# Title 15  BUILDINGS AND CONSTRUCTION

Chapters:

## Chapter 15.01 GENERAL PROVISIONS

Sections:

15.01.002 Application of General Provisions.

These general provisions shall apply to all Chapters of this Title.

15.01.020 Reference to Officials in Adopted Codes.

Whenever reference is made in this Title or the codes adopted by reference in this title, to the "building inspector", "inspector", "electrical inspector", "plumbing inspector", "mechanical inspector", "building official", "Director of the Building Inspection Department", "City building inspector" or "City building official", it shall mean the Contra Costa County director of building inspection, county building official, building inspector, or any of his or her duly authorized deputies during such period when the County of Contra Costa is providing building inspection services for the City of Clayton an while such officials are acting as the City's representatives in such matters. These terms shall also include the City Manager, Community Development Director or City Engineer and their designees when enforcing the provisions of this title. Furthermore, references to "state" shall mean the State of California, to "Housing Act" shall mean the Housing Act of this state, to "county building official, administrative authority, or fire chief" shall mean the director of building inspection of Contra Costa County, and to "county" shall mean the County of Contra Costa.

(Ord. 452, 2014)

15.01.101 Construction Working Hours.

All grading and excavation, construction, demolition, renovation, and other works of improvement within the City of Clayton and the on-site maintenance and servicing of construction equipment in the City shall occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Any such work beyond said hours and days is strictly prohibited unless previously specifically authorized in writing by the City Engineer or designee or by project conditions of approval. This provision shall not apply to homeowner home improvements.

(Ord. 263, 1988; Ord. 351, § 2, 1999)

15.01.202 Permits.

No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this title, or cause the same to be done, or install or connect any equipment regulated by this title, or perform any work regulated by this title, without first obtaining the necessary permits from the City building official.

15.01.204 Fees.

A. Fees shall be paid with the submission of an application for any permit required by this title. No application may be filed and accepted as complete until all required fees have been paid. Any permit issued without the payment of all required fees is invalid and of no force and effect. Permit fees and other fees will be in amounts set forth in fee schedules adopted by the City Council and the Contra Costa County Board of Supervisors.

B. A person who starts any work for which a permit is required under this title without first having obtained a permit shall, if later issued a permit for such work, pay double the permit fee. This provision does not apply to emergency work if the City building official determines that the emergency work was urgently necessary and that it was not practicable to obtain a permit before starting the work. In all such cases, a permit must be obtained as soon as it is practicable to do so, and if there is an unreasonable delay in obtaining the permit, a double fee shall be charged.

15.01.206 State License Required.

A. No permit shall be issued to a person to do or cause to be done any work regulated by this title except to the holder of a valid, unexpired and unrevoked license in good standing, issued under California Business and Professions Code Chapter 9, Division 3. Permits may be issued to persons and for work exempt from that statute, and as otherwise provided in this section.

B. Building permits. A building permit may be issued to a person holding a valid, unexpired, unrevoked California general contractor's license. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a building permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

C. Electrical permits.

1. An electrical permit may be issued to a person holding a valid, unexpired, unrevoked California electrical contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two (2) or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, an electrical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

2. Instead of a separate permit for each building, structure, premises, installation or alteration, an annual electrical permit may be issued to any person regularly employing one or more electricians for electrical work in premises owned or occupied by the applicant for the permit. In the first fifteen (15) days of each calendar month, the holder of an annual permit shall report to the City building official on all electrical work done under the annual permit during the preceding month.

D. Plumbing permits. A plumbing permit may be issued to a person holding a valid, unexpired, unrevoked California plumbing contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two (2) or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a plumbing permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

E. Mechanical permits. A permit for the erection, installation, moving alteration, repair or replacement of any heating or cooling equipment may be issued to a person holding a valid California warm air heating, ventilating, and air conditioning contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two (2) or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a mechanical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

15.01.208 Misrepresentations in Permit Application.

No person shall make a false statement or misrepresentation in or in connection with an application for a permit under this title. Any permit issued under this title may be revoked or suspended at any time by the City building official for fraud, misrepresentation or false statement contained in an application for a permit, or for violation of this title in connection with work done under the permit.

15.01.210 Permit not Approval of Violations or Determination of Ownership.

The issuance of a permit or approval of plans and specifications shall not be construed as a permit for an approval of any violation of this title or code or determination that the permittee is the owner of the subject property or otherwise authorized to do the work for which the permit has been issued. No permit presuming to give authority to violate or cancel the provisions of this title shall be valid except insofar as the work or use which it authorizes is lawful. The issuance of a permit based on plans and specifications shall not prevent the City building official from later requiring the correction of errors in the plans and specifications or from preventing building operations being carried on under the permit in violation of this title or other regulation of this City.

15.01.211 Liability of City.

This title shall not be construed to impose on the City any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the City, or any official or employee of the City, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the City that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued or shall it be construed as permission or license to enter on, occupy or otherwise utilize private or non-city property without the express consent of the owner or agent in possession thereof.

15.01.212 Expiration of Permit.

Every permit issued by the City building official becomes void if the building or work authorized is not begun within one hundred eighty (180) days from the permit's date, or if it is suspended or abandoned for one hundred eighty (180) continuous calendar days without excuse satisfying the City building official as being beyond control and remedy by the permittee. Evidence of starting work shall consist of at least one required inspection within one hundred eighty (180) days of the permit issuance date or the date the permit was suspended or the work was abandoned. Once a permit becomes void, a new permit shall be obtained before any work is commenced or recommenced, and a new permit fee shall be paid. Any permittee holding an unexpired permit may apply for a permit extension upon a showing of good and satisfactory reason acceptable to the City building official. If the permittee is unable to commence work within the time required by this section, the City building official may extend the time of the permit for a period not exceeding one hundred eighty (180) days upon written request by the permittee. No permit shall be renewed more than once.

15.01.214 Refunds.

The City building official may authorize the refund of required permit fees as follows:

A. Unused Building Permit. On the voiding of a permit within sixty (60) days after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen dollars ($15.00) but not more than eighty percent (80%) of the permit fee paid. On the voiding of a permit during the period between sixty (60) days and one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen dollars ($15.00) or one-half the total amount paid for the permit, whichever is smaller. No refunds of plan check fees for issued permits shall be allowed. Any unused plumbing, electrical, or mechanical permit(s) taken in conjunction with a building permit are governed by the refund procedures in subsection (b) of this section.

B. Unused plumbing, electrical, or mechanical permits. No refund of deposits for these permits (including subpermits issued in conjunction with building permits, and miscellaneous permits) shall be allowed, except that on the voiding of a permit within one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of ten dollars ($10.00).

15.01.402 Abatement Procedure.

Any condition existing in violation of this title is a public nuisance. The procedure for the abatement of any building or any other condition declared to be a public nuisance in violation of this title is the procedure specified in the Clayton Municipal Code as set forth in Chapter 8.08. As an alternative to this procedure, abatement may be performed pursuant to the procedure specified in Article 6 (Action and Proceedings) of Subchapter 1 (State Housing Law Regulations) of Chapter 1 of Division 1 of Title 25 (Housing and Community Development) of the California Code of Regulations (25 C.C.R., § 48 et seq.). That procedure is adopted by this reference as though fully set forth herein.

15.01.404 Stop Work Orders.

Whenever any work is being done contrary to this title or any other law or regulation (including, but not limited to, the following: zoning, health, sanitation, grading, fire protection and safety, or flood control) relating to or affecting the work, the City building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing of the work; and these persons shall stop work immediately until authorized by the City building official to proceed with the work. The stop work order will state the reason for the order and the conditions under which the cited work may be permitted to resume. If the work continues after the issuance of a stop work order, each day the work continues is a separate code violation.

15.01.406 Entry on Premises.

A. Whenever it is necessary to make an inspection to enforce the provisions of this title, or whenever the City building official has cause to believe that there exists in any building or upon any premises any violation of this title or any condition that makes the building or premises unsafe, unsanitary, dangerous or hazardous, the City building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the City building official by this code. If entry is refused, the City building official has recourse to every remedy provided by law to secure entry.

B. No person shall conceal any work until it is inspected and written approval to proceed is given. No person shall cover electrical work, or allow it to be covered, to prevent or hinder its inspection, or remove any notice not to cover placed by the City building officials.

15.01.408 Correction Notice.

If the City building official finds any work as out of compliance with this title, the Building Official will give written notice to the person engaged in the work. Within ten (10) days after this notice, or within any reasonable further time that the City building official may prescribe, the person doing the work shall change or remove the work or equipment as the City building official may require to make it comply fully with this division.

15.01.410 Withhold Permit.

The City building official may, in his or her sound discretion, withhold the issuance or reinstatement of a permit for any structure on a parcel of land concerning either or both of which there exists any violation of law or regulation (including but not limited to the following: building, grading, zoning, fire protection and safety, health, sanitation, or flood control) relating to or affecting that permit. In determining whether a permit shall be issued, the City building official will also consider whether the existing violation constitutes an unlawful occupancy or a hazard to life or property. The City building official may require correction of a violation before issuing a permit, or as a condition of issuance within a stated period of time including any extensions granted for good cause shown. Failure to comply with such condition is a ground for revocation as provided by law.

15.01.412 Disconnection of Utility Service.

A. The City building official may shut off or disconnect any or all utility service to any structure or facility or to any electrical conductor or apparatus that is in violation of any state, City or county law or regulation relating thereto or that endangers the public health, safety or welfare, or the City building official may order this done.

B. If the City building official finds that the violation involves an immediate danger to person(s) or properties or to the public health, safety or welfare, the City building official may have the action taken as quickly as he or she deems necessitated by the danger; otherwise the City building official will give ten (10) days advance notice thereof by mail to the utility and to the owner as shown on the last assessment roll and by conspicuous posting on the property; and the City building official will post notice of the orders and the action taken, which no person shall remove, tamper with or disobey. The City building official will rescind or modify such action which it becomes proper to do so in view of the danger or violation.

15.01.414 Power Companies to Notify City Building Official.

A. Notice. Whenever in, on or about any building any person engaged in the distribution or sale of electrical energy or natural gas sets, resets, installs or reinstalls any meter for the measurement of electrical energy or natural gas, or connects or reconnects to, or supplies or services any installation of electrical equipment or natural gas, or change the nominal voltage of electrical supply or service to any installation of electrical equipment, or changes any electrical supply or 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, that person shall within two (2) days thereafter, exclusive of Sundays and holidays, give written notice thereof to the City building official specifying the location and address of the installation affected.

B. Thirty-Day Exception. This notice need not be given for work expressly approved by the City building official within thirty (30) days after inspection approval.

C. Authorization Required. No person engaged in the distribution or sale of electrical energy shall connect a distribution system, including windpower generators, or any live supply or service conductor(s) therefrom, to any electrical equipment in, on or about any building or cause or allow any energizing of such connections, including windpower or emergency/stand by electrical generation until the City building official inspects the electrical equipment and authorizes such connections. No gas utility provider engaged in the distribution or sale of natural gas shall connect a distribution system to any natural gas equipment in, on or about any building until the City building official inspects the natural gas installation and authorizes such connections.

D. Permit required. A permit shall be obtained from the City building official to restore electrical or gas service to any structure that has been without such service for ninety (90) days or more. The City building official will notify the servicing utility that the electrical service equipment and associated wiring has been inspected and approved before electrical or gas service may be reinstated.

E. Waiver. The City building official may, at his or her discretion, temporarily or permanently waive any or all requirements of this article by giving written notice of such waiver to all persons involved. The City building official may likewise at any time revoke such waiver by similar notice.

15.01.416 Enforcement of State Law.

By authority of Health and Safety Code § 18300, the county assumes the responsibility for enforcement of Health and Safety Code Part 2.1 of Division 13 relating to mobilehomes and mobilehome parks, including regulations adopted thereunder and contained in Chapter 2 (Mobilehome Parks Act) of Division 1 of Title 25 of the California Code of Regulations (25 C.C.R. §§ 1000 et seq.) and to the extent allowed by such laws and regulations, may enforce by the remedies allowed under Division 14 of this code.

15.01.602 Reference to Officials in Adopted Codes.

In the codes adopted by reference in this title, references to "city" mean the City of Clayton; to "city council or mayor" mean the City Council and Mayor of Clayton; to "state" mean the state of California; and to "building official," "chief building inspector," "administrative authority," or "authority enforcing this code" mean the director of building inspection referred to in Section 15.01.020.

15.01.604 General Safety.

All work shall be performed, and all equipment shall be constructed, installed, protected, operated, repaired, used and maintained, in accordance with the requirements of this division and in such manner as to be reasonably safe and free from risk of accident or injury to person or property. No person shall act contrary to this general regulation or neglect to act as required hereby.

15.01.606 Liability of County.

This title shall not be construed to impose on the county any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the county, or any official or employee of the county, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the county that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued nor shall it be construed as permission or license to enter on, occupy or otherwise utilize private or noncounty property without the express consent of the owner or agent in possession thereof.

(Ord. 431, 2011)

## Chapter 15.02 2016 CALIFORNIA BUILDING CODE WITH AMENDMENTS[[1]](#footnote-1)

Sections:

15.02.001 Adoption.

A. The building code of this City is the 2016 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2016 California Residential Code (California Code of Regulations, Title 24, Part 2.5), and the 2016 California Existing Building Code (California Code of Regulations, Title 24, Part 10), as amended by the changes, additions, and deletions set forth in this ordinance and Division 72 of the Contra Costa County Code.

B. The 2016 California Building Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code is adopted by this reference as though fully set forth in this ordinance.

C. The 2016 California Residential Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.

D. The 2016 California Existing Building Code, with the changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as through fully in this ordinance.

E. At least one copy of this building code is now on file with the building inspection department, and the other requirements of Government Code Section 50022.6 have been and shall be complied with.

F. As of the effective date of this ordinance, the provisions of the building code are controlling and enforceable within the City.

(Ord. 474, § 3(Exh. A), 2017)

15.02.002 Amendments.

The 2016 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Building Code.

A. CBC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of the Contra Costa County Code as follows:

1. Sections 103, 109, 112, 113, 114, and 116 of CBC Chapter 1 are deleted.

2. Section 105.2 (Work Exempt from Permit) of CBC Chapter 1, subsection 4 is amended to read:

4. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1 (vertical):10 (horizontal), unless supporting a surcharge or ground slope exceeding 1 (vertical):2(horizontal) or impounding Class I, II, or III-a liquids.

3. Section 107.1 (Submittal Documents—General) of CBC Chapter 1 is amended by deleting the exception.

4. Section 107.2.1 (Information on Construction Documents) of CBC Chapter 1 is amended to read:

**107.2.1** Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

5. Section 110.1 (Inspections—General) of CBC Chapter 1 is amended by adding the following to the end of that section:

At the time of first inspection by the City building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

B. Section 907.2.11.9 (Existing Group R Occupancies) of CBC Chapter 9 (Fire Protection Systems), to read:

**907.2.11.9 Existing Group R Occupancies.** In existing flat roof buildings, the installation of a smoke detector that complies with California Residential Code Section R314.6 shall be required when a pitched roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

C. Section 1406.5 is added to Section 1406 (Combustible Materials on the Exterior Side of Exterior Walls) of CBC Chapter 14 (Exterior Walls), to read:

**1406.5 Wood shakes or shingles**. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line of all sides, except for any sides of exterior walls facing the street.

D. Section 1705.3 (Concrete Construction) of CBC Chapter 17 (Special Inspections and Tests), Exception 1 is amended to read:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

E. Section 1809.8 (Plain Concrete Footings) of CBC Chapter 18 (Soils and Foundations) is deleted.

F. Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception No. 3.

G. Section 1906 (Structural Plain Concrete) of CBC Chapter 19 (Concrete) is deleted.

H. Section 1907.1 (Minimum Slab Provisions—General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:

Slabs shall have six inch by six inch by ten gauge wire mesh or equal at mid-height.

I. Appendix C and Appendix I of the CBC are incorporated into the City building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, Appendix J, Appendix K, Appendix L, and Appendix M of the CBC are excluded from the City building Code.

(Ord. 474, § 3(Exh. A), 2017)

15.02.003 Amendments to CRC.

The 2016 California Residential Code ("CRC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Residential Code.

A. Sections R103, R108, R111, R112, R113, and R114 of the CRC Chapter 1 (Scope and Application) are deleted.

B. In Section R105.2 (Work exempt from permit) of CRC Chapter 1 (Scope and Application), subsection 3 is amended to read:

3. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall and that have a downward ground slope at the bottom of the retaining wall not exceeding 1(vertical):10(horizontal), unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding Class I, II, or III-a liquids.

C. Table R602.10.3(3) (Bracing Requirements Based on Seismic Design Category) of CRC Chapter 6 (Wall Construction) is amended as follows:

1. The title of Table R602.10.3(3) is amended to read:

TABLE R602.10.3(3)f

2. Footnote "f" is added to Table R602.10.3(3) to read:

f. In Seismic Design Categories DO, D1, and D2, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structure.

D. Section R602.10.4.4 is added to Section R602.10.4 (Construction methods for braced wall panels) of CRC Chapter 6 (Wall construction), to read:

**R602.10.4.4 Limits on methods GB and PCP**. In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

E. Appendix H of the CRC is incorporated into the City building code. Appendix A, Appendix B, Appendix C, Appendix D, Appendix E, Appendix F, Appendix G, Appendix I, Appendix J, Appendix K, Appendix L, Appendix M, Appendix N, Appendix O, Appendix P, Appendix Q, Appendix R, Appendix S, Appendix T, Appendix U, Appendix V, and Appendix W of the CRC are excluded from the City building code.

(Ord. 474, § 3(Exh. A), 2017)

15.02.004 Amendments to CEBC.

The 2016 California Existing Building Code ("CEBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Existing Building Code.

A. CBEC Chapter 1 (Scope and Administration) is amended by the provisions of Division 72 of the Contra Costa County Code and as follows:

1. Sections 103, 108, 111, 112, 113, and 115 of CEBC Chapter 1 are deleted.

2. Section 106.1 (Construction Documents—General) of CEBC Chapter 1 is amended by deleting the exception.

3. Section 106.2.1 (Construction Documents) of CEBC Chapter 1 is amended to read:

**106.2.1 Construction documents.** Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media may be submitted when approved in advance by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall include contact information for the owner and the person or persons who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevations of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and to every existing building on the property. Instead of detailed specifications, the City building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

4. Section 109.1 (Inspections—General) is amended by adding the following to the end of that section:

At the time of first inspection by the City building official, a California licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

(Ord. 474, § 3(Exh. A), 2017)

## Chapter 15.03 2016 CALIFORNIA ELECTRICAL CODE WITH AMENDMENTS[[2]](#footnote-2)

Sections:

15.03.002 Adoption.

A. The electrical code of this City is the 2016 California Electrical Code (California Code of Regulations, Title 24, Part 3), as amended by the changes, additions, and deletions set forth in this ordinance.

B. The 2016 California Electrical Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code are adopted by this reference as though fully set forth in this ordinance.

C. At least one copy of this electrical code is now on file with the building inspection department, and the other requirements of Government Code Section 50022.6 have been and shall be complied with.

D. As of the effective date of this ordinance, the provisions of the electrical code are controlling and enforceable within the City.

(Ord. 474, § 3(Exh. A), 2017)

15.03.606 Unlawful Wiring, Electric Fences, Warning.

A. Prohibition. Except as hereinafter provided, no person shall construct or maintain any spring gun, or any electric wiring device, designated or intended to injure and/or shock animals or persons, or any contrivance or apparatus for such purpose.

B. Livestock Exception. Persons principally engaged in the business of handling livestock as a primary means of production or income may electrify fences to control or confine livestock upon complying with all the following requirements:

1. Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.

2. Any electrical fence to which the public may have access, except cross fences to confine and control livestock, shall be posted with a warning notice containing the following or similar wording: "DANGER. ELECTRIC FENCE," or "DANGER. HIGH VOLTAGE." This notice shall be posted along any such main fence at intervals of not more than two hundred (200) feet and in letters at least two (2) inches high.

(Ord. 474, § 3(Exh. A), 2017)

15.03.608 Power From Generators.

A. All occupancies that have commercially supplied electricity shall connect to the commercial supplier.

B. Any occupancy that has commercially supplied electricity shall not use a permanent or temporary generator(s), provided that a generator(s) may be used for commercial purposes when authorized by the City building official.

(Ord. 474, § 3(Exh. A), 2017)

15.03.612 Public Nuisance Lighting.

Lighting fixtures shall be so installed, controlled or directed that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property.

(Ord. 474, § 3(Exh. A), 2017)

## Chapter 15.04 2016 CALIFORNIA PLUMBING CODE WITH AMENDMENTS[[3]](#footnote-3)

Sections:

15.04.002 Adoption.

A. The plumbing code of this City is the 2016 California Plumbing Code (California Code of Regulations, Title 24, Part 5), as amended by the changes, additions, and deletions set forth in this ordinance.

B. The 2016 California Plumbing Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.

C. At least one copy of this plumbing code is now on file with the building inspection department, and the other requirements of Government Code Section 50022.6 have been and shall be complied with.

D. As of the effective date of this ordinance, the provisions of the plumbing code are controlling and enforceable within the City.

(Ord. 474, § 3(Exh. A), 2017)

## Chapter 15.05 2016 CALIFORNIA MECHANICAL CODE WITH AMENDMENTS[[4]](#footnote-4)

Sections:

15.05.002 Adoption.

A. The mechanical code of this City is the 2016 California Mechanical Code (California Code of Regulations, Title 24, Part 4), as amended by the changes, additions, and deletions set forth in this ordinance.

B. The 2016 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.

C. At least one copy of this mechanical code is now on file with the building inspection department, and the other requirements of Government Code Section 50022.6 have been and shall be complied with.

D. As of the effective date of this ordinance, the provisions of the mechanical code are controlling and enforceable within the City.

(Ord. 474, § 3(Exh. A), 2017)

## Chapter 15.06 1997 UNIFORM HOUSING CODE WITH AMENDMENTS

Sections:

15.06.010 Title and Purpose.

A. Title. This chapter shall be known as the Housing Code of the City of Clayton.

B. Purpose and findings. The purpose of this chapter is to adopt the 1997 Uniform Housing Code with amendments. The City Council finds that many dwellings in the City are undesirable for habitation because they are substandard in one or more important features of structure, equipment, maintenance, and occupancy; that without enactment and enforcement of a housing code, the number of these deficient dwellings will increase and their substandard conditions will worsen; and that these deficiencies impair the public health, safety, and welfare, contribute to overcrowding and other unsafe and harmful living conditions, discourage the best use of land, and hinder civic improvement.

(Ord. 351, § 3, 1999)

15.06.020 Definitions.

Whenever reference is made in this chapter or the codes adopted thereby to the "building inspector", "inspector", "housing inspector", "building official", "Director of the Building Inspection Department", "City inspector" or "City building official", it shall mean the Contra Costa County building official, building inspector, or any of his or her duly authorized deputies during such period when the County of Contra Costa is providing building inspection services for the City of Clayton and while such officials are acting as the City's representatives in such matters.

(Ord. 351, § 3, 1999)

15.06.030 Uniform Housing Code Adoption.

The Uniform Housing Code (UHC) 1997 edition, as amended by the California Building Standards Commission, published by the International Conference of Building Officials, is adopted by reference with the changes, additions, and deletions and amendments, set forth in Section 15.06.040.

(Ord. 351, § 3, 1999)

15.06.040 Uniform Housing Code Modifications.

A. Generally. The Uniform Housing Code adopted by reference in Section 15.06.030, shall be effective in this City with the modifications set forth in this chapter.

B. Section 202 amended - Substandard buildings. Section 202 is amended to read as follows:

"Sec. 202. All buildings or portions thereof which are determined to be substandard as defined in this code are hereby declared to be public nuisances and may be abated by repair, rehabilitation, demolition or removal in accordance with the procedure specified in Article 6 (Actions and Proceedings) of Subchapter 1 (State Housing Law Regulations) of Chapter I of Part 1 of Title 25 (Housing and Community Development) of the California Administrative Code (25 C.A.C. §§ 48 ff.); or pursuant to the Uniform Nuisance Abatement Procedure in Chapter 14-6 of this Code; however, interest accruing on any unpaid abatement expense pursuant to 25 C.A.C. § 70 (b) shall be at the rate of 7% per annum, provided notice of such interest is given in the notice of lien filed with the county recorder."

C. Section 203 deleted. Section 203 (Housing Advisory & Appeals Board) shall be deleted and amended to refer the appellant to Chapter 14 of the Contra Costa County Ordinance Code on matters of appeal of interpretation and enforcement of the provisions of this code which provisions are hereby incorporated by reference as if set forth in full herein. Whenever reference is made in Chapter 14 of the Contra Costa County Ordinance Code to "Board of Supervisors", it shall mean the Clayton City Council.

D. Section 401 amended - Definitions. Section 401 is amended to include the following additional and modified definitions:

"(1) Occupant means the person having the right to occupy or occupying a place of habitation.

(2) Owner means any person who severally or jointly with others, holds legal or equitable title to any residential building or property.

(3) 'State Housing Act' shall mean Division 13, Part 1.5, Titled 'State Housing Law and Building Regulations', of the Health and Safety Code of the State of California."

E. Chapters deleted. Chapter 11, except for Sections 110 1. 1, 1103, 1104, 1104.2, is deleted. Chapters 12, 13, 14, 15 & 16 are deleted. Matters of appeal and enforcement are as set forth in Chapter 14 of the Contra Costa County Ordinance Code.

F. State Housing Law. For the purpose of enforcing those portions of the State Housing Law (Health and Safety Code, §§ 17910 et seq.) adopted by this code, the Building Inspection Department is also the Housing Department for City of Clayton. Any violation of such adopted portions of the State Housing Law is a public nuisance, and may be abated pursuant to Chapter 14-6 of the Contra Costa County Ordinance Code or pursuant to any other remedy available under this code or applicable law or regulation."

(Ord. 351, § 1999)

## Chapter 15.07 BUILDING SECURITY CONSTRUCTION STANDARDS

Sections:

15.07.010 Purpose.

The purpose of this chapter is to provide minimum standards to safeguard property and public welfare by regulating and controlling the design, construction, quality of materials, use and occupancy, location and maintenance of all buildings and structures within the city as required in California Penal Code § 14051 relating to building security.

(Ord. 187, 1978)

15.07.020 Scope.

A. The provisions of this chapter shall apply to new construction and to buildings or structures to which additions or alterations are made except as specifically provided by this chapter. When additions or alterations made within any twelve-month period exceed twenty-five percent (25%) of the value of the existing buildings or structures, such buildings, or structures shall be made to conform to the security requirements for new buildings and structures.

B. Existing multiple-family dwelling units which are converted to privately owned family units (condominiums) shall comply with the provisions of Section 15.07.140.

C. Any existing structure which converts from its original occupancy group as designated in the Uniform Building Code shall comply with the provisions of this chapter.

D. Any building, as defined in the Uniform Building Code and Title 19 of the California Administrative Code, requiring special type releasing, latching or locking devices, other than described in this chapter, shall be except from the provisions of this chapter relating to locking devices of interior and/or exterior doors.

(Ord. 187, 1978)

15.07.030 Glossary.

For the purpose of this chapter certain terms are defined as follows:

A. "Approved" means certified as meeting the requirements of this chapter by the enforcing authority or its authorized agents, or by other officials designated by law to give approval on a particular matter dealt with by the provisions of this chapter with regard to a given material, mode of construction, piece of equipment or device.

B. "Auxiliary locking device" means a secondary locking system added to the primary locking system to provide additional security.

C. "Bolt" is a metal bar which, when actuated, is projected (or thrown) either horizontally or vertically into a retaining member, such as a strike plate, to prevent a door or window from moving or opening.

D. "Bolt projection" or "bolt throw" is the distance from the edge of the door, at the bolt centerline to the farthest point on the bolt in the projected position.

E. "Burglary-resistant glazing" means those materials as defined in Underwriters' Laboratories Bulletin 972.

F. "Commercial building" means a building or portion thereof used for a purpose other than dwelling.

G. "Component," as distinguished from a part, is a subassembly which combines with other components to make up a total door or window assembly; for example, the primary components of a door assembly include: door, lock, hinges, jamb/wall, jamb/strike and wall.

H. "Cylinder" means the subassembly of a lock containing the cylinder core, tumbler mechanism and keyway. A double-cylinder lock is one which has a key-actuated cylinder on both the exterior and interior of the door.

I. "Cylinder core or cylinder plug" is the central part of a cylinder containing the keyway, which is rotated by the key to operate the lock mechanism.

J. "Cylinder guard" means a tapered or flush metal ring or plate surrounding the otherwise exposed portion of a cylinder lock to resist cutting, drilling, prying, pulling or wrenching with common tools.

K. "Deadbolt" is a lock bolt which does not have a spring action as opposed to a latch bolt, which does. The bolt must be actuated by a key or a key and a knob or thumb turn and when projected becomes locked against return by end pressure.

L. "Dead latch or deadlocking latch bolt" means a spring-actuated latch bolt having a beveled end and incorporating a plunger which, when depressed, automatically lock the projected latch bolt against return by end pressure.

M. "Door assembly" is a unit composed of a group of parts or components which make up a closure for an opening to control passageway through a wall. For the purposes of this chapter, a door assembly consists of the following parts: door, hinges, locking device or devices, operation contracts (such as handles, knobs, push plates), miscellaneous hardware and closures, the frame, including the head, threshold and jambs, plus the anchorage devices to the surrounding wall and a portion of the surrounding wall extending thirty-six (36) inches from each side of the jambs and sixteen (16) inches above the head.

N. "Door stop" means that projection along the top and sides of a door jamb which checks the door's swinging action.

O. "Double-cylinder deadbolt" means a deadbolt lock which can be activated only by a key on both the interior and the exterior.

P. "Dwelling" means a building or portion thereof designed exclusively for residential occupancy, including single-family and multiple-family dwellings.

Q. "Enforcing authority" is the agency or person having the responsibility for enforcing the provisions of this chapter.

R. "Flush bolt" is a manual, key or turn operated metal bolt normally used on inactive door(s) and which is attached to the top and bottom of the door and engages in the head and threshold of the frame.

S. "Fully tempered glass" means those materials meeting or exceeding ANSI standard Z 97.1 on safety glazing.

T. "Jamb" means the vertical members of a door frame to which the door is secured.

U. "Jamb/wall" is that component of a door assembly to which a door is attached and secured; the wall and jamb used together are considered a unit.

V. "Key-in-knob" means a lockset having the key cylinder and other lock mechanisms contained in the knob.

W. "Latch" or "latch bolt" is a beveled, spring-actuated bolt which may or may not have a deadlocking de-vice.

X. "Lock" or "lockset" is a keyed device (complete with cylinder, latch or deadbolt mechanism, and trim such as knobs, levers, thumb turns, escutcheons, etc.) for securing a door in a closed position against forced entry. For the purposes of this chapter, a lock does not include the strike plate.

Y. "Locking device" is a part of a window assembly which is intended to prevent movement of a movable sash, which may be the sash lock or sash operator.

Z. "Multiple-family dwelling" means a building or portion thereof designed for occupancy by two (2) or more families living independently of each other, including hotels, motels, apartments, duplexes and townhomes.

AA. "Panic hardware" means a latching device on a door assembly for use when emergency egress is required due to fire or other threat to life safety. Devices shall be designed so that they will facilitate the safe egress of people in case of an emergency when a pressure not to exceed fifteen (15) pounds is applied to the releasing device in the direction of exit travel. Such releasing devices are bars or panels extending not less than two-thirds of the width of the door and placed at heights suitable for the service required, not less than thirty (30) nor more than forty-four (44) inches above the floor.

BB. "Part," as distinguished from component, is a unit (or subassembly) which combines with other units to make up a component.

CC. "Primary locking device" means the single-locking system on a door or window unit whose primary function is to prevent unauthorized intrusion.

DD. "Private or single-family dwelling" means a building designed exclusively for occupancy by one family.

EE. "Rail" means the horizontal member of a window or door. A meeting rail is one which mates with a rail of another sash or a framing member of the door or window frame when the sash is in the closed position.

FF. "Sash" is an assembly of stiles, rails and sometimes mullions assembled into a single frame which supports the glazing material. A fixed sash is one which is not intended to be opened. A movable sash is intended to be opened.

GG. "Sill" is the lowest horizontal member of a window frame.

HH. "Single-cylinder deadbolt" means a deadbolt lock which is activated from the outside by a key and from the inside by a knob, thumb-turn, lever or similar mechanism.

II. "Solid-core door" means a door composed of solid wood or composed of compressed wood equal in strength to solid wood construction.

JJ. "Stile" is a vertical framing member of a window or door.

KK. "Strike" is a metal plate attached to or mortised into a door or door jamb to receive and to hold a projected latch bolt and/or deadbolt in order to secure the door to the jamb.

LL. "Swinging door" means a door hinged at the stile or at the head and threshold.

MM. "U.L. listed" means tested and listed by Underwriters' Laboratories, Inc.

NN. "Window assembly" is a unit which includes a window and the anchorage between the window and the wall.

OO. "Window frame" is that part of a window which surrounds and supports the sashes and is attached to the surrounding wall. The members include side jambs (vertical), head jamb (upper, horizontal), sell and mullions.

(Ord. 187, 1978)

15.07.040 Enforcement Provisions.

The enforcing authority is directed to administer and enforce the provisions of this chapter. The enforcing authority shall be the building department.

(Ord. 187, 1978)

15.07.050 Right of Entry.

The enforcing authority shall have the right, and is authorized and empowered, to enter or go on or about any building or premises between 8:00 a.m. and 5:00 p.m. for the purpose of inspecting the physical security of such buildings or premises, or for any other purposes consistent with the provisions of this chapter. The enforcing authority shall be given prompt access to any area of the building or premises upon oral notification to the responsible person, and upon exhibiting suitable evidence of their identity and authority; provided, however, that except in an emergency situation, an inspection warrant issued pursuant to Title 13, Part 3, of the Code of Civil Procedures (Sections 1822.50 to 1822.57, inclusive) shall first be secured when entry or access thereto is refused. Refusal to admit such members when an inspection warrant is not required shall be a misdemeanor.

(Ord. 187, 1978)

15.07.060 Violations and Penalties.

It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, move, improve, convert, demolish or equip any building or structure in the City, or cause same to be done, contrary to or in violation of any of the provisions of this chapter.

Any person, firm or corporation violating any of the provisions of this chapter is guilty of a misdemeanor and shall be punishable for each offense, by a fine of not more than five hundred dollars ($500.00) or by confinement in jail for not more than six (6) months, or by both fine and confinement in jail.

(Ord. 187, 1978)

15.07.070 Appeals.

In order to prevent or lessen the unnecessary hardship or practical difficulties in exceptional cases where it is difficult or impossible to comply with the strict letter of this chapter, the owner or his designated agent shall have the option to apply for an exemption from any provision of this chapter to the City Council. The city council shall exercise its powers on these matters in such a way that the public welfare is secured, and substantial justice done most nearly in accord with the intent and purpose of this chapter.

(Ord. 187, 1978)

15.07.080 Constitutionality.

If any provision of this chapter or the application thereof to any person or circumstances is held invalid, such invalidity shall not affect other provisions or applications of this chapter which can be given effect without the invalid provision or application, and to this end the provisions of this chapter are severable.

No portion of this chapter shall supersede any local, state, or federal law, regulation or codes dealing with life safety factors.

(Ord. 187, 1978)

15.07.090 Alternate Materials and Methods of Construction.

The provisions of this chapter are not intended to prevent the use of any material or method of construction not specifically prescribed by this chapter, provided, any such alternate has been approved by the enforcing authority, nor is it the intention of this chapter to exclude any sound method of structural design or analysis not specifically provided for in this chapter. Materials, methods of construction, structural design limitation provided for in this chapter. Materials, methods of construction, structural design limitation provided for in this chapter are to be used unless an exception is granted by the enforcing authority.

The enforcing authority may approve any such alternate provided they find the proposed design to be satisfactory and the material and method of work is, for the purpose intended, at least equivalent to that prescribed in this chapter in quality, strength, effectiveness, burglary resistance, durability and safety.

(Ord. 187, 1978)

15.07.100 Keying Requirements.

Upon occupancy by the owner or proprietor each single unit in a tract or commercial development, constructed under the same general plan, shall have locks using combinations which are interchange-free from locks used in all other separate dwellings, proprietorships or similar distinct occupancies. This specification is intended to prohibit master keying.

(Ord. 187, 1978)

15.07.110 Frames—Jambs—Strikes—Hinges.

Installation and construction of frames, jambs, strikes and hinges shall be as follows:

A. Door jambs shall be installed with solid backing in such a manner that no voids exist between the strike side of the jamb and the frame opening for a vertical distance of six (6) inches each side of the strike.

B. In wood framing, horizontal blocking shall be placed between studs at door-lock height for three (3) stud spaces each side of the door openings. Trimmers shall be full length from the header to the floor with solid backing against sole plates.

C. Door stops on wooden jambs for in-swing doors shall be of one-piece construction with the jamb. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

D. The strike plate for deadbolts on all wood framed doors shall be constructed of minimum sixteen (16) U.S. gauge steel, bronze, or brass and secured to the jamb by a minimum of two (2) screws, which must penetrate at least two (2) inches into solid backing beyond the surface to which the strike is attached.

E. Hinges for out swinging doors shall be equipped with non-removable hinge pins or a mechanical interlock to preclude removal of the door from the exterior by removing the hinge pins.

(Ord. 187, 1978)

15.07.120 Windows—Sliding Glass Doors.

The following requirements must be met for windows and sliding glass doors:

A. Except as otherwise specified in Section 15.07.140 (special residential building provisions), and Section 15.07.150 (special commercial building provisions) all openable exterior windows and sliding glass doors shall comply with the tests as set forth in Section 15.07.160 (tests).

B. Louvered windows shall not be used when any portion of the window is less than twelve (12) feet vertically or six (6) feet horizontally from an accessible surface or any adjoining roof, balcony, landing, stair tread, platform or similar structure.

(Ord. 187, 1978)

15.07.130 Rolling Overhead, Solid Overhead, Swing, Sliding or Accordion Garage-Type Doors or Equivalent.

Rolling overhead, solid overhead, swing, sliding or accordion garage-type doors, or equivalent, shall conform to the following standards:

A. Wood doors shall have panels a minimum of five-sixteenths inch in thickness with the locking hardware being attached to the support framing.

B. Aluminum doors shall be a minimum thickness of .0215 inches and riveted together eighteen (18) inches on center along the outside seams. There shall be a full width horizontal beam attached to the main door structure which shall meet the pilot, or pedestrian access, door framing within three (3) inches of the strike area of the pilot or pedestrian access door.

C. Fiberglass doors shall have panels a minimum density of six (6) ounces per square foot from the bottom of the door to a height of seven (7) feet. Panels above seven (7) feet and panels in residential structures shall have a density not less than five (5) ounces per square foot.

D. Doors utilizing a cylinder lock shall have a minimum five-pin tumbler operation with the locking bar or bolt extending into the receiving guide a minimum of one inch. The bar or bolt shall have a half-inch-diameter opening for attaching a padlock.

E. Doors that exceed sixteen (16) feet in width shall have two (2) lock-receiving points, in lieu of this, a single bolt may be used if placed in the center of the door with the locking point located either at the floor or door frame header. This exception shall apply only if the door does not exceed nineteen (19) feet.

F. Except in a residential building, doors secured by electrical operation shall have a keyed switch to open the door when in a closed position, or by a signal locking device.

G. Doors with slide bolt assemblies shall have frames a minimum of .120 inches in thickness, with a minimum bolt diameter of one-half inch and protrude at least one and one-half inches into the receiving guide. A bolt diameter of three-eighths inch may be used in a residential building.

H. The slide bolt shall be attached to the door with non-removable bolts from the outside. Rivets shall not be used to attach slide-bolt assemblies.

I. Except in a residential building, padlock(s) used with exterior mounted slide bolt(s) shall have a hardened steel shackle locking both at heel and toe and a minimum five-pin tumbler operation with non-removable key when in an unlocked position. Padlock(s) used with interior mounted slide bolt(s) shall have a hardened steel shackle with a minimum four-pin tumbler operation.

(Ord. 187, 1978)

15.07.140 Special Residential Building Provisions.

A. All exterior swinging doors and also doors leading from garage areas into private family dwellings shall be secured as follows:

1. All wood doors shall be of solid core construction with a minimum thickness of one and three-fourths inches. With panel, if so contracted, of not less than nine-sixteenths inch thick.

2. A single or double door shall be equipped with a double or single cylinder deadbolt lock. The bolt shall have a minimum projection of one inch and be constructed so as to repel cutting-tool attack. The deadbolt shall have an embedment of at least three-fourths inch into the strike receiving the projected bolt. The cylinder shall have a cylinder guard, a minimum of five (5) pin tumblers, and shall be connected to the inner portion of the lock by connection screws of at least one-fourth inch diameter. All installation shall be done so that the performance of the locking device will meet the intended anti-burglary requirements. (It may be desired to have deadbolt locks constructed so as to prevent the key from being removed from the interior cylinder when the bolt is projected.) A dual locking mechanism constructed so that both deadbolt and latch can be retracted by a single action of the inside door knob, or lever, may be substituted provided it meets all other specifications for locking devices.

3. The inactive leaf of wood framed double door shall be equipped with metal flush bolts with a bolt projection a minimum of one inch, at the top and bottom of the leaf.

4. The inactive leaf of a metal frame double door shall be equipped with metal flush bolts with a bolt projection a minimum of five-eights inch, at the top and bottom of the leaf.

5. Glazing in exterior doors or within forty (40) inches of any locking mechanism shall be of fully tempered glass or rated burglary-resistant glazing, except when double cylinder deadbolt locks are installed.

6. All front exterior doors shall be equipped with a wide-angle (one hundred eighty (180) degree) door viewer, except where clear vision panels are installed.

B. Street numbers and other identifying data shall be displayed as follows:

1. Every new private dwelling shall display an internally illuminated street number in a prominent location on the street side of the residence in such a position that the number is easily visible to approaching emergency vehicles. The numerals shall be no less than four (4) inches nor more than six (6) inches in height and shall be of contrasting color to the background to which they are attached.

2. There shall be positioned at each entrance of a multiple dwelling complex of three (3) or more units an illuminated diagrammatic representation of the complex which shows the location of the viewer and the unit designations within the complex. In addition, each individual unit within the complex shall display a prominent identification number which is easily visible to approaching vehicular and/or pedestrian traffic.

C. Lighting in multiple-family dwellings shall be as follows:

1. Aisles, passageways and recesses related to and within the building complex shall be illuminated with an intensity of at least .25 foot-candles at the ground level during the hours of darkness. Lighting devices shall be protected by weather and vandalism-resistant covers.

2. Open parking lots and carports shall be provided with a maintained minimum of seventy-five (75) watts of light on the parking surface during the hours of darkness. Lighting devices shall be protected by weather and vandalism-resistant covers.

(Ord. 187, 1978)

15.07.150 Special Commercial Building Provisions.

A. Swinging exterior glass doors, wood or metal doors with glass panels, solid wood or metal doors shall be constructed as follows:

1. Wood doors shall be of solid-core construction with a minimum thickness of one and three-fourths inches. Wood panel doors with panels less than one inch thick shall be covered on the inside with a minimum sixteen (16) U.S. gauge sheet steel, or its equivalent, which is attached with screws on a minimum six-inch centers. Hollow steel doors shall be of a minimum sixteen (16) U.S. gauge and have sufficient reinforcement to maintain the designed thickness of the door when any locking device is installed; such reinforcement being able to restrict collapsing of the door around any locking device.

2. Any glazing utilized within forty (40) inches of any locking mechanism shall be constructed as follows:

a. Fully tempered glass or rated burglary-resistant glazing; or

b. Iron or steel grills of at least one-eighth-inch material with a maximum two-inch mesh secured on the inside of the glazing may be utilized; or

c. The glazing shall be covered with iron bars of at least one-half inch round or one inch by one-fourth inch flat steel material, spaced not more than five (5) inches apart, secured on the inside of the glazing.

Item A.2.b. and A.2.c. shall not interfere with the operation of opening windows if such windows are required to be openable by the Uniform Building Code.

B. All swinging exterior wood and steel doors shall be equipped as follows:

1. A single or double door shall be equipped with a double or single cylinder deadbolt. The bolt shall have a minimum projection of one inch and be constructed so as to repel cutting tool attack. The deadbolt shall have an embedment of at least three-fourths inch into the strike receiving the projected bolt. The cylinder shall have a cylinder guard, a minimum of five (5) pin tumblers, and shall be connected to the inner portion of the lock by connecting screws of at least one-fourth inch diameter. The provisions of the preceding paragraph do not apply where panic hardware is required, an equivalent device is approved by the enforcing authority or doors containing glazing are equipped with a double-cylinder deadbolt as specified above.

2. Double doors shall be equipped as follows:

a. The inactive leaf on wood framed doors shall be equipped with flush bolts with a bolt projection a minimum of one inch at the top and bottom of the leaf.

b. The inactive leaf on metal framed doors shall be equipped with flush bolts with a bolt projection a minimum of five-eights inch at the top and bottom of the leaf.

c. Double doors shall have an astragal constructed of steel .125 inch thick which will cover the opening between the doors. The astragal shall be a minimum of two (2) inches wide, and extended a minimum of one inch beyond the edge of the door to which it is attached. The astragal shall be attached to the outside of the active door by welding or non-removable bolts spaced apart on not more than ten-inch centers. The door to which such an astragal is attached must be determined by the fire-safety codes adopted by the enforcing authority.

C. Aluminum frame swinging doors shall conform to the following:

1. The jamb on all aluminum framed swinging doors shall be so constructed or protected to withstand one thousand six hundred (1,600) pounds of pressure in both a vertical distance of three (3) inches and a horizontal distance of one inch each side of the strike, so as to prevent violation of the strike.

2. A single or double door shall be equipped with a double-cylinder deadbolt with a bolt projection exceeding one inch, or a hook-shaped or expanding dog bolt that engages the strike sufficiently to prevent spreading. The deadbolt lock shall have a minimum of five (5) pin tumblers and a cylinder guard.

D. Panic hardware, whenever required by the Uniform Building Code or Title 19 of the California Administrative Code, shall be installed as follows:

1. Panic hardware shall contain a minimum of two (2) locking points on each door; or

2. On single doors panic hardware may have one locking point which is not to be located at either the top of bottom rails of the door frame. The door shall have as astragal constructed of steel .125 thick which shall be attached with non-removable bolts to the outside of the door. The astragal shall extend a minimum of six (6) inches vertically above and below the latch of the panic hardware. The astragal shall be a minimum of two (2) inches wide and extend a minimum of one inch beyond the edge of the door to which it is attached; or

3. Double doors containing panic hardware shall have an astragal attached to the doors at their meeting point which will close the opening between them, but not interfere with the operation of either door. Fire department approval may be desired here.

E. Horizontal sliding doors shall be equipped with a metal guide track at top and bottom and a cylinder lock and/or padlock with a hardened steel shackle which locks at both heel and toe, and a minimum five (5) pin tumbler operation with non-removable key when in an unlocked position. The bottom track shall be so designed that the door cannot be lifted from the track when the door is in a locked position.

F. In office building (multiple occupancy), all entrance doors to individual office suites shall meet the construction and locking requirements for exterior doors.

G. Windows shall be deemed accessible if less than twelve (12) feet above ground. Accessible windows having a pane exceeding ninety-six (96) square inches in an area with the smallest dimension exceeding six (6) inches and not visible from a public or private thoroughfare shall be protected in the following manner:

1. Fully tempered glass or burglary-resistant glazing (fire department approval may be desired here); or

2. The following window barriers may be used but shall be secured with non-removable bolts:

a. Inside or outside iron bars of at least one-half inch round or one by one-quarter inch flat steel material, spaced not more than five (5) inches apart and securely fastened; or

b. Inside or outside iron or steel grills of at least one-eighth inch material with not more than a two (2) inch mesh and securely fastened.

3. If a side or rear window is of the type that can be opened, it shall, where applicable, be secured on the inside with either a slide bar, bolt, crossbar and/or padlock with hardened steel shackle, and minimum four (4) pin tumbler operation.

4. The protective bars or grills shall not interfere with the operation of opening windows if such windows are required to be openable by the Uniform Building and Fire Codes.

H. All exterior transoms exceeding ninety-six (96) square inches on the side and rear of any building or premises used for business purposes shall be protected by one of the following:

1. Fully tempered glass or rated burglary-resistant glazing (fire department approval may be desired here); or

2. The following barriers may be used but shall be secured with non-removable bolts:

a. Outside iron bars of at least one-half inch round or one by one-quarter inch flat steel material, spaced no more than five (5) inches apart and securely fastened; or

b. Outside iron or steel grills of at least one-eighth inch with not more than a two-inch mesh and securely fastened.

3. The protective bars or grills shall not interfere with the operation of opening the transoms if such transoms are required to be openable by the Uniform Building Code or Title 19, California Administration Code.

I. Roof openings shall be equipped as following:

1. All skylights on the roof of any building or premises used for business purposes shall be provided with:

a. Rated burglary-resistant glazing; or

b. Iron bars of at least one-half inch round or one by one-fourth inch flat steel material under the skylight and securely fastened; or

c. A steel grill of at least one-eighth inch material with a maximum one-inch mesh under the skylight and securely fastened.

2. All hatchway openings on the roof of any building or premises used for business purposes shall be secured as follows:

a. If the hatchway is of wooden material, it shall be covered on the inside with at least sixteen (16) gauge sheet metal, or its equivalent, attached with screws.

b. The hatchway shall be secured from the inside with a slide bar or slide bolts. Fire department approval may be desired here.

c. Outside hinges on all hatchway openings shall be provided with non-removable pins when using pin-type hinges.

3. All air duct or air vent opening exceeding ninety-six (96) square inches on the roof or exterior walls of any building or premises used for business purposes shall be secured by covering the same with either of the following:

a. Iron bars of at least one-half inch round or one by one-fourth inch flat steel material spaced no more than five (5) inches apart and securely fastened; or

b. Iron or steel grills of at least one eighth inch material with a maximum one-inch mesh and securely fastened.

c. If the barrier is on the outside, it shall be secured with bolts which are non-removable from the exterior.

d. The provisions of subsections I.3.a. and I.3.b. must not interfere with venting requirements creating a potentially hazardous condition to health and safety or conflict with the provisions of the Uniform Building Code or Title 19, California Administration Code.

J. Permanently affixed ladders leading to roofs shall be fully enclosed with sheet metal to a height of ten (10) feet. This covering shall be locked against the ladder with a case-hardened hasp, secured with non-removable screws or bolts. Hinges on the cover will be provided with non-removable pins when using pin-type hinges. If a padlock is used, it shall have a hardened steel shackle, locking at both heel and toe, and a minimum five (5) pin tumbler operation with non-removable key when in an unlocked position.

K. A building located within eight (8) feet of utility poles or similar structures which can be used to gain access to the building's roof, windows or other openings shall have such access area barricaded or fenced with materials to deter human climbing.

L. The following standards shall apply to lighting, address identification and parking areas:

1. The address number of every commercial building shall be illuminated so that it shall be easily visible from the street. The numerals in these numbers shall be no less than six (6) inches in height and be of a color contrasting to the background. In addition, any business which affords vehicular access to the rear through any driveway, alleyway or parking lot shall also display the same numbers on the rear of the building.

2. All exterior commercial doors shall be illuminated with a minimum of one foot-candle of light. All exterior bulbs shall be protected by a polycarbonate or other weather-and-vandalism-resistant globe or cover. Such light(s) shall be maintained during the hours of darkness.

3. Open parking lots, and access thereto, providing more than ten (10) parking spaces and for use by the general public, shall be provided with a maintained minimum of one foot-candle of light on the parking surface from dusk until the termination of business every operating day.

(Ord. 187, 1978)

15.07.160 Tests.

A. It shall be the responsibility of the owner, or his designated agent, of a building or structure falling within the provisions of this chapter to provide the enforcing authority with a written specification performance test report indicating that the materials utilized meet the minimum requirements.

B. Whenever there is insufficient evidence of compliance with the provisions of this chapter or evidence that any material or any construction with typical specifications does not conform to the requirements of this chapter or in order to substantiate claims for alternate materials or methods of construction, the enforcing authority may require tests as proof of compliance to be made at the expense of the owner or his agent by any agency which is approved by the enforcing authority.

C. Specimens shall be representative, and the construction shall be verified by assembly drawings and bill of materials. Two (2) complete sets of manufacturer or fabricator installation instructions and full-size or accurate scale templates for all items and hardware shall be included.

D. Tests for sliding glass doors shall be conducted as follows:

1. The construction and size of the test door assemblies, jambs and headers, and all hardware components, shall be representative of that for which acceptance is desired. The door assembly and mounting in the support fixture shall simulate the rigidity normally provided to a door assembly in a building by the ceiling, floor and walls.

2. Fasteners which are accessible from the exterior side of the door when the panels are in the closed and locked position shall not be of the conventional slotted or phillips-head type.

3. Sample doors submitted for testing shall be glazed. Panels shall be closed and locked with the primary locking device only.

4. Tests shall be performed on the samples in the following order:

a. With the panels in the normal position, a concentrated load of eight hundred (800) pounds shall be applied separately to each vertical pull stile or rail incorporating a locking device, at a point on the stile within six (6) inches of the locking device, in the direction parallel to the plane of the glass that would tend to open the door. With the load applied, determine if the primary locking device can be unlocked by manipulation as described in Test h.

b. With panels in the normal position, a concentrated load of eight hundred (800) pounds shall be applied separately to each vertical pull stile incorporating a locking device, at a point on the stile within six (6) inches of the locking device, in the direction parallel to the plane of the glass that would tend to open the door while, simultaneously, an additional concentrated load of two hundred (200) pounds is applied to the same area of the same stile in a direction perpendicular to the plane of glass toward the interior side of the building. With load applied, determination if the primary locking device can be unlocked by manipulation as described in Test h.

c. With the panels in the normal position, a concentrated load of eight hundred (800) pounds shall be applied separately to each vertical pull stile incorporating a locking device, at a point on the stile within six (6) inches of the locking device, in the direction parallel to the plane of glass that would tend to open the door while simultaneously, an additional concentrated load of two hundred (200) pounds is applied to the same stile in the direction perpendicular to the plane of the glass toward the exterior side of the door. With the load applied, determine if the primary locking device can be unlocked by manipulation as described in Test h.

d. With the movable panel lifted upward to its full limit within the confines of the door frame, a concentrated load of eight hundred (800) pounds shall be applied separately to each vertical pull stile incorporating a locking device, at a point on the stile within six inches of the locking device, in the direction parallel to the plane of the glass that would tend to open the door. With the load applied, determine if the primary locking device can be unlocked by manipulation as described in Test h.

e. With the movable panel lifted upward to its full limit within the confines of the door frame, a concentrated load of eight hundred (800) pounds shall be applied separately to each vertical pull stile incorporating a locking device, at a point on the stile within six (6) inches of the locking device, in the direction parallel to the plane of glass that would tend to open the door while, simultaneously, an additional concentrated load of two hundred (200) pounds is applied to the same area of the same stile in the direction perpendicular to the plane of the glass toward the interior side of the door. With load applied, determine if the primary locking device can be unlocked by manipulation as described in Test h.

f. With the movable panel lifted upward to its full limit within the confines of the door panel, a concentrated load of eight hundred (800) pounds shall be applied separately to each vertical pull stile incorporating a locking device, at a point on the stile within six (6) inches of the locking device, in the direction parallel to the plane of glass that would tend to open the door while, simultaneously, an additional concentrated load of two hundred (200) pounds is applied to the same area of the same stile in the direction perpendicular to the plane of the glass toward the exterior side of the door. With load applied, determine if the primary locking device can be unlocked by manipulation as described in Test h.

g. For inside sliding doors, repeat Test d, while simultaneously applying a concentrated load of fifty (50) pounds at the end of the movable bottom rail near the interlock stiles inward. For outside sliding doors, repeat Test f while simultaneously applying a concentrated load of fifty (50) pounds at the end of the movable bottom rail near the interlock stiles and outward.

h. Examine the assembly and determine a method and position for inserting a tool through the assembly from the outside so as to contact the primary locking device or the latch. Two (2) different tools shall be used: a knife or spatula with a thin blade approximately one thirty-second inch thick, not more than one inch wide and no longer than six (6) inches; and a piece of still steel wire with a diameter of approximately one-sixteenth inch. Determine whether it is possible to insert the wire or manipulate with either of these tools so as to unlock it.

E. A sliding door assembly shall fail these tests if, at any time during or after the test, the sliding door assembly does not remain engaged, intact and in the closed and locked position or by manipulating an exposed component; or if one can enter through displaced or damaged portions.

F. The report shall include the following: identification of the samples tested; type, size, location and number of locking devices; type, location and number of anchors; type and thickness of glazing material and an indication of whether or not the subject passed the test. The report shall also indicate at what point the assembly fails.

G. For the purpose of this chapter, windows are classified as follows:

1. Type A window assemblies incorporate one or more sashes that open by sliding in the plane of the wall in which the window is installed.

2. Type B window assemblies incorporate one or more framed sashes which are hinged at or near two (2) corners of the individual sash and open toward the exterior of the wall.

3. Type C window assemblies incorporate one or more sashes which open toward the interior and are hinged at or near two (2) corners of the sash.

4. Type D window assemblies incorporate one or more sashes which are hinged or pivot near the center so that part of the sash opens into the interior wall and part opens toward the exterior.

H. Window assemblies shall be mounted following the manufacturer's installation instructions. Install the window assembly in a test fixture which simulates the wall construction required by Chapter 25 of the Uniform Building Code. The unit shall be fully glazed. Window assemblies and components shall not include screws, bolts, nails, staples or other mechanical fasteners which are accessible from the outside and whose removal would permit entry by disassembly. Before performing any test, remove all screws, bolts, hinge pins, rigid snap glazing beads or other mechanical fasteners which can be removed from the exterior by hand with the aid of a knife or slotted or phillips screwdriver. The sash shall be closed and locked with the primary locking device only.

I. Tests for Type A window assemblies shall be performed in the following order:

1. With the sliding sash in the normal position, a concentrated load of three hundred (300) pounds shall be applied separately to each member incorporating a locking device, at a point on the sash member within six (6) inches of the locking device, in the direction parallel to the plane of the glass that would tend to open the window. With the assembly under load, apply the manipulated test described in Test h in subsection D.4.

2. With the sliding sash in the normal position, a concentrated load of three hundred (300) pounds shall be applied separately to each sash member incorporating a locking device, at a point on the sash member within six (6) inches of the locking device in the direction parallel to the plane of the glass that would tend to open the window while, simultaneously, an additional concentrated load of one hundred fifty (150) pounds is applied in the same area of the same sash member in the direction perpendicular to the plane of the glass toward the interior side of the window. With the assembly under load, apply the manipulation test described in Test h in subsection D.4.

3. With the sliding sash in the normal position, a concentrated load of three hundred (300) pounds shall be applied separately to each sash member incorporating a locking device, at a point on the sash member within six (6) inches of the locking device in the direction parallel to the plane of the glass that would tend to open the window while, simultaneously, an additional concentrated load of one hundred fifty (150) pounds is applied in the same area of the same sash member in the direction perpendicular to the plane of the glass toward the exterior side of the window. With the assembly under load, apply the manipulation test described in Test h in subsection D.4.

4. With the sliding sash lifter upward to the full limit within the confines of the window frames, a concentrated load of three hundred (300) pounds shall be applied separately to each sash member incorporating a locking device, at a point on the sash within six (6) inches of the locking device, in the direction parallel to the plane of glass that would tend to open the window. With the assembly under load, apply the manipulation test described in Test h in subsection D.4.

5. With the sliding sash lifted upward to the full limit within the confines of the window frame, a concentrated load of three hundred (300) pounds shall be applied separately to each sash member incorporating a locking device, at a point on the sash within six (6) inches of the locking device, in the direction parallel to the plane of the glass that would tend to open the window, while, simultaneously, an additional concentrated load of one hundred fifty (150) pounds in applied to the same area of the same sash member in the direction perpendicular to the plane of the glass towards the interior side of the window. With the assembly under load, apply the manipulated test described in Test h subsection D.4.

6. With the sliding sash lifted upward to the full limit within the confines of the window frame, a concentrated load of three hundred (300) pounds shall be applied separately to each sash member incorporating a locking device, at a point on the sash member within six inches of the locking device, in the direction parallel to the plane of the glass that would tend to open the window while, simultaneously, an additional concentrated load of one hundred fifty (150) pounds is applied to the same area of the same sash member in the direction perpendicular to the plane of the glass toward the exterior side of the window. With the assembly under load, apply the manipulation test described in Test h in subsection D.4.

7. For inside sliding windows, repeat Test 6 of this subsection while simultaneously applying a concentrated load of twenty-five (25) pounds inward at the end of the movable bottom rail near the meeting stile opposite the lock stile. For outside sliding windows, repeat Test 6 while simultaneously applying a concentrated load of twenty-five (25) pounds in the same direction as the perpendicular load inward at the end of the movable bottom rail near the meeting stile opposite the lock stile outward.

J. The tests for Type B and C window assemblies shall be performed in the following order:

1. With the swinging sash in the normal position, apply a concentration load of one hundred fifty (150) pounds within three (3) inches of each end of the rail or stile which is opposite the hinged side, in the direction perpendicular to the plane of the glass that would tend to open the window.

2. Repeat Test 1 of this subsection and simultaneously apply a concentrated load of one hundred fifty (150) pounds on the outside within one inch of the end of the stile or rail which is opposite the inside, in a direction parallel to the plane of glazing which would tend to disengage the lock.

3. With the swinging sash in the normal position, apply a concentrated load of three hundred (300) pounds on the rail or stile containing the locking device within six (6) inches of the lock.

4. Repeat Test 2 of this subsection while simultaneously applying Test 3. The manipulation test described in Test h in subsection D.4. shall be applied in Tests 1, 2 and 4 while the sash is under load.

K. Tests for Type D window assemblies shall be per-formed in the following order:

1. With the sash in the normal position, simultaneously apply a concentrated load of one hundred fifty (150) pounds within three (3) inches of the ends of each rail or stile which is perpendicular to the pivot sides in the direction that would tend to open the sash.

2. With the sash in the normal position, apply a concentrated load of one hundred fifty (150) pounds on the rail or stile containing the pivot within one inch of the pivot in a direction parallel to the pivots.

3. Repeat Test 2 of this subsection applying the load to the opposite rail or stile.

4. With the sash in the normal position, apply a concentrated load of three hundred (300) pounds on the rail or stile containing the locking device within six (6)inches of the lock.

5. Repeat Test 4 of this subsection while simultaneously applying the load specified in Test 2 of this subsection. Repeat Test 4 of this subsection while simultaneously applying the load specified in Test 3. The manipulation test described in Test h in subsection D.4. shall be applied in Tests 1, 2, 3 and 4 of this subsection while sash is under load.

L. A window assembly shall fail these tests if at any time during or after the tests the assembly does not remain engaged, intact, and in the closed and locked position.

M. The report shall contain a description of the results of the test performed in accordance with the test methods set forth in this section. The report shall include the following: identification of the samples tested; type, location and number of anchors; type and thickness of glazing material and an indication of whether or not the subject passed the test. The report shall also indicate at what point the assembly fails.

(Ord. 187, 1978)

## Chapter 15.08 SIGN PROVISIONS[[5]](#footnote-5)

Sections:

15.08.010 Purpose.

The purpose of this chapter is to provide standards for the height, size, location, and appearance of building and street graphics, in order to:

A. Encourage sound signing practices as an aid to business and to inform the public. Signage is to be used primarily for identification, not for advertising.

B. Create an attractive economic and business climate.

C. Preserve and improve the appearance of the City as a place in which to live and work and as an attraction to nonresidents who come to visit or trade.

D. Protect and enhance the rural atmosphere of the City.

E. Minimize adverse effects on public and private property.

F. Prevent excessive and confusing sign displays.

G. Reduce hazards to motorists and pedestrians.

H. Enable the fair and consistent enforcement of sign regulations.

I. Promote the public health, safety, and general welfare.

15.08.020 Definitions.

A. "Address Sign" means a sign listing the street address and, in the case of a residential use, the name of the occupants of the premises.

B. "Animated Sign" means a sign that conveys its message or attracts attention through moving, rotating, changing, or flashing lights or components.

C. "Awning" means a hood or cover that projects from the wall of a building and is composed of rigid or non-rigid materials.

D. "Awning Sign" means a sign or graphic attached to or printed on an awning (see sign illustrations).

E. "Banner" means a temporary commercial, noncommercial, or community event sign of lightweight fabric, plastic, paper, or similar material that is mounted on a building or street light pole (see sign illustrations).

F. "Billboard" means a sign that directs attention to a product, place, activity, person, institution, business, or subject that is not entirely related to the premises on which the sign is located.

G. "Building Marker" means a sign indicating the name of a building, date of construction, and incidental information about its construction, which is cut into masonry or made of bronze or other permanent material.

H. "Building Sign" means a permanent sign attached to a building or other structure that is an integral part of a building. A building sign includes an awning sign, a projecting sign, a suspended sign, a wall sign, and a window sign, an address sign, and a building marker.

I. "Canopy (or Marquee)" means a permanent roof-like shelter extending from part or all of a building face over a public right-of-way and constructed of some durable material such as metal, wood, glass, or plastic.

J. "Commercial Center Entry Sign" means a sign located at the entry to a shopping center, business area, or office park identifying the center, area, or park and identifying the businesses located therein.

K. "Commercial Sign" means any sign with an image or message which primarily concerns the commercial or economic interests of the sign sponsor or intended audience, or which proposes a commercial transaction.

L. "Community Event Sign" means a banner advertising a City of Clayton community event as defined by the City Council in its policies pertaining to the usage of signage in the public right-of-way per Resolution 46-2007 or any subsequent revisions thereafter.

M. "Directory Sign" means a sign or set of similarly designed individual signs displayed in sequence that lists tenants or occupants within a building or business center, and is designed or be viewed primarily by pedestrians (see Sign Illustrations).

N. "Flag" means fabric, banner, or bunting containing distinctive colors, patterns, or symbols.

O. "Ground Sign (or Freestanding Sign)" means a permanent sign supported by one or more uprights, poles, or braces in or upon the ground or placed upon a planter, wall, retaining wall, or other structure that is not an integral part of a building. A ground sign includes a monument sign, a pole sign, a kiosk sign, commercial center entry sign, directory sign, multiple address sign, neighborhood/district entry sign.

P. "Incidental Sign" means an informational sign, whose purpose is secondary to the use of the lot on which it is located, such as "no parking", "entrance", "loading only", "telephone", and other similar directives.

Q. "Interior Sign" means a sign located in the interior of a building, mall, court, standing or enclosed lobby intended for interior viewing only.

R. "Kiosk Sign" means a sign located on a small freestanding structure which has three (3) or more surfaces.

S. "Mobile Billboard" means any vehicle, or wheeled conveyance which carries, conveys, pulls, or transports any sign or billboard for the primary purpose of advertising. Mobile billboard shall not include (1) any vehicle which displays an advertisement or business identification of its owner, so long as such vehicle is engaged in the usual business or regular work of the owner, and not used merely, mainly or primarily to display advertisements; (2) buses; or (3) taxicabs.

T. "Monument Sign" means a type of ground sign constructed upon a solid appearing base or pedestal (see Sign Illustrations).

U. "Multiple Address Sign" means a sign or set of similarly designed individual signs displayed in sequence placed at the entrance of a private residential street or area that lists the street address and names of the occupants of the residences along the street or within the area.

V. "Mural" means a work of art, containing no commercial message, applied to and made an integral part of an exterior wall.

W. "Neighborhood/District Entry Sign" means a sign identifying a neighborhood or district (see Sign Illustrations).

X. "Noncommercial Location Sign" means a sign identifying a noncommercial use.

Y. "Noncommercial Sign" means any sign displaying a message that is not commercial.

Z. "Nonconforming Sign" means a sign legally existing at the time of the effective date of this Chapter which does not conform to the provisions of this Chapter.

AA. "Off-Site Sign" means a sign directing attention to a business, service, product, or entertainment that is not sold or offered on the site where the sign is located, including billboards and other outdoor advertising signs.

BB. "On-Site Sign" means a sign directing attention to a business, service, product, or entertainment that is sold or offered on the site where the sign is located.

CC. "Parapet or Parapet Wall" means that portion of a building wall that rises above the roof level or eave line.

DD. "Pennant" means a sign of lightweight fabric, plastic, or similar material that is attached to a pole at one edge (see Sign Illustrations).

EE. "Permanent Sign" means any sign intended for use for a period greater than thirty (30) calendar days.

FF. "Personal Property Sale Sign" means a temporary commercial sign advertising a sale of personal property.

GG. "Pole Sign" means a type of ground sign mounted to or hanging from a pole or similar structure (see Sign Illustrations).

HH. "Portable Sign" means a sign not permanently attached to the ground, building, or other permanent structure and designed to be transported, including but not limited to: signs designed to be transported by means of wheels; signs in the form of A-frames or T-frames; menu or sandwich board signs; balloons used as signs; umbrellas used for advertising; and signs attached to or painted on vehicles parked in or visible from the public right-of-way, unless said vehicle is used in the normal day-to-day operations of the business. Portable signs do not include mobile billboards.

II. "Projecting Sign" means a sign extending from a building face or wall so that the sign face is perpendicular or at an angle to the building face or wall (see Sign Illustrations).

JJ. "Real Estate Sign" means a commercial sign advertising the sale, lease, or rent of property and the identification of the firm handling the sale, lease, or rent.

KK. "Residential Open House Sign" means a temporary commercial sign advertising an open house for a house for sale.

LL. "Roof Sign" means a sign erected upon or above a roof or parapet of a building or structure. A sign mounted on a vertical extension of a wall that extends above a roof structure is considered a wall sign.

MM. "Sign" means any name, identification, description, symbol, display, illustration, or device, including any structure, machine (including vending machine), component parts and paint, viewable by the general public that directs attention to a product, place, activity, person, institution, or business.

NN. "Sign Area" means the area within a perimeter which forms the outside shape, including any frame, and forms an integral part of the display, but excluding the necessary supports, poles, or uprights on which the sign may be placed. If the sign consists of more than one section or module, all areas visible from any position at one time will be totaled.

OO. "Sign Face" means the visible portions of a sign including all characters and symbols, but excluding structural elements not an integral part of the display.

PP. "Sign Illustrations" means examples of various signs in pictorial format incorporated into Section 15.08.020 of the Clayton Municipal Code.

QQ. "String Pennant" means a lightweight plastic, fabric, or other material, whether or not containing a message or symbols, suspended from a rope, wire, or string in series, usually designed to move in the wind.

RR. "Subdivision Marketing Pole Pennant" means a single piece of lightweight plastic, fabric, or other material, whether or not containing a message of any kind that is temporarily suspended from a pole and is designed to move in the wind to promote the sale of newly subdivided lots and/or newly constructed dwellings.

SS. "Subdivision Marketing Signs" means temporary commercial signs, including ground signs, wall-mounted signs, pole signs, pennants, and real estate signs, designed to promote the sale of newly subdivided lots and/or newly constructed dwellings (see Sign Illustrations).

TT. "Suspended Sign" means a sign attached to and located below any permanent eave, roof, or canopy (see Sign Illustrations).

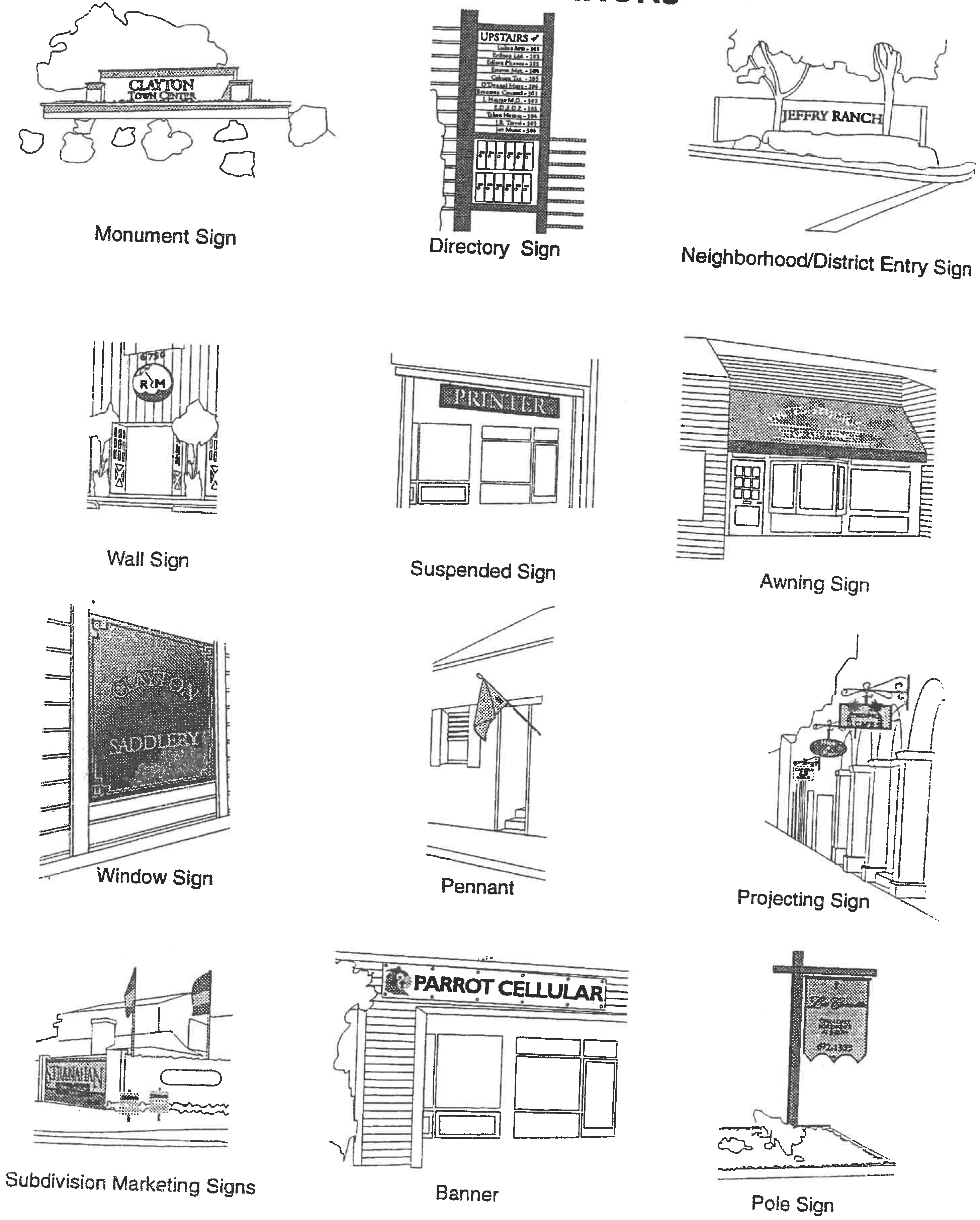
UU. "Temporary Commercial Sign" means any commercial sign intended for use for a period of less than thirty (30) days.

VV. "Temporary Noncommercial Sign" means any noncommercial temporary sign displaying an ideological, political or other noncommercial message, that is constructed of paper, cloth, canvas, light fabric, cardboard, wallboard or other similar lightweight materials, with or without frames which is designed or intended to be displayed for a limited period of time.

WW. "Wall Sign" means a sign not exceeding six (6) inches in thickness that is painted on, attached to, or erected against the wall of a building or structure with the exposed face of the sign parallel to the plane of said wall (see Sign Illustrations).

XX. "Window Sign" means a sign displayed on window glass (including the glass of doors) or within three (3) feet of a window, designed to be viewed from the exterior of the window (see Sign Illustrations).

**SIGN ILLUSTRATIONS**



(Ord. 475, § 2(Exhs. A and B), 2017)

15.08.030 Permit Procedures.

A. City Review—General. City review and approval is required for all signs except those specified by this chapter as exempt or prohibited. No City review or approval is required for a change of copy on an existing permitted sign that is in full compliance with the requirements and standards of this chapter. In addition to meeting the requirements of this chapter, all signs shall comply with all applicable California Building Code requirements. No sign shall be constructed, placed, erected, or modified unless such construction, placement, erection, or modification is authorized by the owner, or his or her representative, of the property upon which the sign is to be placed. Application for sign review and approval shall be accompanied by written authorization from the property owner, or his or her authorized representative, for placement of the proposed sign or signs.

B. City Review and Approval. The City shall review and approve signs according to the following procedures:

1. Administrative Review and Approval. The following signs shall be reviewed and approved administratively by the Community Development Department if they conform to the general sign requirements and standards of Section 15.08.060 and the regulations for special signs of Section 15.08.070.

a. Directory signs provided the sign does not exceed ten (10) square feet in area, nor a height of six (6) feet.

b. Any sign proposed for a property consistent in terms of size, number, and location with a previously-approved master sign plan, unless otherwise specified in an applicable master sign plan.

c. All building and ground signs proposed for individual businesses that are located on a property that have a previous approval for similar signage, and the proposed sign(s) are consistent in terms of size, number, and location with the previous approval. (This provision does not apply to a corner lot or through lot where signage is being proposed along multiple property frontages).

2. Exception. Any sign proposal considered within the parameters of this subsection that in the judgment of the Community Development Director may not comply with the intent or purpose of this chapter may be referred to the Planning Commission for consideration.

3. Planning Commission Review and Approval. The following signs shall be reviewed and approved by the Planning Commission in accordance with Chapter 17.64 of the Clayton Municipal Code.

a. Master sign plans.

b. Neighborhood/district entry signs.

c. Commercial center entry signs.

d. Subdivision marketing sign program.

e. Noncommercial locational signs.

f. Directory signs that exceed ten (10) square feet in area and six (6) feet in height.

g. All building and ground signs for individual businesses that are located on a property that have not had previous approval for signage, involve signage on multiple frontages, and/or involve an increase in the previously-approved signage area, increase in the number of signs, or substantially change the location of signage.

h. Any sign proposal that, in the judgment of the Community Development Director, may not comply with the intent or purpose of this chapter.

4. Variance. A variance shall be required from the Planning Commission for any deviations from the general sign requirements and standards of Section 15.08.060 or the regulations for special signs of Section 15.08.070 of this Chapter according to the procedures set out in Chapter 17.52 of the Clayton Municipal Code.

(Ord. 475, § 2(Exh. A), 2017)

15.08.040 Exempt Signs.

The following signs shall not require review and approval by City:

A. Address signs, provided the sign does not exceed two (2) square feet in area.

B. Public information, identification, civic event, and directional signs erected by a public agency or public utility.

C. Incidental signs.

D. Legal notices posted by law.

E. Building markers, provided the sign does not exceed four (4) square feet in area and is not illuminated.

F. Signs displayed by private individuals, when required by law or regulations of any governmental agency.

G. Temporary noncommercial signs on private real property, provided the individual sign displayed does not exceed sixteen (16) square feet in area, with no limit on the aggregate signage displayed at one time.

H. Wall signs indicating the historical significance of a site or building, provided the sign does not exceed four (4) square feet in area and is not illuminated.

I. Signs displayed in the interior of a building, mall, court, stadium, or enclosed lobby more than three (3) feet from an exterior window or door and intended for interior viewing only.

J. Multiple address signs, provided the individual signs do not exceed four (4) inches by twenty-four (24) inches.

K. Residential open house signs for a home sale in accordance with the standards of Section 15.08.070 of this chapter.

L. Flags, provided they are not used in a commercial manner or to advertise a business or its location.

M. Murals containing no commercial message, provided the mural has intrinsic artistic value or appeal regardless of the business in the building on whose wall the mural is painted. Murals shall take into consideration the overall architecture of the building and shall not be placed on decorative surfaces or finishes. The colors and materials used shall be reasonably harmonious with those in the area.

N. Personal property sale signs, in accordance with the standards of Section 15.08.070 of this chapter.

O. Real estate signs in accordance with the provisions of Section 15.08.070 of this chapter.

P. Portable signs in accordance with the provisions of Section 15.08.070 of this chapter.

Q. Banners and pennants in accordance with the provisions of Section 15.08.070 of this chapter.

R. Community event signs not exceeding twenty-four (24) square feet in area.

(Ord. 475, § 2(Exh. A), 2017; Ord. 485, § 2, 2019)

15.08.050 Prohibited Signs.

The following signs are prohibited anywhere in the City:

A. Animated signs.

B. Flags used in a commercial manner or to advertise a business or its location.

C. Signs that by color, wording, design, location, or illumination resemble or conflict with any traffic-control device or with safe and efficient flow of traffic.

D. Signs that obstruct the free and clear vision of or create confusion for motorists or pedestrians.

E. Signs with lighting detrimental to surrounding property or prevents peaceful enjoyment of residential uses.

F. Banners and pennants, except as provided in Section 15.08.070 of this chapter.

G. Roof signs.

H. String pennants.

I. Balloons and similar inflatable signs.

J. Permanent signs mounted on fences or deck/balcony railings.

K. Portable signs except as provided in Section 15.08.070 of this chapter.

L. Temporary signs are prohibited in the public right-of-way except for signs for city-sponsored community events in location(s) approved by the City.

M. Signs located on private property without the property owner's approval.

N. Off-site signs except for:

1. Temporary noncommercial signs.

2. Residential open house signs.

3. Garage or yard sale signs.

4. Signs attached to trees, shrubs, or other natural features.

O. Mobile billboard operating on a street or other public place within the City in which the public has the right of travel.

(Ord. 475, § 2(Exh. A), 2017)

15.08.060 General Sign Requirements and Standards.

A. Signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts—Sign Permits. A sign permit is required in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts for all non-exempt signs as follows:

1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this chapter.

2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this chapter.

3. Subdivision marketing sign program in accordance with the standards of Section 15.08.070 of this chapter.

4. No other non-exempt signs are allowed in these districts.

B. Signs in the L-C District—Sign Permits. A sign permit is required in the L-C District for all non-exempt signs as follows:

1. Noncommercial locational signs in accordance with the standards of Section 15.08.070 of this chapter.

2. Neighborhood/district entry signs in accordance with the standards of Section 15.08.070 of this chapter.

3. Master sign plan in accordance with the standards of Section 15.08.070 of this chapter.

4. Commercial center entry signs in accordance with the standards of Section 15.08.070 of this chapter.

5. Subdivision marketing sign program in accordance with Section 15.08.070 of this chapter.

C. Signs in the L-C District—Standards. Ground and building signs relating to on-site commercial activities are authorized in the L-C Districts in accordance with the following standards:

1. The aggregate sign area of any combination of ground signs and building signs for a building or a business shall not exceed one square foot per lineal foot of building frontage or store frontage. Exempt signs, directory signs, commercial center entry signs, pennants, and portable signs are not subject to this aggregate sign limit.

2. Monument signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.

3. Pole signs (ground signs) shall not exceed eight (8) feet in height, and the size of such signs may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty-four (24) square feet.

4. Kiosk signs (ground signs) shall not exceed twenty-four (24) square feet in area (all faces) and shall not exceed seven (7) feet in height.

5. Projecting signs (building signs) shall not exceed twelve (12) square feet in area and shall maintain a vertical clearance of at least eight (8) feet.

6. Suspended signs (building signs) oriented toward pedestrian areas or walkways shall not exceed six (6) square feet in area and shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path.

7. Suspended signs (building signs) oriented toward street traffic and/or parking lots shall maintain a vertical clearance of at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path, and may not be displayed over vehicular access. The size of such a suspended sign may be no greater than sixty percent (60%) of the allowable aggregate sign area for the building frontage to a maximum of twenty (20) square feet.

8. Window signs (building signs) shall not cover more than forty percent (40%) of the glazed area of an individual window panel or more than twenty percent (20%) of the aggregate glazed area on any one building frontage or store frontage.

9. Wall Signs (building signs) - one square foot per lineal foot of building or store frontage.

10. Awning Signs (building signs) - one square foot per lineal foot of building or store frontage.

D. Signs in the PD District. Signs in the PD District shall conform to the standards or signs for uses defined in the applicable General Plan designation. For signs in areas designated residential, cultural center, institutional, school, or open space by the General Plan, the requirements and standards for signs in the R-10, R-12, R-15, R-20, R-40, R-40-H, M-R, M-R-M, M-R-H, PF, and A Districts shall apply. For signs in areas designated commercial by the General Plan, the requirements and standards for signs in the L-C District shall apply unless otherwise specified by a master sign plan.

(Ord. 475, § 2(Exh. A), 2017)

15.08.070 Regulations for Special Signs.

A. Neighborhood/District Entry Signs. Neighborhood/district entry signs are allowed in all districts subject to the following standards:

1. The sign shall include only the name of the neighborhood or district.

2. Lettering shall not exceed eighteen (18) inches in height.

3. The top of the letters shall not exceed six (6) feet in height.

B. Commercial Center Entry Signs. Commercial center entry signs are allowed in commercial districts subject to the following standards:

1. One (1) sign may be located near each main vehicular entrance to the shopping center, business area, or office park fronting on a public roadway.

2. The sign may be a pole sign or monument sign.

3. The sign shall not exceed eight (8) feet in height.

4. Lettering shall not exceed twenty-two (22) inches in height.

C. Banners. Banners for new or relocated businesses are allowed temporarily in commercial districts subject to the following standards:

1. Banner in lieu of permanent sign:

a. The banner shall be secured on all sides.

b. The banner may only be displayed for up to thirty (30) days, with up to an additional thirty (30) day extension if approved administratively by the Community Development Department.

c. The banner must conform to the sign area dimensions and location of Section 15.08.060.C of this chapter.

2. Promotional banner. A second banner in addition to that noted above may be allowed subject to the following standards:

a. The banner may be a wall, window, or suspended sign.

b. The banner may only be displayed for up to thirty (30) days.

c. The banner may be no larger than the banner as approved per Section 15.08.070.C.1 and must conform to the sign area dimensions of Section 15.08.060.C of this chapter.

D. Pennants. Pennants are allowed in commercial districts subject to the following standards.

1. Only one pennant may be displayed by any one business.

2. The pennant shall be secured to a pole on one side and shall be hanging.

3. The pennant shall not exceed two (2) feet in width or four (4) feet in length.

4. The pennant shall be made in a professional manner and workmanship of fabric, plastic, or similar material designed to withstand at least six (6) months of outdoor exposure. Paper pennants shall not be allowed.

5. The bottom of a pennant shall be at least eight (8) feet above the surface of a walkway, sidewalk, or pedestrian path. A pennant may not be displayed over a street, driveway, or vehicular access.

E. Portable Signs. Portable signs are allowed in commercial districts subject to the following standards:

1. Only one portable sign may be displayed by any one business.

2. The sign shall only be in the form of an A-frame, sandwich board, menu board, or umbrella.

3. The sign shall not exceed three (3) feet in height or two (2) feet in width per face, except for an umbrella.

4. The sign shall be displayed only during the hours the business is open to the public and shall be removed during non-business hours.

5. The sign shall be displayed immediately adjacent to the business it advertises.

6. The sign shall not be displayed in a public right-of-way nor shall it obstruct a pedestrian walkway.

7. The sign shall be constructed out of a stable and rigid material (i.e., PVC is not considered an acceptably rigid material).

F. Residential Open House and Personal Property Sale Signs. Residential open house and personal property sale signs are allowed for residential uses subject to the following standards:

1. A total of one on-site sign and up to six (6) off-site signs.

2. Only one off-site sign may be displayed at any one intersection for each residential open house or personal property sale.

3. The signs shall not exceed three (3) feet in height or two (2) feet in width.

4. The signs shall only be displayed up to one hour before, during, and up to one hour following the residential open house or personal property sale.

5. The signs shall not be displayed in a public right-of-way nor shall they obstruct a pedestrian walkway, except signs shall be allowed behind the sidewalk or behind the curb if there is no sidewalk.

6. No signs shall be displayed on private property without the prior consent of the property owner.

7. Balloons, flags, pennants, animated devices, and similar objects are prohibited. (see Section 17.16.020.E of the Municipal Code for further regulations for personal property sales).

G. Noncommercial Locational Signs. Noncommercial locational signs are allowed in all districts subject to the following standards:

1. The signs may include building signs and ground signs.

2. The aggregate sign area may not exceed twenty-four (24) square feet for a lot up to forty thousand (40,000) square feet in size. For lots larger than forty thousand (40,000) square feet, sign area may be increased subject to specific Planning Commission review and approval.

3. No ground or pole sign shall exceed eight (8) feet in height.

H. Real Estate Signs. Real estate signs are allowed in all districts subject to the following standards:

1. Only one on-site real estate sign may be displayed on a front or side yard frontage. An additional real estate sign may be displayed on a rear yard frontage.

2. Real estate signs in residential districts shall not exceed six (6) square feet in area. Real estate signs in commercial districts shall not exceed twelve (12) square feet in area.

3. The sign may be in the form of a pole sign or a wall sign.

4. The sign shall not exceed six (6) feet in height.

5. The sign shall be removed within ten (10) days of the lot or building(s) being sold, leased, or rented.

6. Real estate signs located off-site of the subject property (e.g., at nearby intersection, public landscape, public property, public right-of-way) are not allowed.

I. Subdivision Marketing Sign Program. Subdivision marketing signs are allowed in residential districts subject to the approval of a subdivision marketing sign program in accordance with the following standards:

1. The program may include a combination of temporary ground signs, wall signs, subdivision marketing pole pennants, and real estate signs.

2. All subdivision marketing signs shall be displayed within the boundaries of the subdivision.

3. Subdivision marketing pole pennants shall not exceed twenty-five (25) feet in height or be located closer than every fifty (50) feet.

4. All subdivision marketing signs shall be removed within thirty (30) days of the opening of escrow for sale of the last home in the subdivision.

5. The dimensions of any sign shall not exceed eight (8) feet in length, nor eight (8) feet in height, nor a total area of sixty (60) square feet.

J. Master Sign Plan. At the discretion of the City or one or more property owners, a master sign plan may be established for a shopping center, business area, office park, or similar identifiable geographic area. Such master sign plan may impose sign requirements and standards addressing the number, height, area, color, or other sign characteristics in a manner more restrictive than that allowed by the general sign requirements and standards of Section 15.08.060 of this chapter. Such a master sign plan may be established to promote an enhanced sense of identity, aesthetic value, or other feature. A master sign plan will not only identify and describe those sign characteristics that are more restrictive than those allowed by the general sign requirements and standards of Section 15.08.060 of this chapter, but also the purpose or goal for which the master sign plan is established.

(Ord. 475, § 2(Exh. A), 2017)

15.08.080 Computation of Sign Area and Height.

The following principles shall govern the computation of sign area and height.

A. Computation of Area of Individual Signs. The sign area of a sign face (which is also the sign area of a wall sign or other sign with only one face) shall be computed by means of the smallest square, circle, rectangle, triangle, or combination thereof that will encompass the extreme limits of the writing, representation, emblem, or other display, together with any material or color forming an integral part of the background of the display or used to differentiate the sign form the backdrop or structure against which it is placed, but not including any supporting framework, bracing, or decorative wall when such wall otherwise meets zoning ordinance regulations and is clearly incidental to the display itself.

B. Computation of Area of Multi-Faced Signs. The sign area for a sign with more than one face shall be computed by adding together the area of all sign faces visible from any one point. When two (2) sign faces are placed back to back so that both faces cannot be viewed from any point at the same time, and when such sign faces are part of the same sign structure and are not more than forty-two (42) inches apart, the sign area shall be computed by the measurement of one of the faces.

C. Computation of Height. The height of a sign shall be computed as the distance from the grade at the edge of the public way along which a sign is placed or oriented to the highest point of the sign, or any structural or architectural component of the sign. When the grade at the edge of the public way is higher than the site on which the sign is placed, that portion of the sign below the grade at the edge of the public way shall not be included in determining the sign's overall height.

D. Computation of Total Permitted Sign Area. The total area of all individual signs permitted on a lot shall be computed according to Section 15.08.060.C of this chapter. Property fronting two (2) or more streets are allowed the permitted sign area specified in Section 15.08.060.C for each such street frontage.

(Ord. 475, § 2(Exh. A), 2017)

15.08.090 Maintenance.

All signs shall be maintained in good repair and shall be cleaned, painted, and replaced as necessary to present a neat appearance at all times.

(Ord. 475, § 2(Exh. A), 2017)

15.08.100 Nonconforming Signs.

A. Except for regular maintenance, no non-conforming sign shall be altered, modified, added to, or increased in area, unless the entire sign is brought into conformity with the requirements and standards of this chapter.

B. Any non-conforming sign that is damaged or destroyed to the extent of fifty percent (50%) or more of its estimated market value shall not be replaced or repaired except by a sign that conforms to the requirements and standards of this chapter.

C. Any non-conforming sign relating to a business that has not operated for six (6) consecutive months shall be removed.

(Ord. 475, § 2(Exh. A), 2017)

15.08.105 Substitution.

In each instance and under the same conditions to which this chapter permits any sign, a sign containing an ideological, political or other noncommercial message that is constructed to the same physical dimensions of the permitted sign shall be permitted.

(Ord. 475, § 2(Exh. A), 2017)

15.08.110 Enforcement.

Any person erecting, displaying, or maintaining a sign in violation of this chapter is guilty of an infraction and shall be subject to enforcement and penalties set out in Chapters 1.12, 1.14, 1.16, and 1.20 of Title 1 of the Clayton Municipal Code.

(Ord. 475, § 2(Exh. A), 2017)

## Chapter 15.09 2019 CALIFORNIA FIRE CODE WITH AMENDMENTS[[6]](#footnote-6)

15.09.001 Adoption.

The fire code of this City is the 2019 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2018 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, and Appendix J, and Appendix K, as amended by the changes, additions and deletions set forth in this ordinance. The 2019 California Fire Code, with the changes, additions, and deletions set forth in this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this ordinance, the provisions of this Fire Code are controlling and enforceable within the City and shall be enforced by the Contra Costa Fire Protection District and its Fire Official.

(Ord. 490, § 3(Exh. A), 2020)

15.09.002 Amendments.

The 2019 California Fire Code is amended by the changes, additions and deletions set forth in this chapter. Chapter and Section numbers used below are those of the 2019 California Fire Code.

**Chapter 1. Scope and Administration.**

Section 101.1 is amended to read:

**101.1 Title.** This code is the Fire Code of the Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District, and is hereinafter referred to as "this code".

Section 102.1 is amended to add item 5, to read:

**102.1 Construction and design provisions.** The construction and design provisions of this code shall apply to:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 105.6 is amended to read:

**105.6 Required operational permits.** The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.62.

Section 105.6.4 is amended to read:

**105.6.4 Carnivals, Fairs, Festivals and Exhibitions.** A permit is required to operate a carnival, fair, festival, or exhibition.

Section 105.6.31 is amended to read:

**105.6.31 Motor Fuel Dispensing Facilities.** An operational permit is required for the operation of automotive, marine, and fleet motor fuel dispensing facilities, including for sites that allow mobile fueling from a service provider to the general public.

Section 105.6 is amended to read:

**105.6.52 Asbestos removal.** A permit is required to conduct asbestos-removal operations regulated by Section 3318.

**105.6.53 Automobile Wrecking or Dismantling Yard.** An operation permit is, required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

**105.6.54 Battery systems.** A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

**105.6.55 Christmas tree sales.** A permit is required to use property for the purpose of selling cut Christmas trees.

**105.6.56 Emergency Responder Radio Coverage.** A permit is required for facilities with Emergency Responder Radio Coverage Systems.

**105.6.57 Firework aerial display.** A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

**105.6.58 Model rockets.** A permit is required to sell model rocket motors or launch model rockets (in excess of 3 launches per event) pursuant to California Code of Regulations, Title 19, Division 1, Article 17. Permits issued in accordance with this section are for the site, and are effective as long as site conditions have not changed.

**105.6.59 Temporary water supply.** A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

**105.6.60 Tire storage.** A permit is required to store more than 1,000 cubic feet (28.3m3) of tires inside buildings pursuant to Chapter 34.

**105.6.61 Oil Extraction Process.** A permit is required to operate a process that uses a volatile solvent or Liquid Carbon Dioxide to extract oil from organic material.

**105.6.62 Indoor Growing Operation.** A permit is required to operate an indoor growing operation.

**Exception:** Agricultural Greenhouses in an agricultural zone.

Section 105.7 is amended to read:

**105.7 Required construction permits.** The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.31.

Section 105.7 is amended by adding sections 105.7.26 through 105.7.31, to read:

**105.7.26 Access for fire apparatus.** Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

**105.7.27 Construction, alteration, or renovation of a building for which a building permit is required.** Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

**Exception:** Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

**105.7.28 Medical gas systems.** A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

**105.7.29 Refrigeration equipment.** A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6 and/or the California Mechanical Code.

**105.7.30 Land Development, Subdivisions.** Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

**105.7.31 Water supply for fire protection.** Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings, or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 105.8 is added, to read:

**105.8 Responsibility of permitee.** Construction permits shall be presumed by the Fire District to incorporate all of the work that the applicant or the applicant's agent, employees, or contractors shall carry out. Work performed shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval relieve or exonerate any person from the responsibility of complying with the provisions of this code nor shall any vested rights be created for any work performed in violation of this code. (Ord. 453-2014; Ord. 478-2019)

Section 109.1 is amended to read:

**109.1 Board of Appeals established.** In order to hear and decide appeals of orders, decisions, or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 109.3 is deleted.

Section 110.4 is amended to read:

**110.4 Violation penalties.** Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor in accordance with Health and Safety Code Section 13871 and Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions.

Section 112.4 is amended to read:

**112.4 Failure to comply**. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

**Chapter 2. Definitions**

Section 202 is amended by adding the following definitions to that section:

**Administrator.** Fire Chief.

**All-weather driving surface**. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

**Automobile Dismantling.** The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

**Automobile Wrecking Yard.** An area that stores or dismantles salvaged vehicles.

**Board of Directors.** The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

**Board of Fire Commissioners**. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

**Cost of Abatement.** Includes all expenses incurred by the jurisdiction in its work of abatement and administrative costs pursuant to Section 319.5 of this ordinance.

**Defensible Space.** The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

**Driveway.** A private roadway that provides access to no more than two (2) single-family dwellings.

**Fire Code Official.** In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District, the Fire Code Official is the Fire Chief.

**Firebreak.** A continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

**Fire trail.** A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

**Nuisance Fire Alarm.** The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse, of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

**Person.** Includes individuals, firms, partnerships, and corporations.

**Priority Hazard Zone.** An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes and/or amount of vegetation (native and ornamental), and/or other conditions favorable to fast moving fires.

**Reduced Fuel Zone.** The area that extends from thirty (30) feet to one hundred (100) feet away from the structure, or to the property line, whichever is closer to the structure.

**Response time.** The elapsed time from receipt of call to the arrival of the first unit on scene.

**Rubbish.** Waste matter, litter, trash, refuse, debris, and dirt on streets or private property in the jurisdiction which is, or when dry may become, a fire hazard.

**Rural area.** An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

**Rural residential area.** An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

**Running time.** The calculated time difference between leaving the first-due station and arriving on the emergency scene. (Ord. 453, 2014)

**Sprinkler Alarm and Supervisory System (SASS):** A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

**Streets.** Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

**Substantial Addition or Expansion.** Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area. For the purpose of this definition, areas of a building in which construction elements including walls and roof assemblies were demolished and rebuilt are considered new fire area.

**Temporary fire department access road for construction.** An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

**Temporary fire department access road for construction of one (1) residential (R3) unit.** A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

**Temporary water supply.** Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

**Tree litter.** Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

**Weeds.** All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.

2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.

3. Weeds that are otherwise noxious or dangerous.

4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.

5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

**Chapter 3. General Precautions Against Fire.**

Section 304.1.2 is amended to read:

**304.1.2 Vegetation.** Hazards created by the growth of weeds, grass, vines, trees or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 321.

Section 304.3.5 is added to read:

**304.3.5 Clothes Dryers.** Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct, and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4, Exception 1 is amended to read:

**Exception 1.** Residential Occupancies.

Section 321 is added to Chapter 3, to read:

**321 Exterior Fire Hazard Control.**

**321.1 General.**

**321.1.1 Jurisdictional Authority.** The Board of Directors, as the supervising, legislative, and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties, and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter, or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

**321.1.2 Retention of Jurisdictional Authority.** If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

**321.1.3 Contract for Services.** The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

**321.2 Definitions.**

**Cost of Abatement**

**Defensible Space**

**Person**

**Priority Hazard Zone**

**Reduced Fuel Zone**

**Rubbish**

**Streets**

**Weeds**

**321.3 Weeds and Rubbish a Public Nuisance.** The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

**321.4 Abatement of Hazard.**

**321.4.1 Prohibition.** No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

**321.4.2 Specific Requirements.** The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

**321.4.2.1 Clearance of Weeds from Streets.** The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

**321.5 Abatement Procedures.**

**321.5.1 Abatement Order.** The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and this Section 321. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

**321.5.2 Hearing Date.** A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

**321.5.3 Contract Award.** If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

**321.5.4 Abatement Report of Costs.** The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

**321.5.5 Cost Assessments.** Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

**321.6 Alternate Mitigation.** In lieu of ordering abatement as provided in Section 321.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 321.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

**321.7 Subsurface Fires.**

**321.7.1 Peat Fire.** It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

**321.7.2 Fire Suppression Costs.** If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter, or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 322 is added to Chapter 3, to read:

**322 Automobile Wrecking Yards.**

**322.1 General.** The operation of automobile wrecking yards shall be in accordance with this section.

**322.2 Definitions.** The following terms are defined in Chapter 2

**Auto Dismantling**

**Automobile Wrecking Yard**

**322.3 Requirements.**

**322.3.1 Permits.** An operational fire code permit is required as in Section 105.6.53.

**322.3.2 Fire Apparatus Access Roads.** Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

**322.3.3 Welding and cutting.** Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires and all other debris.

**322.3.4 Housekeeping.** Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

**322.3.5 Fire Protection.** Offices, storage buildings, and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

**322.3.6 Tire storage**. Tires shall be stored in racks or in a manner as approved by the fire code official.

**322.3.6.1 Distance from Water Supply.** Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

**322.3.7 Storage Piles.** Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

**322.3.8 Burning operations.** The burning of salvaged vehicles and salvaged or waste materials is prohibited.

**322.3.9 Motor vehicle fluids.** Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

**322.3.9.1 Mitigation of leaking fluids.** Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems, and transmissions shall be kept available on site. Single-use plugs, diking, and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state, and local requirements.

**322.3.10 Fuel tanks.** Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

**322.3.10.1 Repair of vehicle fuel tanks.** The repair of fuel tanks, including cutting, welding or drilling of any kind, is prohibited.

**322.3.11 Lead acid batteries.** Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

**Chapter 4. Emergency Planning and Preparedness.**

Section 401.5.1 is added, to read:

**401.5.1 Nuisance Fire Alarm Fee.** A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 403.12.1 is amended to read:

**403.12.1 Standby Personnel.** Where, in the opinion of the fire code official or Fire Chief, it is essential for public safety in a place of assembly, or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest, or activity, the owner, agent, or lessee shall provide standby personnel as required and approved by the fire code official or Fire Chief. If the activity requires fire watch, fire watch shall be provided in accordance with Sections 403.12.1.1 and 403.12.1.2. Standby personnel needed for EMS standby shall be provided in accordance with Contra Costa County EMS Protocols.

**Chapter 5. Fire Service Features.**

Section 503.1.4 is added, to read:

**503.1.4 Access to Open Spaces.** When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

**Exception:** A driveway with a minimum width of 16 feet is acceptable for access to one or two single-family dwellings.

Section 505.3 is added, to read:

**505.3 Street names and addressing.** Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2.3 is added, to read:

**507.2.3 Suburban and rural water supply storage.** Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

**Chapter 6. Building Services and Systems.**

Section 603.6.6 is added, to read:

**603.6.6 Sparks from chimneys.** A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the 2019 California Mechanical Code.

**Chapter 8. Interior Finish, Decorative Materials and Furnishings.**

Section 806.1.4 is added, to read:

**806.1.4 Flame retardants.** Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

Section 806.1.5 is added, to read:

**806.1.5 Tags.** Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date, and the name of the designated individual making daily tests.

Section 806.1.6 is added, to read:

**806.1.6 Daily tests.** Trees shall be tested daily by a designated individual. The test shall include a check for dryness in accordance with Section 806.1.3 and for adequate watering.

**Chapter 9. Fire Protection Systems.**

Section 901.6.2 is amended to read:

**901.6.2 Records.** Records of all system inspections, tests, and maintenance required by the reference standards shall be maintained in paper form or by a third party electronic record keeping service as chosen by the fire district.

Section 902 is amended to add:

**Substantial Addition or Expansion**

Section 903.2.1.1 is amended to read:

**903.2.1.1 Group A-1.** An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.

2. The fire area has an occupant load of 300 or more.

3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

4. The fire area contains a multi-theater complex.

Section 903.2.1.3 is amended to read:

**903.2.1.3 Group A-3.** An automatic sprinkler system shall be provided for fire areas containing Group A-3 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.

2. The fire area has an occupant load of 300 or more.

3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.

Section 903.2.1.4 is amended to read:

**903.2.1.4 Group A-4.** An automatic sprinkler system shall be provided for fire areas containing Group A-4 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet

2. The fire area has an occupant load of 300 or more.

3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

Section 903.2.1.8 is added, to read:

**903.2.1.8 Group B**. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

Section 903.2.3 is amended to read:

**903.2.3 Group E.** An automatic sprinkler system shall be provided for a new Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 2,000 square feet in area.

**Exception:** An automatic sprinkler system is not required in any Group E Day Care Facility less than 5,000 square feet.

2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

**Exception:** An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

3. The Group E fire area has an occupant load of 300 or more.

4. In rooms or areas with special hazards such as laboratories, vocational shops, and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.

5. Throughout any Group E structure greater than 4,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four-hour fire resistance rating without openings.

6. For public school state-funded construction projects, see Section 903.2.19.

7. For public school campuses, Kindergarten through 12th grade, see Section 903.2.20.

Section 903.2.4 is amended in its entirety, to read:

**903.2.4 Group F**

**903.2.4.1 Group F-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.

2. A Group F-1 fire area is located more than three stories above grade plane.

3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

4. A Group F-1 occupancy used for the manufacture of upholstered furniture or mattresses exceeding 2,500 square feet (232 m2).

**903.2.4.1.1 Woodworking operations.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy fire areas that contain woodworking operations in excess of 2,500 in area (232 m2) that generate finely divided combustible waste or use finely divided combustible materials. A fire wall of less than 4-hour fire-resistance rating without openings, or any fire wall with openings, shall not be used to establish separate fire areas.

**903.2.4.2 Group F-2.** An automatic sprinkler system shall be provided throughout all buildings containing a Group F-2 occupancy greater than 5,000 square feet.

Section 903.2.7 is amended to read:

**903.2.7 Group M.** An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.

2. A Group M fire area is located more than three stories above grade plane.

3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet

4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 5,000 square feet (464 m2).

5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating without openings.

Section 903.2.8 is amended to read:

**903.2.8 Group R.** An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, including manufactured and mobile homes, including those located in a mobile home parks.

Section 903.2.8.1.1 is added, to read:

**903.2.8.1.1 Group R-3 Substantial Addition or Expansion.** An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs and the new total fire area of the structure exceeds 3,600 square feet.

**Exception:** If a sprinkler system is required by local building department regardless of the size of the addition or expansion, a sprinkler system shall be installed in accordance with the appropriate standard.

Section 903.2.9 is amended to read:

**903.2.9 Group S-1.** An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet

2. A Group S-1 fire area is located more than three stories above grade plane.

3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

4. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeding 2,500 square feet (232 m 2).

Section 903.2.9 is amended to read:

**903.2.9.1 Repair garages.** An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406.8 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

2. Buildings not more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet.

3. Buildings with repair garages servicing vehicles parked in basements.

4. A Group S-1 fire area used for the repair of commercial motor vehicles where the fire area exceeds 5,000 square feet (464 m2).

Section 903.2.10 is amended in its entirety, to read:

**903.2.10 Group S-2**

**903.2.10.1 Group S-2 enclosed parking garages.** An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.6 of the California Building Code where either of the following conditions exists:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet.

2. Where the enclosed parking garage is located beneath other occupancy groups.

**903.2.10.2 Commercial parking garages.** An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

**9.03.3.10.3 Group S-2 Low Hazard Storage.** An automatic sprinkler system shall be provided throughout all buildings containing a Group S-2 occupancy exceeding 5,000 square feet.

**Exception:** Open parking garages, including canopies and photovoltaic panel systems with open parking underneath, shall meet automatic sprinkler system requirements in accordance with the 2019 California Building Code and 2019 California Fire Code without local amendment.

Section 903.3.1.1.3 is added, to read:

**903.3.1.1.3 Undeclared Use.** In buildings of undeclared use with floor to structure height greater than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (4256 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.1.3 is amended to read:

**903.3.1.3 Sprinkler Systems for One and Two family dwellings.** Automatic sprinkler systems for one- and two-family dwelling shall be permitted to be installed in accordance with sections 903.3.1.3.1 through 903.3.1.3.3.

Section 903.3.1.3.1, 903.3.1.3.2, and 903.3.1.3.3 is added, to read:

**903.3.1.3.1 NFPA 13D Sprinkler Systems.** Automatic sprinkler systems installed in one- and two- family dwellings; Group R-3 buildings, and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D as amended in Chapter 80.

**903.3.1.3.2 California Residential Code Section R313.** Automatic sprinkler systems shall be permitted to be installed in accordance with the California Residential Code section R313.

**903.3.1.3.3 Pipe limitations.** Where CPVC pipe is installed above the installed above the insulation or is otherwise located in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 903.3.5.3 is added, to read:

**903.3.5.3 Non-permissible water supply storage.** Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.9 is amended to read:

**903.3.9. Floor control valves.** Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

**Exception:** Group R-3 and R-3.1 Occupancies

Section 903.4.2 is amended to read:

**903.4.2 Alarms.** One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6.1 and 903.6.2 are added, to read:

**903.6.1 Substantial Addition or Expansion.** An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs and the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.1.1.

**903.6.2 Change of occupancy classification.** Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1012.4 of the current edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). Group R-3 occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.4.4 is added, to read:

**907.4.4Monitoring of other fire systems.** In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored and comply with Section 907.6.6.

Section 907.5.2.3.1 is amended to read:

**907.5.2.3.1 Public and common areas**. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms, and locker rooms.

2. Corridors, hallways, and aisles with shelving and/or fixtures obstructing the required light intensity for that area.

3. Music practice rooms.

4. Band rooms.

5. Gymnasiums.

6. Multipurpose rooms.

7. Occupational shops.

8. Occupied rooms where ambient noise impairs hearing of the fire alarm.

9. Lobbies

10. Meeting/Conference rooms.

11. Classrooms.

12. Medical exam rooms.

13. Open office areas.

14. Sales floor areas.

15. Break or lunch rooms

16. Copy or work rooms.

17. Computer server rooms exceeding 200 sq. ft.

18. File or Storage rooms exceeding 200 sq. ft.

Section 907.6.6 is amended to read:

**907.6.6 Monitoring of fire alarm systems.** A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

**Exception:** Monitoring by a UL-listed central station is not required for:

1. Single- and multiple-station smoke alarms required by section 907.2.10.

2. Group I-3 occupancies shall be monitored in accordance with section 907.2.6.3.

3. Residential Day Care Facilities (occupancy load of 14 or less).

4. One- and two- family dwellings

5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.

6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.6 is added, to read:

**907.8.6 Certification.** New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.6.1 is added, to read:

**907.8.6.1 Posting of Certificate**. The UL Certificate shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

**Chapter 10. Means of Egress.**

Section 1028.5.1 is added, to read:

**1028.5.1 Exit discharge surface**. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

**Chapter 33. Fire Safety During Construction and Demolition.**

Section 3301.3 is added, to read:

**3301.3 Permits.** Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 3318 is added, to read:

**Section 3318 Asbestos removal.**

**3318.1 General.** Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3318.

**Exception:** Section 3318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.

2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).

3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m2) or a dimension of less than 10 linear feet (3048 mm).

4. Floor tiles when their removal can be completed in less than four hours.

5. Group R-3 occupancies.

**3318.2 Notification.** The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

**3318.3 Plastic Film.** Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

**3318.4 Signs.** Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas, and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 nun) high.

**Chapter 50. Hazardous Materials - General Provisions.**

Section 5001.5.3 is added, to read:

**5001.5.3 Emergency response support information**. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1.2 is added, to read:

**5003.9.1.2 Documentation.** Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

**Chapter 56 Explosives and Fireworks.**

Section 5601.1.3 is amended to read:

**5601.1.3 Fireworks**. The possession, manufacture, storage, sale, handling, and use of fireworks are prohibited within the jurisdiction of the District.

**Exceptions:**

1. The use of fireworks for fireworks displays, pyrotechnics before a proximate audience, pyrotechnic special effects in motion pictures, television, theatrical, or group entertainment productions as allowed by Title 19, Division 1, Chapter 6 Fireworks reprinted in Section 5608 and the Health and Safety Code Division 11.

2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.2 is amended to read:

**5601.9 Sale and retail display.** No person shall construct a retail display or offer for sale any explosives, explosive materials, or fireworks within the jurisdiction.

**Exception:** Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5601.2.4 is amended as follows:

**5601.2.4 Financial responsibility.** Before a permit is issued pursuant to Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of $2,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arises from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgement results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

**Exception:** Fireworks in accordance with the California Code of Regulations, Title 19, Division 1, Chapter 6. See section 5608.

Section 5601.9 is added, to read:

**5601.9 Prohibited and Limited Acts.** The storage of explosive materials is prohibited in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with California Fire Code Section 5601.8.

**Chapter 57. Flammable and Combustible Liquids.**

Section 5704.2.9.6.1 is amended to read:

**5704.2.9.6.1 Locations where above-ground tanks are prohibited.** The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

**Exceptions:** Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

**5706.2.4.4 Locations where above-ground tanks are prohibited.** Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

**Chapter 58. Flammable Gases and Flammable Cryogenic Fluids.**

Section 5806.2 is amended to read:

**5806.2 Limitation**. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

**Exception:** Liquid hydrogen fuel systems in compliance with section 5806.3 or 5806.4.

**Chapter 61. Liquefied Petroleum Gases.**

Section 6103.2.1.7 is amended to read:

**6103.2.1.7 Use for food preparation.** Individual portable L-P containers used, stored, or handled inside a building classified as a Group A, Group B, or Group M occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the California Mechanical Code and NFPA 58.

Section 6104.2 is amended to read:

**6104.2 Maximum capacity within established limits.** The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

**Chapter 80. Referenced Standards**

Chapter 80 is amended by adding the following referenced standards:

NFPA 3 (2015): Recommended Practice for Commissioning of Fire Protection and Life Safety Systems

NFPA 850 (2015) Recommended practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations.

Chapter 80 is further amended by amending the NFPA 13D (2016) (Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes) standard as follows:

Section 7.7.1 is added, to read:

**7.7.1** Where CPVC pipe is installed above the normal insulation in an unconditioned space, such as in an attic space, or a garage without conditioned living space above, CPVC pipe shall be adequately insulted to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

Section 8.3.5.1.2 is amended to read:

**8.3.5.1.2** Where fuel-fired equipment is below or on the same level as occupied areas of the dwelling unit, at least one quick-response intermediate temperature sprinkler shall be installed above the equipment or at the wall separating the space with the fuel-fired equipment from the occupied space. In unconditioned spaces, CPVC pipe shall be adequately insulated to a minimum R-19 value, or equivalent, or pipe shall be limited to Type K or L copper, or ferrous piping.

**Appendix B. Fire-Flow Requirements for Buildings.**

Section B105.2 is amended to read:

**TABLE B105.2**  
**Required Fire-Flow for Buildings Other Than One- andTwo-Family Dwellings, Group R-3 and R-4 Buildings and Townhouses**

|  |  |  |
| --- | --- | --- |
| **AUTOMATIC SPRINKLER SYSTEM** **(DESIGN STANDARD)** | **MINIMUM FIRE-FLOW** **(GALLONS PER MINUTE)** | **FLOW DURATION** **(HOURS)** |
| No automatic sprinkler system | Value in Table B105.1(2) | Duration in Table B105.1(2) |
| Section 903.3.1.1 of the California Fire Code | 50% of the value in Table B105.1 (2)\* | Duration in Table B105.1(2) at the reduced flow rate |
| Section 903.3.1.2 of the California Fire Code | 50% of the value in TableB105.1(2)\* | Duration in Table B105.1(2) at the reduced flow rate |

For SI: 1 gallon per minute = 3,785 L/m

a. The reduced fire-flow shall be not less than 1,500 gallons per minute.

Section B105.2 is mended by amending the exception to read:

**Exceptions:**

1. Group B, S-2, and U occupancies having a floor area not exceeding 1,000 square feet, primarily constructed of noncombustible exterior walls with wood or steel roof framing, having a Class A roof assembly, with uses limited to the following or similar uses:

1.1 California State Parks buildings of an accessory nature (restrooms).

1.2 Safety roadside rest areas, (SRRA), public restrooms.

1.3 Truck inspection facilities, (TIF), CHP office space and vehicle inspection bays.

1.4 Sand/salt storage buildings, storage of sand and salt.

2. A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

**Appendix C. Fire Hydrant Locations and Distribution.**

Table C102.1 is amended as follows:

The title of Table C102.1 is amended to read:

TABLE C102.1j

The heading of the fourth column of Table C102.1 is amended to read:

MAXIMUM DISTANCE FROM ANY POINT ON STREET OR ROAD FRONTAGE TO A HYDRANT "g,"

Footnotes "i" and "j" are added to Table C102.1, to read:

i. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.

j. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

**Appendix D. Fire Apparatus Access Roads**

Section D102.1 is amended to read:

**D102.1 Access and loading.** Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an approved fire apparatus access road with an asphalt, concrete, or other approved all-weather driving surface capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33,566 kg) in accordance with CalTrans Design Standard HS-20-44.

**Exception:** Driveways serving one or two single-family dwellings may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted.

Section D103.2 is amended to read:

**D103.2 Grade.** Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19 958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added, to read:

**D103.2.1 Angles of approach and departure.** The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is amended to read:

**D103.3 Turning radius.** Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7620 mm) inside and 45 feet (13 716 mm) outside.

Table D103.4 is amended to read:

**Table D103.4**  
**REQUIREMENTS FOR DEAD-END FIRE**  
**APPARATUS ACCESS ROADS**

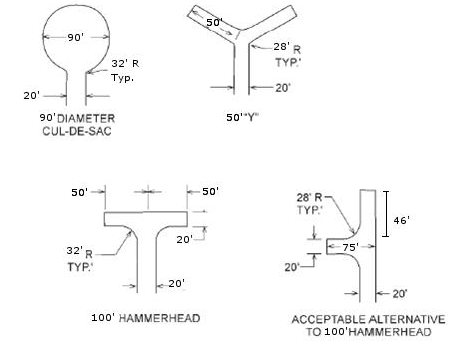
|  |  |  |  |
| --- | --- | --- | --- |
| **LENGTH** **(feet)** | | **MINIMUM WIDTH** **(feet)** | **TURNAROUNDS REQUIRED** |
| 0 - 150 | | 20a | None required |
| 151 - 750 | | 20a | 100-foot Hammerhead, 50-foot "Y", 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1 |
| Over 750 | Special approval requiredb | | |

a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family Dwellings.

b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8-foot-wide turnout that extends at least 40 feet in length.

Figure D103.1 is amended to read:

**Figure D103.1**  
**Dead-end Fire Apparatus Access Road Turnaround**



Section D103.5 is amended as follows:

Section D103.6.1 is amended to read:

Section D103.6.2 is amended to read:

Section D106.1 is amended by deleting the exception and to read:

Section D106.2 is deleted in its entirety.

(Ord. 490, § 3(Exh. A), 2020)

15.09.003 Repeal of 2016 Fire Code.

The 2016 California Fire Code with amendments, previously set forth in this Chapter 15.09 of the Clayton Municipal Code and enforced by the City of Clayton in association with the Contra Costa Fire Protection District, is hereby repealed.

(Ord. 490, § 3(Exh. A), 2020)

15.09.004 References to Prior Code.

Unless superseded and expressly repealed by this ordinance, references in Fire District forms, documents, and regulation to the chapters and sections of the 2016 Fire Code of City of Clayton shall be construed to refer to the corresponding chapters and sections of the 2019 Fire code of the City of Clayton. (Ord. 453, 2014; Ord. 478,2017, Ord 490, 2020)

(Ord. 490, § 3(Exh. A), 2020)

## Chapter 15.10 DISASTER REPAIR AND RECONSTRUCTION

Sections:

15.10.010 Intent.

This chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of an uncontrollable event for which a local emergency has been declared by the City Council.

15.10.020 Application of Provisions.

The provisions of this chapter are applicable to all damaged buildings and structures of all occupancies regulated by the City of Clayton following each uncontrollable event when a local emergency has been declared by the City Council. When approved by the Building Official, the requirements of this chapter may be waived in favor of repair recommendations included in an engineering evaluation as deemed in Section 15.100.040.

15.10.030 Definitions.

For the purposes of this chapter, the following definitions apply:

A. "Architect" is an individual licensed by the State of California to practice architecture as defined in the State of California Business and Professions Code.

B. "Civil Engineer" is an individual registered by the State of California to practice civil engineering as defined in the State of California Business and Professions Code.

C. "Current code" shall mean the edition of the California Building Standards Code as adopted by the City of Clayton, including any amendments, in effect at the time of the declaration of a local emergency by the City Council.

D. "Dangerous" shall mean any building or structure or any individual member with any of the structural conditions or defects described below shall be deemed dangerous:

1. The stress in a member or portion thereof due to all factored dead and live loads is more than one and one-third the nominal strength allowed in the current code.

2. Any portion, member of the building or structure, or any appurtenance within the building damaged to the extent that could potentially fail, detached or dislodged, or to collapse under normal operational condition or loading and thereby cause health and safety hazard.

3. Any portion of a building, or any member, appurtenance, or ornamentation on the exterior thereof with insufficient strength or stability, or attachment to resist lateral loading equal to two-thirds of that specified in the current code for similar buildings or structure without exceeding the nominal strength permitted in the current code.

4. The building or any portion thereof, is likely to collapse partially or completely due to damages caused by an uncontrollable event, fire, earthquake, wind, or flood; or any other similar cause.

5. The exterior walls or other vertical structural members list, lean, or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one-third of the base.

E. "Engineering evaluation and analysis" is an evaluation and analysis of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural/civil engineer or architect retained by the owner of the building or structure. Engineering evaluations and analysis shall, at a minimum, contain recommendations for repair with an estimate of construction cost for those repairs.

F. "Essential Service Facility" shall mean those buildings or structures which have been designated by the City Council to house facilities which are necessary for the emergency operations subsequent to a disaster, or an essential service facility as defined in the current code as an essential building.

G. "Structural/Civil Engineer" is an individual registered by the State of California to practice civil engineering and who has experience in design of structures.

H. "Substantial Damage" shall mean, for the purpose of determining compliance with the flood provisions of this code, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.

I. "Substantial Improvement" shall mean, for the purpose of determining compliance with the flood provisions of this code, any repair, alteration, addition, or improvement of a building or structure whose cost equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started. If the structure has sustained substantial damage, any repairs are considered substantial improvement regardless of the actual repair work performed. The term does not include either:

1. Any project for improvement of a building required to correct existing health, sanitary, or safety code violations identified by the code official and that is the minimum necessary to assure safe living conditions, or

2. Any alteration of a historic structure provided that the alteration would not preclude the structure's continued designation as a historic structure.

J. "Substantial Structural Damage" shall mean a condition where:

1. In any story, the vertical elements of the lateral-force-resisting system, have suffered damage such that the lateral load-carrying capacity of the structure in any direction has been reduced by more than twenty percent (20%) from its pre-damaged condition, or

2. The capacity of any vertical gravity load-carrying component, or any group of such components, that supports more than thirty percent (30%) of the total area of the structure's floor(s) and roof(s) has been reduced more than twenty percent (20%) from its pre-damaged condition, and the remaining capacity of such affected elements with respect to all dead and live loads is less than seventy-five percent (75%) of that required by the current code for new buildings of similar structure, purpose, and location.

K. "Work Area" shall mean that portion or portions of a building consisting of all reconfigured spaces as indicated on the construction documents. Work area excludes other portions of the building where incidental work entailed by the intended work must be performed and portions of the building where work not initially intended by the owner is specifically required by this code.

15.10.040 Repair Criteria.

The following repair provisions, excerpted and amended from the below-specified sections of the 2006 Edition of the International Existing Building Code (IEBC), as published by the International Code Council, shall apply:

**International Existing Building Code Section 401—General**  
(Amended)

**401.2 Work area.** The work area as defined in Chapter 15 shall be identified on the construction documents.

**401.3 Occupancy and use.** When determining the appropriate application of the referenced sections of this code, the occupancy and use of a building shall be determined in accordance with the California Building Code.

**401.4 Scope**. Repairs shall comply with the requirements of this chapter. Repairs to historic buildings shall comply with this chapter.

**401.5 Permitted materials**. Except as otherwise required or permitted by this code, materials permitted by the applicable code for new construction shall be used. Like materials shall be permitted provided no hazard to life, health or property is created.

**401.6 Conformance**. The work shall not make the building less conforming than it was before the repair was undertaken.

**401.7 Flood hazard areas**. In flood hazard areas, repairs that constitute substantial improvement shall require that the building comply with the California Building Code and ASCE 24 "Flood Resistant Design and Construction."

**International Existing Building Code Section 403—Building Elements and Materials**  
(Amended)

**403.1 Hazardous materials**. Hazardous materials that are no longer permitted, such as asbestos and lead-based paint, shall not be used.

**403.2 Glazing in hazardous locations**. Replacement glazing in hazardous locations shall comply with the safety glazing requirements of the California Building Code as applicable. (Exception: Glass block walls, louvered windows and jalousies repaired with like materials.)

**International Existing Building Code Section 404—Fire Protection**  
(Amended)

**404.1 General**. Repairs shall be done in a manner that maintains the integrity of fire protection provided by the element being repairs.

**International Existing Building Code Section 405—Means of Egress**  
(Amended)

**405.1 General**. Repairs shall be done in a manner that maintains the level of protection provided for means of egress.

**International Existing Building Code Section 406—Accessibility**  
(Amended)

**406.1 General**. Repairs shall be done in a manner that maintains the level of accessibility provided.

**International Existing Building Code Section 407—Structural**  
(Amended)

**407.1 General**. Repairs of structural elements shall comply with this section.

**407.1.1Seismic and Wind evaluation and design**. Seismic evaluation and design of an existing building and its components shall be based on the following criteria.

**407.1.1.1 Evaluation and design procedures**. The seismic evaluation and design shall be based on the procedures specified in the California Building Code, Appendix A of the International Existing Building Code (GSREB), or ASCE 41. For Category III and IV buildings, the procedures specified in Chapters A1, A2, A3, and A4 of Appendix A (GSREB) shall not be permitted. The procedures contained in Appendix A of the International Existing Building Code shall be permitted to be used as specified in Section 407.1.1.3.

**407.1.1.2 CBC level seismic forces**. When seismic forces are required to meet the California Building Code level, they shall be one of the following:

1. 100 percent of the values in the California Building Code. The R factor used for analysis in accordance with Chapter 16 of the California Building Code shall be the R factor specified for structural systems classified as "Ordinary" in accordance with the International Building Code Table 1617.6.2 unless it can be demonstrated that the structural system satisfies the proportioning and detailing requirements for systems classified as "Intermediate" or "Special".

2. Those associated with the BSE-1 and BSE-2 Earthquake Hazard Levels defined in ASCE 41. Where ASCE 41 is used, the corresponding performance levels shall be those shown in Table 407.1.1.2.

**Table 407.1.1.2 ASCE 41 Performance Levels**a [[7]](#footnote-7)

|  |  |  |
| --- | --- | --- |
| **OCCUPANCY CATEGORY (BASED ON IBC TABLE 1604.5)** | **PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL** | **PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE** **HAZARD LEVEL** |
| I | Life Safety (LS) | Collapse Prevention (CP) |
| II | Life Safety (LS) | Collapse Prevention (CP) |
| III | Note a | Note a |
| IV | Immediate Occupancy (IO) | Life Safety (LS) |

**407.1.1.3 Reduced CBC level seismic forces**. When seismic forces are permitted to meet reduced California Building Code levels, they shall be one of the following:

1. 75 percent of the forces prescribed in the California Building Code. The R factor used for analysis in accordance with Chapter 16 of the California Building Code shall be the R factor as specified in Section 407.1.1.2.

2. In accordance with the applicable chapters in Appendix A of the International Existing Building Code as specified in Items 2.1 through 2.5 below. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A shall be deemed to comply with the requirements for reduced California Building Code force levels.

2.1 The seismic evaluation and design of unreinforced masonry bearing wall buildings in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1.

2.2 Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A2.

2.3 Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.

2.4 Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Occupancy Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.

2.5 Seismic evaluation and design of concrete buildings and concrete with masonry infill buildings in all Occupancy Categories are permitted to be based on the procedures specified in Appendix Chapter A5.

1. Those prescribed by ASCE 31 based on the applicable performance level as shown in Table 407.1.1.2.

2. Those associated with the BSE-1 Earthquake Hazard Level defined in ASCE 41 and the performance level as shown in Table 407.1.1.2.

**407.2 Reduction of strength**. Repairs shall not reduce the structural strength or stability of the building, structure, or any individual member thereof. (Exception: Such reduction shall be allowed provided the capacity is not reduced to below the California Building Code levels.)

**407.3 Repairs to damaged buildings**. Repairs to damaged buildings shall comply with this section.

**407.3.1 Dangerous conditions**. Regardless of the extent of structural damage, dangerous conditions shall be eliminated.

**407.3.2 Substantial structural damage to vertical elements of the lateral-force-resisting system**. A building that has sustained substantial structural damage to the vertical elements of its lateral force resisting system shall be evaluated and repaired in accordance with the applicable provisions of Section 407.3.2.1 through 407.3.2.3.

**407.3.2.1 Evaluation**. The building shall be evaluated by a registered design professional, and the evaluation findings shall be submitted to the building inspector. The evaluation shall establish whether the damaged building, if repaired to its pre-damage state, would comply with the provisions of the California Building Code. Wind forces for this evaluation shall be those prescribed in the California Building Code. Seismic forces for this evaluation are permitted to be the reduced level seismic forces specified in Code Section 407.1.1.3.

**407.3.2.2 Extent of repair for compliant buildings**. If the evaluation establishes compliance of the pre-damage building in accordance with Section 407.3.2.1, then repairs shall be permitted that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage.

**407.3.2.3 Extent of repair for non-compliant buildings**. If the evaluation does not establish compliance of the pre-damage building in accordance with Section 407.3.2.1, then the building shall be rehabilitated to comply with applicable provisions of the California Building Code for load combinations including wind or seismic forces.

The wind design level for the repair shall be as required by the building code in effect at the time of original construction unless the damage was caused by wind, in which case the design level shall be as required by the code in effect at the time of original construction or as required by the California Building Code, whichever is greater.

Seismic forces for this rehabilitation design shall be those required for the design of the pre-damaged building, but not less than the reduced level seismic forces specified in Section 407.1.1.3. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the California Building Code for new buildings of similar structure, purpose, and location.

**407.3.3 Substantial structural damage to vertical load-carrying components**. Vertical load-carrying components that have sustained substantial structural damage shall be rehabilitated to comply with the applicable provisions for dead and live loads in the California Building Code. Undamaged vertical load-carrying components that receive dead or live loads from rehabilitated components shall also be rehabilitated to carry the design loads of the rehabilitation design. New structural members and connections required by this rehabilitation design shall comply with the detailing provisions of the California Building Code for new buildings of similar structure, purpose, and location.

**407.3.3.1 Lateral force-resisting elements**. Regardless of the level of damage to vertical elements of the lateral force-resisting system, if substantial structural damage to vertical load-carrying components was caused primarily by wind or seismic effects, then the building shall be evaluated in accordance with Section 407.3.2.1 and, if noncompliant, rehabilitated in accordance with Section 407.3.2.3.

**407.3.4 Less than substantial structural damage**. For damage less than substantial structural damage, repairs shall be allowed that restore the building to its pre-damage state, using materials and strengths that existed prior to the damage. New structural members and connections used for this repair shall comply with the detailing provisions of the California Building Code for new buildings of similar structure, purpose, and location.

**407.3.4 Flood hazard areas**. In flood hazard areas, buildings that have sustained substantial damage shall be brought into compliance with Section 1612 of the California Building Code.

**707.7 Voluntary lateral-force-resisting system alterations.** Alterations of existing structural elements and additions of new structural elements that are initiated for the purpose of increasing the lateral-force-resisting strength or stiffness of an existing structure and that are not required by other sections of this code shall not be required to be designed for forces conforming to the California Building Code provided that an engineering analysis is submitted to show that:

1. The capacity of existing structural elements required to resist forces is not reduced;

2. Either the lateral loading to existing structural elements is not increased beyond their capacity, or the lateral loading to existing structural elements is not increased by more than 10%;

3. New structural elements are detailed and connected to the existing structural elements as required by the California Building Code;

4. New or relocated nonstructural elements are detailed and connected to existing or new structural elements as required by the California Building Code; and

5. A dangerous condition as defined in this code is not created.

Voluntary alterations to lateral-force-resisting systems conducted in accordance with Appendix A of the International Existing Building Code and the referenced standards of this code shall be permitted.

**International Existing Building Code Section 408—Electrical**  
(Amended)

**408.1 Material**. Existing electrical wiring and equipment undergoing repair shall be allowed to be repaired or replaced with like material.

**International Existing Building Code Section 409—Mechanical**  
(Amended)

**409.1 General**. Existing mechanical systems undergoing repair shall not make the building less conforming than it was before the repair was undertaken.

**International Existing Building Code Section 410—Plumbing**  
(Amended)

**410.1 Materials**. Plumbing materials and supplies shall not be used for repairs that are prohibited in the California Plumbing Code.

15.10.050 Repair Criteria for Chimneys.

All damaged chimneys shall be reconstructed to comply with the requirements of Chapter 31 of the current code. In addition, damaged portions of chimneys shall be removed or replaced in accordance with Appendix A. (Note: Appendix A is Los Angeles Regional Uniform Code Program Information Bulletin/Public Building Code P/BC 2002-70 Revised: 08-17-01, [Previously issued as SP-2].)

15.10.060 Repair Criteria for Historic Buildings or Structures.

A. Buildings or structures which are included on a national, state or local register of historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of an uncontrollable event, shall have an engineering evaluation performed.

B. The minimum criteria for repair shall be as included in Section 15.100.040 Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code of Regulations, the State of California Historic Building Code, shall apply.

C. Where conflicts exist between the standards contained herein and the State of California Historic Building Code, the Historic Building Code shall govern.

15.10.070 Board of Appeals.

Any action taken pursuant to this chapter may be appealed to the City Council.

(Ord. 447, 2013)

## Chapter 15.56 MOVING BUILDINGS

Sections:

15.56.010 Permit Required—Building Defined.

A. It is unlawful for any person to move, or cause to be moved, any building upon any lot, piece or parcel of land located within the City without first having obtained a permit as provided in this chapter.

B. "Building" as used in this chapter means any house, building, structure or shed that is more than ten (10) feet in length or more than eight (8) feet in width. The moving of a detached garage in connection with relocation of a house located on same parcel as garage may be handled under one permit, provided, that the garage is moved at approximately the same time and to the same new location as the house.

(Ord. 77, 1969)

15.56.020 Initial Inspection—Fee.

Prior to making an application for a permit pursuant to the provisions of this chapter, any person may, upon payment of the initial inspection fee hereinafter prescribed, have an inspection made by the City's authorized building official of the building to be moved and written report prepared listing the alterations, if any, which will be required in the building. The initial inspection fee shall be such amount as may be fixed from time to time by resolution of the City Council, and shall be non-refundable.

(Ord. 77, 1969; Ord. 172, 1977)

15.56.030 Permit—Application—Form.

Every application for a permit to move a building shall be:

A. Made on forms provided by the City Clerk which shall call for:

1. Address and signature of applicant, who shall be the record owner or owners of land to which the building is to be moved,

2. Address of current location of building,

3. Address of proposed new location of building,

4. Name, address and license number of contractor, if there is one, or name and address of person doing work involved,

5. Applicant shall also submit proof of owner ship of building to be moved;

B. Accompanied by plans and specifications and photographs in such detail as the Building Official and planning commission through the City Clerk may require; indicating thereon the location of the property upon which the building is to be moved, the exact location on that property to be occupied by the building to be moved, and any additions to be constructed, the alterations and remodeling to be done to the building and the estimated cost thereof, and the site improvements planned for the property and their estimated costs;

C. Accompanied by a non-refundable fee of fifty dollars ($50.00), which fee shall be in addition to the initial inspection fee prescribed in Section 15.56.020, and in addition to any required fees for building, electrical, plumbing and other construction or encroachment permits.

(Ord. 77, 1969)

15.56.040 Permit—Application—Processing Procedure.

Every application for a permit to move a building shall be processed as described in Sections 15.56.050 through 15.56.170.

(Ord. 77, 1969)

15.56.050 Conformance to Zoning Regulations.

The city clerk shall determine whether the proposed move will conform to existing zoning regulations.

(Ord. 77, 1969)

15.56.060 Conformance to Building, Housing, Plumbing and Electrical Codes.

If not already accomplished under Section 15.56.020, the City's authorized building official shall inspect the building for conformance to the building, housing, plumbing and electrical codes of the City and determine what repairs, alterations or remodeling will be required to make the building conform to all requirements of the aforementioned codes. Fee for this inspection shall be same as set forth in Section 15.56.020 of this chapter.

(Ord. 77, 1969)

15.56.070 Determination of Required Improvements to Parcel.

The city engineer shall examine the parcel, lot or building site upon which the building is to be moved and determine what public improvements, such as concrete curb and gutter, sidewalk and street trees, are required to conform to city codes, ordinances and regulations and what site improvements, such as driveways, walkways, retaining walls, etc., are required to serve the building.

(Ord. 77, 1969)

15.56.080 Examination of Plans and Specifications.

The building official shall then examine the plans and specifications submitted with the application to determine whether the building, when completed in accordance with the plans and specifications, will conform to all applicable ordinances, codes, rules and regulations.

(Ord. 77, 1969)

15.56.090 Determination of Costs—Performance Bonds.

The building official shall determine the reasonable cost of placing and completing the building in its new location, excluding costs of moving, but including costs of labor and material for new foundations and all necessary improvements on or adjacent to the site; which total cost shall be the total principal amount of the performance bonds to be posted by the applicant to guarantee performance of the required alterations and improvements.

(Ord. 77, 1969)

15.56.100 Moving Route—Evidence of Approval and Conformance to Public Utility Company Requirements.

The applicant, or his agent, must furnish evidence to the Building Official that the police chief has approved the moving route to be followed and that there has been compliance with the reasonable requirements of the affected public utility companies as required by Sections 15.56.270 through 15.56.320.

(Ord. 77, 1969)

15.56.110 Permit—Application—Defects—Time to Effect Remedy.

If there is any defect in the application or in the accompanying plans and specifications, the applicant shall have thirty (30) days of the written notice from the Building Official within which to remedy said defects. If said defects are not remedied within said thirty (30) days, the Building Official shall deny the application and shall so inform the applicant in writing. Thereafter, should the applicant desire to revive the application he shall pay another applicant fee of twenty-five dollars ($25.00).

(Ord. 77, 1969)

15.56.120 Permit—Application—Hearing—Notice.

Upon finding that the applicant has complied with all applicable codes, ordinances, rules and regulations, the planning department shall then cause the application to be set for public hearing before the planning commission, with notice to be given as follows: Ten (10) days prior to the date set for hearing by the planning commission, notification of public hearing shall be posted by the planning commission secretary in a conspicuous place on the property to which the building is to be moved and upon the property from which the building is to be moved, if within the City, which notice shall contain the following:

A. Description of type of building to be moved;

B. Present location of building;

C. Proposed location of building.

(Ord. 77, 1969)

15.56.130 Permit—Application—Hearing—Planning Commission Determination.

The planning commission shall hold the public hearing on the application and shall, within sixty (60) days thereafter, either approve, conditionally approve or disapprove the application. The commission shall determine among other things whether the building will, when moved onto the desired land, be as architecturally compatible with the neighborhood, as conducive to good development on nearby land, as much in the public interest and as protective of public health, safety and welfare as a new building which could legally be constructed on the property.

(Ord. 77, 1969)

15.56.140 Permit—Application—Commission Approval—Amount of Performance Bond.

Upon approval of the application by the commission, the Building Official shall inform the applicant of the principal amount of the required performance bond.

(Ord. 77, 1969)

15.56.150 Permit—Performance Bonds Required—Forfeiture When.

The applicant shall, after approval of his plans and specifications, post with the City a cash performance bond in the amount of five hundred dollars ($500.00) and a performance bond written by a corporate surety company licensed to do business in the state of California in an amount determined by the Building Official (which amount shall be the difference between total cost as determined by building official under Section 15.56.090 of this chapter, and five hundred dollars ($500.00); the bonds shall name the City as obligee and the condition of the bonds shall be that they shall be forfeited if the holder of the permit fails to place and complete the building and construct the site improvements according to the approved plans and specifications and within the time limits specified in this chapter. If the site from which the building is to be moved is located within the City, then such surety bond shall guarantee that the site shall be cleared as provided for in Section 15.56.330.

(Ord. 77, 1969)

15.56.160 Permit—Issuance.

Not sooner than seven (7) days after approval of the application by the commission, and after receipt of the required performance bonds, the Building Official shall, unless the commission's approval has been appealed pursuant to Section 15.56.180 under this chapter, issue a nontransferable permit to move the building in accordance with the approved plans and specifications.

(Ord. 77, 1969)

15.56.170 Permit—Liability Insurance Requirements—City Attorney Approval—Cancellation Procedure.

No permit shall be granted unless the applicant files with the City proof of liability insurance in minimum amounts of one hundred thousand dollars ($100,000.00) for one bodily injury, three hundred thousand dollars ($300,000.00) maximum for one accident and fifty thousand dollars ($50,000.00) for property damage. Such policies shall be issued by a responsible insurance company, approved as to form and content by the City Attorney and shall name the City as an assured and shall not be cancelable without ten (10) days' written notice to the City of intention to cancel.

(Ord. 77, 1969)

15.56.180 Appeal from Planning Commission Action—Notification Procedure—Hearing.

Any person affected by the action of the planning commission in granting, denying or applying conditions to the permit may make an appeal to the City Council as follows:

Said appeal shall be by written notice of appeal delivered to the City Clerk within seven (7) days of the action from which the appeal is taken. The city clerk shall deliver a copy of the "notice of Appeal" to the planning commission secretary and building official and set a hearing on the appeal within thirty (30) days, and at least five (5) days prior to hearing mail "Notice of Hearing" to the appellant, the applicant (if not appellant) and any other person whose name appears in minutes of planning commission as having appeared before that body in connection with the matter being appealed. Both the planning commission secretary and the Building Official shall also be informed of hearing date at least five (5) days prior thereto. The city council may continue the hearing as convenience and justice dictate and may affirm, modify or rescind the action of the planning commission.

(Ord. 77, 1969)

15.56.190 Completion of Alterations and Improvements—Time Schedule Generally.

In order to prevent moved buildings from remaining incomplete for indefinite periods of time, the time schedule in Sections 15.56.200 through 15.56.240 shall apply to the moving of buildings.

(Ord. 77, 1969)

15.56.200 Completion of Alterations and Improvements—Ninety-Day Time Limit.

All required alterations and improvements to buildings and site, as shown on the approved plans and specifications, shall be completed within ninety (90) days after issuance of the permit.

(Ord. 77, 1969)

15.56.210 Completion of Alterations and Improvements—Thirty-Day Time Extension.

This time may be extended for not to exceed an additional thirty (30) days by the Building Official upon submission of written proof by the holder of the permit that conditions beyond his control make it impossible complete the required alterations and improvements within the first ninety (90) days.

(Ord. 77, 1969)

15.56.220 Completion of Alterations and Improvements—Additional Time Extension When.

Should the permittee be unable to complete the required alterations and improvements within the allowed time, he may make written application to the planning commission for an extension of time, setting forth in the application the reasons why the additional time is needed. The commission may grant such time extension as, in its opinion, is justified by the circumstances, or it may deny the application.

(Ord. 77, 1969)

15.56.230 Completion of Alterations and Improvements—Failure to Complete—Action Against Performance Bond.

Where the holder of a permit moves a building and fails to complete the required alterations and improvements within ninety (90) days or any extension thereof, the Building Official shall, with the advice and assistance of the City Attorney, take such action against the principal and surety on the performance bonds as is necessary to accomplish completion of the required alterations and improvements.

(Ord. 77, 1969)

15.56.240 Completion of Alterations and Improvements—Failure to Complete—Abatement of Structure—Cost Liability.

If the holder of the permit and the surety has failed to place and complete the building and construct site improvements according to the approved plans and specifications within six (6) months of the date of issuance of the permit, the Building Official may summarily, without further process, abate the structure by completion according to the plans or by demolition, the cost of which shall be a charge upon the holder of the permit and his surety and constitute a lien on the premises.

(Ord. 77, 1969)

15.56.250 Permit—Reapplication After Denial.

No application for a permit to move a building may be filed with the Building Official within a period of one year after a previous application to move the same building onto the same parcel of land or onto any parcel of land within three thousand (3,000) feet of the desired new location for the structure has been denied.

(Ord. 77, 1969)

15.56.260 Violation Deemed Nuisance—Abatement—Additional Remedies.

Every violation of this chapter is declared to be a public nuisance. The city attorney shall, when so directed by the City Council, take such action of proceedings in such court or courts as he may deem necessary or expedient to abate the same. In addition to any other remedy provided by law, the Building Official may, when he finds that the condition of any moved structure is a present and imminent menace to public safety, take such measures as are necessary to protect life and limb, without notice to any person and without further process. The cost of performing such measures shall be a charge upon the holder of the permit and a lien upon the building and the real property upon which the building is situated.

(Ord. 77, 1969)

15.56.270 Building Movers—Requirements Generally.

Buildings may be moved on city streets only by owners for their own use, or by duly licensed house moving contractors. In any event, no person shall move any building along the streets of the City without complying with the requirements in Sections 15.56.280 through 15.56.320.

(Ord. 77, 1969)

15.56.280 Building Movers—Performance Bond Required—Conditions.

Every mover must have on file with the City Clerk a valid, current performance bond issued by a corporate surety company licensed to do business in California, naming as obligee the City and all persons, in the principal amount of five thousand dollars ($5,000.00), the conditions of which bond shall be as follows:

A. That the mover will comply with all applicable laws and ordinances;

B. That the mover will pay any and all damages which may result from any building moving done by him, his agents, employees or workmen, in the City to any house, building, fence, tree, pavement, sidewalk, curb, gutter, utility pole, wire, hydrant, traffic signal, traffic sign or any other appurtenance in, on or under any street right-of-way, whether such facility is owned by the City, a private person or by some privately owned public utility using the streets by virtue of franchise;

C. That the mover will save, indemnify and keep harmless the City against all liabilities, judgments, costs and expenses which may in any way accrue against the City in consequence of such structure moving.

(Ord. 77, 1969)

15.56.290 Building Moved—Time Limit on Intersecting Streets.

No building being moved in or through the City shall be permitted to stand on any street between the same intersecting streets for a longer period than twenty-four (24) hours.

(Ord. 77, 1969)

15.56.300 Route—Notice to Police Chief—Approval.

Notice of the route to be followed must be given to the police chief at least twenty-four (24) hours prior to the intended movement of any structure in or through the City. Upon approval of the route to be followed, the police chief shall issue his written approval of the route. Every person moving a building in or through the City shall have in his possession the written approval of the police chief.

(Ord. 77, 1969)

15.56.310 Indemnification of Public Utilities.

Should the moving of any building described in this chapter require interference with any public utility structure, the applicant shall, after obtaining the written approval of the police chief as to the route to be followed, notify any and all public utilities involved of the tentative time of such moving and the estimated load height of the structure and moving equipment. The applicant shall indemnify a public utility against any and all damages or charges that are a direct and proximate cost and indemnify a public utility for any and all reasonable claims or charges that are a direct and proximate result of necessary measures required to protect utility structures from damages that may reasonably result from the moving of buildings as described in this chapter.

(Ord. 77, 1969)

15.56.320 Building Removed from Foundation—Time Limit for Remaining on Dollies.

After removal from its foundation, no building shall be permitted to remain on any dollies or other structures used in the moving of the building for a period in excess of thirty (30) days unless written approval is first secured from the City Building Official extending such time.

(Ord. 77, 1969)

15.56.330 Site Clearance.

After removal of any building from property located within the City, the owner shall fill with dirt, sand or small rock, all openings and excavations on the property including cesspools, and septic tanks, and shall further remove all refuse, debris, old foundations, exposed pipes, walls, slabs, waste material and other impediments located on the property. If the property from which any building is moved is located within the City, site clearance shall be guaranteed by the surety bond provided for in Section 15.56.150.

(Ord. 77, 1969)

15.56.340 Tentative Map Procedure.

If the land upon which the building is to be moved is not a legal lot of record, then the applicant must first secure approval of a tentative map or minor subdivision from the planning commission in accordance with the City Subdivision ordinance before the planning commission will act on his application.

(Ord. 77, 1969)

15.56.350 Violation—Penalty.

Any person violating the provisions of this chapter or any order of the building inspector issued pursuant to this chapter is guilty of a misdemeanor and upon conviction thereof is punishable by a fine of not more than five hundred dollars ($500.00), by imprisonment in the county jail for a period of not more than six (6) months, or by both such fine and imprisonment.

(Ord. 77, 1969)

## Chapter 15.58 FLOOD DAMAGE PREVENTION

Sections:

15.58.010 Findings of Fact.

A. The flood hazard areas of the City of Clayton are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when in adequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to flood loss.

(Ord. 251, 1988)

15.58.020 Statement of Purpose.

It is the purpose of this ordinance to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health.

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;

F. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;

G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

(Ord. 251, 1988)

15.58.030 Methods of Reducing Flood Losses.

In order to accomplish its purpose, this ordinance includes methods and provisions for:

A. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;

D. Controlling filling, grading, dredging, and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters of which may increase flood hazards in other areas.

(Ord. 251, 1988)

15.58.040 Definitions.

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

A. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision of this ordinance or a request for a variance.

B. "Area of special flood hazard". See "Special flood hazard area".

C. "Base Flood" means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood")

D. "Basement: means any area of the building having its floor subgrade (below ground level) on all sides.

E. "Breakaway walls" are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by flood waters. A breakaway wall shall have a safe design loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and

2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

F. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

G. "Flood or Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of waters, (2) the unusual and rapid accumulation of runoff of surface waters from any source, and/or (3) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining cause by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in this definition.

H. "Flood Boundary and Floodway Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of flood hazard and the floodway.

I. "Flood Insurance Rate Map (FIRM)" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

J. "Flood Insurance Study" means the official report provided by the Federal Insurance Administration that includes flood profiles, the FIRM, the Flood Boundary and Floodway Map, and the water surface elevation of the base flood.

K. "Floodplain or Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "flooding").

L. "Floodplain Management" means the operation of an overall program of corrective and preventive measures for reducing flood damage, including but not limited to emergency preparedness plans, flood control works and flood plain management regulations.

M. "Floodplain management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinance (such as floodplain ordinance, grading ordinance and erosion control ordinance) and other applications or police power. The term describes such state or local regulations in any combination thereof, which provide standards for the purpose of flood damage prevention and reduction.

N. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

O. "Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as "Regulatory floodway".

P. "Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and ship building and ship repair facilities, but does not include long-term storage or related manufacturing facilities.

Q. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

R. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not build so as to render the structure in violation of the applicable non-elevation design requirements of this ordinance.

S. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For floodplain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.

T. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for sale or rent.

U. "Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929 or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

V. "New construction" means, for floodplain management purposes, structures, for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by this community.

W. "One hundred year flood" or "100-year flood" means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood", which will be the term used throughout this ordinance.

X. "Ordinance" used herein refers to this Chapter 15.58 of Title 15 of the Clayton Municipal Code.

Y. "Person" means an individual or his agent, firm, partnership, association or corporation, or agent of agencies or political subdivisions.

Z. "Remedy a violation" means to bring the structure or other development into compliance with State or local floodplain management regulations, or, if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing Federal financial exposure with regard to the structure or other development.

AA. "Riverine" means relating to, formed by or resembling a river (including tributaries), stream, brook, etc.

BB. "Special flood hazard area (SFHA)" means an area having special flood or flood-related erosion hazards, and shown on a FHBM as Zone A, A1-30, AE, or A99.

CC. "Start of Construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvements was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.

DD. "Structure" means a walled and roofed building, including a gas or liquid storage tank, that is principally ground, as well as a manufactured home.

EE. "Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged, and is being restored, before the damage occurred.

For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include either:

1. Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

FF. "Variance" means a grant of relief from the requirements of this Ordinance which permits construction in a manner that would otherwise be prohibited by this Ordinance.

GG. "Violation" means the failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this Ordinance is presumed to be in violation until such time as the documentation is provided.

(Ord. 251, 1988)

15.58.050 General Provisions.

15.58.051 Lands to which this Ordinance Applies.

This ordinance shall apply to all areas of special flood hazards, within the jurisdiction.

(Ord. 251, 1988)

15.58.052 Basis for Establishing the Area of Special Flood Hazard.

The areas of special flood hazard have been identified by the Federal Emergency Management Agency for the National Flood Insurance Program in its scientific and engineering report entitled "Flood Insurance Re-Study for the City of Clayton" dated July, 2001, and accompanying Flood Insurance Rate Map which, together with any subsequently issued Reports and Maps, are hereby adopted by reference and declared to be a part of this Ordinance. The Flood Insurance Re-Study and Map are on file at City Hall, 6000 Heritage Trail, Clayton, California. The Flood Insurance Re-Study is the minimum area of applicability of this Ordinance and may be supplemented by further studies for other areas which allow implementation of this Ordinance and which are recommended to the City Council by the Floodplain Administrator.

(Ord. 251, 1988; Ord. 361, 2001)

15.58.053 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this Ordinance and other applicable regulations. Violations of the provisions of this Ordinance by failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the City Council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 251, 1988)

15.58.054 Abrogation and Greater Restrictions.

This Ordinance is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance and another Ordinance, easement, covenant, or deed restriction conflict or overlap, which ever imposes the more stringent restrictions shall prevail.

(Ord. 251, 1988)

15.58.055 Interpretation.

In the interpretation and application of this Ordinance, all provisions shall be:

A. Considered as minimum requirements.

B. Liberally construed in favor of the governing body; and

C. Deemed neither to limit nor repeal any other powers granted under state statutes.

(Ord. 251, 1988)

15.58.056 Warning and Disclaimer of Liability.

The degree of flood protection required by this Ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This Ordinance does not imply that land outside the areas of special Ordinance does not imply that land outside the areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Clayton, and officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(Ord. 251, 1988)

15.58.057 Severability.

This Ordinance and the various parts thereof are hereby declared to be severable. Should any section of this Ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the Ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 251, 1988)

15.58.060 Administration.

Editor's note(s)—Provisions pertaining to administration are set forth in the subsequent sections, §§ 15.58.061—15.58.063, below.

15.58.061 Establishment of Development permit.

A Development Permit shall be obtained before construction or development begins within any area or special flood hazards, established in Section 15.58.052. Application for a Development Permit shall be made on forms furnished by the Floodplain Administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures.

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

C. All appropriate certifications listed in Section 15.58.063.D of this Ordinance; and

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

(Ord. 251, 1988)

15.58.062 Designation of the Floodplain Administrator.

The City Engineer is hereby appointed to administer and implement this Ordinance by granting or denying development permits in accordance with its provisions.

(Ord. 251, 1988)

15.58.063 Duties and Responsibilities of the Floodplain Administrator.

The duties and responsibilities of the floodplain administrator shall include but not be limited to:

A. Permit review.

1. Review all development permits to determine that the permit requirements of this Ordinance have been satisfied;

2. All other required state and federal permits have been obtained;

3. The site is reasonably safe from flooding.

4. The proposed development does not adversely affect the carrying capacity of the floodway. For purposes of this Ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot any point.

B. Use of other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.58.052, the Floodplain Administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, in order to administer Section 15.58.070. Any such information shall be submitted to the City Council for adoption.

C. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration of relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

D. Obtain and maintain for public inspection and make available as needed:

1. The certification required in Section 15.58.071 C.1. (floor elevations):

2. The certification required in Section 15.58.071 C.2.c. (elevation or floodproofing of nonresidential structures);

3. The certification required in Section 15.58.071 C.3.a. or 15.58.071 C.3.b. (wet floodproofing standards);

4. The certified elevation required in Section 15.58.073.B. (subdivision standards);

5. The certification required in Section 15.58.075.A. (floodway encroachments).

E. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards, (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.58.080.

F. Take action to remedy violations of this Ordinance as specified in Section 15.58.053 herein.

(Ord. 251, 1988)

15.58.070 Provisions for Flood Hazard Reduction.

Editor's note(s)—Provisions pertaining to flood hazard reduction are set forth in the subsequent sections, §§ 15.58.071—15.58.075, below.

15.58.071 Standards of Construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

2. All manufactured homes shall meet the anchoring standards of Section 15.58.074.

B. Construction materials and methods.

1. All new construction and substantial improvements shall be constructed with materials and utility resistant to flood damage.

2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are from entering or accumulating within the components during conditions of flooding.

C. Elevation and floodproofing.

1. New construction and substantial improvements of any structure shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in Section 15.58.071.C.2. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the Floodplain Administrator.

2. Nonresidential construction shall either be elevated in conformance with Section 15.58.071.C.1. or together with attendant utility and sanitary facilities:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;

b. Have structural components of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the Floodplain Administrator.

3. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood-waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. Either a minimum of two (2) openings have a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwaters; or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration.

4. Manufactured homes shall also meet the standards in Section 15.58.074.

(Ord. 251, 1988)

15.58.072 Standards for Utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system and discharge from systems into flood waters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(Ord. 251, 1988)

15.58.073 Standards for Subdivisions.

A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the site is filled above the base flood, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the Floodplain Administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

D. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

(Ord. 251, 1988)

15.58.074 Standards for Manufactured Homes.

All new and replacement manufactured homes and additions to manufactured homes shall:

A. Be elevated so that the lowest floor is at or above the base flood elevations; and

B. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Specific requirement shall be that:

1. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less that fifty (50) feet long requiring one additional tie side;

2. Frame ties be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and

4. Any additions to the manufactured home be similarly anchored.

(Ord. 251, 1988)

15.58.075 Floodways.

Located within areas of special flood hazard established in Section 15.58.052 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachment, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.

B. If Section 15.58.075.A is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 15.58.070 through 15.58.074.

(Ord. 251, 1988)

15.58.080 Variance Procedure.

Editor's note(s)—Provisions pertaining to variance procedures are set forth in the subsequent sections, §§ 15.58.081—15.58.083, below.

15.58.081 Appeal Board.

A. The Planning Commission of the City of Clayton shall hear and decide appeals and requests for variances from the requirements of this Ordinance.

B. The Planning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision or determination made by the Floodplain Administrator in the enforcement or administration of this Ordinance.

C. In passing upon such applications, the Planning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this Ordinance, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger of life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

9. The safety of access to the property in time of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

D. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half or less in size contiguous to and surrounded by lots with existing structure constructed below the base flood level, providing items 15.58.081.C.1. through 15.58.081.C.11. have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

E. Upon consideration of the factors of Section 15.58.081.C and the purposes of this Ordinance, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Ordinance.

F. The Floodplain Administrator shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

(Ord. 251, 1988)

15.58.082 Conditions for Variances.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed in the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of, the public, or conflict with existing local laws or Ordinances.

E. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided the provisions of Sections 15.58.082.A through 15.58.082.D are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.

F. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the regulatory flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. A copy of the notice shall be recorded by the Floodplain Board in the office of the Contra Costa County Recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

(Ord. 251, 1988)

15.58.083 Additional Appeal.

A. Those aggrieved by the decision of the Planning Commission may appeal such decision to the City Council.

(Ord. 251, 1988)

## Chapter 15.60 GRADING RULES AND REGULATIONS

Sections:

15.60.010 Scope.

This ordinance sets forth regulations for control of land disturbances, excavation, grading, earthwork construction, including fills or embankments, soil storage, and all related land development work.

(Ord. 237, 1987)

15.60.020 Purpose.

The purpose of this Chapter is to provide minimum standards and procedures to protect the public interest by managing construction practice.

(Ord. 237, 1987)

15.60.030 Actions Prohibited.

No person shall perform any work within the scope of this Chapter without first having obtained a permit from the City of Clayton or other agency acting for the City.

(Ord. 237, 1987)

15.60.040 Permit—Required.

A grading permit is required prior to commencing work under any of the following conditions:

A. The area of land to be disturbed exceeds one acre;

B. Embankment exceed one foot in elevation or five (5) cubic yards in volume, and obstructs a drainage course;

C. Natural or finished slopes exceed ten percent (10%);

D. Stockpiling of soil or other erosionable materials;

E. Work that occurs during or continues into the Erosion Control Period running from October 15th to April 15th;

F. Water course alteration - no person shall alter an existing watercourse, channel, or revetment by excavating, or placing fill, rock protection or structural improvements without a grading permit, unless waived by the City Engineer for performance as an interim protection measure under emergency flood fighting conditions.

(Ord. 237, 1987)

15.60.050 Permit—Work Not Requiring Permit.

A grading permit will not be required for:

A. An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool or other structure authorized by a valid building permit. This statement shall not exempt from permit requirements any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure;

B. Cemetery graves;

C. Refuse disposal sites controlled by other regulations;

D. Excavations for wells or tunnels or utilities;

E. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law; provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property;

F. Exploratory excavation under the direction of soil engineers or engineering geologists, provided all excavations are properly backfilled. All such excavations and trenches are subject to the applicable Sections of Title 8 of the State Orders, Divisions of Industrial Safety;

G. Excavation and backfill for installation of underground utilities by public utilities or companies operating under the authority of a franchise or public property encroachment permit.

H. Emergency work as authorized by the City necessary to protect life, limb or property or to maintain the safety, use or stability of public way.

(Ord. 237, 1987)

15.60.060 Permit—Application, Plans and Specifications.

To obtain a permit the applicant shall first file a written application on an approved form containing the following information:

A. It shall describe the site by lot, block and tract designation, and by a street address or similar description sufficient to readily identify it;

B. It shall state the name and address of the owner of the site, the person who is to perform the work, and the soil and civil engineer if such work is to be performed as supervised grading. The permit shall be issued only to the owner or his agent;

C. An estimate of the work starting and completion dates covered by the permit;

D. The city business license number of the contractor performing the work;

E. Signature and address of the applicant. The application for a grading permit shall be accompanied by two (2) sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report plus any additional material which the city deems necessary to show conformance of the proposed grading with the requirements of this chapter.

In the case of subdivisions, the approval to proceed by the City Engineer after having signed grading plans and having received all required bonds, fees, agreements and deeds, shall constitute the issuance of a grading permit. Grading shall be defined as an improvement for the purposes of the subdivision improvement agreement.

(Ord. 237, 1987)

15.60.070 Plans and Specifications—Contents.

Plans shall be drawn to scale upon substantial paper, cloth, or mylar and be of sufficient clarity to indicate the nature and extent of the work proposed. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person by whom they were prepared.

The plans shall include the following information:

A. Vicinity map showing location of site;

B. Property limits and accurate contours of existing ground at an interval and to an extent to be determined by the City Engineer;

C. Limiting dimensions, elevations and/or finish contours to be achieved by grading, and proposed drainage channels and related construction;

D. Detailed plans of all surface and subsurface drainage including any hydrologic or hydraulic calculations that may be required by the City Engineer;

E. Location of any buildings or structures, wells, or suspected wells on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within fifteen (15) feet of the property or may be affected by the proposed grading operations;

F. A statement of the quantities of material to be excavated, filled, stored or otherwise utilized on site, and the amount of material to be imported to or exported from the site;

G. A statement of the estimated starting and completion dates for work covered by the permit;

H. Location of proposed interim and final surface runoff, erosion and sediment control measures;

I. A statement by the soils engineer that the plans and specifications conform to the recommendations of the soils reports.

J. The location, circumference, species and approximate elevation at the base of all trees within the proposed limits of work and trees adjacent to the property which may be affected by the proposed grading operations.

The specifications shall contain information covering construction and material requirements.

(Ord. 237, 1987)

15.60.080 Soils Engineering Report.

The soils engineering report required by Section 15.60.060 of this chapter shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading, including the stability of slopes.

Recommendations included in the report and approved by the City Engineer shall be incorporated in the plans and specifications.

(Ord. 237, 1987)

15.60.090 Engineering Geology Report.

The engineering geology report required by Section 15.60.060 of this Chapter shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the City Engineer shall be incorporated in the plans and specifications.

An engineering geology report may be waived by the City upon recommendation of the soils engineer to waive this requirement for relatively small and/or flat sites, and when in the opinion of the City Engineer that a conservative design will more than compensate for the lack of in-place data.

(Ord. 237, 1987)

15.60.100 Permit—Fees.

A filing fee of one hundred fifty dollars ($150.00) shall be paid with each application. Further fees for plan checking and inspection shall be charged to and paid by the applicant based upon the expense of staff's time, based upon the hourly rate, as modified from time to time, charged the City by its consultant engineer. All fees and charges may hereafter be amended from time to time by resolution of the City Council.

(Ord. 237, 1987)

15.60.110 Permit—Security.

The City may require the applicant, as a condition of issuing a grading permit, to post a surety bond or cash deposit in an amount as determined by the City. The surety and/or cash deposit shall be of sufficient amount to insure compliance with the conditions the permit, this chapter, and to repair any damage that may result from the grading.

Should the permittee fail to comply with the conditions of approval or to repair damage upon request by the City, the City shall give a notice of default to the permittee and surety of the bond. The notice shall state:

A. The work to be completed and/or repairs to be made;

B. The time in which all work is to be completed.

After receiving a notice of default the surety shall have the required work performed within the time specified in the notice.

Should the required work not be completed within the time specified by the City, the City may cause such work to be done and deduct the cost thereof from any cash deposit or collect such amount from the surety.

Sureties or the remaining portion of any cash deposit will be released only upon satisfactory completion of the work and completion of any required warranty period. Warranty periods shall not exceed twelve (12) months from the City's formal acceptance of the improvements.

Performance bonds for subdivisions shall be in accordance with the requirements of Ordinance No. 235, Establishing Regulations for Land Development and Subdivisions.

(Ord. 237, 1987)

15.60.120 Time Limits, Expiration and Renewal.

The permittee shall fully perform and complete all of the work required to be done pursuant to the permit within the time limit specified, if no time is so specified, within one hundred eighty (180) days after the date of issuance of the permit.

Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commences within ninety (90) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of ninety (90) days.

If the permittee presents satisfactory reasons for failure to continue or begin the work within the period specified in this section, the City Engineer, upon receiving a written request, may grant an extension of time as specified in this section without additional filing and plan checking fees, provided that:

A. No changes have been made in the original plans and specifications for such work.

B. Suspension or abandonment has not exceeded one hundred eighty (180) days.

C. Pertinent surety is in place for the extended time period.

The City may extend the ninety (90) day expiration time limit on permits not to exceed two (2) successive periods of ninety (90) days each upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

(Ord. 237, 1987)

15.60.130 General Grading Regulations.

One copy of approved plans and specifications shall be kept on the site at all times during the progress of grading work.

All grading and noise therefrom including, but not limited to, warming of equipment motors in residential zones, or within one thousand (1,000) feet of any residential occupancy shall be limited between the hours of 7:00 a.m. and 5:30 p.m. weekdays, unless an emergency exists which would constitute a hazard to persons or property.

Stockpiling of materials shall be subject to City approval and shall be removed or relocated when required for public health or safety.

The permit applicant and grading contractor shall be responsible for the protection of adjacent properties during grading operations. Prior to commencing any grading of the site, the exterior boundaries shall be marked as required by the City Engineer. Boundary markers shall be maintained throughout the grading operation. Temporary barriers and/or protective fencing shall be used when necessary to protect adjacent properties.

No grading shall be conducted as to alter the established gradient of natural drainage channels as to cause erosion or flooding.

Prior to October 15th, all exposed banks or slopes of any fill or excavation shall be protected from erosion by approved planting, hydroseeding, cribbing, walls or terracing or a combination thereof. Other unprotected graded surfaces exceeding five thousand (5,000) square feet in area shall be planted paved or built upon, or shall be provided with berms and approved drainage facilities adequate to prevent erosion and to conduct the accumulation of runoff of surface waters to an approved place of discharge. It is the intent of this section to prohibit the abandonment of graded areas or slopes which are not provided with erosion protection and adequate drainage facilities, even though all other requirements in this section have been provided and approved.

All building site pads shall be graded to provide drainage to a street, natural watercourse, approved flood control channel or conduit or public easement for drainage purposes as approved by the City.

Whenever any portion of the work required entry onto adjacent property for any reason, the permit applicant shall obtain a right of entry from the adjacent property owner or his authorized representative in a form acceptable to the City and shall file a copy of the fully executed right of entry with the City prior to issuance of the grading permit and/or approval of the grading plans.

Fills - where slopes are steeper that five (5) horizontal to one vertical, the surface to receive fill shall be benched into stable bedrock or other stable competent material, as determined by the soil engineer or engineering geologist;

All fill materials shall be compacted to a minimum of ninety percent (90%) of maximum density as determined by ASTM Test Designation D 1557 (latest revision date) or an equivalent method approved by the City Engineer. The City Engineer may require that the soil tests or testing be performed by an approved testing laboratory.

Fill slopes shall be no steeper than two (2) vertical (2:1), unless otherwise justified in the soil engineering report and approved by the City Engineer. The slope of fill surfaces shall be no steeper than is safe for the intended use.

Erosion Control Standards - The minimum erosion control standards shall be as approved by the City Engineer and shall conform to the Erosion Control Standard Plans and Design Criteria on file with the City Engineer.

(Ord. 237, 1987)

15.60.140 Grading Setbacks.

The tops and toes of cut and fill slopes shall be set back from property lines and structures as far as necessary to provide for safety of adjacent property, safety of pedestrian and vehicular traffic, required slop rounding, adequate foundation support, required swales, berms and drainage facilities and applicable zoning requirements.

The setbacks and other restrictions specified by this section may be adjusted by the City Engineer upon the recommendations of a civil engineer, soils engineer or engineering geologist. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer. (See Figure 1 - Building Setbacks)

(Ord. 237, 1987)

15.60.150 Drainage and Terracing.

Terraces at least eight (8) feet in width shall be established at not more than thirty (30) foot vertical intervals, subject to maximum height limitations, to control surface drainage and debris on cut or fill slopes. Suitable access shall be provided to permit proper cleaning and maintenance. Swales or ditches on terraces shall have a minimum gradient of three (3) inches in thickness. They shall have a minimum depth of one foot at the center and a minimum paved width of thirty-two (32) inches. These minimums may be increased to accommodate actual design flow.

(Ord. 237, 1987)

15.60.160 Dust Control.

The movement of earth materials in excess of fifty (50) cubic yards either within, to, or from a site located within one-half mile of a structure for human occupancy shall require the periodic implementation of dust control measures. On projects as determined by the City engineer, a water truck shall be continuously present on-site to assure maximum control.

On project sites where earth materials are moved on public roadways from or to the site either water or dust palliative or both must be applied for the alleviation or prevention of excessive dust resulting from the leading or transportation of earth from or to the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way used for handling purposes in a condition free of dust, earth, or debris attributed to the grading operation.

(Ord. 237, 1987)

15.60.170 Amendment.

All changes in the plans, grades, or extent of work shall be submitted to the City Engineer for written approval and incorporation into the permit, accompanied by any necessary fees, before any change in the approved work is begun. The City Engineer may amend the permit to approve altered plans, or may deny approval of the changes.

Failure to obtain prior approval for any change in the work shall be cause for the City Engineer to order suspension of all work until approval is obtained, and may result in revocation of the permit if he deems the changes will increase the hazard to adjoining properties or public roads, or otherwise be detrimental to public welfare.

(Ord. 237, 1987)

15.60.180 Hazard.

Whenever the City determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers or damages property or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of the property, upon receipt of notice in writing from the City, shall, within the period specified, therein repair or eliminate such excavation or embankment so as to eliminate the hazard.

(Ord. 237, 1987)

15.60.190 Notification of Noncompliance.

If, in the course of fulfilling their responsibility under this code, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being done in conformance with the provisions of the approved specifications and grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the City Engineer. Recommendations for corrective measures, if necessary, shall be submitted to the owner. The owner shall submit two (2) copies of all recommendations and reports to the City Engineer.

(Ord. 237, 1987)

15.60.200 Suspension and Revocation.

Suspension and revocation (a) Grounds: A permit may be either suspended or revoked if the City Engineer finds that:

A. Conditions at the site vary appreciably from those shown and stated in the application and development plans;

B. Grading or construction does not conform to the approved plans, grades or other conditions of the permit;

C. The permittee has not complied with reasonable requirements for completion of the work within the time specified in the permit or an approved extension of time;

D. The permittee does not comply with reasonable requirements to safeguard the workmen, the public, or other persons, acting in a lawful manner, during grading or construction operations;

E. In transporting materials or in the operation of equipment the applicant causes materials or litter to encroach, obstruct, or be deposited on pavement or in drainage channels within the public right-of-way, or causes unauthorized obstruction or diversion of drainage channels within the site area;

F. Failure to have a qualified inspector working under the soil engineer on the site during grading or construction when required;

G. In the event any person holding a grading permit pursuant to this chapter violates the terms of the grading permit, or conducts or carries on the grading in such a manner as to materially affect adversely the health, welfare or safety of persons residing or working in the neighborhood of the property of the permittee, or conducts or carries on the grading is materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City shall revoke or suspend the grading permit and a temporary suspension may be made effective immediately upon notification by the City.

(Ord. 237, 1987)

15.60.210 Cessation of Work.

If the applicant ceases work or is issued a stop work order for any reason before the work is completed, he shall take all necessary steps to leave the premises in a condition that will be safe and will not cause damage to adjoining properties or to any natural or artificial drainage facilities through erosion of materials, landslides, or other instability of slopes and materials.

(Ord. 237, 1987)

15.60.220 Permit—Enforcement.

It shall be a infraction for any person to perform work in the following manner:

A. Work is done without required permit;

B. Work is not in compliance with the approved plan;

C. Work continues in violation of a stop work order.

(Ord. 237, 1987)

15.60.230 Appeals.

Any person aggrieved by a decision of the City Engineer or other City staff member administering this Chapter may appeal in accordance with the provisions of Article V. Sections 12.04.600—12.04.630 of Title 12 of the Clayton Municipal Code (also being Part 6 Sections 53 through 58 of Ordinance No. 37), provided that an appeal fee shall be paid at the time the appeal is filed in the amount of fifty dollars ($50.00), or such other amount as the City Council may fix from time to time by resolution.

(Ord. 237, 1987)

15.60.240 Cumulative Enforcement Procedures.

The City may also enforce this Chapter by civil remedies of injunction or other relief through civil action against any person violating the Code. The procedures for enforcement of a Permit, as set forth herein, are cumulative and not exclusive.

(Ord. 237, 1987)

15.60.250 Other Laws.

Neither this Chapter nor any administrative decision made under it:

A. Exempts the permittee from procuring other required permits or complying with the requirements and conditions of such a permit; or

B. Limits the right of any person to maintain, at any time any appropriate action, at law or in equity for relief or damages against the Permittee arising from the permitted activity.

(Ord. 237, 1987)

15.60.260 Permit—Inspection, Final Reports, and Notice of Completion.

A. The City Engineer is authorized to inspect and initiate enforcement procedures as necessary;

B. It shall be the responsibility of the owner's registered civil engineer to supervise the operations and to coordinate site inspection to assure compliance of the work with approved grading plan. Immediately upon completion of the work, the civil engineer, when required by the City Engineer, shall submit an as-built grading plan showing original ground surface elevations, as graded ground surface elevations, lot drainage and location of all surface and subsurface drainage facilities.

C. The owner's registered soils engineer shall submit work progress schedules as required by the City Engineer as well as a final report at the conclusion of the grading operation which describes the work accomplished, the method of operations, and provides results of all tests performed by the soils engineer during the work. The final report shall be accompanied by a declaration from the soils engineer and geologist, in the form required by the City Engineer, that states that all work was done in accordance with the recommendations contained in the soil and geologic investigation reports as approved by the City Engineer and the approved plans and specifications.

D. The permittee or his agent shall notify the City Engineer when the grading operation is ready for final inspection. All work including installation of all drainage facilities and their protective devices and all erosion control measures must be completed in accordance with the final approved grading plan and the required reports approved by the City Engineer before final approval of the grading permit is given by the City Engineer. He may approve the grading work prior to completion of all work in special cases of extreme hardship and if no hazard exists and an adequate bond is posted to assure completion of all remaining work.

(Ord. 237, 1987)

15.60.270 City Held Harmless.

The permittee, permittee's contractors and agents shall indemnify and save harmless the City of Clayton and all officers, employees, consultants connected with the work, from all claims, suits or actions of every name, kind and description, brought for, or on account of, injuries to or death of any person or damage to property resulting from the issuance of the grading permits, construction of the work or by or in consequence of any negligence in guarding the work, use of improper materials in construction of the work, or by or on account of any act or omission by the permittee or permittee's agents.

(Ord. 237, 1987)

## Chapter 15.70 TREE PROTECTION

Sections:

15.70.010 Purpose.

The City of Clayton contains many species of trees that are of great significance. It is recognized that the preservation of these trees enhances natural scenic beauty, sustains potential increases in property values, encourages high-quality development, maintains the natural ecology, tempers extremes in climate, prevents erosion of top soil, aids in reducing air pollution, provides habitat for wildlife, and preserves the identity, character, and rural tradition of the City. For these reasons, the City Council finds that regulating the removal of trees will promote the health, safety, and general welfare of the residents and property owners within the City consistent with the right of an individual to develop private property in a manner which will not be prejudicial to the public interest. It is not the intent of this ordinance to prevent the removal of undesirable trees or to restrict the reasonable rights of property owners, but only to encourage the planting and retention of desirable trees to protect the beauty and ecological balance of the natural surroundings.

15.70.015 Definitions.

A. "Development Application" means any proposed project that involves subdivision, alteration, development, or use of a property that requires one or more of the following permits: use permit, site plan permit, demolition permit, building permit, grading permit, encroachment permit, or moving building permit.

B. "Director" means the Community Development Director, including his or her designated representative.

C. "Protected Tree" means any tree that is of the following varieties: Ash (Fraxinus Dipetala); Bay (Umbellularia Californica); Box Elder (Acer Negundo); Buckeye (Aesculus Californica); Cherry (Prunus Emarginata, Prunus Illicifolia, Prunus Subcordata); Cottonwood (Populus Fremontii); Elderberry (Sambucus Mexicana); Hop Tree (Ptelea Crenulata); Madrone (Arbutus Menziesii); Maple (Acer Macrophyllum); Oak (Quercus Agrofolia, Quercus Chrysolepis, Quercus Douglasii, Quercus Kelloggii, Quercus Lobata, Quercus Wislizeni); Sycamore (Platanus Racemosa); or Walnut (Juglans Hindsii).

D. "Tree" means a live woody plant having a single perennial stem or a multi-stemmed perennial plant which is over fifteen (15) feet in height at maturity.

E. "Trunk Diameter" means the diameter of a tree trunk as measured four (4) feet, six (6) inches above natural grade.

15.70.020 Permit Required.

A tree removal permit shall be obtained prior to the removal of:

A. A tree with a single trunk or multiple trunks with a cumulative trunk diameter of six (6) inches or greater, located on private or public property; or

B. A tree of any size specifically required to be planted as part of a development application, landscape plan, or tree replacement plan approved by the City after April 1, 2005.

15.70.025 Application.

A permit application shall be completed and filed with the Community Development Department and shall include:

A. The application form established by the Community Development Department in order to have the information needed to demonstrate compliance with the standards set forth in Section 15.70.035.

B. A fee or deposit as established by resolution of the City Council.

C. A site plan indicating the quantity, location, size, species, and dripline of the tree(s) proposed for removal as well as the tree(s) to be retained.

D. An arborist report and/or soils report, if required by the Director. The arborist report shall be prepared by a certified arborist. The Director may require the certified arborist to be independent of the tree removal company. The arborist report shall address relevant issues including: health of the tree, soil conditions, irrigation conditions, grade levels of adjacent terrain, structural integrity, and options for removal of the tree.

E. A tree replacement plan indicating the quantity, location, size, and species of the proposed replacement tree(s), if required by the Director, in accordance with Section 15.70.040.

F. Any additional items that may be required by the Director to demonstrate compliance with the standards set forth in Sections 15.70.030.A or 15.70.035, as applicable.

15.70.030 Process.

Based upon the application the Director shall, in the Director's sole discretion, determine which of the following review procedures is appropriate for review and action upon the application.

A. Administrative Decision without Notice. The Director may approve or conditionally approve a tree removal permit if the application substantially conforms with one or more of the standards listed below. The Director may deny a tree removal permit if the application does not substantially conform with any of the following standards or the Director may review and act upon the application in accordance with Section 15.70.030.B.

1. The tree is weakened by incurable disease or infestation; age; storm; improper pruning; vandalism; or other injury.

2. The tree is causing damage or clearly posing a danger to an existing structure, improvement, or other tree; and the existing structure, improvement, or other tree cannot be reasonably relocated or modified to alleviate the damage or danger posed by the subject tree and thereby retain the subject tree.

3. The tree needs to be removed to allow construction of an improvement that is related to a development application; and the improvement cannot be reasonably relocated or modified to retain the subject tree.

4. The tree is obstructing or damaging utility service; the tree cannot be reasonably pruned to alleviate the obstruction or damage to the utility service; and the utility service cannot be reasonably relocated or modified to retain the subject tree.

5. The tree will be replaced by replacement tree(s) planted pursuant to a tree replacement plan prepared in accordance with the standards of Section 15.70.040 which fully mitigates the impacts created by the removal of the tree. The Director may waive the requirement for a tree replacement plan if the Director determines that removal of the tree will not cause a significant impact since the tree is minor in nature or existing trees on the property adequately compensate for removal of the tree.

B. Administrative Decision with Notice. A notice shall be mailed to the applicant as well as the residents and owners of real property, as shown on the latest assessment roll, located contiguous to or directly across any street abutting the property containing the subject tree. The notice shall provide a general explanation of the nature of request for a tree removal permit; a general description, in text or diagram, of the location of the property containing the subject tree; and a due date, not more than ten (10) days from the date of the notice, for submission of any written comments on the requested tree removal permit. At the conclusion of the comment period, the Director shall evaluate any comments received and take one of the following actions:

1. Approve or conditionally approve a tree removal permit if the application substantially conforms with one or more of the standards set forth in Section 15.70.035.

2. Deny a tree removal permit if the application does not substantially conform with one or more of the standards set forth in Section 15.70.035.

3. Refer the application to the Planning Commission for a decision in accordance with Section 15.70.030.C.

C. Planning Commission Decision with Notice. A notice shall be mailed to the applicant as well as the residents and owners of property, as shown on the latest assessment roll, located within three hundred (300) feet of the property containing the subject tree. The notice shall contain the information listed in subsection B above and provide the time, date, and place that the Planning Commission will consider the application. The Planning Commission shall consider the application and approve or conditionally approve the permit if the application substantially conforms with one or more of the standards set forth in Section 15.70.035. The Planning Commission shall deny the permit if application does not substantially conform with one or more of the standards set forth in Section 15.70.035. Following action by the Planning Commission, a notice of decision shall be mailed to the applicant and any parties who provide testimony or written comments regarding the application.

D. Permit Expiration. A tree removal permit is valid for ninety (90) days from the date of permit approval, unless otherwise specified.

15.70.035 Standards of Approval.

A tree removal permit approved in accordance with Sections 15.70.030.B. or C. shall not cause or increase erosion in the vicinity of the tree and shall meet at least one of the standards listed below.

A. The tree is weakened by incurable disease or infestation; age; storm; improper pruning; vandalism; or other injury. At the discretion of the Director or Planning Commission, this condition may require verification by a certified arborist at a cost paid for by the applicant. In situations involving a protected tree, the arborist may be required to be independent of the tree removal company.

B. The tree is causing damage or posing a danger to an existing structure, improvement, or other tree.

C. The tree needs to be removed to allow construction of an improvement that is related to a development application.

D. The tree is obstructing or damaging utility service.

E. The tree will be replaced by replacement tree(s) planted pursuant to a tree replacement plan prepared in accordance with the standards of Section 15.70.040 which fully mitigates the impacts created by the removal of the tree. The Director or Planning Commission may waive the requirement for a tree replacement plan if the Director or Planning Commission determines that removal of the tree is minor in nature and will not cause a significant impact.

15.70.040 Tree Replacement Plan.

A tree replacement plan shall meet the following standards:

A. At the time of planting, the replacement tree(s) shall meet one of the following criteria or a pro-rated combination of the criteria based upon the trunk diameters of the respective replacement trees:

1. A cumulative trunk diameter that is equal to no less than fifty percent (50%) of the trunk diameter of the removed tree.

2. A cumulative trunk diameter that is equal to no less than thirty-three percent (33%) of the trunk diameter of the removed tree if the replacement tree(s) are of a variety listed in Section 15.70.015.C. as a protected tree.

B. The replacement tree shall not impede the solar access rights of existing solar panels located on any other property.

C. The replacement tree shall be irrigated on a regular basis until the tree is established.

D. The property owner shall remain responsible for the health and survival of the replacement tree(s) for two (2) years after planting. If a replacement tree dies, is damaged, or removed within the two (2) year period, the property owner shall replace the tree in accordance with the standards in this section and the originally-approved tree replacement plan. If the tree cannot be replaced for any reason, a tree removal permit for the replacement tree shall be obtained in accordance with Section 15.70.020.

E. The Director or Planning Commission, as applicable, may require a tree replacement plan or a tree mitigation plan to be recorded with the Contra Costa County Recorder, with all recordation costs incurred by the applicant.

F. If a replacement tree cannot be planted due to limitations of the site, the Director or Planning Commission, as applicable, may require the applicant to pay an in-lieu fee, as established by resolution of the City Council, to the City for the cost of purchasing and installing any tree(s) of equivalent value in public parks, open space areas, or landscape medians. Values established by the International Society of Arboriculture or a comparable arborist organization shall be used for calculating the value of any tree(s) removed.

G. The replacement tree(s) shall be planted within sixty (60) days of the removal of the tree as otherwise specified by the Director or Planning Commission.

(Ord. 404, 2007)

15.70.045 Tree Protection During Construction.

A. Tree Protection Plan Required. A tree protection plan shall be submitted for review and approval as part of a development application if a tree subject to Section 15.70.020 is located within fifty (50) feet of construction (including grading and installation of underground utility lines) associated with the respective development application.

B. Preparation of Plan. At the discretion of the Director, the tree protection plan shall either be prepared by the applicant or a certified arborist. The applicant shall be responsible for any costs associated with preparation of the plan.

C. Waiver of Plan. The Director or Planning Commission may waive the requirement for a tree protection plan if the Director or Planning Commission determines that the development activity is minor in nature and will not significantly modify the ground area within or immediately surrounding the dripline of the tree.

D. Plan Requirements. The tree protection plan shall include, but not be limited to, the following attributes:

1. Identify the location of the tree trunk and dripline of all on- and off-site trees subject to Section 15.70.020.

2. A protective fence shall be installed around all trees subject to the tree protection plan. The protective fence shall be installed prior to commencement of any construction activity and shall remain in place for the duration of construction.

3. Grading, excavation, deposition of fill, erosion, compaction, and other construction-related activities shall not be permitted within the dripline or at locations which may damage the root system of trees subject to the tree protection plan, unless such activities are specifically allowed by the tree protection plan. Tree wells may be used if specifically allowed by the tree protection plan.

4. Oil, gas, chemicals, vehicles, construction equipment, machinery, and other construction materials shall not be allowed within the dripline of trees subject to the tree protection plan.

5. Additional measures may be required, as determined by the Planning Commission or Director.

15.70.050 Emergency Tree Removal.

A tree may be removed on an emergency basis under any of the circumstances listed below. The property owner shall retro-actively submit an application to the Community Development Department within seventy-two (72) hours of the tree removal. The application shall be subject to the requirements of Sections 15.70.025 through 15.70.035.

A. The tree is in a dangerously substandard condition which poses an immediate threat to the safety of persons or structures.

B. The tree is obstructing the containment of a fire.

C. The tree is obstructing flood waters in creek beds or waterways, as determined by the City Engineer.

15.70.055 Violation and Penalty.

Any person who destroys or removes a tree in violation of this Chapter shall:

A. Plant one replacement tree in a twenty-four (24) inch box container for each two (2) inches of the trunk diameter of the destroyed or removed tree. The replacement tree species and locations shall be subject to the review and approval of the Director; or

B. Pay restitution to the City in accordance with Section 15.70.040.F.

C. In addition to the foregoing, any violation of this Chapter may be, at the discretion of the City Manager, charged and prosecuted as an infraction or misdemeanor, pursuant to Chapter 1.20.

15.70.060 Appeal.

Any decision of the Director, made in accordance with Sections 15.70.030.A and 15.70.030.B, regarding a tree removal permit may be appealed to the Planning Commission within ten (10) days of the decision. Any decision of the Planning Commission regarding the tree removal permit may be appealed to the City Council within ten (10) days of the decision. The person filing the appeal shall file an appeal form stating the grounds of the appeal and pay the appeal fee established by resolution of the City Council. Any decision made by the City Council shall be final.

(Ord. 381, 2005)

## Chapter 15.80 GREEN BUILDING STANDARDS CODE; PROJECT CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING[[8]](#footnote-8)

Sections:

15.80.000 Adoption.

A. The green building code of this City is the 2016 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), as amended by the changes, additions, and deletions set forth in this ordinance.

B. At least one copy of this green building code is now on file with the building inspection department, and the other requirements of Government Code Section 50022.6 have been and shall be complied with.

(Ord. 474, § 3(Exh. A), 2017)

15.80.001 Amendments to CGBSC.

The 2016 California Green Building Standards Code ("CGBSC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2016 California Green Building Standards Code.

A. Section 301.1.1 (Additions and alterations) of CGBSC Chapter 3 (Green Building) is amended to read:

Section 301.1.1 Additions and alterations. The mandatory provisions of Chapter 4 shall apply to additions or alterations of existing residential buildings where the addition or alteration increases the building's conditioned area, volume, or size. The requirements shall apply only to and/or within the specific area of the addition or alteration.

The mandatory provisions of Section 4.408 shall apply to the following types of construction or demolition projects for existing residential buildings:

1. Projects that increase the total combined conditioned and unconditioned building area by 5,000 square feet or more.

2. Alterations to existing structures impacting 5,000 square feet or more of total combined conditioned and unconditioned building area.

3. Demolition projects when a demolition permit is required.

Exception: Demolition projects undertaken because the enforcing agency has determined that the demolition is necessary to abate a public nuisance or otherwise protect public health and safety.

For the purposes of determining whether a project meets the 5,000 square-foot threshold, the enforcing agency may deem all phases of a project and all related projects taking place on a single or adjoining parcel(s) as a single project.

**Note**: On and after January 1, 2014, residential buildings undergoing permitted alterations, additions or improvements shall replace noncompliant plumbing fixtures with water-conserving plumbing fixtures. Plumbing fixture replacement is required prior to issuance of final completion, certificate of occupancy or final permit approval by the local building department. See Civil Code Section 1101.1, et seq., for the definition of a noncompliant plumbing fixture, types of residential buildings affected or other important enactment dates.

(Ord. 474, § 3(Exh. A), 2017)

15.80.010 Definitions.

For the purposes of this ordinance, the following definitions shall apply:

A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake construction, demolition, or renovation projects within the City.

B. "Construction" means the building of any facility, structure, or paved area or any portion thereof including tenant improvements to an existing facility, structure, or paved area.

C. "Construction and Demolition Debris" ("C&D debris") means used or discarded materials removed from a project site during construction, demolition, or renovation activities.

D. "Conversion Rate" means the rate set forth in the standardized conversion rate table approved by the state, as amended or revised, for estimating the volume or weight of materials identified in a waste management plan.

E. "Covered Project" shall have the meaning set forth in Section 15.80.020.A.

F. "Deconstruction" means the process of dismantling a building, structure, or paved area in order to salvage components for reuse or recycling.

G. "Demolition" means the decimating, razing, ruining, tearing down, or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

H. "Divert" means to use material for any purpose other than disposal in a landfill or transfer facility.

I. "Diversion Requirement" means the redirection from the waste stream of construction and demolition debris generated by a project via salvage, reuse, and/or recycling.

J. "Modified Diversion Rate" means a diversion rate less than a standard diversion requirement.

K. "Non-Covered Project" shall have the meaning set forth in Section 15.80.020.B.

L. "Official" shall have the meaning set forth in Section 15.80.010.W.

M. "Project" means any activity, which requires an application for a building, grading, or demolition permit, or any similar permit from the City.

N. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

O. "Renovation" means any change, addition, or modification (including tenant improvements) in an existing structure or building.

P. "Reuse" means further or repeated use of materials in their original form.

Q. "Salvage" means the controlled removal of construction or demolition debris from a project site for diversion requirement purposes.

R. "Site" means any location which requires a waste management plan under this chapter.

S. "Standard Diversion Requirement" means at least sixty-five percent (65%), or a numeric threshold established by subsequent state regulation, of the waste stream of construction and demolition debris generated by a project is diverted from the landfill via salvage, reuse, and/or recycling.

T. "Tenant Improvements" means a "project" involving structural or other modifications of an existing building, structure, or project site resulting in the generation of C&D debris.

U. "Vendor" means a hauler of commercial recycling material licensed to conduct business in the City.

V. "Waste Management Plan" ("WMP") means a completed WMP form submitted by the applicant for any covered project for the purpose of compliance with this chapter.

W. "WMP Compliance Official" ("Official") means the City Community Development Director or his or her designee.

(Ord. 474, § 3(Exh. A), 2017)

15.80.020 Threshold for Covered Projects.

A. Covered Projects.

1. Residential: All construction, demolition, renovation, or re-roofing projects within the City, which involve the construction, demolition, or renovation of five hundred (500) square feet or more of existing area, and/or any additional increase in square footage of conditioned or habitable area by additions to or modification of the existing structure; and which require a building, grading, or demolition permit shall be considered covered projects and shall comply with this chapter. For the purposes of determining whether a project meets the foregoing thresholds, all phases of a project and all related projects taking place on single or adjoining parcels, as determined by the official, shall be deemed a single project.

2. Non-Residential: All non-residential additions or alterations requiring a permit.

B. Non-Covered Projects.

1. Construction, demolition and renovation projects within the City that have not met the threshold for covered projects shall be considered non-covered projects.

2. Installation of solar panels on an existing roof or existing structure; or demolitions which materials have been determined by the City Official cannot be accepted by facilities as recyclable.

3. Applicants for non-covered projects shall be encouraged and endeavor to divert as much project-related C&D debris as possible.

C. Projects Sponsored by the City. All construction, demolition and renovation projects sponsored by the City shall be considered covered projects for the purposes of this chapter. The project sponsor or its contractor shall submit a WMP to the official prior to beginning any activities and shall be subject to all applicable provisions of this chapter.

D. Building, Grading and Demolition Permits. No building, grading or demolition permit shall be issued for a covered project unless and until the official has approved a WMP for the project.

(Ord. 474, § 3(Exh. A), 2017)

15.80.030 Submission and Contents of Waste Management Plan.

An applicant for any covered project shall complete and submit a WMP on a form approved by the City as part of the application submittal requirements for a building, grading, or demolition permit. A complete WMP shall include all of the following:

A. Identification of the types of C&D debris expected to be generated from the project and the types of C&D debris to be made available for salvage, reuse, and/or recycling, and diverted from the landfill;

B. Acknowledgement that the standard diversion requirement requires at least sixty-five percent (65%), or a numerical threshold established by subsequent state regulation, of the C&D debris materials to be diverted from the landfill and made available for salvage, reuse, and/or recycling;

C. Acknowledgement that the applicant is responsible for the actions of his or her contractors, sub-contractors or other agents with regard to the diversion requirement;

D. Signature of the property owner (or authorized agent); and

E. A cash deposit (or other financial security instrument acceptable to the City) to ensure the performance of the diversion requirements of this chapter, and to cover staff review and processing charges. The amount of the cash deposit (based upon the square footage of the construction, demolition, or renovation), plus a minimum deposit, shall be established by City Council resolution, and as may be amended from time to time.

(Ord. 474, § 3(Exh. A), 2017)

15.80.040 Review of Waste Management Plan.

A. Approval. Notwithstanding any other provision of this Code, no building, grading, or demolition permits shall be issued for any covered project, nor shall any construction, demolition, or renovation take place on any covered project, unless and until the official has approved the WMP. Approval shall not be necessary, however, when the City determines an emergency demolition is required to protect public health or safety. The official shall approve the WMP if the official determines that the WMP complies with the requirements of Section 15.80.030.

B. Non-Approval. If the official determines the submitted WMP does not comply with the requirements of Section 15.80.030, the official shall notify the applicant the WMP is not approved and provide a written statement of the reason(s) the WMP is out of compliance. The official shall withhold or order the withholding of issuance of all associated city development permits, including building, grading, and demolition permits for the covered project until compliance has been met.

(Ord. 474, § 3(Exh. A), 2017)

15.80.050 Modified Diversion Rate.

A. Application. If an applicant experiences unique circumstances that the applicant believes make it infeasible to comply with the standard sixty-five percent (65%) diversion requirement, or a numerical threshold established by subsequent state regulation, the applicant may request approval of a modified diversion rate at the time the applicant submits the WMP in accordance with Section 15.80.030. Economic or increased financial costs to the applicant generally will not be a sufficient basis for approval of a modified diversion rate unless such costs are proportionately extraordinary. The applicant shall indicate on the WMP the maximum amount of diversion the applicant believes can be achieved for each material and the specific unique circumstance(s) the applicant believes makes compliance with the standard diversion requirement infeasible.

B. Granting of Modified Diversion Rate. If the official determines that the applicant is unable to meet the standard diversion requirement due to unique circumstances, the official may approve and issue a modified diversion rate and shall indicate this rate on the WMP submitted by the applicant.

C. Denial of Modified Diversion Rate. If the official determines that unique circumstances are not present and the applicant is able to comply with the standard diversion requirement, the official shall so inform the applicant in writing. The applicant shall have thirty (30) calendar days to resubmit a WMP in full compliance with Section 15.80.030.

(Ord. 474, § 3(Exh. A), 2017)

15.80.060 Submission of Completed Waste Management Plan.

A. Documentation. Prior to the final building inspection or the filing of a notice of completion for a public works project for any covered project, the applicant shall submit documentation that it has met the diversion requirement for the project to the official. This documentation shall include the following:

1. A copy of the approved WMP for the project with notations of the actual material volume or weight generated by the completed project;

2. Receipts from disposal and recycling facilities and/or vendors that received each material showing the type and quantity (weight or volume) of material, and whether the material was disposed in a landfill or recycled; and

3. Any additional information the applicant believes is relevant to determining compliance with this chapter.

B. Weighing of Materials. The applicant shall make reasonable efforts to ensure that all C&D debris recycled or disposed in a landfill are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. A volumetric measurement shall be used on C&D debris for which weighing is not practical due to small size or due to other considerations as determined by the official or the state. For conversion of volumetric measurements to weight, the applicant shall use the conversion rates approved by the state for this purpose.

C. Determination of Compliance. The official shall review the submitted information and determine whether the applicant has complied with the diversion requirement. The official shall authorize the final building inspection or the filing of the notice of completion for a public works project upon making a determination of compliance, as listed below:

1. Full Compliance. If the official determines the applicant has fully complied with the diversion requirement applicable to the project, the full performance security, less staff review and processing charges, shall be returned to the applicant within thirty (30) days after full compliance is determined.

2. Partial Compliance. If the official determines the applicant has not fully complied with the diversion requirement applicable to the project, the official shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with the approved WMP. In making this determination, the official shall consider the availability of markets for the C&D debris disposed in a landfill, the size of the project and the documented efforts of the applicant to divert the C&D debris. If the official determines the applicant has made a good faith effort to comply with the approved WMP, such determination shall be provided in writing, and the portion of the deposit equivalent to the portion of C&D debris actually diverted compared to the portion that should have been diverted according to the approved WMP will be returned to the applicant, less staff review and processing charges. The partial deposit shall be returned to the applicant within thirty (30) days after partial compliance is determined.

3. Noncompliance. If the official determines the applicant has not complied with the approved WMP, the official shall notify the applicant in writing. The full amount of the performance security shall be forfeited to the City as a penalty and to cover staff review and processing charges.

(Ord. 474, § 3(Exh. A), 2017)

15.80.070 Appeal.

Appeal of a determination made under this chapter may be made to the city council following the procedures set forth in Section 5.04.100 of this Code, with payment of an appeal fee as established by City Council resolution. Any appeals shall be limited to: 1) the granting or denial of modified diversion rate; or 2) whether the applicant has complied with an approved WMP.

(Ord. 474, § 3(Exh. A), 2017)

15.80.080 Enforcement.

Violation of any provision of this chapter may be enforced through remedies listed in this Code, including but not limited to Chapters 1.14, 1.18 and 1.20.

(Ord. 474, § 3(Exh. A), 2017)

## Chapter 15.90 REASONABLE ACCOMMODATIONS

Sections:

15.90.010 Purpose.

The purpose of this Chapter is to establish a process for individuals with disabilities seeking equal access to housing to request reasonable accommodations in the application of the City's land use, zoning, or building standards, regulations, policies, and procedures and to establish relevant criteria for the City to use when considering such requests.

15.90.020 Applicability.

Any individual with a disability, his or her representative, or a developer or provider of housing for individuals with disabilities, may seek relief from any land use, zoning, or building standard, regulation, policy, or procedure found in Title 15 or Title 17 of this Code to ensure equal access to housing and to facilitate the development of housing for individuals with disabilities by requesting a reasonable accommodation in the manner prescribed in Section 15.90.040.

15.90.030 Definitions.

For the purposes of this Chapter, the following definitions apply:

A. "Applicant" means an individual who files an application for a reasonable accommodation under this Chapter.

B. "Department" means the Clayton Community Development Department.

C. "Director" means the Community Development Director or the Director's designee.

D. "Fair housing laws" means the federal Fair Housing Amendments Act of 1988 (42 U.S.C. Sect. 3601 *et seq.*), the California Fair Employment and Housing Act (Government Code § 12900 *et seq.*), and Civil Code Sect. 54, together with published judicial decisions interpreting such laws.

E. "Individual with a disability" means an individual with a qualifying disability as defined by the fair housing laws, and generally includes any individual who has, or is regarded as having, any mental or physical impairment, disorder, or condition, which substantially limits one or more major life activities, including physical, mental, and social activities and working. "Disabled or individual with a disability" does not include current, illegal use of or addiction to a controlled substance (as defined in Section 102 of the Controlled Substances Act (21 U.S.C. 802)).

F. "Reasonable accommodation" means a modification or exception to the standards, regulations, policies, and procedures contained in Title 15 or Title 17 of this Code for the siting, development, and use of housing or housing-related facilities, that would eliminate regulatory barriers and provide an individual with a disability equal opportunity for the use and enjoyment of housing of their choice, and that does not impose undue financial or administrative burdens on the City or require a fundamental alteration of the City's planning and zoning program.

15.90.040 Application Process.

A. Application. Requests for a reasonable accommodation must be submitted on an application form provided by the Department, or in the form of a letter addressed to the Director, and must contain the following information:

1. The name, address, and telephone number of the applicant.

2. The name, address, and telephone number of the individual with the disability for which the reasonable accommodation is being requested.

3. The name, address, and telephone number of the owner of the property for which the reasonable accommodation request is being made.

4. The address and current use of the property for which the reasonable accommodation is being made.

5. If the applicant is someone other than the property owner, a letter of agency or authorization signed by the property owner consenting to the application being made.

6. The basis for the claim that the individual to be reasonably accommodated is disabled within the meaning of the fair housing laws.

7. A description of the reasonable accommodation request and the land use, zoning, or building standard, regulation, policy, or procedure to be modified or waived.

8. A statement of the reason why the requested accommodation is necessary for the individual with a disability to use and enjoy the dwelling.

9. An indication of the timing and anticipated duration for needing the reasonable accommodation.

B. Other Discretionary Permits. If the project for which the request for a reasonable accommodation is made requires another discretionary permit or approval, then the applicant may file the request for reasonable accommodation together with the application for the discretionary permit or approval. The processing procedures applicable to the discretionary permit will govern the joint processing of both the reasonable accommodation and the discretionary permit.

C. If an individual needs assistance in making a request for a reasonable accommodation, the City will provide assistance to ensure that the process is accessible.

D. A request for a reasonable accommodation may be filed at any time that the accommodation may be necessary to ensure equal access to housing. A reasonable accommodation does not affect an individual's obligations to comply with all other applicable regulations that are not being modified in response to the requested accommodation.

15.90.050 Review Authority.

A. The Director may approve, conditionally approve, or deny an application for a reasonable accommodation for an existing use or a proposed new use that only requires a ministerial permit or approval.

B. If the project for which the request for a reasonable accommodation is made requires a discretionary permit or approval, then the application for a reasonable accommodation will be heard at the same time as the other discretionary permit or approval.

15.90.060 Review Procedure.

A. Director Review. The Director will issue a written determination to approve, conditionally approve, or deny a request for a reasonable accommodation within thirty (30) days of acceptance of a complete application. The written determination must explain in detail the basis of the decision, including the Director's findings required by Section 15.90.070. The Director must mail written notice of the determination to the applicant, and, as part of such notice, advise the applicant of the right to appeal the determination.

B. Review By Planning Commission or City Council. If the application for a reasonable accommodation is heard simultaneously with the application for another discretionary approval, the decision to approve, conditionally approve, or deny a request for a reasonable accommodation will be made by the authority taking action on the other discretionary approval. The Planning Commission or City Council must make their decision in accordance with Section 15.90.070.

15.90.070 Findings and Decision.

A. Findings. The written decision to approve, conditionally approve, or deny a request for a reasonable accommodation must be based on the following findings, all of which are required for approval:

1. The requested accommodation is requested by or on the behalf of one or more individuals with a disability protected under the fair housing laws.

2. The requested accommodation is necessary to provide one or more individuals with a disability an equal opportunity to use and enjoy a dwelling.

3. The requested accommodation will not impose an undue financial or administrative burden on the City, as defined in the fair housing laws.

4. The requested accommodation will not result in a fundamental alteration in the nature of the City's Zoning Code, as defined in the fair housing laws.

5. The requested accommodation will not, under the specific facts of the case, result in a direct threat to the health or safety of other individuals or substantial physical damage to the property of others.

B. Conditions of Approval. In granting a request for a reasonable accommodation, the Director, Planning Commission, or City Council may impose any conditions of approval deemed reasonable and necessary to ensure that the reasonable accommodation would comply with the findings required by subsection A above.

15.90.080 Appeals.

A. Director Decision. Any person who is dissatisfied by the decision made by the Director on an application for a reasonable accommodation may appeal the Director's decision to the Planning Commission. The appeal must be filed within ten (10) days of the mailing of the Director's decision. Upon the filing of a notice of appeal, the Director will set the matter for a hearing before the Planning Commission to occur not later than forty-five (45) days from the date of filing. Notice of the appeal hearing will be given to the applicant by mail at least ten (10) days prior to the hearing. The appeal hearing will be conducted in accordance with the application procedures of Section 17.68.010 of this Code. Any person who is dissatisfied by the decision of the Planning Commission may make a further appeal to the City Council in accordance with applicable procedures of Sections 17.68.020 and 17.68.030 of this code. The Planning Commission's decision will be final absent an appeal timely filed with the City Council.

B. Planning Commission Decision. A decision of the Planning Commission on an application for a reasonable accommodation considered concurrently with another application for a discretionary approval is subject to the same appeal rights and procedures that apply to the other discretionary approval.

15.90.090 Expiration, Revocation, Termination.

A. Expiration. Any reasonable accommodation approved under this Chapter will expire within twelve (12) months from the effective date of approval or at such alternative time specified as a condition of approval unless:

1. A building permit has been issued and construction has commenced;

2. A certificate of occupancy has been issued;

3. The use is established; or

4. A time extension has been granted.

B. Revocation. Any reasonable accommodation approved under this Chapter may be revoked if any of the conditions or terms of such reasonable accommodation are violated, or if any law or City ordinance is violated in connection with the reasonable accommodation. The revocation procedures in Section 17.64.050 et seq. of this Code will be followed to revoke a reasonable accommodation.

C. Termination. If the individual with a disability who initially occupied the applicable dwelling ceases to reside at the premises, the property owner and/or occupant shall notify the City and the reasonable accommodation will automatically terminate, and the property owner or occupant shall be responsible for modifying the applicable premises so that it conforms to Code as directed by the City, unless the Director determines that: (1) the modification is physically integrated into the residential structure and cannot easily be removed or altered to comply with the Code, or (2) the accommodation is necessary to give another disabled individual an equal opportunity to enjoy the dwelling. A deed restriction shall be recorded against the property requiring the property owner to notify a buyer of the City's requirements pursuant to Chapter 15.90. The Director shall require that any successor-in-interest to the property provide documentation that subsequent occupants are individuals with disabilities who also require the previously-established reasonable accommodation. Failure to provide such documentation within ten (10) days of the date of a request by the Director will result in the termination of a previously-approved reasonable accommodation and the property owner or occupant shall be responsible for modifying the applicable premises so that it conforms to Code as directed by the City.

(Ord. 441, 2012)

## Chapter 15.92 UNIVERSAL DESIGN

Sections:

15.92.010 Purpose and Intent.

A. To facilitate the development of residential dwelling units that are visitable, usable, and safe for occupancy by persons with disabilities.

B. To allow buyers of new homes the option of incorporating universal design principles into their future homes in order to enhance their ability to remain in their homes during periods of temporary, developing, or permanent disabilities; and

C. To accommodate a wide range of individual preferences and functional abilities while not significantly impacting housing costs and affordability.

15.92.020 Findings.

A. Pursuant to California Health and Safety Code § 17959, the City Council finds that:

1. According to the Clayton Housing Element, approximately 12.8 percent of City residents (sixteen (16) years or older) have one or more disabilities. In addition, approximately nine percent (9%) of all Clayton residents are over the age of sixty-five (65). Individuals with mobility difficulties may require special accommodations to their homes to allow for continued independent living.

2. The provisions of this chapter are reasonably necessary to serve these populations as well as those anticipating a disability by enhancing opportunities for the full life-cycle use of housing without regard to the physical abilities or disabilities of a home's occupants or guests. This is done in order to accommodate a wide range of individual preferences and functional abilities.

3. The provisions of this chapter are substantially the same as the model universal design ordinance adopted by the State of California Department of Housing and Community Development and are not less restrictive than the requirements of the California Building Code as adopted by the City.

15.92.030 Definitions.

For the purpose of this chapter, the following terms shall have the following definitions:

"Accessible" means consistent with or as defined by the California Building Code, Chapter 11A.

"ANSI A117.1" means the most current version of the "Standard on Accessible and Usable Buildings and Facilities", commonly known as "ICC/ANSI A117.1", published by the International Code Council and American National Standards Institute, Inc.

"Bathroom" means a room containing a toilet (water closet), lavatory (sink), and either a shower, bathtub, combination bathtub/shower, or both a shower and bathtub. It includes a compartmented bathroom in which the fixtures are distributed among interconnected rooms.

"CBC, Chapter 11A" means chapter 11A of the California Building Code (located in Part 2, Title 24, California Code of Regulations), or its successor provisions.

"Common Use Room" means a room commonly used by residents or guests to congregate.

"New Construction" means the construction of a new building. New construction does not include additions, alterations, or remodels to existing buildings.

"Owner-Occupied" means any residential dwelling unit not intended to be occupied as a rental dwelling at the time of application for the building permit.

"Powder Room" means a room containing a toilet (water closet) and lavatory (sink), but no bathtub or shower. It includes a compartmented powder room in which the fixtures are distributed among interconnected rooms.

"Primary Entry" means the principal entrance through which most people enter a building or residential unit, as designated by the Building Official.

"Rental" means any residential dwelling unit not intended to be occupied by the owner at the time of application for a building permit.

"Residential Dwelling" means a single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"Visitable Residential Dwelling" means a residential unit subject to the requirements of this chapter by virtue of being within the scope of this chapter as defined in Section 15.92.040.

15.92.040 Scope and Application.

A. Unit Coverage. All residential dwelling units which are a part of a residential development project in excess of five (5) units, and are intended to be, owner-occupied or rental for which an application for a new construction building permit is submitted to the Community Development Department thirty (30) or more days after the effective date of this chapter shall be visitable residential dwellings.

B. Unit Types. New construction of all single-family, duplex, and triplex residential dwellings except for custom-built homes.

C. Conditions of Approval. Any tentative map, conditional use permit, site development review or building permit master plan check subject to this chapter shall contain conditions sufficient to ensure compliance with the provisions of this chapter.

15.92.050 Exemptions.

A. When the applicant adequately demonstrates and the Community Development Director and Building Official determine that compliance with any portion of any regulation under this chapter would create an undue hardship, or that equivalent facilitation is not available, an exception to that portion of the regulation shall be granted.

B. When the applicant adequately demonstrates and the Community Development Director and Building Official determine that compliance with any portion of any regulation under this chapter would create an undue hardship due to topographical conditions of the site, the size of the site, other site constraints, or legal constraints, and that no equivalent facilitation is available, an exemption to that portion of the regulation shall be granted.

C. When the applicant adequately demonstrates and the Community Development Director and Building Official determine that a residential dwelling unit is being reconstructed as a result of a disaster, an exemption to all or any portion of this chapter shall be granted.

D. This ordinance shall not be applicable to any residential structure that has its primary entry located over below-ground or grade-level parking.

15.92.060 Standards: Primary Entrance.

A. New Construction—Mandatory to Install: The following items for the accessible entrance on the primary entry level shall be installed: None.

B. New Construction—Mandatory to Offer: The following options for the accessible entrance on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with 15.92.140:

1. An exterior accessible route that is either:

a. Consistent with the requirements of CBC Chapter 11A; or

b. Not less than forty (40) inches wide and not having a slope greater than one unit vertical in twenty (20) units horizontal.

2. The accessible primary entrance that is consistent with the requirements of CBC Chapter 11A.

3. The floor or landing at and on the exterior and interior side of the accessible entrance door that is either of the following:

a. Consistent with the requirements of CBC Chapter 11A; or

b. The width of the level area on the side to which the accessible entrance door swings shall extend twenty-four (24) inches past the strike edge of the door.

4. The exterior accessible entry door that is either:

a. Consistent with the requirements of CBC Chapter 11A, or

b. Have a thirty-four (34) inch net clear opening.

5. A second exterior door that is installed in a manner so that it is accessible as provided in this Section 15.92.060 with a thirty-two (32) inch net clear opening.

6. Where at least one eyehole is provided in the accessible entry door, one shall be at standard height and a second one that is between forty-two (42) inches and forty-four (44) inches from the finished floor.

7. Where at least one doorbell is provided for the accessible entry door, one that is between forty-two (42) inches and forty-eight (48) inches from the finished floor must be offered.

15.92.070 Standards: Interior Routes.

A. New Construction—Mandatory to Install: The following items for interior routes shall be installed: None.

B. New Construction—Mandatory to Offer: The following options for accessible interior routes on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. At least one accessible route through the hallways consistent with the requirements of CBC Chapter 11A from the accessible entrance of the dwelling unit to the primary entry level powder room or bathroom, a common use room, and the kitchen if located on the primary entry level.

2. No sunken or raised area in the bathroom or powder room, the common use room, and the kitchen, if on the primary entry level, on an accessible route.

3. Handrails installed in a manner consistent with CBC Chapter 11A on one or both sides of the accessible route, at the option of the purchaser.

4. Handrail reinforcement installed on one or both sides of the accessible route.

5. An accessible route with a minimum width of forty-two (42) inches. Alternatively, a thirty-nine (39) inch hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen, if on the primary entry level, that must be accessible have a minimum clear door opening of thirty-four (34) inches, or a thirty-six (36) inch hallway width may be provided when all doors leading to any bathroom, powder room, common use room, or kitchen on the primary entry level that must be accessible have a minimum clear door opening of thirty-six (36) inches.

15.92.080 Standards: Primary Floor Powder Room/Bathroom Entry and Facilities.

A. New Construction—Mandatory to Install: The following items for the primary floor powder room/bathroom entry and facilities shall be installed: None.

B. New Construction—Mandatory to Offer: The following options for the accessible bathroom or powder room on the route from the primary entrance shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. At least one powder room or bathroom, at the option of the purchaser, on the primary entry level of a visitable residential dwelling which complies with the requirements of CBC Chapter 11A.

2. Clear space in the bathroom or powder room that is either:

a. Consistent with the requirements of CBC Chapter 11A; or

b. Outside of the swing of the door and either a forty-eight (48) inch circle, forty-eight (48) inches by sixty (60) inches or a sixty-inch diameter circle, at the option of the purchaser.

3. A bathtub or shower meeting the requirements of ANSI A117.1

4. Either of the following:

a. Grab bar reinforcement consistent with CBC Chapter 11A; or

b. Grab bars installed in a manner consistent with CBC Chapter 11A for the toilet, shower/bath, or lavatory, or any combination thereof, at the option of the purchaser.

5. Faucets and handles not requiring tight grasping, pinching, or twisting of the wrist and consistent with the requirements of CBC Chapter 11A.

6. A lavatory or sink installed consistent with CBC Chapter 11A.

7. A toilet installed consistent with CBC Chapter 11A.

8. Removable cabinets under the lavatory/sink.

9. Where mirrors and towel fixtures are provided in the accessible bathroom or powder room, installation consistent with the requirements of CBC Chapter 11A.

15.92.090 Standards: Kitchen and Facilities.

A. New Construction—Mandatory to Install: The following items for the kitchen and facilities shall be installed: None.

B. New Construction—Mandatory to Offer: If there is a kitchen on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. An accessible route to the kitchen, with a pathway through the kitchen to the stove, oven, or combination stove-oven consistent with the requirements of CBC Chapter 11A.

2. One or more of the following, at the purchaser's option:

a. At least a forty-eight inch by sixty-inch clear space in front of a stove at the base of a U-shaped kitchen;

b. At least a thirty-inch by forty-eight-inch clear space in front of the sink (counting open access underneath, if available);

c. At least one eighteen-inch wide breadboard and/or at least eighteen (18) inches in counter space at a thirty-four-inch height, or any combination thereof, at the option of the purchaser.

3. Sink controls consistent with CBC Chapter 11A.

4. Adjustable sink and/or removable under-sink cabinets consistent with Chapter 11A.

5. Hood fan controls at light switch level or lower level.

15.92.100 Standards: Common Use Room.

A. New Construction—Mandatory to Install: The following items for common use room shall be installed: None.

B. New Construction—Mandatory to Offer: The following options for the common use room on the primary entry level shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. At least one common use room, such as a dining room or living room, on the accessible route. Sunken or raised areas not exceeding fifty percent (50%) of the area of the room's floor space shall be permitted as an option of the purchaser in a common use room on the accessible route when an accessible route connects a usable portion of the common use room to the accessible bathroom or powder room and the accessible exterior entrance door.

2. No sunken areas in a common use room on an accessible route.

3. Standards related to access to and flatness of any other common area room on the primary entry level.

15.92.110 Standards: Bedroom.

A. New Construction—Mandatory to Install: The following items for bedrooms shall be installed: None.

B. New Construction—Mandatory to Offer: If there is a bedroom on the primary entry level, the following options shall be offered and, if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. At least one bedroom on the accessible route of travel with all components meeting the requirements of Section 15.92.130. A closet shall have at least a thirty-two-inch net opening and adjustable closet rods and shelving. A family room or den may satisfy this bedroom requirement if a sleeping structure (such as a bed, futon, hide-away, or Murphy bed) can be placed in the room and if the room complies with provisions for emergency escape and rescue and smoke alarms in the California Building Code.

15.92.120 Standards: Miscellaneous Areas.

A. New Construction—Mandatory to Install: The following items for miscellaneous areas shall be installed: None.

B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. If on the primary entry level, miscellaneous areas or facilities (such as a patio or yard, laundry room, or storage area) for the dwelling must have an accessible route to and from the accessible entrance, either through the dwelling unit or around the dwelling unit.

15.92.130 Standards: General Components.

A. New Construction—Mandatory to Install: The following general component items shall be installed: None

B. New Construction—Mandatory to Offer: The following options shall be offered, and if accepted, installed at the request and cost of the purchaser, if requested when installation is consistent with Section 15.92.140:

1. Rocker light switches and controls installed pursuant to either of the following:

a. In all rooms required to be accessible and on the accessible route.

b. Throughout the balance of the residential dwelling unit.

2. On an accessible route in an interior room or hallway, interior doors or openings for rooms and routes of travel required to be accessible consistent with CBC Chapter 11A.

EXCEPTIONS: A thirty-four-inch clear doorway width may be requested from a hallway with a thirty-nine-inch width, and a thirty-six-inch clear doorway width may be requested from a hallway with a thirty-six-inch width.

3. The width of the level area on the side toward which an accessible door swings consistent with CBC Chapter 11A.

4. If the Community Development Director and Building Official determine that the accessible route and doorway width options prescribed by Chapter 11A are not feasible and that a less wide accessible route is necessary, a functional alternative to ensure that all entries into rooms required to be accessible may be approved by the Community Development Director and Building Official if it meets at least one of the following requirements and if the hallway is not less than thirty-six (36) inches in width:

a. The entry door to the room must be at the end of a hallway or passageway, or open directly from another room on an accessible route of travel, so that no turn of ninety (90) degrees or more is necessary to enter the room.

b. The hallway wall opposite the room must be inset enough to allow an area of at least eight (8) inches wide with at least a sixty-inch run centered on the center of the entry door opening [e.g., eight-inch by sixty-inch notch or alcove.]

c. The hallway wall on the same side as the room must be inset enough to allow an area of at least eight (8) inches wide with at least a sixty-inch run centered on the center of the entry door opening [e.g., an eight-inch by sixty-inch notch or alcove.]

d. The hallway wall directly opposite the room door must open to another room with at least a sixty-inch opening on a level with the accessible passageway or hallway.

NOTE: Doors or openings to the rooms required to be accessible may be wider and the notch or alcove smaller if equivalent access is not impeded. In addition, for a doorway at the end of a hallway or in other circumstances, the notch or alcove need not be centered on the doorway if equivalent access is not impeded.

5. Hand-activated door hardware complying with CBC Chapter 11A.

6. Flooring throughout the residential dwelling unit consistent with CBC Chapter 11A.

7. The installation of all receptacle outlets, lighting controls and environmental controls throughout the balance of the residential dwelling unit must comply with CBC Chapter 11A or applicable provisions of the California Electrical Code.

8. Standards pertaining to residential structures from ANSI A117.1 may be used throughout this chapter when CBC Chapter 11A does not contain specific standards or when the ANSI Standards are equivalent to the Chapter 11A standards.

9. Conduit for the future wiring of assistive technologies in all exterior walls consistent with the National Electrical Code.

10. Outlets at the bottom and top of any stairs to facilitate the use of a chair lift.

15.92.140 Standards: New Construction or Substantial Rehabilitation—Permissive Options.

A. The developer or builder of a visitable residential dwelling must offer an opportunity to select any of the features listed in this chapter to a prospective purchaser of a visitable residential dwelling prior to the sale of the dwelling.

B. The developer or builder of a visitable residential dwelling shall construct or install any requested features identified in this chapter unless it would result in an unreasonable delay in the construction or significant unreimbursable costs to the developer or builder, as verified and determined by the Community Development Director and the Building Official.

C. The developer or builder of a visitable residential dwelling, at his or her option, may offer or utilize standards for structural or design features, components or appliances and facilities, including but not limited ANSI Standards, which meet or exceed Chapter 11A and which offer greater availability, access or usability, and these are deemed to be in compliance with this chapter, as determined by the Community Development Director and the Building Official.

D. The City may develop a means of providing public certification as to any residential dwelling unit's compliance with this chapter. No such certification shall be affixed to the residential dwelling unit or the property on which it is located without the authorization of the owner or renter.

15.92.150 Enforcement.

A. It is unlawful for any person or entity to fail to comply with the requirements of this chapter.

B. The City may prescribe administrative, civil, or criminal penalties or consequences, or any combination thereof, for violations of this chapter, which are consistent with those applicable for what it deems comparable municipal provisions. These may include, but are not limited to, enforcement provisions of the State Housing Law of the California Health and Safety Code §§17910 et seq.; injunctive relief or civil penalties; and requiring compliance prior to issuance of a final inspection report or certificate of occupancy.

C. Remedies under this section are in addition to and do not supersede or limit any and all other remedies, civil, criminal, or administrative. The remedies provided herein shall be cumulative and not exclusive.

D. Whenever the Building Official or designee re-inspects or otherwise takes any enforcement action against a residential dwelling unit which is governed by this chapter to determine compliance with this chapter, the Building Official may assess fees against the owner to recover the costs to the City and/or County Building Inspection Department according to an established fee schedule. The assessment and collection of these fees shall not preclude the imposition of any administrative or judicial penalty or fine for violations of this chapter or applicable state laws or regulations.

15.92.160 Severability.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Clayton hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

15.92.170 Effective date.

This ordinance shall take effect and will be enforced thirty (30) days after its adoption, provided that a copy of the ordinance has been filed with the State of California Department of Housing and Community Development in accordance with Health and Safety Code § 17959(b)(2).

(Ord. 445, 2013)

## Chapter 15.94 SOLAR ENERGY SYSTEMS

Section:

15.94.010 City Building Permit Required.

A. A City building permit is required to install a solar energy system. "Solar energy system" has the meaning set forth in Civil Code Section 801.5.

B. An application for a City building permit to install a solar energy system shall be processed in accordance with Government Code § 65850.5.

15.94.020 Review of Applications.

The following expedited, streamlined permitting process applies to application for a building permit to install a small residential rooftop solar energy system:

A. Application. The City will make the following available on the City's website: the City's standard building permit application form; and the City's standard small residential rooftop solar energy system plan form and checklist, which will substantially conform to the plan form and checklist in the most current version of the California Solar Permitting Guidebook published by the Governor's Office of Planning and Research. The checklist will include all requirements that a small residential rooftop solar energy system must meet to be eligible for review and approval under this section. An application to install a small residential rooftop solar energy system may be submitted electronically.

B. Application Review. An application will be deemed complete if the Building Official determines that the application includes all of the information and documents required by the standard application form, the standard plan form, and the standard checklist. If an application is deemed incomplete, the Building Official will notify the applicant in writing of the additional information needed to complete the application. After an application is deemed complete, the Building Official will perform an expedited review of the application and all submittals in substantial conformance with the timeline set forth in the then-current edition of the California Solar Permitting Guidebook published by the Governor's Office of Planning and Research.

C. Permit issuance. A City building permit will be issued following the Building Official's approval of an application for a small residential rooftop solar energy system and after all required fees have been paid. If the application was submitted electronically, the City permit may be issued electronically.

D. Inspection and authorization to operate. As soon as practicable after the applicant notifies the Building Official that a small residential rooftop solar permit energy system has been installed under a City building permit, the Building Official will inspect the system to verify compliance with the building permit. If the Building Official determines that a system was not installed in compliance with a building permit, the Building Official will notify the permitee of the actions needed to comply with the building permit and will conduct additional inspections as necessary. No small residential rooftop solar energy system may be operated unless the Building Official verifies in writing that is complies with the building permit.

E. For purposes of this section, a "small residential rooftop solar energy system" means all of the following:

1. The solar energy system is no larger than ten (10) kilowatts alternating current nameplate rating, or thirty (30) kilowatts thermal; and

2. The solar energy system, including its installation, conforms to all applicable fire, structural, electrical and other building codes as adopted or amended by the City in Title 15 of the Clayton Municipal Code and applicable requirements of Civil Code Section 714; and

3. The solar energy system is located on a rooftop of a detached single-family dwelling or a duplex; and

4. The solar panel or module array, when installed on a rooftop, does not exceed the building height limit of the zoning district in which it is located.

15.94.030 Requirements Cumulative.

The requirements of this chapter are in addition to any other applicable requirements of this Code, and any requirements of a utility provider, that must be satisfied before a solar energy system may be installed or operated.

(Ord. 459, 2015)

## Chapter 15.96 ELECTRIC VEHICLE CHARGING STATIONS

Sections:

15.96.010 Purpose.

The purpose of this ordinance is to create an expedited and streamlined electric vehicle charging station permitting process that complies with Government Code Section 65850.7 to achieve the timely and cost-effective installation of electric vehicle charging stations.

(Ord. 477, § 2(Exh. A), 2017)

15.96.020 Definitions.

A. "Electronic Submittal" means the utilization of one or more of the following: email, the Internet, or facsimile.

B. "Electric Vehicle Charging Station" or "charging station" means any level of electric vehicle supply equipment station this is designed and built in compliance with Article 625 of the California Electric Code, as it reads on the effective date of this section, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

(Ord. 477, § 2(Exh. A), 2017)

15.96.030 Forms and Applications.

A. A City building permit is required to install an electric vehicle charging station.

B. All documents required for the submission of an expedited electrical vehicle charging station application shall be made available on the City website, which includes the City's standard building permit application form and the City's standard electric vehicle charging station checklist.

C. The Building Official shall adopt and maintain a standard electrical vehicle charging station checklist that substantially conforms to the checklist in the most current version of the "Plug-In Electrical Vehicle Infrastructure Permitting Checklist" of the "Zero Emission Vehicles in California: Community Readiness Guidebook" published by the Office of Planning and Research. The City may adopt an ordinance that substantially modifies the checklist and standards found in the guidebook due to unique climactic, geological, seismological, or topographical conditions. The checklist will include all requirements that an electric vehicle charging station must meet to be eligible for review and approval under this section.

D. An application to install an electric vehicle charging station may be submitted electronically.

(Ord. 477, § 2(Exh. A), 2017)

15.96.040 Review of Applications.

A. The Building Official shall establish and implement an administrative review process to expedite approval of electric vehicle charging stations. An application will be deemed complete if the Building Official determines the application includes all of the information and documents required by the standard application form and the electrical vehicle charging station checklist, and is consistent with all applicable laws and health and safety standards.

B. If an application is deemed incomplete, the Building Official will notify the applicant in writing of the deficiencies and any additional information or documentation needed to complete the application. After an application is deemed complete, the Building Official will perform an expedited review of the application and all submittals.

C. Permit Issuance. A City building permit will be issued following the Building Official's approval of an application for an electric vehicle charging station and after all required fees have been paid. If the application was submitted electronically, the permit may be issued electronically.

D. Inspection and Authorization to Operate. As soon as practical after the applicant notifies the Building Official that an electric vehicle charging station has been installed, the Building Official will inspect the system to verify compliance with the building permit. If the Building Official determines that a system was not installed in compliance with a building permit, the Building Official will notify the permittee of the actions needed to comply with the building permit and will conduct additional inspections as necessary. No electric vehicle charging station may be operated unless the Building Official verifies in writing that it complies with the building permit.

(Ord. 477, § 2(Exh. A), 2017)

15.96.050 Electric Vehicle Charging Station Installation Requirements.

A. Electric vehicle charging station equipment shall meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and rules of the Public Utilities Commission regarding safety and reliability.

B. Installation of electric vehicle charging stations and associated wiring, bonding, disconnecting means and overcurrent protective devices shall meet the requirements of Article 625 and all applicable provisions of the California Electrical Code.

C. Installation of electric vehicle charging stations shall be incorporated into the load calculations of all new or existing electrical services and shall meet the requirements of the California Electrical Code. Electric vehicle charging equipment shall be considered a continuous load.

D. Anchorage of either floor-mounted or wall-mounted electric vehicle charging stations shall meet the requirements of the California Building or Residential Code, as applicable per occupancy, and the provisions of the manufacturer's installation instructions. Mounting of charging stations shall not adversely affect building elements.

(Ord. 477, § 2(Exh. A), 2017)

15.96.060 Requirements Cumulative.

The requirements of this chapter are in addition to any other applicable requirements of this Code, and any requirements of a utility provider, that must be satisfied before an electric vehicle charging station may be installed or operated.

(Ord. 477, § 2(Exh. A), 2017)

1. Editor's note(s)—Ord. 474, § 3(Exh. A), adopted April 4, 2017, amended Ch. 15.02, §§ 15.02.001—15.02.003, in its entirety, in effect repealing and reenacting said chapter, §§ 15.02.001—15.02.004, as set out herein. Former Ch. 15.02 pertained to the 2013 California Building Code with Amendments and derived from Ord. 452, adopted in 2014. [↑](#footnote-ref-1)
2. Editor's note(s)—Ord. 474, § 3(Exh. A), adopted April 4, 2017, amended Ch. 15.03, §§ 15.03.602—15.03.612, in its entirety, in effect repealing and reenacting said chapter, §§ 15.03.002—15.03.612, as set out herein. Former Ch. 15.03 pertained to the 2013 California Electrical Code with Amendments and derived from Ord. 452, adopted in 2014. [↑](#footnote-ref-2)
3. Editor's note(s)—Ord. 474, § 3(Exh. A), adopted April 4, 2017, amended Ch. 15.04, § 15.04.002, in its entirety, in effect repealing and reenacting said chapter as set out herein. Former Ch. 15.04 pertained to the 2013 California Plumbing Code with Amendments and derived from Ord. 452, adopted in 2014. [↑](#footnote-ref-3)
4. Editor's note(s)—Ord. 474, § 3(Exh. A), adopted April 4, 2017, amended Ch. 15.05, § 15.05.002, in its entirety, in effect repealing and reenacting said chapter as set out herein. Former Ch. 15.05 pertained to the 2013 California Mechanical Code with Amendments and derived from Ord. 452, adopted in 2014. [↑](#footnote-ref-4)
5. Editor's note(s)—Ord. 475, § 2(Exh. A), adopted Aug. 1, 2017, amended in full Ch. 15.08, §§ 15.08.010—15.08.110, in effect repealing and reenacting said chapter as set out herein. Former Ch. 15.08 pertained to similar subject matter and derived from Ord. 328, § 2, adopted in 1997. [↑](#footnote-ref-5)
6. Editor's note(s)—Ord. No. 490, § 3(Exh. A), adopted Aug. 4, 2020, amended and restated ch. 15.09 in its entirety, as set out herein. Formerly, ch. 15.09 pertained to similar subject matter and derived from Ord. 478, § 3(Exh. A), adopted Oct. 17, 2017. [↑](#footnote-ref-6)
7. a. Performance Levels for Occupancy Category III shall be taken as halfway between the performance levels specified for Occupancy Category II and Occupancy Category IV. [↑](#footnote-ref-7)
8. Editor's note(s)—Ord. 474, § 3(Exh. A), adopted April 4, 2017, amended Ch. 15.80 in its entirety, §§ 15.80.010—15.80.080, in effect repealing and reenacting said chapter, §§ 15.80.010—15.80.080, as set out herein. Former Ch. 15.80 pertained to similar subject matter and derived from Ord. 389, § 2, adopted Dec. 6, 2005. [↑](#footnote-ref-8)