations (Cont'd.)

- California building codes, Oakland amendments, building code requirements 15.04.685, 15.04.780
- commencement, notice requirements 12.12.100
- completion
  - by city
    - defects appearing after completion 12.12.210
    - fees, costs 12.12.030, 12.12.150, 12.12.210
    - when 12.12.150
  - notice, filing 12.12.180
  - street repair, requirements
    - defects appearing after completion 12.12.210
    - generally 12.12.190
  - supervision, scope, authority 12.12.220
  - time limits, extension 12.12.080
    - compliance requirements 12.12.010
    - construction materials storage, limitations, obstruction fees 12.12.140
    - emergencies, procedure when 12.12.270
    - fees
      - See also permit 12.12.050
      - collection, deposit 12.12.160
      - completion by city, fees, costs 12.12.030, 12.12.150, 12.12.210
      - construction materials storage, obstruction fees 12.12.140
      - newly constructed, resurfaced street, restrictions 12.12.260
    - permit
      - application, plans
      - approval, procedure, filing 12.12.040
      - deemed permit contents 12.12.080
      - public utility, requirements 12.12.040
      - requirements generally 12.12.010
    - fees
      - completion by city 12.12.030
      - covered area-way excavation 12.12.070

### STREETS AND SIDEWALKS (Cont'd.)

#### Excavations (Cont'd.)

- permit (Cont'd.)
  - fees (Cont'd.)
    - sewer connection excavation 12.12.050
    - storage tank excavation 12.12.060
    - nontransferable 12.12.080
    - required, procedure
      - between curb and sidewalk 12.12.240
      - covered area-way excavation 12.12.070
      - emergencies 12.12.270
      - generally 12.12.010
      - public utilities, annual permit 12.12.020
    - public utility possessing franchise 12.12.090
    - sewer connection excavation 12.12.050
    - storage tank excavation 12.12.060
    - revocation, grounds 12.12.090
    - subject to rights of others 12.12.280
    - standards, specifications, regulations
    - applicable laws, state safety orders 12.12.130
    - between curb and sidewalk 12.12.240
    - generally 12.12.110
    - limited operation areas 12.12.120
    - supervision, scope, authority 12.12.220
    - surplus materials, disposition 12.12.250
    - utilities conduits, responsibilities, map requirements 12.12.230
  - Flagpoles, encroachment regulations
    - See Encroachments 12.08.020
  - Glass, depositing, prohibitions 12.24.040
  - Gutters
    - See Curbs, gutters, private construction 12.04.320
    - Improvements construction 12.16.010
  - Improvements construction
    - appeals 12.16.070
    - applicability of provisions, notification 12.16.060

## STREETS AND SIDEWALKS (Cont'd.)

Improvements construction (Cont'd.)  
 by private contract  
   completion, certificate, acceptance 12.20.030  
   permit  
     prerequisite to petition, private contract 12.16.010  
     required, procedure 12.20.010  
   plans, specifications, approval, procedure 12.20.020  
   violation, penalty 12.20.040  
 deferment, security requirement 12.16.040  
 intent of provisions 12.16.020  
 permit  
   prerequisite to petition, private contract 12.16.010  
   required, procedure generally 12.16.010  
   plans, specifications, issuance by city when 12.16.080  
   procedure generally 12.16.040  
   required when 12.16.030  
   standards, specifications 12.16.050  
   variations, waivers when, procedure 12.16.060  
 Industrial wastes, waters, depositing on, permit required 12.24.060  
 Injuring, prohibitions 12.24.050  
 Intersection view obstruction  
   See TRAFFIC CODE 10.60.010  
 Lying on, prohibitions 9.08.160  
 Mortar, mixing, storing on, restrictions 12.24.020  
 Moving building, procedure  
   See BUILDINGS AND CONSTRUCTION 15.44.110  
 Newsracks  
   See NEWSRACKS 12.50.010  
 Obstructions  
   See also Encroachments 12.08.010  
   Sidewalks 12.04.070  
   Sidewalks, driveways, private construction 12.04.150  
     construction materials, appliances  
       accidents, claims, liabilities, responsibility 12.08.220

## STREETS AND SIDEWALKS (Cont'd.)

Obstructions (Cont'd.)  
 Sidewalks, driveways, private construction (Cont'd.)  
   construction materials, appliances (Cont'd.)  
     amount of roadway obstructed, regulations 12.08.200, 12.08.210  
     barricades, lights, requirements 12.08.200  
     permit  
       application, deposit, requirements 12.08.230  
       required 12.08.200  
     time, limits, removal when 12.08.240  
 Offensive matters designated, transportation restrictions 8.38.140  
 Parades  
   See PARADES 12.44.030  
 Parking regulations  
   See PARKING 12.28.010  
 Pavement, new, driving on, across, prohibitions 10.16.050  
 Pedestrians  
   See also AIRPORT GROUND TRAFFIC CODE  
   obstructing, prohibited acts 9.08.170  
 Permits, requirements, regulations  
   See Specific Subject 12.04.110  
 Playing in, unlawful acts 8.40.130  
 Radioactive materials, transportation, restrictions, regulations 8.38.200  
 Railroad tracks in, on, crossing street  
   abandonment, repaving when 12.28.090  
   improved pavement, requirements when 12.28.100  
   maintenance, repair  
     failure, by city when 12.28.060  
     requirements generally, notice 12.28.050  
   plans, approval 12.28.040  
   removal, replacement, regulations 12.28.080  
   requirements generally 12.28.040

## STREETS AND SIDEWALKS

### STREETS AND SIDEWALKS (Cont'd.)

Railroad tracks in, on, crossing street  
(Cont'd.)  
spur tracks, side tracks  
permit  
    deposit, requirements 12.28.120  
    required, procedure 12.28.110  
regulations generally 12.28.110  
street being paved, requirements  
    railroads other than street railroads  
        12.28.020  
    same pavement as street 12.28.030  
    street railroads 12.28.010  
    types, laying, specifications 12.28.070  
Refuse, prohibited acts 8.38.020  
Rock, transporting, spilling, prohibitions  
    12.24.030  
Sand, transporting, spilling, prohibitions  
    12.24.030  
Sewerage, overflow unlawful 8.38.020  
Sidewalk benches  
    advertising, signs, restrictions 12.52.090  
    installation, maintenance, specifications  
        12.52.080  
    liability insurance  
        amount, requirements 12.52.120  
        requirements generally 12.52.110  
    performance security, requirements  
        12.52.060  
    permit  
        applications, contents, inspection fees  
            12.52.020  
        denial, revocation, grounds 12.52.040  
        expiration, renewal 12.52.050  
        fees  
            generally 12.52.050  
            inspection fees 12.52.020  
    minimum number of benches required  
        12.52.030  
        required, restrictions 12.52.010  
    prohibited where 12.52.070  
    removal upon permit revocation,  
        recovery, fees 12.52.100  
Sidewalks  
    See also Specific Subject 12.04.010

### STREETS AND SIDEWALKS (Cont'd.)

Sidewalks (Cont'd.)  
    Improvements construction  
        12.16.010  
    bicycles, prohibitions 10.16.150  
    cleaning, responsibility 8.38.030  
    construction, private  
        See Sidewalks, driveways, private  
        construction 12.04.100  
    merchandise  
        See obstructions 12.04.080  
    obstructions  
        See also Encroachments 12.08.010  
        Sidewalks, driveways, private  
        construction 12.04.150  
    designated, removal, responsibility,  
        failure, effect 12.04.070  
    merchandise  
        loading, unloading, permitted when  
            12.04.080  
        permitted districts, regulations  
            12.04.090  
    repair  
        See Dangerous, out of repair  
        conditions 12.04.010  
    roller skates, coasters, skateboards, toy  
        vehicles, prohibitions 10.16.160  
    sales on, prohibitions generally  
        12.08.030  
    stairs near, protection requirements  
        8.40.140  
    state provisions adopted, applicability  
        12.04.010  
Sidewalks, driveways, private construction  
    See also Curbs, gutters, private construction  
        12.04.320  
    accidents, claims, liabilities, responsibility  
        12.04.170  
    completion, time limits  
        designated 12.04.180, 12.04.220  
        failure, completion by city, costs liability  
            12.04.180  
    definitions 12.04.100  
    driveway openings  
        See also Specific Subject 12.04.100

**STREETS AND SIDEWALKS (Cont'd.)**

Sidewalks, driveways, private construction (Cont'd.)  
 driveway openings (Cont'd.)  
 abandonment, requirements when 12.04.200  
 appeals  
 authority designated 12.04.290  
 decisions appealable, procedure 12.04.310  
 scope, procedure generally 12.04.300  
 definitions 12.04.240, 12.04.250  
 locations, specifications  
 certain zones 12.04.260  
 generally 12.04.270  
 standards plans, adoption 12.04.280  
 inspections 12.04.130  
 obstructions  
 barricades, lights, safety devices  
 maintenance 12.04.230  
 requirements generally 12.04.160  
 permitted, regulations generally 12.04.150  
 removal after work 12.04.230  
 permit  
 application, contents 12.04.190  
 compliance requirements 12.04.220  
 contents 12.04.150  
 fees  
 collection, deposit 12.04.140  
 established, due date 12.04.130  
 grant, conditions 12.04.190  
 required  
 generally 12.04.110  
 multiple services 12.04.120  
 transfer prohibited, penalty fees 12.04.210  
 Sitting on, prohibitions 9.08.160  
 Soliciting on  
 See SOLICITATIONS 8.48.010, 9.08.230  
 Sound amplification equipment  
 See SOUND AMPLIFICATION  
 EQUIPMENT 12.56.010  
 Subdivisions, design standards  
 See SUBDIVISIONS 16.16.010

**STREETS AND SIDEWALKS (Cont'd.)**

Tacks, depositing, prohibitions 12.24.040  
 Telephones, public  
 encroachment regulations  
 See Encroachments 12.08.010  
 public right-of-way location  
 See PAY TELEPHONES, OUTDOOR  
 8.20.050  
 Through streets 10.12.110  
 Traffic regulations  
 See TRAFFIC CODE 10.04.010  
 Trees  
 See STREET TREES, SHRUBS 12.32.010  
 Utilities conduits, responsibilities, map requirements 12.12.230  
 Vehicles  
 repairing, washing, greasing, storing, prohibitions 12.24.070  
 Water pipe leaks, repair, responsibility 12.24.010

**STRUCTURES**

See BUILDINGS AND CONSTRUCTION  
 15.04.005

**SUBDIVISIONS**

Advisory agency designated, authority 16.04.050  
 Appeals  
 generally 16.04.100  
 private access easement, lot creation on, map, application decisions 16.32.090  
 soil correction actions 16.20.090  
 Applicability of provisions 16.04.020  
 Certificate of compliance 16.04.090  
 Compliance  
 certificate, issuance, recordation, procedure 16.04.090  
 requirements generally 16.04.020  
 Condominium conversion  
 definitions 16.36.010  
 final map, parcel map  
 contents 16.36.100  
 required, requirements 16.36.090  
 noise insulation standards 16.36.130

## SUBDIVISIONS

### SUBDIVISIONS (Cont'd.)

- Condominium conversion (Cont'd.)
  - notice of intention to convert
    - prospective tenants, requirements
      - 16.36.030
      - tenants, requirements 16.36.020
    - prospective buyers, information
      - requirements 16.36.120
    - tenants
      - final tenant assistance program
        - 16.36.080
      - information reports on 16.36.140
      - notice of intention to convert,
        - requirements 16.36.020
      - notice of subdivision public report,
        - notice of start of sales program
          - 16.36.110
      - notifications required, requirements
        - 16.36.040
      - rights, preliminary tenant assistance program 16.36.050
    - tentative map, tentative parcel map
      - approval, denial, action, conditions
        - 16.36.070
      - required, requirements 16.36.060
  - Definitions
    - condominium conversion 16.36.010
    - generally 16.04.030, 16.04.040
    - hillside subdivisions 16.28.010
    - private access easement, lot creation on
      - 16.32.010
  - Design standards
    - See also Hillside subdivisions 16.28.020
    - alleys 16.16.130
    - blocks
      - alleys 16.16.130
      - length 16.16.150
      - width 16.16.140
    - lots
      - generally 16.16.170
      - hillside subdivisions 16.28.050,
        - 16.28.060
      - parcel map lots 16.24.040, 16.24.050
      - pedestrian ways 16.16.160

### SUBDIVISIONS (Cont'd.)

- Design standards (Cont'd.)
  - private access easement, lot creation on
    - 16.32.060
  - purpose 16.16.002
  - streets
    - alignment 16.16.010, 16.16.050
    - alleys 16.16.130
    - curvature radii 16.16.060
    - grade 16.16.030
    - hillside subdivisions 16.28.040
    - intersections 16.16.040
    - layout, effect on adjoining property
      - 16.16.100
    - names 16.16.120
    - private streets 16.16.090
    - reserve strips 16.16.110
    - reversed curves, tangent 16.16.070
    - visibility 16.16.050
    - width of right-of-way and pavement
      - hillside areas 16.16.025
      - non-hillside areas 16.16.020
  - Final map
    - See also Condominium conversion
      - 16.36.090
    - applicability of provisions 16.12.070
    - contents 16.12.060
    - engineering information, checking
      - 16.12.050
    - filings
      - multiple maps, permitted when
        - 16.12.040
      - prerequisites 16.12.030
      - time limits, extension 16.12.020
      - when, requirements 16.12.010, 16.12.080
    - improvements completion, regulations
      - 16.20.100
    - land dedication offers, acceptance, rejection
      - 16.12.080
    - multiple maps, permitted when 16.12.040
    - preliminary soil report 16.20.060
    - submission when, requirements 16.12.010
  - Geologic reports
    - See BUILDINGS AND CONSTRUCTION 15.20.010

## SUBDIVISIONS (Cont'd.)

## Grading

See Improvements 16.20.070

## Hillside subdivisions

applicability of provisions 16.28.030

definitions 16.28.010

## design standards

design principles 16.28.020

lot area less than one acre 16.28.050

lot area more than one acre 16.28.060

streets 16.28.040

## zoning district change required when

16.28.070

## Improvements

construction, completion, regulations

16.20.100

easements 16.20.020

fire hydrants 16.20.030

## grading

preliminary soil report 16.20.060

work, regulations 16.20.070

monuments, requirements 16.20.110

parcel map requirements 16.24.060

private access easement, lot creation on  
16.32.080

## public land use

reservation, requirements 16.20.050

schools, parks, playgrounds, open areas,  
allocation 16.20.040

requirements generally 16.20.010

## soil correction actions

approval, disapproval, appeals 16.20.090

requirements generally 16.20.080

## soil report

preliminary, requirements 16.20.060

soil investigation required when,  
requirements 16.20.080

## streets

See also Specific Subject

## Design standards

fire hydrant requirements 16.20.030

requirements generally 16.20.010

## Land dedication, offers, acceptance, rejection

16.12.080

## SUBDIVISIONS (Cont'd.)

## Land division

definitions 16.04.040

regulations

See also Specific Subject

purpose, scope of provisions 16.04.010

## Lots

See Design standards 16.16.070

Private access easement, lot creation on  
16.32.010

## Maps

See Condominium conversion 16.36.060

Final map 16.12.010

Parcel map 16.24.010

Private access easement, lot creation on  
16.32.050

Reversion to acreage, map, requirements  
16.04.070

Tentative map 16.08.010

## Monuments

requirements generally 16.20.110

unlawful acts 9.16.030

## Parcel map

See also Condominium conversion  
16.36.090

advisory agency designated, authority  
16.24.030

## contents

generally 16.24.100

tentative parcel map 16.24.070

easements, reserves, dedication, offer  
16.24.130

filings, requirements, time limits 16.24.110

improvements, requirements 16.24.060

## lot design standards

exceptions 16.24.050

generally 16.24.040

required when 16.24.010

soil report, preliminary, requirements,  
waiver when 16.24.090

## tentative parcel map

See also Condominium conversion  
16.36.060

contents 16.24.070

filing, review, action 16.24.080

## SUBDIVISIONS

### SUBDIVISIONS (Cont'd.)

#### Parcel map (Cont'd.)

- violation, notice 16.24.120
- waiver when 16.24.020

#### Private access easement, lot creation on

- definitions 16.32.010
- design principles 16.32.060
- improvements, requirements 16.32.080
- map, application

- appeals 16.32.090
- contents 16.32.050
- referral to city engineer 16.32.070

#### permitted

- when 16.32.020
- where 16.32.030

#### prohibited where 16.32.040

#### variances permitted when 16.32.100

#### Purpose of provisions 16.04.010

#### Reversion to acreage, map, requirements 16.04.070

#### Scope of provisions 16.04.010

#### Soil report

- See Improvements 16.20.060

#### Parcel map 16.24.090

#### Streets

#### See Design standards 16.16.010

#### Improvements 16.20.010

#### Tentative map

#### See also Condominium conversion

#### 16.36.060

#### Parcel map 16.24.070

#### approval

- conditions 16.08.030
- time limits 16.08.040

#### contents 16.08.010

#### hearing when, notice 16.08.020

#### public land use, reservation, requirements 16.20.050

#### Variances permitted when, restrictions

#### generally 16.04.060

#### private access easement, lot creation on 16.32.100

#### Violation, notice 16.04.080, 16.24.120

## SUBSTANDARD BUILDINGS

### See HOUSING CODE 15.08.090

## SUSTAINABLE GREEN BUILDING REQUIREMENTS FOR PRIVATE DEVELOPMENT

#### Administrative

- amendments 18.02.070
- authority 18.02.050
- conflict 18.02.060
- definitions 18.02.030
- payments 18.02.080
- scope and Applicability 18.02.040

#### Construction phase

- appeal procedures 18.02.180
- compliance 18.02.170
- green building documentation requirements  
18.02.150
- review and consideration of green building  
of documentation 18.02.160

#### Entitlement phase

- appeal procedures 18.02.0140
- compliance 18.02.130
- green building documentation requirements  
18.02.110

- review and consideration of green building  
documentation 18.02.120

#### Green building compliance standards table

- effective January 1, 2011 18.02.100
- effective until December 31, 2010 18.02.090

#### Intent

- purpose and Intent 18.02.020
- title 18.02.010

## SWIMMING

### Unlawful acts 9.08.090

## SWIMMING POOL, SPA, HOT TUB CODE

### See CALIFORNIA BUILDING CODES, OAKLAND AMENDMENTS 15.04.005

## SWIMMING POOLS

- Enclosure requirements
- designated, appeals 8.36.010
- exempt pools designated 8.36.020
- Municipal, use, attendant required 12.64.230

— T —

## TAXATION AND ASSESSMENT BOARD OF REVIEW

### See OAKLAND TAXATION AND ASSESSMENT BOARD OF REVIEW 4.16.170

**TAXES**

- See **BEDROOM TAX** 4.08.010
- BUSINESS TAX** 5.04.010
- CIGARETTE TAX** 4.12.010
- PARKING TAX** 4.16.010
- REAL PROPERTY TRANSFER TAX** 4.20.010
- TRANSIENT OCCUPANCY TAX** 4.24.010
- UTILITY USERS TAX** 4.28.010

**TAXICABS**

- Alcohol, controlled substances testing 5.64.075
- Definitions 5.64.030
- Fares, rates, regulations 5.64.100
- Findings 5.64.020
- Insurance, requirements 5.64.090
- Other municipalities, regulations 5.64.130
- Permit
  - administration, regulations generally 5.64.080
  - operation without 5.64.057
  - public convenience necessity, requirements 5.64.110
  - required, procedure, regulations
    - driver permit 5.64.070
    - fleet management permit 5.64.040
    - operating permit 5.64.055
  - spare taxicab permit 5.64.060
  - stand permit 5.64.120
  - temporary driver's permit 5.64.075
  - vehicle permit 5.64.050
- Purpose of provisions 5.64.020
- Regulations
  - drivers 5.64.070
  - fleet management 5.64.040
  - generally 5.64.080
  - operations 5.64.055
  - spare taxicabs 5.64.060
  - vehicles 5.64.050
- Stands, regulations, permit 5.64.120
- Title of provisions 5.64.010

**TELECOMMUNICATIONS FACILITIES,  
PUBLIC SAFETY-RELATED**

- Public notice of city's intent to construct or install on city-owned property
  - delays 15.10.040
  - procedures 15.10.030
  - purpose 15.10.010
  - requirement 15.10.020

**TELEPHONE USERS TAX**

- See **UTILITY USERS TAX** 4.28.030

**TELEPHONES, PUBLIC**

- See also **PAY TELEPHONES, OUTDOOR** 8.20.010
- Street, sidewalk
  - public right-of-way location
    - See **PAY TELEPHONES, OUTDOOR** 8.20.050
  - use, encroachment regulations
    - See **STREETS AND SIDEWALKS** 12.08.010

**TENEMENT HOUSES**

- Hallways, exits, obstruction prohibited 8.40.170

**THEATERS**

- Applicability of provisions 5.66.010
- Definitions 5.66.020
- Exits
  - lights, requirements 8.40.160
  - obstruction prohibited 8.40.170



**THEATERS (Cont'd.)**

Hallways, obstruction prohibited 8.40.170  
 Moving picture theaters  
   See also Specific Subject 5.66.010  
   permit  
     See also Permit 5.66.030  
     application, contents 5.66.040  
     required 5.66.030  
 Pending proceedings, effect of provisions 5.66.200  
 Permit  
   appeals 5.66.120  
   application  
     contents 5.66.040  
     hearing  
       notice 5.66.070  
       procedure generally 5.66.060  
     investigation 5.66.060  
     verification 5.66.050  
   display 5.66.140  
   existing, effect of provisions 5.66.200  
   hearings  
     application hearing 5.66.060  
     procedure generally 5.66.110  
     suspension, revocation hearing 5.66.100  
   issuance, conditions 5.66.080  
   required 5.66.030  
   suspension, revocation  
     grounds 5.66.090  
     hearing 5.66.100  
   transfer, procedure 5.66.150  
 Pictorial material viewable outside premises  
   drive-in theaters, restrictions 5.66.030  
   prohibited materials  
   regulations generally 5.66.160  
   removal, time limits 5.66.170  
   street visibility, prohibitions 5.66.180  
 Plans on programs, requirements 8.40.150  
 Premises, inspection 5.66.130  
 Violation, nuisance, abatement, penalty 5.66.190

**THEATRICAL ENTERTAINMENT**

Park, recreation areas use  
 See PARKS, RECREATION AREAS 12.64.280

**TOBACCO PRODUCTS**

See also CIGARETTE TAX 4.12.010  
 Giveaway, nonsale distribution  
   definitions 8.32.030  
   findings 8.32.020  
   severability of provisions 8.32.060  
   title of provisions 8.32.010  
   unlawful acts 8.32.040  
   violation, penalty 8.32.050  
 Outdoor advertisement, prohibitions, exceptions, violations, penalties, reinspection fees 14.40.280  
 Smoking regulations  
   See SMOKING 8.30.010  
 Vending machines in places accessible to minors  
   definitions 8.34.030  
   findings 8.34.020  
   prohibitions  
     exempt machines designated 8.34.050  
     generally, removal, use extension when 8.34.040  
     violation, penalties 8.34.060  
   severability of provisions 8.34.070  
   title of provisions 8.34.010

**TOBACCO RETAILERS**

Application procedure 5.91.040  
 Compliance monitoring 5.91.100  
 Definitions 5.91.010  
 Denial or revocation of license 5.91.110  
 Enforcement 5.91.140  
 Fees for license 5.91.080  
 Issuance of license 5.91.080  
 License  
   limits 5.91.030  
   nontransferable 5.91.070  
   renewal and expiration 5.91.060  
   required 5.91.020  
 Other requirements and prohibitions 5.91.090  
 Retailing without a license 5.91.120  
 Settlement in lieu of hearing 5.91.130

**TOPLESS DANCING**

See NUDITY 9.28.010

## TORT CLAIMS

### TORT CLAIMS

Solicitation, unlawful acts 9.08.220

### TOY VEHICLES

Sidewalks, crosswalks, roadways, prohibitions  
10.16.160

### TRAFFIC CODE

See also AIRPORT GROUND TRAFFIC  
CODE 10.56.010

BICYCLES 10.16.030, 12.60.010  
PARKS, RECREATION AREAS

12.64.130

Abandoned vehicles

See VEHICLES 10.64.010

Accidents

reports

annual report 10.08.050

filings, availability 10.08.040

property damage 10.08.140

soliciting at scene, prohibitions 10.16.200

studies when 10.08.030

Administration, scope, authority

generally 10.08.020

traffic engineer 10.08.060

Airport regulations

See AIRPORT GROUND TRAFFIC  
CODE 10.56.010

Animal-drawn vehicles, prohibited where,  
designated hours 10.16.190

Barriers, signs

See also Traffic-control devices 10.12.010

placement, approval, obedience 10.16.110

Bicycles

See BICYCLES 12.60.010

Coasters

sidewalks, crosswalks, roadways,  
prohibitions 10.16.160

Commercial vehicles

See also PARKING 10.28.110

central traffic district, prohibited vehicles  
10.52.010

exceeding four and one-half tons

MacArthur Freeway prohibited,  
alternate routes 10.52.130

### TRAFFIC CODE (Cont'd.)

Commercial vehicles (Cont'd.)

exceeding four and one-half tons (Cont'd.)  
restrictions

designated streets 10.52.060

designated times, designated streets  
10.52.050

exceeding twenty-two feet, restrictions  
10.52.065

interstate truck terminals, regulations,  
permit, fees, appeals 10.52.140

local truck routes designated,  
regulations 10.52.120

prohibitions, certain streets

See also Specific Subject 10.52.010  
applicability, signposting 10.52.020

restricted districts

designated 10.52.040

heavy loads, restrictions, permit  
10.52.030

through truck routes, regulations

deviations 10.52.110

route "A" 10.52.070

route "B" 10.52.080

route "C" 10.52.090

route "D" 10.52.100

Commute trip reduction program

See Employer-based trip reduction program  
10.68.010

Control devices

See Traffic-control devices 10.12.010

Crosswalks

See also AIRPORT GROUND TRAFFIC  
CODE 10.56.240

establishment 10.24.010

roller skates, coasters, skateboards, toy  
vehicles, prohibitions 10.16.160

use

procedure generally 10.24.030

required when 10.24.020

Cruising, prohibitions, penalties 10.16.140

Definitions 10.04.040

Direction, authority

police, fire department officers, members,  
civilian employees 10.08.080

## TRAFFIC CODE (Cont'd.)

- Direction, authority (Cont'd.)
  - unauthorized persons, prohibitions, exceptions 10.08.110
- Dismantled vehicles
  - See VEHICLES 10.64.010
- Employer-based trip reduction program
  - city technical guidance, support provision 10.68.040
  - compliance certification 10.68.070
  - definitions 10.68.010
  - requirements
    - designated 10.68.020
  - relationship to other requirements 10.68.030
  - severability of provisions 10.68.060
  - violation, penalties, appeals 10.68.050
- Enforcement, scope, authority 10.08.080
- Exempt vehicles designated, regulations 10.08.130
- Existing provisions, continuance 10.04.030
- Extralegal load transportation permits
  - damage and accident reporting 10.53.060
  - definitions 10.53.020
  - delegation to the Chief of Police 10.53.010
  - fees 10.53.040
  - liability 10.53.050
  - permits 10.53.030
  - police escort 10.53.080
  - special restrictions 10.53.070
- Freeways
  - pedestrians, crossing, regulations 10.16.130
  - prohibited vehicles designated 10.16.130
- Funeral processions, driving through, prohibitions 10.16.020
- Heavy vehicles
  - See Commercial vehicles 10.52.030
- High Street Bridge, metal-tired vehicles prohibited 10.16.170
- Highways
  - limited access highways
    - See Limited access highways 10.16.060
    - pedestrians, crossing, regulations 10.16.130

## TRAFFIC CODE (Cont'd.)

- Inoperative vehicles
  - See VEHICLES 10.64.010
- International airport 200-yard marine security zone citation 10.57.030
  - enforcement 10.57.030
  - establishment 10.57.010
  - prohibited, entry 10.57.020
  - violation, penalties 10.57.040
- Intersection view obstruction
  - abatement
    - appeals
      - authority designated 10.60.040
      - procedure generally 10.60.050
    - by city
      - See also costs, lien 10.60.070
      - authority when 10.60.060
    - costs, lien
      - collection 10.60.080
      - designated, recordation 10.60.070
      - owner responsibility 10.60.030
    - prohibitions, exceptions 10.60.010
    - violation
      - notice 10.60.020
      - nuisance when 10.60.060
  - Intersections
    - See also Specific Subject 10.04.010
    - Intersection view obstruction 10.60.010
    - stops required when
      - generally 10.12.110
      - obstructed intersections 10.16.120
  - Interstate truck terminals
    - See Commercial vehicles 10.52.140
  - Jack London District, interim mixed use permit parking program
    - See PARKING 10.45.010
  - Limited access highways
    - entering, leaving, procedure 10.16.060
    - pedestrians, crossing, regulations 10.16.130
    - prohibited vehicles designated 10.16.130



## TRAFFIC CODE (Cont'd.)

Loading, unloading  
See PARKING 10.28.060

Motorcycles  
clinging to moving vehicle, prohibitions  
10.16.030

escort services  
See PUBLIC MOTOR VEHICLES  
5.30.010

Motorized scooter and pocket bikes  
definition 10.17.010  
regulations 10.17.020  
violations 10.17.030

Obedience  
barriers, signs, required 10.16.110  
police officers, fire department members  
orders 10.08.100  
public employees, applicability 10.08.120

Obstructing traffic  
obstructed intersection, crosswalk, stop  
required when 10.16.120

Offensive matters designated, transportation  
restrictions 8.38.140

Oversize, overweight vehicles  
See Commercial vehicles 10.52.010

Parades  
See PARADES 12.44.030

Park Street Bridge, metal-tired vehicles  
prohibited 10.16.170

Parking  
See PARKING Title 10

Parks, regulations 10.16.010

Parkways  
See also PARKING 10.28.020

Pedestrians  
See also AIRPORT GROUND TRAFFIC  
CODE 10.56.240

crosswalk use  
procedure generally 10.24.030  
required when 10.24.020

freeways, limited access highways, crossing,  
regulations 10.16.130

pedestrian-control signals, regulations  
10.24.050

## TRAFFIC CODE (Cont'd.)

Pedestrians (Cont'd.)  
freeways, limited access highways, crossing,  
regulations (Cont'd.)

roadway  
crossing, procedure 10.24.030  
standing in, restrictions 10.24.040

Plural number, construction 10.04.020

Police broadcasts interception, information  
use prohibitions 10.16.210

Radioactive materials, transportation,  
restrictions, regulations 8.38.200

Railroad grade crossings, stops required when  
10.12.110

Roadways  
See also Specific Subject 10.04.010

crossing  
pedestrian-control signals, regulations  
10.24.050  
procedure generally 10.24.030

roller skates, coasters, skateboards, toy  
vehicles, prohibitions 10.16.160

Roller skates  
clinging to moving vehicle, prohibitions  
10.16.030

sidewalks, crosswalks, roadways,  
prohibitions 10.16.160

School crossings, traffic control, authority  
10.08.090

Sidewalks, driving on, restrictions 10.16.040

Singular number, construction 10.04.020

Skateboards, sidewalks, crosswalks, roadways,  
prohibitions 10.16.160

Special events, extraordinary police services,  
costs, traffic control services, fees 9.52.120

Speed limits  
20 miles per hour for trucks 10.20.070  
25 miles per hour 10.20.020  
30 miles per hour 10.20.030  
35 miles per hour 10.20.040  
40 miles per hour 10.20.050  
45 miles per hour 10.20.060  
designated streets  
See Specific Speed Limits 10.20.010

maximum, decrease when 10.20.010

## TRAFFIC CODE (Cont'd.)

### TRAFFIC CODE (Cont'd.)

- Speed limits (Cont'd.)
  - parks 10.16.010
  - regulation by traffic signals 10.08.070
- Stops required
  - crosswalk, obstructed 10.16.120
  - railroad grade crossings 10.12.110
  - stop signs 10.12.110
- Through streets 10.12.110
- Title of provisions 10.04.010
- Toy vehicles
  - clinging to moving vehicle, prohibitions 10.16.030
  - sidewalks, crosswalks, roadways, prohibitions 10.16.160
- Traffic-control devices
  - barriers, signs, requirements 10.16.110
  - curb painting, unauthorized, prohibitions 10.12.080
  - hours, days of operation 10.12.070
  - installation
    - enforcement purposes, required when 10.12.020
    - regulations generally 10.12.040
    - scope, authority generally 10.12.010
  - lane markings 10.12.050
  - obedience 10.12.030
  - one-way streets, alleys 10.12.100
  - pedestrian-control signals, regulations 10.24.050
  - removal, relocation, discontinuance 10.12.060
  - speed, regulation by traffic signals 10.08.070
  - stop signs 10.12.110
  - turning movements 10.12.090
- Traffic division
  - See TRAFFIC DIVISION 10.08.010
- Trip reduction program
  - See Employer-based trip reduction program 10.68.010
- Trucks
  - See Commercial vehicles 10.52.010
- Turns
  - traffic-control devices 10.12.090

### TRAFFIC CODE (Cont'd.)

- Vehicles
  - See also VEHICLES 5.06.040
  - abandoned, wrecked, dismantled, inoperative
    - See VEHICLES 10.64.010
  - advertising purposes, prohibited where 10.16.180
  - clinging to moving vehicle, prohibitions 10.16.030
  - intoxicated persons in, about, regulations 10.16.100
  - metal-tired, prohibited, Park Street Bridge, High Street Bridge 10.16.170
- Violation
  - infractions 10.08.160
  - misdemeanors 10.08.170
  - penalties
    - designated violations 10.08.170
    - generally 10.08.160
- Wrecked vehicles
  - See VEHICLES 10.64.010

## TRAFFIC CONTROL FUND

- Deposits, use 10.36.080

## TRAFFIC DIVISION

- Created, control, powers, duties generally 10.08.010

## TRAMPOLINE CENTERS

- See also OUTDOOR AMUSEMENT CENTERS 5.44.010
- Bond requirements 5.44.020
- Definitions 5.68.010
- Permit, requirements 5.44.020, 5.68.020

## TRANSIENT OCCUPANCY TAX

- Appeals 4.24.100
- Collection
  - See also Lien against property 4.24.130
  - actions 4.24.130
  - failure, determination when, effect 4.24.040, 4.24.090
  - operator duties, prohibitions 4.24.050
  - special tax roll assessment when, procedure 4.24.150

**TRANSIENT OCCUPANCY TAX (Cont'd.)**

- Debt to city, recovery 4.24.130
- Definitions 4.24.020
- Exemptions 4.24.040
- Imposed
  - rate, applicability 4.24.030
  - surcharge, imposed 4.24.031
- Lien against property
  - notice, hearing 4.24.140
  - recordation when 4.24.160
  - when, effect 4.24.130
- Payment
  - delinquency, penalties, interest 4.24.080
  - failure
    - determination when, effect 4.24.040, 4.24.090
    - penalties, interest 4.24.080
  - reporting, remitting, procedure 4.24.070
- Records, requirements 4.24.100
- Refunds 4.24.120
- Registration, requirements 4.24.060
- Security required when, requirements 4.24.090
- Surcharge collected for cultural activities 4.24.031
- Title of provisions 4.24.010
- Violation, penalty 4.24.170

**TRANSLATION OF CITY MATERIALS**

See **BILINGUAL ACCESS TO CITY SERVICES**

**TREASURER, CITY**

Finance director appointed as, ex officio position 4.04.010

**TREES**

See also **PARKS, RECREATION AREAS**  
12.64.090

**STREET TREES, SHRUBS**  
12.32.010

View-obstructing trees, shrubs, vegetation  
claims
 

- attorney fees 15.52.070
- procedure
  - city trees 15.52.100
  - generally 15.52.090

**TREES (Cont'd.)**

View-obstructing trees, shrubs, vegetation (Cont'd.)
 

- claims (Cont'd.)
  - resolution, standards 15.52.050
  - definitions 15.52.020
  - exempt trees designated 15.52.030
  - findings 15.52.010
  - intent of provisions 15.52.010
  - liability limitations 15.52.110
  - restorative actions
    - city trees 15.52.100
    - costs
      - attorney fees 15.52.070
      - designated, apportionment 15.52.060
    - enforcement, injunctive action, rights 15.52.120
      - standards 15.52.050
      - view corridors 15.52.040
    - view corridors, prohibitions, restorative actions 15.52.040
    - violation
      - civil penalties 15.52.080
      - enforcement, injunctive action, rights 15.52.120

**TRESPASSING**

Essential industries, services property
 

- designated 9.32.030
- posting
  - permitted where 9.32.030
  - regulations generally 9.32.020
- prohibited acts
  - exempt activities designated 9.32.060, 9.32.080
  - loitering 9.32.050
  - signs, damaging 9.32.070
  - trespass 9.32.040
  - purpose of provisions 9.32.010

**Railroad tunnels**

See also **Essential industries, services property** 9.32.010  
prohibitions generally 5.62.130

**TRIP REDUCTION PROGRAM**

See **TRAFFIC CODE** 10.68.010

## TRUCKS

### TRUCKS

See TRAFFIC CODE 10.52.010

### TUBE

Posey Tube, Webster Street Tube, explosives, flammable fluids, dangerous articles, transportation prohibitions 8.06.020

— U —

### UNDERGROUND UTILITY DISTRICTS

Description, regulations

underground wire districts nos. 1—7, A—D  
13.12.010  
underground district no. 8 13.12.015  
underground district no. 9 13.12.020  
underground district no. 10 13.12.025  
underground district no. 11 13.12.030  
underground district no. 12 13.12.035  
underground district no. 13 13.12.040  
underground district no. 14 13.12.045  
underground district no. 15 13.12.050  
underground district no. 16 13.12.055  
underground district no. 17 13.12.060  
underground district no. 18 13.12.065  
underground district no. 19 13.12.070  
underground district no. 20 13.12.075  
underground district no. 21 13.12.080  
underground district no. 22 13.12.085  
underground district no. 23 13.12.090  
underground district no. 24 13.12.095  
underground district no. 25 13.12.100  
underground district no. 26 13.12.105  
underground district no. 27 13.12.110  
underground district no. 28 13.12.115  
underground district no. 29 13.12.120  
underground district no. 30 13.12.125  
underground district no. 31 13.12.130  
underground district no. 32 13.12.135  
underground district no. 33 13.12.140  
underground district no. 34 13.12.145  
underground district no. 35 13.12.150  
underground district no. 36 13.12.155  
underground district no. 37 13.12.160  
underground district no. 38 13.12.165  
underground district no. 39 13.12.170

### UNDERGROUND UTILITY DISTRICTS

(Cont'd.)

Description, regulations (Cont'd.)

underground district no. 40 13.12.175  
underground district no. 41 13.12.180  
underground district no. 42 13.12.185  
underground district no. 43 13.12.190  
underground district no. 44 13.12.195  
underground district no. 45 13.12.200  
underground district no. 46 13.12.205  
underground district no. 47 13.12.210  
underground district no. 48 13.12.215  
underground district no. 49 13.12.220  
underground district no. 50 13.12.225  
underground district no. 51 13.12.230  
underground district no. 52 13.12.235  
underground district no. 53 13.12.240  
underground district no. 54 13.12.245  
underground district no. 55 13.12.250  
underground district no. 56 13.12.255  
underground district no. 57 13.12.260  
underground district no. 58 13.12.265  
underground district no. 59 13.12.270  
underground district no. 60 13.12.275  
underground district no. 61 13.12.280  
underground district no. 62 13.12.285  
underground district no. 63 13.12.290  
underground district no. 64 13.12.295  
underground district no. 65 13.12.300  
underground district no. 66 13.12.305  
underground district no. 67 13.12.310  
underground district no. 68 13.12.315  
underground district no. 69 13.12.320  
underground district no. 70 13.12.325  
underground district no. 71 13.12.330  
underground district no. 72 13.12.335  
underground district no. 73 13.12.340  
underground district no. 74 13.12.345  
underground district no. 75 13.12.350  
underground district no. 76 13.12.355  
underground district no. 77 13.12.360  
underground district no. 78 13.12.365  
underground district no. 79 13.12.370  
underground district no. 80 13.12.375  
underground district no. 81 13.12.380

**UNDERGROUND UTILITY DISTRICTS**

(Cont'd.)

- Description, regulations (Cont'd.)
- underground district no. 82 13.12.385
  - underground district no. 83 13.12.390
  - underground district no. 84 13.12.395
  - underground district no. 85 13.12.400
  - underground district no. 86 13.12.405
  - underground district no. 87 13.12.410
  - underground district no. 88 13.12.415
  - underground district no. 89 13.12.420
  - underground district no. 90 13.12.425
  - underground district no. 91 13.12.430
  - underground district no. 92 13.12.435
  - underground district no. 93 13.12.440
  - underground district no. 94 13.12.445
  - underground district no. 95 13.12.450
  - underground district no. 96 13.12.455
  - underground district no. 97 13.12.460
  - underground district no. 98 13.12.465
  - underground district no. 99 13.12.470
  - underground district no. 100 13.12.475
  - underground district no. 101 13.12.480
  - underground district no. 102 13.12.485
  - underground district no. 103 13.12.490
  - underground district no. 104 13.12.495
  - underground district no. 105 13.12.500
  - underground district no. 106 13.12.505
  - underground district no. 107 13.12.510
  - underground district no. 108 13.12.515
  - underground district no. 109 13.12.520
  - underground district No. 110 13.12.525
  - underground district No. 111 13.12.530
  - underground district No. 112 13.12.535
  - underground district No. 113 13.12.540
  - underground district No. 114 13.12.545
  - underground district No. 115 13.12.550
  - underground district No. 116 13.12.555
  - underground district No. 117 13.12.560
  - underground district No. 118 13.12.565
  - underground district No. 119 13.12.570
  - underground district No. 120 13.12.575
  - underground district No. 121 13.12.580
  - underground district No. 122 13.12.585
  - underground district No. 123 13.12.590

**UNDERGROUND UTILITY DISTRICTS**

(Cont'd.)

- Description, regulations (Cont'd.) (Cont'd.)
- underground district No. 124 13.12.595
  - underground district No. 125 13.12.600
  - underground district No. 126 13.12.605
  - underground district No. 127 13.12.610
  - underground district No. 128 13.12.615
  - underground district No. 129 13.12.620
  - underground district No. 130 13.12.625
  - underground district No. 131 13.12.630
  - underground district No. 132 13.12.635
- Fire damaged area, requirements 15.04.090
- Regulations, prohibitions
- See also Description, regulations 13.12.010  
generally 13.12.005

**UNREINFORCED MASONRY BUILDINGS**

- Appeals, scope, procedure 15.28.160
- Applicability of provisions 15.28.030
- Building permit, application, filing when 15.28.070
- Certificate of compliance, issuance when 15.28.070
- Definitions 15.28.060
- Enforcement
- inspections, right of entry 15.28.050
  - scope, authority 15.28.040
- Engineering analysis report
- contents 15.28.100
  - filing when 15.28.070
- Hazard mitigation, abatement
- See also Retrofitting 15.28.070
- mitigation process generally 15.28.070
  - time limits 15.28.070
- Historic structures
- design review, requirements 15.28.140
  - regulations generally 15.28.070
- Implementation fees 15.28.190
- List, contents 15.28.070
- Noncompliance, procedure when 15.28.150
- Occupancy classification change, regulations 15.28.120
- Purpose of provisions 15.28.020

## **UNREINFORCED MASONRY BUILDINGS**

**UNREINFORCED MASONRY BUILDINGS**  
(Cont'd.)  
Retrofitting  
    additions, alterations, repairs, required  
        when 15.28.130  
    design review, requirements 15.28.140  
    future legislation, exemption when  
        15.28.110  
    standards  
        bearing wall buildings 15.28.080  
        frame buildings 15.28.090  
    time limits 15.28.070  
Scope of provisions 15.28.030  
Title of provisions 15.28.010  
Violation  
    penalties  
        assessment, recovery 15.28.170  
        designated 15.28.150  
    remedies 15.28.180  
    unlawful acts designated 15.28.150

## **UTILITIES**

See **SEWERS** 13.04.010  
**STORM WATER SEWERS** 13.16.010  
**UNDERGROUND UTILITY DISTRICTS** 13.12.005

## **UTILITY USERS TAX**

Administration, enforcement, scope, authority 4.28.150  
Appeals 4.28.140  
Apportionment when 4.28.100  
Bad debts, effect 4.28.170  
Collection  
    actions when 4.28.130  
    failure, administrative remedies 4.28.140  
    procedure generally 4.28.090  
Conflicting provisions, resolution 4.28.160  
Credits 4.28.100, 4.28.130  
Definitions 4.28.020  
Exemptions 4.28.080  
Imposed, rate, applicability  
    alternate fuel users 4.28.070  
    cable television users 4.28.060  
    electricity users 4.28.040  
    gas users 4.28.050

**UTILITY USERS TAX** (Cont'd.)  
    Imposed, rate, applicability (Cont'd.)  
        telephone users 4.28.030  
    Maximum tax, commercial, industrial plants 4.28.110  
    Payment  
        due date, reporting, remitting 4.28.120  
        examination of books, records and  
            witnesses 4.28.120  
    failure  
        administrative remedies 4.28.140  
        penalties, interest, administrative fees  
            4.28.130  
    Refunds 4.28.130  
    Title of provisions 4.28.010

— V —

## **VACCINATIONS**

Certificates, issuance when, fees 8.40.050

## **VANDALISM**

See also **VANDALISM BY DEFACEMENT OF PROPERTY (GRAFFITI)** Ch. 8.10  
Unlawful acts  
    monuments 9.16.030  
    public buildings, fixtures 9.16.020  
    public grounds 9.16.010  
    watercourses 9.16.040

## **VANDALISM BY DEFACEMENT OF PROPERTY (GRAFFITI)**

Administrative appeals 8.10.700  
Graffiti abatement  
    abatement by graffiti violator 8.10.210  
    failure to remove by property owner or  
        person in possession or control 8.10.240  
    funding and rewards  
        See Graffiti abatement funding and  
            rewards  
        generally 8.10.200  
        notice to remove 8.10.230  
        time for removal by property owner or  
            person in possession or control 8.10.220  
Graffiti abatement funding and rewards  
    establishment of graffiti abatement and  
        reward fund 8.10.600

## VANDALISM BY DEFACEMENT OF PROPERTY (GRAFFITI) (Cont'd.)

- Graffiti abatement funding and rewards (Cont'd.)
  - funding for properties defaced by graffiti multiple times 8.10.620
  - repair, removal or replacement of defaced public or privately owned property 8.10.630
  - rewards for information 8.10.610
- Graffiti public nuisance and unlawful graffiti as a public nuisance 8.10.110
  - graffiti unlawful 8.10.120
- Minors
  - municipal code liability, remedies, and penalties for applying graffiti on public or private property
    - liability of parent or guardian of a minor 8.10.350
  - sale of graffiti implements to minors 8.10.400
- Miscellaneous
  - amendments to state laws adopted herein 8.10.820
  - city administrator regulations 8.10.830
  - remedies not exclusive 8.10.810
- Municipal code liability, remedies, and penalties for applying graffiti on public or private property
  - administrative actions 8.10.320
  - authority of city attorney to bring actions 8.10.340
  - civil actions against graffiti violators 8.10.330
  - criminal penalties available for applying graffiti on property 8.10.380
  - liability of owner or operator of vehicle used in the facilitation of graffiti 8.10.360
  - liability of parent or guardian of a minor 8.10.350
  - power of arrest and citation 8.10.310
  - purpose of Article IV 8.10.300
  - restorative justice—request to perform community service or parenting classes in lieu of administrative citation or civil penalty 8.10.370

## VANDALISM BY DEFACEMENT OF PROPERTY (GRAFFITI) (Cont'd.)

- Purpose and introductory sections
  - definitions 8.10.020
  - findings and purpose 8.10.010
- Sale of graffiti implements to minors
  - display of aerosol paint containers and marker pens 8.10.430
  - generally 8.10.400
  - penalty for wrongful sale, display, and storage 8.10.440
  - prohibited 8.10.410
  - signs required 8.10.420
- State graffiti laws
  - adoption of California graffiti laws 8.10.500
  - graffiti liens alternative (California Government Code Section 38733.6) 8.10.530
  - recovery of costs and liens 8.10.520
  - summary abatement and responsibility 8.10.510
  - treble damages (California Government Code Section 38773.7) 8.10.540

## VEGETABLE MATTER

- Dumping, prohibitions designated 8.38.170
- Rendering, restrictions, prohibitions 5.54.010

## VEHICLES

- See also BICYCLES 10.16.030
- MOTORIZED SCOOTERS AND POCKET BIKES 10.17.010
- NUISANCE VEHICLES 9.56.010
- PARKING 10.28.010
- PARKS, RECREATION AREAS 12.64.130
- TRAFFIC CODE Title 10
- Abandoned, wrecked, dismantled, inoperative vehicles
  - abatement and removal
    - authority generally 10.64.050, 10.64.080
    - authorized persons, authorization 10.64.070, 10.64.080



**VEHICLES (Cont'd.)**

Abandoned, wrecked, dismantled, inoperative vehicles (Cont'd.)  
 abatement and removal (Cont'd.)  
 costs, lien  
 collection 10.64.160  
 when, recordation 10.64.150  
 effect 10.64.130  
 hearing  
 conduct 10.64.110  
 decision appeals 10.64.120  
 procedure, decision, order 10.64.110  
 when, request, notice 10.64.100  
 notice of intention 10.64.090  
 notice to Department of Motor Vehicles  
 10.64.140  
 time limits 10.64.130  
 when 10.64.080  
 additional regulations, applicability  
 10.64.040  
 administration, enforcement  
 right of entry 10.64.060  
 scope, authority generally 10.64.050  
 definitions 10.64.020  
 exempt vehicles designated 10.64.030  
 findings 10.64.010  
 nuisance  
 See also abatement and removal  
 10.64.050  
 declaration 10.64.010  
 violation, misdemeanor  
 abandoning, keeping designated vehicles  
 10.64.170  
 failure to remove vehicle 10.64.180  
 Advertising  
 matter, distribution on, prohibitions  
 5.06.040  
 purposes, prohibited where 10.16.180  
 Animal-drawn vehicles, prohibited where,  
 designated hours 10.16.190  
 Bicycles  
 See BICYCLES 12.60.010  
 Commercial vehicles  
 See PARKING 10.28.110  
 TRAFFIC CODE 10.52.010

**VEHICLES (Cont'd.)**

Definitions 10.04.040  
 Exempt vehicles designated, regulations  
 10.08.130  
 Food handling establishments, permit  
 8.08.020  
 Meat businesses, regulations 8.14.190  
 Obstructing traffic, removal when 10.08.150  
 Parking regulations  
 See PARKING 10.28.010  
 Repairing, washing, greasing, storing on  
 street, prohibitions 12.24.070  
 Repossession, regulations 5.70.050  
 Soliciting people in  
 See SOLICITATIONS 8.48.010  
 Stopping, standing, regulations  
 See PARKING 10.28.010

**VEHICLE FOR HIRE**

See PUBLIC MOTOR VEHICLES 5.30.010  
 TAXICABS 5.64.010

**VENDORS** See FOOD VENDORS 5.49.010,  
 8.09.010

**VIDEO SERVICE FRANCHISES, STATE**

Customer Service  
 consumer protection standards 5.17.300  
 penalties for violations of standards  
 5.17.310  
 Definitions  
 city 5.17.120  
 city administrator 5.17.130  
 gross revenues 5.17.140  
 interpretation of language 5.17.100  
 network 5.17.150  
 person 5.17.160  
 public, education and government ("PEG")  
 access 5.17.110  
 public rights-of-way 5.17.170  
 state franchise holder 5.17.180  
 Fees  
 audits 5.17.230  
 late payments 5.17.240  
 lease of city-owned network 5.17.250  
 payment of fees 5.17.220

## VIDEO SERVICE FRANCHISES, STATE

### VIDEO SERVICE FRANCHISES, STATE

(Cont'd.)

PEG fees 5.17.210

state franchise fees 5.17.200

General provisions

compliance 5.17.030

purpose 5.17.010

rights reserved 5.17.020

PEG requirements

emergency alert systems 5.17.500

interconnection for PEG programming  
5.17.510

Permits and construction

general requirements 5.17.400

identification required 5.17.410

Reports and notices

notices 5.17.610

reports to the City Administrator 5.17.600

### VIOLENCE PREVENTION

See WEAPONS 9.36.050

### VISION OBSCUREMENT APPEALS

BOARD

Created, composition 10.60.040

Powers, duties generally 10.60.050

### VOLUNTARY SEISMIC STRENGTHENING FOR RESIDENTIAL BUILDINGS

Amendments 15.30.050

Application 15.30.040

Definitions 15.30.100

Financial Incentives

program 15.30.310

qualifications 15.30.300

requirements 15.30.320

Intent 15.30.020

Prescriptive design

cripple walls 15.30.270

deviations 15.30.280

foundations 15.30.240

framing 15.30.230

sill plates 15.30.250

supplemental connector 15.30.260

Purpose 15.30.030

Rules, regulations, and interpretations

15.30.110

### VOLUNTARY SEISMIC STRENGTHENING FOR RESIDENTIAL BUILDINGS (Cont'd.)

Seismic strengthening

general 15.30.210

quality control 15.30.220

Structural weaknesses 15.30.200

Title 15.30.010

## — W —

### WATCHMAN, PRIVATE

See PRIVATE PATROL SERVICES,  
PRIVATE WATCHMAN 5.52.010

### WATER

See also STORM WATER SEWERS

13.16.010

Dumping in, unlawful acts 8.18.080

Pipe leaks, repair, responsibility 12.24.010

Stagnant water, unlawful conditions 8.38.060

Watercourses, unlawful acts 9.16.040

### WATERCOURSES

See also STORM WATER SEWERS

13.16.120

Dumping in, unlawful acts 8.18.080

Unlawful acts 9.16.040

### WATERCRAFT

Repossession, regulations 5.70.050

### WEAPONS

Dangerous weapons

carry, unlawful acts 9.36.020

definitions 9.36.020

disorderly conduct, unlawful acts 9.36.030

knives

See also Specific Subject 9.36.010

designated knives, sale, transfer,  
possession

prohibited 9.36.040

Firearms, projectile weapons

See also AMMUNITION VENDORS  
9.20.010

FIREARMS DEALERS 5.26.010

Handguns 9.36.400

Saturday night specials, junk guns 9.36.150

definitions 9.36.070

**WEAPONS (Cont'd.)**

- Saturday night specials, junk guns (Cont'd.)
  - findings 9.36.060
  - firing, discharging
    - See also violation 9.36.090
    - exempt activities designated, permit when 9.36.120
    - nuisance, confiscation, disposal 9.36.110
    - unlawful acts 9.36.080
  - minors
    - projectile weapons, unlawful acts 9.36.130
    - violation, parent, guardian responsibility 9.36.100
  - parks, recreation areas, prohibitions 12.64.070
  - penalty, misdemeanor 9.36.141
  - severability of provisions 9.36.140
  - theft or loss 9.36.131
  - title of provisions 9.36.050
  - validity 9.36.151
- violation
  - minors, parent, guardian responsibility 9.36.100
  - nuisance, confiscation, disposal 9.36.110
  - penalties, arrest when 9.36.090
- Guns
  - See Firearms, projectile weapons 9.36.050
- Handguns 9.36.400
  - definitions 9.36.420
  - purpose of provisions 9.36.410
  - sale prohibited 9.36.430
  - title of provisions 9.36.400
  - violations, penalties 9.36.440
- Junk guns
  - See Saturday night specials, junk guns 9.36.150
- Parks, recreation areas, firearms, prohibitions 12.64.070
- Projectile weapons
  - See Firearms, projectile weapons 9.36.050
- Saturday night specials, junk guns
  - definitions 9.36.170
  - exempt activities designated 9.36.260
  - intent of provisions 9.36.160

**WEAPONS (Cont'd.)**

- Saturday night specials, junk guns (Cont'd.)
  - purpose of provisions 9.36.160
  - roster
    - additions, procedure, appeals 9.36.240
    - appeals 9.36.210, 9.36.240
    - contents, compilation 9.36.180
    - effective date 9.36.230
    - notification, requirements 9.36.190
    - publication 9.36.180, 9.36.220
    - reconsideration 9.36.200
  - sales prohibitions 9.36.250
  - severability of provisions 9.36.280
  - title of provisions 9.36.150
  - violation, penalty 9.36.270
- Violence prevention
  - See Firearms, projectile weapons 9.36.050

**WEBSTER STREET TUBE**

- Explosives, flammable fluids, dangerous articles, transportation prohibitions 8.06.020

**WEEDS**

- Noxious weeds, prohibited acts 8.18.060

**WHISTLEBLOWER ORDINANCE**

- Administrative complaint of retaliation 2.38.050
- Burden of establishing retaliation 2.38.090
- Civil penalties 2.38.110
- Definitions
  - "adverse employment action" 2.38.070
  - "city" 2.38.080
  - "retaliation" 2.38.060
  - "whistleblower" 2.38.020
- Discipline of manager or supervisor 2.38.100
- Retaliation prohibited 2.38.040
- Title and purpose 2.38.010
- Whistleblower identity confidential 2.38.030

**WIRES**

- High voltage wires prohibited, designated districts 15.32.090

**WOOD-BURNING APPLIANCES** 8.19.010**WRECKED VEHICLES**

- See VEHICLES 10.64.010

**ZONES OF QUIET**

— Z —

**ZONES OF QUIET**

See QUIET ZONES 12.56.080

**ZOO**

Prohibited acts 12.64.220