# Title 15  BUILDINGS AND CONSTRUCTION

**Chapters:**

## Chapter 15.04 GENERAL BUILDING PROVISIONS

**Sections:**

### Article I. Building Permits

15.04.010 Nonliability of city, officers or employees.

The provisions of this title relating to the issuance of permits and certificates of inspection as hereinafter provided for shall not impose any liability or responsibility for personal injuries, loss of life or property damage upon the city, its officers, or employees, by reason of the issuance of any such permit or certificate of inspection, by reason of the manner in which the work authorized by any such permit is performed, or by reason of the type of materials used in performing such work.

(Prior code § 9-1.101)

15.04.020 Nonviolation.

The issuance or granting of any permit hereinafter provided for in this title shall not be deemed or construed to be a permit for, or approval of any violation of the provisions of this title. No permit purporting to give authority to violate, or cancel the provisions of this title shall be valid.

(Prior code § 9-1.102)

15.04.030 Public nuisance.

Any improvement or installation made in violation of the terms and provisions of this title is determined to be and shall constitute a public nuisance and the maintenance and operation of such improvement or installation may be abated in a civil action instituted by the city attorney.

(Prior code § 9-1.103)

15.04.040 Building permits—Improvement of streets.

Prior to the issuance of a building permit for the construction of a building in certain areas below mentioned, the city engineer shall certify that the proposed site is adjacent to and served by streets that are improved to city standards and adequate for the proposed use of the structure for which the permit is sought. In the event that such streets do not meet city standards, the permit may be issued upon the execution of an agreement to dedicate right-of-way and install one-half of a typical city standard street, including sidewalk, transitions, etc., fronting the proposed site in a manner satisfactory to the city. In the case of construction of a new single-family residence or moving of a house onto the proposed site in a R-1 zone, R-E zone or A-1 zone with parcel size being less than one acre, such agreement shall be recorded with the county recorder to secure the future construction of the improvements. In the case of construction of any other building, or an addition of twenty-five (25) percent or more of the square footage of an existing building, in any other zone except R-1, R-E, F-1, A-1, A-2 and A-3, such agreement shall be secured by a bond or other security satisfactory to the city in the amount sufficient to cover the estimated cost of such improvements. The city engineer may recommend to the city council that the bond or other security be waived when in his/her opinion circumstances make such waiver desirable, and that the agreement be recorded with the county recorder to secure the future construction of the improvements.

In cases where there are extraordinary conditions affecting the property, the planning commission shall have the right to and may modify the strict application of this section. In such cases the applicant shall request a public hearing before the planning commission, and if, after such public hearing, the commission finds that by following the strict application of this section unreasonable restrictions, and/or unnecessary and extraordinary hardship or damage will be imposed upon the applicant, then the provisions hereof may be modified, in harmony with the general purpose and objectives hereof and in a manner that will protect the public health, safety and welfare of the people of the city.

(Prior code § 9-1.104)

15.04.050 Building permits—Parking lots.

Plans submitted for a building permit to construct a building which includes a parking area(s) shall be accompanied with a design of the parking facilities, drawn to scale. Such plans shall include all parking spaces and maneuvering area, curb cuts, landscaping, and other improvements. The building permit shall not be issued until such parking plans have been approved by the planning director, and no final completion inspection shall be approved until the parking spaces and required landscaping are installed.

(Prior code § 9-1.105)

### Article II. Title, Purpose, Scope and General Provisions

15.04.060 Reserved.

Editor's note(s)—Ord. No. 334, § 4, adopted July 20, 2010, repealed § 15.04.060, entitled, "Title" which derived from: Prior code § 9-1.201; Ord. No. 289, adopted Dec. 7, 2004; and Ord. No. 309, § 1, adopted Jan. 8, 2008.

15.04.070 Reserved.

Editor's note(s)—Ord. No. 334, § 4, adopted July 20, 2010, repealed § 15.04.070, entitled, "Purpose" which derived from Prior code § 9-1.202.

15.04.080 Scope.

The provisions of this code and of the construction codes referred to in this chapter shall apply to the construction, alteration, moving, demolition, repair and use of any building or structure, and the equipment therein, in the city. Such provisions do not apply to buildings or structures located primarily in a public way, public utility towers and poles, hydraulic flood control and drainage structures and similar works and equipment.

(Prior code § 9-1.203)

15.04.090 Conflicting provisions.

Where a conflict exists between provisions of this code, the construction codes, or other applicable laws, rules or regulations, that provision shall govern which is more restrictive, and which imposes a higher standard of safety.

(Prior code § 9-1.204)

15.04.100 Violations and penalties.

It is unlawful for any person, firm or corporation to erect, install, construct, enlarge, alter, repair, move, improve, remove, replace, convert, equip, use, occupy, maintain or demolish any building, structure or equipment therein regulated by this code or the construction codes, or cause the same to be done, contrary to or in conflict with or in violation of any of the provisions of this code or codes.

Any person, firm or corporation violating any of the provisions of this code or the construction codes shall be deemed guilty of a misdemeanor as provided in Title 1 of the Municipal Code of the City of East Palo Alto.

Each and every day the violation remains shall be considered a separate offense.

(Prior code § 9-1.206; Ord. No. 289, 12-7-2004)

15.04.110 Reserved.

Editor's note(s)—Ord. No. 334, § 4, adopted July 20, 2010, repealed § 15.04.110, entitled, "Alternative materials, methods and standards" which derived from: Prior code § 9-1.207; and Ord. No. 289, adopted Dec. 7, 2004.

15.04.120 Tests.

Whenever there is insufficient evidence of compliance with this code or the construction codes, or evidence that any material or construction does not conform with their requirements, the building official may require tests as proof of compliance to be made at the expense of the owner, supplier or manufacturer, or their agents.

Test methods shall be as specified by this code or the construction codes or by nationally recognized test standards. If there are not recognized and accepted test methods for the proposed alternative material, method or standard, the building official shall determine the test procedures.

All tests shall be made by an approved agency as determined by the building official. Reports of such tests shall be retained for a period of not less than two years.

(Prior code § 9-1.208; Ord. No. 289, 12-7-2004)

15.04.125 Hours of construction activity.

A. Hours of Construction Activity.

|  |  |
| --- | --- |
| Monday—Friday | 7:00 a.m. to 6:00 p.m. |
| Saturdays | 9:00 a.m. to 5:00 p.m. |
| Sundays | No work allowed |

B. Exceptions.

1. Operations which do not generate audible noise levels outside of the structure.

2. An emergency situation exists where the construction is necessary to correct an unsafe or dangerous condition resulting in obvious and eminent peril to public health and safety.

3. Hours of operation specified in the conditions of approval, for the specified project, as approved by the planning commission.

4. Projects which are not subject to the authority of the building official of the city.

Violation of these requirements may be subject to review and modification of the building permit by the building official. Modifications may range from restrictions on working hours to stop work notices issued.

C. Penalties. Violation of this code is considered as a misdemeanor and penalties are applied in accordance with provisions of applicable city ordinances.

(Ord. 275, 2003; Ord. No. 426, 12-17-2019)

### Article III. Organization and Enforcement

15.04.130 Building official.

The term "building official" refers to the building department, or division, supervisor, and his/her designated representatives. Whenever this code or the building and housing codes uses the terms "administrative authority," "responsible official," "chief inspector," "code enforcement officer," or "building inspector," they shall be construed to mean "building official" as defined in this chapter.

(Prior code § 9-1.301; Ord. No. 289, 12-7-2004)

15.04.140 Powers and duties of the building official.

The responsibilities of the building official are as follows:

A. The building official is authorized and directed to enforce all the provisions of this code and the construction codes within the city.

B. Whenever necessary to make an inspection to enforce any of the provisions of this code or the construction codes, or whenever the building official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises any condition which makes such building or premises unsafe, dangerous or hazardous, the building official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the building official; provided, that if such building or premises is occupied, he/she shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he/she shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the building official or his authorized representative shall have recourse to every remedy provided by law to secure entry.

No owner or occupant or any other person having charge, care or control of any building or premises shall fail or neglect, after proper demand is made as provided in this chapter, promptly to permit entry therein by the building official or his/her authorized representative for the purpose of inspection and examination pursuant to this code or the construction codes. Any person violating this section shall be guilty of a misdemeanor.

C. Whenever any building work or installation work is being done contrary to the provisions of this code and the construction codes, the building official may order the work stopped by notice in writing served on any persons engaged in the work or any person causing such work to be done, and any such persons shall forthwith stop such work until authorized by the building official to proceed therewith.

If the person or persons to whom the stop work order is directed fails to comply therewith and continues construction in violation of adopted building codes, the building official shall issue a citation (violation citation) for violation of the stop work order, demanding payment of a fine of ten (10) times the amount of the building permit required to remedy the violation, but in no case less than five hundred dollars ($500.00); such fee to be set hereinafter by the adoption of the fee resolution of the city; and demand in writing immediate cessation of work pursuant to the stop work order.

If within ten (10) days of issuance of the stop work order the person or persons to whom the stop work order is directed fails to comply therewith, the building official shall issue a citation (first citation) for violation of the stop work order, demanding payment of a fine of two times the amount of the building permit required to remedy the violation, but in no case less than two hundred fifty dollars ($250.00); such fee to be set hereinafter by the adoption of the fee resolution of the city, and demand in writing immediate cessation of work pursuant to the stop work order.

If within thirty (30) days of issuance of the first citation for violation of the stop work order the person or persons to whom the stop work order is directed fails to comply therewith, the building official shall issue a citation (second citation) for violation of the stop work order and the first citation, demanding payment of a fine of ten (10) times the amount of the building permit required to remedy the violation, but in no case less than five hundred dollars ($500.00); such fee to be set hereinafter by the adoption of the fee resolution of the city; and demand in writing immediate cessation of work pursuant to the stop work order.

If within thirty (30) days of issuance of the second citation for violation of the stop work order the person or persons to whom the stop work order is directed fails to comply therewith, the building official shall refer the matter to the city attorney to seek appropriate civil remedies to ensure compliance and request that the city attorney prosecute such person for a misdemeanor for violation of this code or the construction codes.

Compliance with subsection C of this section shall require the person or persons to whom the stop work order is directed to submit all permit applications, pay all required fees and submit all information required to accompany the permit application within the time periods specified for remedy in this chapter, and to diligently process such applications to their final administrative remedy. Failure to receive city approvals shall require the person or persons to whom the stop work order is directed to tear down or remove the structure or condition in violation of local building codes within thirty (30) days of the final determination of the administrative decision by the city and to return the site to a safe condition in compliance with all local building and safety codes.

D. Whenever any building or structure or equipment therein regulated by this code and the construction codes is being used contrary to the provisions thereof, the building official may order such use discontinued and the structure, or portion thereof, vacated by notice served on any person responsible for such use. Such person shall discontinue the use within ten (10) days after receipt of such notice or cause the structure, or portion thereof, to comply with the requirements of the codes.

E. The building official or his authorized representative shall have the authority to disconnect or order discontinuance of any utility service or energy supply to buildings, structures or equipment therein regulated by this code and the construction codes in cases of emergency or where necessary for safety to life and property. Such utility service shall be discontinued until the equipment, appliances, devices, piping or wiring found to be defective or defectively installed are removed or restored to a safe condition.

F. Neither the city, nor the building official shall be liable for any damages or injuries accruing to persons or property as a result of any act or omission by the building official in the discharge of his/her duties under this code or the construction codes.

G. The building official may request, and shall receive so far as may be necessary in the discharge of his duties, the assistance and cooperation of other officials and officers of public and private utilities.

H. The building official shall keep a permanent, accurate account of all fees and other moneys collected and received under this code and the construction codes, the names of the persons upon whose account the same were paid, the date and amount thereof, together with the location of the building or premises to which they relate.

(Ord. 184 § 1, 1995: Ord. 161 § 1, 1993: prior code § 9-1.302; Ord. No. 289, 12-7-2004)

15.04.150 Existing buildings.

The following provisions shall govern additions, alterations and repairs to, and changes of use or occupancy in, existing buildings:

A. For purposes of this section, the term "building or structure" means and includes any heating, cooling, ventilating, or similar mechanical equipment or system, any electrical equipment or system, and any plumbing equipment or system governed by the construction codes.

B. Any addition, alteration or repair to, or change of use of, or occupancy in a building or structure shall comply with the provisions of new buildings and structures as set out in the construction codes, except as may otherwise be provided in this section and the California Existing Building Code, latest adopted edition.

C. When additions, alterations or repairs within any twelve-month period exceed fifty (50) percent of the value of an existing building or structure, such building or structure shall be made in its entirety to conform with the requirements for new buildings or structures. However, repairs exceeding fifty (50) percent of the value of a building or structure which is connected to an individual sewage disposal system may be made within a twelve-month period and such building or structure shall not be required to conform in its entirety with the individual sewage disposal system requirements for new buildings or structures if all the following circumstances are present:

1. The building or structure is a single-family residence;

2. The repairs will not change the number and size of rooms in the building or structure;

3. The repairs are necessitated by accidental damage to the building or structure including, but not limited to, fire, earthquake or flood;

4. The owner of record at the time of the accident applies to the city for a building permit authorizing such repairs within one year of the accident;

5. The health officer determines that conformance with the individual sewage disposal system requirements for new buildings is physically impossible or practically impossible because of the prohibitive cost of such conformance;

6. The owner constructs or maintains a sewage disposal system which the health officer determines:

a. Complies as closely as practicably possible with the individual sewage disposal requirements for new buildings;

b. Will last the reasonable life of the repaired building or structure; and

c. Will not constitute a public or private nuisance.

A homeowner who is dissatisfied with a determination of the health officer pursuant to this section may appeal to the city council within thirty (30) days of written notification of the health officer's determination.

D. Additions, alterations and repairs exceeding twenty-five (25) percent but not exceeding fifty (50) percent of the value of the building or structure and complying with the requirements for new buildings or structures may be made to such building or structure within any twelve-month period without making the entire building or structure comply. The new construction shall conform with the requirements of the construction codes for a new building of like area, height, use and occupancy.

E. Structural additions, alterations and repairs to any portion of an existing building or structure within any twelve-month period, not exceeding twenty-five (25) percent of the value of the building or structure, shall comply with all of the requirements for new buildings or structures; except that such structural additions, alterations or repairs, when determined by the building inspector to be minor, may be made with the same material of which the building or structure is constructed. Such building or structure, including new additions, shall not exceed the limiting criteria for new buildings or structures.

F. Alterations or repairs, not exceeding twenty-five (25) percent of the value of an existing building or structure, which are nonstructural and do not affect any member or part of the building or structure and which meet fire resistance standards, may be made with the same materials of which the building or structure is constructed.

This subsection shall not apply to the installation or replacement of glass in hazardous locations. Such installation or replacement shall meet the standards for new buildings or structures.

G. Not more than twenty-five (25) percent of the roof covering of any building or structure shall be replaced in any twelve-month period unless the new roof covering is made to conform with the requirements for new buildings or structures.

H. Buildings or structures in existence at the time of the passage of this code may continue in their existing occupancy, if such use or occupancy was legal at the time of passage, provided such continued use is not dangerous to life.

No change in the character of occupancy or use of a building or structure shall be made without a certificate of occupancy. The building inspector may issue a certificate of occupancy without certifying that the building complies with all of the provisions of these codes so long as he/she finds to do so will not endanger life.

I. All buildings or structures, both existing and new, and all parts thereof shall be maintained in a safe and sanitary condition. All devices or safeguards which are required by the construction codes in a building or structure when erected, altered or repaired, shall be maintained in good working order. The owner or his designated agent shall be responsible for the maintenance of buildings and structures.

J. Any building or structure moved into those areas of the city within the jurisdiction of the building inspector shall meet the standards required by the construction codes for new buildings and structures.

(Prior code § 9-1.303; Ord. No. 426, 12-17-2019)

### Article IV. Permits and Fees

15.04.160 Permit requirement.

No person, firm or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure or make any installation, alteration or improvement to the electrical, plumbing or mechanical system in a building, or cause the same to be done, without first obtaining the prescribed permits for each such building or structure from the building inspector.

(Prior code § 9-1.401)

15.04.170 Application procedure.

To obtain a permit the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

A. Identify and describe the work to be covered by the permit for which application is made;

B. Describe the land on which the proposed work is to be done, by lot, block, and tract, and house and street address, or similar description that will readily identify and designate with reasonable certainty the proposed building or work;

C. Indicate the use or occupancy for which the proposed work is intended;

D. Be signed by the permittee, or his/her authorized agent, together with evidence as required to indicate such authority;

E. Be accompanied by plans, diagrams, computations, specifications, and other data as required;

F. Give such other information as reasonably may be required by the building inspector.

(Prior code § 9-1.402)

15.04.180 Plans and other data.

Plans and other data may be required by the building inspector in accordance with the following provisions:

A. For enforcement of any provisions of this code or construction codes, plans, diagrams, and other data shall be submitted with each application for a permit, as determined by the building inspector.

B. The building inspector may require the plans and other data to be prepared and designed by an engineer or architect licensed by the state to practice as such.

C. Plans and other data shall be drawn to scale upon substantial paper and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that the building, structure or system will conform to the provisions of this code and the construction codes and all relevant laws, ordinances, rules and regulations. The first sheet of each set of building plans shall give the street address of the work and the name and address of the owner or his lessee and person who prepared them. Building plans shall also include a plot showing the location of the property. In lieu of detailed specifications, the building inspector may approve references on the plans to specific sections or parts of the codes or the ordinances or laws.

D. Plans or specifications for the installation of environmental, heating or cooling systems, absorption systems, ventilation systems and hoods shall show the following:

1. Layout for each floor with dimensions of all working spaces and legend of all symbols used;

2. Location, size and materials of all piping;

3. Location, size and materials of all air ducts, air inlets and air outlets;

4. Location of all fans, warm-air furnaces, boilers, absorption units, refrigerant compressors, and condensers and the weight of all pieces of such equipment weighing two hundred (200) pounds or more;

5. Rated capacity or horsepower of all boilers, warm-air furnaces, heat exchangers, blower fans, refrigerant compressors and absorption units;

6. Location, size and material of all combustion products, vents and chimneys;

7. Location, size and material of all combustion air openings and ducts;

8. Location of all air dampers and fire shutters.

E. Computations, stress diagrams, and other data sufficient to show the correctness of the plans, shall be submitted when required by the building inspector. Plans for buildings more than two stories in height of other than conventional construction shall indicate how required structural integrity and fire resistance will be maintained where a penetration will be made for electrical, mechanical, plumbing, and communications, conduits, pipes, and similar systems.

F. One set of approved plans, computations and data shall be retained by the building inspector for a period of not less than ninety (90) days from the date of completion of the work covered therein; and one set of approved plans and data shall be returned to the applicant, which set shall be kept on such building or work at all times during which the work authorized thereby is in progress.

G. When authorized by the building inspector, plans or other data need not be submitted for the following:

1. One-story buildings of conventional woodstud construction with an area not exceeding six hundred (600) square feet;

2. Work which, in the determination of the building inspector is minor in nature.

H. The building inspector need not accept plans or other data which are not legible and complete or do not conform with the provisions of this section.

(Prior code § 9-1.403; Ord. No. 426, 12-17-2019)

15.04.190 Effect of issuance—Validity.

The issuance or granting of any permit or approval of plans or other data shall not be construed to be a permit for, nor an approval of, any violation of any of the provisions of this code or the construction codes.

The issuance of a permit based upon plans and other data shall not prevent the building inspector from thereafter requiring the correction of errors in such plans and data or from preventing building operations being carried on thereunder when such plans or data are in violation of this code, of the construction codes, or of any other applicable statute, ordinance, rule or regulation.

(Prior code § 9-1.404)

15.04.200 Expiration.

Every permit issued by the building inspector under the provisions of this code shall expire and become null and void if the building or work authorized by such permit is not commenced within three hundred and sixty-five (365) days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned. Before such work can be recommended, a new permit shall be first obtained therefor, the fee for which shall be one-half the amount required for a new permit for such work, provided that no changes have been made or will be made in original plans or scope of such work; and provided, further, that such suspension or abandonment has not exceeded one year. The building inspector may, in his discretion, waive the operation of this section where delay in commencing work or the suspension of work has been caused by acts of God.

A permittee may request an extension of a permit. The building inspector may grant, in writing, one or more extensions of time for periods of not more than one hundred eighty (180) days per extension. The permittee shall request and extension pursuant to this subdivision in writing and demonstrate justifiable cause for extension.

(Prior code § 9-1.405; Ord. No. 426, 12-17-2019)

15.04.210 Suspension and revocation.

The building inspector may, in writing, suspend or revoke a permit issued under provisions of this code or the construction codes whenever the permit is issued in error or on the basis of incorrect information supplied, or is in violation of any ordinance or regulation or any of the provisions of the codes.

(Prior code § 9-1.406)

15.04.220 Investigation and penalty fees.

Whenever any construction or work for which a permit is required by this code or the construction codes is started or commenced without prescribed permits having been first obtained, the fees specified therefor shall be doubled, but the payment of such increased fees shall not relieve any persons from fully complying with the requirements of this code or the construction codes in the execution of the work nor for any other penalties prescribed in this title.

(Prior code § 9-1.407)

15.04.230 Reserved.

Editor's note(s)—Ord. No. 334, § 4, adopted July 20, 2010, repealed § 15.04.230, entitled, "Mechanical, electrical and plumbing permits" which derived from Prior code § 9-1.408.

15.04.240 Refund of permit fees.

During the period for which a permit continues in force, the applicant may surrender such permit to the building inspector; and if no work has been performed thereunder, the building inspector shall authorize a refund to such applicant of seventy-five (75) percent of the fee theretofore paid for such permit. The fees refunded shall not include plan check fees.

(Prior code § 9-1.409)

15.04.250 Expiration of applications.

Applications for which no permit is issued within one hundred eighty (180) days following the date of application shall expire at the end of such period, and plans submitted for checking may thereafter be returned to the applicant or destroyed by the building inspector. The building inspector may extend the time for action by the applicant for a period not exceeding an additional one hundred eighty (180) days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented earlier action. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan check fee if an additional plan check effort is required.

(Prior code § 9-1.410)

### Article V. Inspections

15.04.260 Reserved.

Editor's note(s)—Ord. No. 334, § 4, adopted July 20, 2010, repealed § 15.04.260, entitled, "Inspection requirement" which derived from Prior code § 9-1.501.

15.04.270 Reserved.

Editor's note(s)—Ord. No. 334, § 4, adopted July 20, 2010, repealed § 15.04.270, entitled, "Types of inspection" which derived from Prior code § 9-1.502.

15.04.280 Schedule of inspections.

Inspections shall be made as follows:

A. Inspections other than those listed in subsection B of this section shall be made in accordance with the following principles:

1. That portion of any construction, work and equipment intended to be concealed by any permanent portion of the building shall not be concealed until inspected and approved.

2. When any construction, work or equipment is complete, a second or final inspection shall be made.

B. The inspections listed in this article shall be made at the times described:

1. A foundation inspection shall be made after trenches are excavated and forms erected and when all materials for the foundation are delivered on the job. Where concrete from a central mixing plant (commonly termed "transit mixed") is to be used, materials need not be on the job.

2. A frame inspection shall be made after the roof, all framing, fire-blocking and bracing are in place and all pipes, chimneys and vents are complete.

3. A lath and/or wallboard inspection shall be made after all lathing and/or wallboard interior and exterior is in place, but before any plastering is applied or before wallboard joints and fasteners are taped and finished.

4. A final inspection shall be made after construction is completed and the structure is ready for occupancy.

(Prior code § 9-1.503)

15.04.290 Liability for certain expenses incident to inspection.

The building inspector shall not be liable for any expense entailed in the removal or replacement of any material required to allow an inspection.

(Prior code § 9-1.504)

15.04.300 Connection to power supply.

No construction, work and equipment regulated by these codes shall be connected to any energy, fuel or power supply until authorized by the building inspector.

(Prior code § 9-1.505)

15.04.310 Inspection requests.

A. The building inspector, upon notification from the permit holder or his/her agent, shall make appropriate inspections and shall either approve that portion of the construction, work or equipment as complete or shall notify the permit holder or his agent that the same fails to comply with the adopted building codes.

B. The building inspector may require that every request for inspection is to be filed at least one day before such inspection is desired. Such request may be in writing or by telephone at the option of the building inspector.

C. It shall be the duty of the person requesting any inspection to provide access to and means for proper inspection of all work.

(Prior code § 9-1.506; Ord. No. 426, 12-17-2019)

15.04.320 Inspection record card.

Work requiring a building permit shall not be commenced until the permit holder or his agent shall have posted an inspection record card in a conspicuous place on the front of the premises and in such position as to allow the building inspector conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until the building or structure is completed and ready for occupancy.

(Prior code § 9-1.507)

15.04.330 Approval to proceed with construction.

No work shall be done on any part of the building or structure beyond the point indicated in each successive inspection without first obtaining the written approval of the building inspector. Such written approval shall be given only after an inspection shall have been made of each successive step in the construction indicated by each of the inspections required in this article.

(Prior code § 9-1.508)

15.04.340 Final inspection and approval.

There shall be a final inspection and approval on all buildings when completed and ready for occupancy. A final inspection approval may, upon notice, be revoked by the building inspector if he/she finds construction, work or equipment fails in any respect to comply with the requirements of these codes, or that the installation is unsafe, dangerous or a hazard to life or property.

(Prior code § 9-1.509)

15.04.350 Other inspections.

The building inspector may require such other inspections as described in this section:

A. A survey of any lot may be required by the building inspector to verify compliance with approved plans.

B. In addition to the inspections specified above, the building inspector may make or require any other inspections of any construction work to ascertain compliance with the provisions of this code, the construction codes, and other applicable laws enforced by the building department.

(Prior code § 9-1.510)

15.04.360 Reinspections.

The building inspector shall make reinspections as provided in this article and may charge fees therefor as are authorized in this article:

A. Where an inspection has found any work or construction to be incomplete or not to conform with this code and the construction codes, a reinspection is required.

B. To obtain a reinspection the applicant shall file an application therefor in writing upon a form furnished for that purpose and pay the reinspection fee assessed, if any.

C. A reinspection fee may be assessed by the building inspector where the reinspection is made necessary by:

1. A failure to post the permit card properly on the work site;

2. The unavailability to the inspector of the approved plans;

3. A failure to provide access to the inspector on the date for which inspection is requested;

4. Unauthorized deviation from plans;

5. Request for inspection made prior to the time the work to be inspected is complete;

6. A failure to make the corrections called for on previous inspections.

D. Where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

(Prior code § 9-1.511)

15.04.370 Reserved.

Editor's note(s)—Ord. No. 334, § 4, adopted July 20, 2010, repealed § 15.04.370, entitled, "Special inspections" which derived from Prior code § 9-1.512.

### Article VI. Certificate of Occupancy

15.04.380 Requirement of certificate of occupancy.

No building or structure shall be used or occupied and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the building inspector has issued a certificate of occupancy therefor as provided in this article.

(Prior code § 9-1.601)

15.04.390 Issuance of certificate.

After final inspection, when it is found that the building or structure complies with the provisions of this code, the construction codes and other applicable laws, the building inspector shall issue a certificate of occupancy which shall contain the following:

A. The building permit number;

B. The address of the structure;

C. The name and address of the owner or the owner's authorized agent;

D. A description of that portion of the structure for which the certificate is issued;

E. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;

F. The name of the building inspector;

G. The edition of the code under which the permit was issued;

H. The use and occupancy, in accordance with the provisions of Chapter 3;

I. The type of construction as defined in Chapter 6;

J. The design occupant load;

K. If automatic sprinkler system is provided, whether the sprinkler system is required;

L. Any special stipulations and conditions of the building permit.

(Prior code § 9-1.602; Ord. No. 426, 12-17-2019)

15.04.400 Temporary certificate.

A temporary certificate of occupancy may be issued by the building inspector for the use of a portion or portions of a building or structure.

(Prior code § 9-1.603)

15.04.410 Posting.

The certificate of occupancy shall be posted in a conspicuous place on the premises and shall not be removed except by the building inspector. The building inspector shall set a time period during which the temporary certificate of occupancy is valid.

(Prior code § 9-1.604; Ord. No. 426, 12-17-2019)

### Article VII. Standard Specifications for Public Works Construction

15.04.420 Adoption.

Except as may otherwise be provided herein, the provisions of the 2003 edition of the "Standard Specifications for Public Works Construction," prepared and promulgated by the Southern California Chapter of the American Public Works Association and the Southern California Districts of the Associated General Contractors of California, are adopted and applicable to all public works construction undertaken after the effective date of the ordinance codified in this section.

(Ord. 276 § 1, 2003)

## Chapter 15.08 BUILDING CODE[[1]](#footnote-1)

15.08 Title.

This chapter shall be known and may be cited and referred to as the "Building Code for the City of East Palo Alto."

(Ord. No. 363, § 2(Exh. A), 11-19-2013)

15.08.010 Adoption by reference.

The "2022 California Building Code" is hereby adopted by reference as the building code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules, including the following appendices: Chapter 1, Division II; Appendix H: Signs, the 2021 International Property Maintenance Code as referenced in sections [A] 101.4.4., F, G, H, I, J, K, L, and M.

(Ord. No. 363, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 1, 12-6-2022)

15.08.015 Appeals.

All Appeals of the East Palo Alto Building Standards and Housing Codes or the building official's actions shall be in accordance with Chapter 1.14 or Chapter 8.08 the East Palo Alto Municipal Code. (Replaces CBC Chapter 1, Division II section 113).

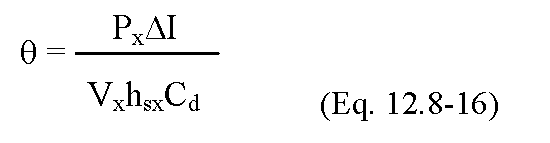
(Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 1, 12-6-2022)

15.08.020 Modifications to ASCE 7.

Modification to ASCE 7, Section 12.8.1.1. Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows:

Cs = 0.044 SDsI::>:0.01 (Eq. 12.8-5)

Modification to ASCE 7, Section 12.8.7. Modify ASCE 7 Section 12.8.7 by amending Equation 12.8-16 as follows:



(Ord. No. 363, § 2(Exh. A), 11-19-2013)

15.08.030 Modifications to ACI 318.

2022 California Building Code Section 1905.1.8 is amended to read as follows:

1905.1.8 ACI 318, section 22.10. Delete ACL 318, section 22.10, and replace with the following:

22.10. Plain concrete in structures assigned to seismic design category C, D, E or F.

22.10.1. Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at comers and intersections.

Exception: In detached one- and two-family dwellings three stores or less in height and constructed with stud-bearing walls, plain concrete with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

(Ord. No. 363, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 1, 12-6-2022)

15.08.040 Concrete construction.

California Building Code Section 1705.3 is hereby amended to read:

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

Exceptions: Special inspections shall not be required for:

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, fc, no greater than 2,500 pounds per square inch (psi) (17.2 MPa).

2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:

2.1. The footings support walls of light-frame construction;

2.2. The footings are designed in accordance with Table 1809.7; or

2.3. The structural design of the footing is based on a specified compressive strength, fc, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.

3. Nonstructural concrete slabs supported directly on the ground, including pre-stressed slabs on grade, where the effective pre-stress in the concrete is less than 150 psi (1,03 Mpa).

4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.

5. Concrete patios, driveways and sidewalks, on grade.

(Ord. No. 363, § 2(Exh. A), 11-19-2013)

## Chapter 15.10 RESIDENTIAL CODE[[2]](#footnote-2)

15.10 Title.

This chapter shall be known and may be cited and referred to as the "Residential Code for the City of East Palo Alto."

(Ord. No. 364, § 2(Exh. A), 11-19-2013)

15.10.010 Adoption by reference.

The "2022 California Residential Code" is hereby adopted by reference as the residential code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules.

(Ord. No. 364, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 2, 12-6-2022)

15.10.020 Appendix.

The following appendices of the 2022 California Residential Code are hereby adopted:

• Appendix AF: Radon Control Methods

• Appendix AH: Patio Covers

• Appendix Al: Private Sewage Disposal

• Appendix AJ: Existing Buildings and Structures

• Appendix AK: Sound Transmission

• Appendix AO: Automatic Vehicular Gates

• Appendix AQ: Tiny Houses

• Appendix AR: Light Straw-Clay Construction

• Appendix AS: Strawbale Construction

• Appendix AT: Solar-Ready Provisions-Detached One-and Two-Family Dwellings and Townhouses

• Appendix AX: Swimming Pool Safe Act

(Ord. No. 364, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 2, 12-6-2022)

15.10.030 Concrete construction.

2022 California Residential Code Section R403.l.3 is amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories DO, DI and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories DO, DI and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1,219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories DO, DI and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

(Ord. No. 364, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 2, 12-6-2022)

15.10.040 Section R403.1.8 amended—Foundations on expansive soils.

Section R403.1.8 of the California Residential Code is amended to read:

**R403.1.8 Foundations on expansive soils.** Foundations and floor slabs for buildings located on expansive soils shall be designed in accordance with Section 1808.6 or Table 1809.7 of the California Building Code.

 Table 1809.7 of the California Building Code is added and amended to read:

**TABLE 1809.7**  
**Prescriptive Footings Supporting Walls of Light-Frame Constructionabcd**

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| **Number of Floors Supported by the Footinge** | **Thickness of Foundation Wall (inches)** | **Width of Footing (inches)** | **Thickness of Footing (inches)** | **Depth of Foundation Below Natural Surface of Ground or Finish Grade (inches)** |
| 1&2 | 8 | 15 | 8 | 20 |
| 3 | 8 | 18 | 8 | 30 |
| Group U Occupancies | 8 | 12 | 8 | 12 |

a) The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing.

b) Interior stud-bearing walls shall be permitted to be supported by isolated footings. The footing width and length shall be twice the width shown in this table, and footings shall be spaced not more than 6 feet on center.

c) See Section 1905 of California Building Code for additional requirements for concrete footings of structures assigned to Seismic Design Category C, D, E or F.

d) All foundations as required in the above Table shall be continuous and have a minimum of three #4 bars of reinforcing steel, except for one story, detached accessory buildings of Group U occupancy where two bars are required.

e) Footings shall be permitted to support a roof in addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.

(Ord. No. 364, § 2(Exh. A), 11-19-2013)

15.10.50 Table R602.10.3(3) amended—Bracing requirements based on seismic design category.

Footnote e is added to Table R602.10.3(3) to read as follows:

e. In Seismic Design Categories D 0 , D 1 and D 2 , Method GB is not permitted and the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

(Ord. No. 364, § 2(Exh. A), 11-19-2013)

## Chapter 15.11 GREEN BUILDING CODE[[3]](#footnote-3)

15.11 Title.

This chapter shall be known and may be cited and referred to as the "Green Building Code for the City of East Palo Alto."

(Ord. No. 373, § 1(Exh. A), 3-18-2014)

15.11.010 Adoption by reference.

The "2022 California Green Building Standards Code" is hereby adopted by reference as the green building code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules.

(Ord. No. 373, § 1(Exh. A), 3-18-2014; Ord. No. 426, 12-17-2019; Ord. No. 07-2020, § 3, 10-21-2020; Ord. No. 10-2022, § 3, 12-6-2022)

15.11.020 Appendix.

The following appendix of the 2022 California Residential [Green Building Standards] Code is hereby adopted:

• Appendix AS: Nonresidential Voluntary Measures

(Ord. No. 07-2020, § 3, 10-21-2020; Ord. No. 10-2022, § 3, 12-6-2022)

Editor's note(s)—Formerly entitled "Green Building Code amendments," which was amended by Ord. No. 10-2022)

## Chapter 15.12 ELECTRICAL CODE[[4]](#footnote-4)

15.12. Title.

This chapter shall be known and may be cited and referred to as the "Electrical Code for the City of East Palo Alto."

(Ord. No. 339A, § 2(Exh. A), 12-21-2010; Ord. No. 365, §§ 1, 2(Exh. A), 11-19-2013)

15.12.010 Adoption by reference.

The "2022 California Electrical Code" is hereby adopted by reference as the electrical code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules.

(Ord. No. 339A, § 2(Exh. A), 12-21-2010; Ord. No. 365, §§ 1, 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 4, 12-6-2022)

15.12.020 Small residential rooftop solar energy system review process.

A. The following words and phrases as used in this section are defined as follows:

"Electronic submittal" means the utilization of one or more of the following:

1. E-mail;

2. The internet;

3. Facsimile.

"Small residential rooftop solar energy system" means all of the following:

1. A solar energy system that is no larger than ten (10) kilowatts alternating current nameplate rating or thirty (30) kilowatts thermal.

2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city and paragraph (iii) of subdivision (c) of Section 714 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

3. A solar energy system that is installed on a single- or duplex-family dwelling.

4. A solar panel or module array that does not exceed the maximum legal building height as defined by the authority having jurisdiction. "Solar energy system" has the same meaning set forth in paragraphs (1) and (2) of subdivision (a) of Section 801.5 of the Civil Code, as such section or subdivision may be amended, renumbered, or redesignated from time to time.

B. Section 65850.5 of the California Government Code provides that, on or before September 30, 2015, every city, county, or city and county shall adopt an ordinance that creates an expedited, streamlined permitting process for small residential rooftop solar energy systems.

C. Section 65850.5 of the California Government Code provides that in developing an expedited permitting process, the city, county, or city and county shall adopt a checklist of all requirements with which small rooftop solar energy systems shall comply to be eligible for expedited review. The building official is hereby authorized and directed to develop and adopt such checklist.

D. The checklist shall substantially conform to the recommendations for checklists contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research. The checklist shall be published on the city's internet website. The applicant may submit the permit application and associated documentation to the city's building division by personal, mailed, or electronic submittal together with any required permit processing and inspection fees. In the case of electronic submittal, the electronic signature of the applicant on all forms, applications and other documentation may be used in lieu of a wet signature.

E. Prior to submitting an application, the applicant shall:

1. Verify through the use of standard engineering evaluation techniques that the support structure for the small residential rooftop solar energy system is stable and adequate to transfer all wind, seismic, and dead and live loads associated with the system to the building foundation; and

2. At the applicant's cost, verify using standard electrical inspection techniques that the existing electrical system including existing line, load, ground and bonding wiring as well as main panel and subpanel sizes are adequately sized, based on the existing electrical system's current use, to carry all new photovoltaic electrical loads.

F. For a small residential rooftop solar energy system eligible for expedited review, a minimum of two inspections shall be required, the first shall be an inspection for the solar PV racking system roof attachments and watertight seals and the second shall be the final inspection when the fire inspection has been completed. These inspections shall be done in a timely manner and may include a permittee coordinated consolidated inspection. A separate fire safety inspection will be performed by Menlo Fire District Fire Prevention to conduct a fire safety inspection on behalf of the fire authority. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized, however the subsequent inspection need not conform to the requirements of this subdivision.

G. An application that satisfies the information requirements in the checklist, as determined by the building official, the application shall be deemed complete. Upon receipt of an incomplete application, the building official shall issue a written correction notice detailing all deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

H. Upon confirmation by the building official and fire marshal of the applications and supporting documentation being complete and meeting the requirements of the checklist, the building official and fire marshal shall administratively approve the applications and issue all required permits or authorizations. Such approval does not authorize an applicant to connect the small residential rooftop energy system to the local utility provider's electricity grid until final inspection approval. The applicant is responsible for obtaining such approval or permission from the local utility provider.

(Ord. No. 390, § 1, 7-21-2015)

## Chapter 15.15 EXISTING BUILDING CODE

15.15 Title.

This chapter shall be known and may be cited and referred to as the "Existing Building Code for the City of East Palo Alto."

(Ord. No. 339C, § 2(Exh. A), 12-21-2010; Ord. No. 370, §§ 1, 2(Exh. A), 11-19-2013)

15.15.010 Adoption by reference.

The "2022 California Existing Building Code" is hereby adopted by reference as the existing building code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules.

(Ord. No. 339C, § 2(Exh. A), 12-21-2010; Ord. No. 370, §§ 1, 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 5, 12-6-2022)

## Chapter 15.16 PLUMBING CODE[[5]](#footnote-5)

15.16 Title.

This chapter shall be known and may be cited and referred to as the "Plumbing Code for the City of East Palo Alto."

(Ord. No. 366, § 2(Exh. A), 11-19-2013)

15.16.010 Adoption by reference.

The "2022 California Plumbing Code" is hereby adopted by reference as the plumbing code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules.

(Ord. No. 366, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 6, 12-6-2022)

15.16.020 Appendices.

The following appendices of the 2022 California Plumbing Code are hereby adopted:

• Appendix J: Combination of Indoor and Outdoor Combustion and Ventilation Opening Designs

• Appendix K: Potable Rainwater Catchment Systems

• Appendix L: Sustainable Practices

• Appendix M: Peak Water Demand Calculator

(Ord. No. 366, § 2(Exh. A), 11-19-2013; Ord. No. 10-2022, § 6, 12-6-2022)

## Chapter 15.20 MECHANICAL CODE[[6]](#footnote-6)

15.20 Title.

This chapter shall be known and may be cited and referred to as the "Mechanical Code for the City of East Palo Alto."

(Ord. No. 339F, § 2(Exh. A), 12-21-2010; Ord. No. 367, § 2(Exh. A), 11-19-2013)

15.20.010 Adoption by reference.

The "2022 California Mechanical Code" is hereby adopted by reference as the mechanical code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules.

(Ord. No. 339F, § 2(Exh. A), 12-21-2010; Ord. No. 367, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 7, 12-6-2022)

15.20.020 Appendix.

The following appendices of the 2022 California Mechanical Code are hereby adopted:

• Appendix A: Residential Plan Examiner Review Form

• Appendix B: Procedures to be Followed to Place Gas Equipment in Operation

• Appendix C: Installation and testing of Oil (Liquid) Fuel-Fired Equipment

• Appendix D: Fuel Supply: Manufactured/Mobile Home Parks and Recreational Vehicle Parks

• Appendix E: Sustainable Practices

• Appendix F: Geothermal Energy Systems

• Appendix G: Sizing of Venting Systems and Outdoor Combustion and Ventilation Opening Design

(Ord. No. 367, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 7, 12-6-2022)

## Chapter 15.24 UNIFORM HOUSING CODE

**Sections:**

15.24.010 Uniform Housing Code.

The code of rules and regulations known and designated as the Uniform Housing Code, 1991 Edition, called "housing code" in this chapter, requiring a permit and inspection for construction, alteration or repair of buildings used for human habitation, defining terms, establishing minimum requirements for occupancy, construction, alteration or repair of such buildings and inspection thereof, and repealing conflicting ordinances, printed in book form and filed in the office of the clerk of the city council of the city, is adopted and by reference incorporated in this chapter as if fully set forth, except as otherwise provided in this chapter, as the plumbing code of the city. In all places in the Uniform Housing Code, 1991 Edition, where reference is made to the "building official," it shall be amended to read "city manager or his designee."

(Ord. 184 § 6, 1995: Ord. 161 § 6, 1993: prior code § 9-6.101)

15.24.020 Definitions.

As used in this chapter:

"Building official" and "building inspector" mean and include the designated representatives of the department of community development, office of building inspection, and of the department of public works.

"City council" means the city council of the city of East Palo Alto.

"City of East Palo Alto" means the city of East Palo Alto, and those unincorporated surrounding areas which fall under the jurisdiction of the Uniform Housing Code of the city of East Palo Alto.

"City treasurer," "city clerk" and "city attorney" mean the city treasurer, city clerk and city attorney of the city of East Palo Alto. All references to "city personnel" means personnel of the city of East Palo Alto.

"Director of public works" means the director of the department of public works of the city of East Palo Alto.

"Repairs" means and includes, where a vacant, unmaintained and unsecured building is involved, the boarding up and securing of such building and the removal of garbage and refuse therefrom.

(Prior code § 9-6.102)

15.24.030 Deletion—Section 203.

Section 203 is deleted from the code, and in its place, the following is substituted:

 In order to provide for interpretation of the provisions of this Code and to hear appeals provided for hereunder, hearings shall be conducted before the City Council of the City of East Palo Alto. The City Council shall conduct hearings in the manner set out in Article 12 of this Code. Before any action to repair, vacate or demolish any premises is taken, there shall be a final decision by the City Council of the City of East Palo Alto.

(Prior code § 9-6.103)

15.24.040 Deletion—Section 401.

Section 401 is amended to delete from the definition of "nuisance" the words "or illumination" from Section 5, to delete Section 6, and to add and renumber as Section 6 the following:

 6. Any Untenantable Dwelling. A dwelling shall be deemed untenantable when it substantially lacks any of the following:

(A) Effective waterproofing in particular;

(B) Plumbing facilities which conform to applicable law in effect at the time of installation, maintained in good working order;

(C) A water supply approved under applicable law, capable of producing hot and cold running water, or a system which is under the control of the landlord or owner, which produces hot and cold running water, furnished to appropriate fixtures, and connected to a sewage disposal system approved under applicable law;

(D) Heating facilities which conformed with applicable law at the time of installation, maintained in good working order;

(E) Sufficient electrical lighting, with wiring and electrical equipment which conformed with applicable law at the time of installation, maintained in good working order;

(F) Building, grounds and appurtenances, clean, sanitary, and free in every part from all accumulation of debris, filth, rubbish, garbage, rodents and vermin;

(G) An adequate number of approved receptacles for garbage and rubbish, in clean condition and in good repair;

(H) Floors, required floor covering, stairways, and failings maintained in good repair.

Add to Section 9 the following:

 9. Any vacant, unmaintained, and unsecured building, which is open to entry by children, vagrants, or dissolute persons, is being vandalized, has accumulations of garbage and refuse constituting a fire hazard or health hazard, or is causing a blighted condition.

(Prior code § 9-6.104)

15.24.050 Amendment—Section 1101.

Section 1101 is amended by deleting Parts 4 and 5 of subparagraph (b) thereof, and by adding, as Parts 4, 5 and 6 of subparagraph (b) the following:

4. A proposed hearing date before the City Council.

5. Statements advising:

(i) That any person having record title or legal interest in the building may appeal from the notice and order of the Building Inspector to the City Council, and

(ii) That an Answer must be filed at least ten (10) days prior to the date of the hearing specified in the notice and order, in the manner and according to the form specified in Section 1201 of this Code; and that failure to file said Answer will constitute waiver of an administrative hearing and admission of the charges in the notice; and that subsequent to any such failure to answer, the Building Inspector may then appear before the City Council of the City of East Palo Alto and request the issuance of an Order directing the repairs to be made, at the building vacated or demolished, or appropriate litigation, civil or criminal, commenced, whichever is applicable, without further notice to the defaulting party.

6. In addition, in cases involving allegedly untenantable dwellings:

(i) Where the cost of repairs is $1,000.00 or less, that if the ordered repairs are not commenced and completed within the times specified, the Building Inspector will find that the premises are untenantable, as defined in this Chapter, and that the cost of repairs necessary to restore the premises to tenantable conditions is less than $1,000.00; and that thereafter if said findings are made, the Building Inspector will appear before the City Council of the City of East Palo Alto at a regular meeting, to request the City Council to adopt the findings of the Building Inspector and to order the City to cause the necessary repairs to be made, charging the costs thereof, not to exceed $1,000.00 dollars, against the property as a special assessment pursuant to the provisions of Government Code Section 25845; and an additional cost of 15% of the amount of repairs will be levied to cover administrative costs incurred by the City in making repairs, which cost will be added to the charge against the property where the City itself performs the repairs.

(ii) Where the cost of repairs exceeds $1,000.00, or where the Building Inspector has determined that a dwelling or building be vacated or demolished, that if the repair, vacation, or demolition is not commenced and completed within the time specified, the Building Inspector will request on the proposed.

(Prior code § 9-6.105)

15.24.060 Deletions—Sections 1302, 1303.

Sections 1302 and 1303 are deleted.

(Prior code § 9-6.106)

15.24.070 Amendment—Section 1304(g)4.

Section 1304(g)4 is amended to read as follows:

4. Inspection of the Premises. The Building Inspector may inspect any building or premises involved during the course of the hearing, provided that:

(i) Notice of such inspection shall be given to the parties before the inspection is made,

(ii) The parties are given an opportunity to be present during the inspection, and

(iii) The Building Inspector shall state for the record upon completion of the inspection the material facts observed and the conclusions drawn therefrom. Each party shall have a right to rebut or explain the matters so stated by the Building Inspector.

(Prior code § 9-6.107)

15.24.080 Amendment—Section 1305.

Section 1305 is amended to read as follows:

Section 1305.

 (a) Method and Form of Decision. The City Council shall render its decision within ten (10) working days of the hearing on the case. All decisions shall be filed with the Clerk of the City Council. Each proposed decision shall contain a brief summary of the charges made by the Building Inspector, the answer thereto, and the evidence considered, and shall state the City Council's findings, conclusions and recommendations. The proposed decision shall be in such form that may be adopted by the City Council as its decision in the case. All reports filed with the City Council shall be matters of public record. A copy of the proposed decision shall be mailed to each party on the date the same is filed with the City Clerk.

 (b) Consideration of Report by Board of Supervisors. The City Council shall consider the Building Inspector's proposed decision at a regular meeting, within thirteen (13) working days from the filing of said decision with the Clerk of the City Council. The parties shall be notified of the date on which the Council shall consider said decision. At said regular meeting, and by leave of the City Council, any of those parties may present oral argument to the Board concerning the Building Inspector's decision.

 (c) Disposition by the City Council. The City Council may adopt or reject the proposed decision in its entirety, or may modify the proposed decision, or any portion thereof by formal resolution. If the proposed decision is not adopted, the City Council may modify it on the basis of the record before it, or refer the case back to the Building Inspector for further investigation. If the case is referred back, the Building Inspector shall cause notice to be sent to all paries of the time and place of any further investigation, and of the scope and extent of evidence to be adduced. At the conclusion of any further investigation, a report in the form prescribed by Section 1305(a) shall be made and filed with the City Council and the parties. Consideration of any subsequent report shall be as set forth in this Section.

 (d) Form of Decision. The decision of the City Council shall be in writing and shall contain finding of fact, a determination of the issues presented, and the requirements to be complied with. A copy of the City Council's decision shall be delivered to all parties personally, or sent by certified mail, postage prepaid, return receipt requested. The decision of the City Council shall be final.

(Prior code § 9-6.108)

15.24.090 Amendment—Section 1401.

Subparagraphs (a) and (b) of Section 1401 are amended by deleting the words "Housing Advisory and Appeals Board" in each such subparagraph and substituting therefor the words "City Council."

(Prior code § 9-6.109)

15.24.100 Amendment—Text, Section 1401.

Subparagraph (c) of Section 1401 is amended to read as follows:

 (c) Failure to Commence Work. Whenever the required repair or demolition is not commenced within 30 days in the case of substandard dwellings or within 4 days in the case of untenantable dwellings after any final notice and order issued under this Code become effective:

(1) The Building Inspector shall cause, in the case of substandard dwellings, the building described in such notice and order to be vacated by posting at each entrance thereto a notice reading substantially:

DANGER   
THIS BUILDING IS DEEMED   
UNSAFE FOR HUMAN OCCUPANCY

|  |  |
| --- | --- |
| Property location: |  |

IT IS UNLAWFUL FOR ANY PERSON TO OCCUPY OR RESIDE IN THIS BUILDING

CITY OF EAST PALO ALTO   
DEPARTMENT OF COMMUNITY   
DEVELOPMENT

\_\_\_\_\_\_\_\_\_\_\_   
Building Inspector

ANY UNAUTHORIZED PERSON REMOVING THIS SIGN WILL BE PROSECUTED

|  |  |
| --- | --- |
| DATE:\_\_\_\_\_\_\_ | Refer to Section \_\_\_\_\_\_\_ of the Building Code. |

(2) No person shall occupy any building which has been posted as specified in this subsection. No person shall remove or deface any such notice so posted until the repairs, demolition, or removal ordered by the Building Inspector have been completed and a Certificate of Occupancy has been issued pursuant to the provisions of the Uniform Building Code.

(3) The Building Inspector may, in addition to any other remedy herein provided, cause the building to be repaired to the extent necessary to correct the conditions which render the building untenantable as set forth in the notice and order provided said repairs do not exceed $1,000.00 in amount; or, in the case of vacant, unmaintained, and unsecured buildings, may cause the building to be boarded up and otherwise secured; or, if the notice and order require demolition, may cause the building to be demolished, and the materials, rubble and debris therefrom removed and the lot cleaned. Any such repair or demolition work shall be accomplished and the cost thereof paid and recovered in the manner provided in this Code, including administrative costs. Any surplus realized from the lot shall be paid over to the person or persons lawfully entitled thereto.

(Prior code § 9-6.110)

15.24.110 Amendment—Section 1502.

Section 1502 is amended to read:

Section 1502.

 General. The City Council shall provide funds to defray the costs and expenses which may be incurred by the City in doing or causing to be done the necessary work of repair or demolition of substandard, or untenantable buildings.

(Prior code § 9-6.111)

15.24.120 Amendment—Section 1601.

Section 1601 is amended by adding thereto the following, as a preface to the section as printed:

 The provisions of this section and of Sections 1602, 1603, 1604 and 1605 do not apply to cases involving untenantable dwellings where the cost of repairs or demolition has been found and determined by the City Council after conducting a hearing as provided in Chapter 12 of this Code.

(Prior code § 9-6.112)

15.24.130 Amendment—Section 1606.

Section 1606 is amended by deleting the word "Chapter" stated therein and substituting therefor, the word "Code."

(Prior code § 9-6.113)

15.24.140 Amendment—Section 1609.

Section 1609 is amended to read as follows:

Section 1609.

 After confirmation of the report, or the decision of the City Council becoming final, certified copies of the assessment shall be given to the City Assessor and the City Tax Collector, who shall add the amount of the assessment to the next regular tax bill levied against the parcel for county purposes.

(Prior code § 9-6.114)

15.24.150 Deletion—Section 1610.

Section 1610 is deleted.

(Prior code § 9-6.115)

## Chapter 15.25 ENERGY CODE

15.25. Title.

This chapter shall be known and may be cited and referred to as the "Energy Code for the City of East Palo Alto."

(Ord. No. 339B, § 2(Exh. A), 12-21-2010; Ord. No. 369, § 2(Exh. A), 11-19-2013)

15.25.010 Adoption by reference.

The "2022 California Energy Code" is hereby adopted by reference as the energy code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules.

(Ord. No. 339B, § 2(Exh. A), 12-21-2010; Ord. No. 369, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 07-2020, § 2, 10-21-2020; Ord. No. 10-2022, § 8, 12-6-2022)

15.25.020 Energy Code amendments.

Energy Code amendments are as follows:

SECTION 100.0—Scope.

(e) Sections applicable to particular buildings. TABLE 100.0-A and this subsection list the provisions of Part 6 that are applicable to different types of buildings covered by Section 100.0(a).

1. All buildings. Sections 100.0 through 110.12 apply to all buildings.

EXCEPTION to Section 100.0(e) 1: Spaces or requirements not listed in TABLE 100.0-A.

2. Newly constructed buildings.

A. All newly constructed buildings. Sections 110.0 through 110.12 apply to all newly constructed buildings within the scope of Section 100.0(a). In addition, newly constructed buildings shall meet the requirements of Subsections B, C, D or E, as applicable and shall be an All-Electric Building as defined in Section 100.1(b). For the purposes of All-Electric Building requirements, newly constructed buildings as defined in Section 100.1 shall include a construction project where an alteration includes replacement of over 50% of the existing foundation for purposes other than a repair or reinforcement as defined in California Existing Building Code Section 202; or when over 50% of the existing framing above the sill plate is removed or replaced for purposes other than repair. If either of these criteria are met within a 3-year period, measured from the date of the most recent previously obtained permit final date, that structure is considered new construction and shall be subject to the All-Electric Building requirements. The final determination whether a project meets the definition of substantial reconstruction/alteration shall be made by a designated building official.

Exception 1: Non-Residential Buildings containing a Scientific Laboratory Building, such area may contain a non-electric Space Conditioning System.

Exception 2: All-Electric domestic water heating requirements shall not apply to new residential structures that have central water heating and entirely consist of affordable rental units, defined as units rented at an amount consistent with the maximum rent levels for a housing development that receives an allocation of state or federal low-income housing tax credits from the California Tax Credit Allocation Committee. Residential developments meeting the above definition must have an Inclusionary Housing Plan that is approved by the Housing Division pursuant to Section 18.37.090.

Exception 3: Exemption for public agency owned and operated emergency centers. To take advantage of this exception applicant shall provide third party verification that All-Electric space heating requirement is not cost effective and feasible.

Exception 4: Multifamily residential building projects that have been granted planning entitlements within two years or less, or have been approved, before the effective date of this ordinance, are not required to install all-electric water heating systems. If the Building Official grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 5: If the applicant establishes that there is not an all-electric prescriptive compliance pathway for the building under the Energy Code, and that the building is not able to achieve the performance compliance standard applicable to the building under the Energy Code using commercially available technology and an approved calculation method, then the Building Official may grant a modification. If the Building Official grants a modification pursuant to this Exception, the applicant shall comply with the pre-wiring provision of Note 1 below.

Exception 6: Accessory Dwelling Units and Junior Accessory Dwelling Units shall be exempt from the all-electric building provisions of this section. For purposes of this exception, "Accessory Dwelling Unit" and "Junior Accessory Dwelling Unit" have the same definitions as set out in Government Code Sections 65852.2 and 65852.22, respectively.

Exception 7: Non-residential buildings containing a for-profit restaurant open to the public or an employee kitchen may apply to the Building Official for an exception to install gas-fueled cooking appliances. This request must be based on a business-related reason to cook with a flame that cannot be reasonably achieved with an electric fuel source. Examples include barbeque-themed restaurants and pizza ovens. The Building Official may grant this exception if they find the following:

1. There is a business-related reason to cook with a flame;

2. This need cannot be reasonably achieved with an electric fuel source;

3. The applicant has employed reasonable methods to mitigate the greenhouse gas impacts of the gas-fueled appliance;

4. The applicant shall comply with the pre-wiring provision of Note 1 below.

The Building Official's decision shall be final unless the applicant appeals to the City Council within 15 days of the appointed body's decision. The City Council's decision on the appeal shall be final.

Exception 8: When improvements to existing buildings contain physical constraints that prevent conformance to the All-Electric Building requirements, the applicant may request an exception. In applying for an exception, the burden is on the applicant to identify the size requirements to comply with an All-Electric Building.

Note 1: If natural gas appliances are used in any of the above exceptions 1-8, natural gas appliance locations must also be electrically pre-wired for future electric appliance installation. They shall include the following:

1. A dedicated circuit, phased appropriately, for each appliance, with a minimum amperage requirement for a comparable electric appliance (see manufacturer's recommendations) with an electrical receptacle or junction box that is connected to the electric panel with conductors of adequate capacity, extending to within 3 feet of the appliance and accessible with no obstructions. Appropriately sized conduit may be installed in lieu of conductors;

2. Both ends of the conductor or conduit shall be labeled with the words "For Future Electric appliance" and be electrically isolated;

3. A circuit breaker shall be installed in the electrical panel for the branch circuit and labeled, an example is as follows (i.e., "For Future Electric Range;") and

4. All electrical components, including conductors, receptacles, junction boxes, or blank covers, related to this section shall be installed in accordance with the California Electrical Code.

Note 2: If any of the exceptions 1-8 are granted, the Building Official shall have the authority to approve alternative materials, designs and methods of construction per CBC 104,

*Section 100.1(b) is modified by adding the following definitions:*

ALL ELECTRIC BUILDING: is a building that has no natural gas or propane plumbing installed within the building, and that uses electricity as the source of energy for its space heating, water heating (including pools and spas), cooking appliances, and clothes drying appliances. All Electric Buildings may include solar thermal pool heating.

Scientific Laboratory Building: is a building or area where research, experiments, and measurement in medical, and life sciences are performed and/or stored requiring examination of fine details. The building may include workbenches, countertops, scientific instruments, and supporting offices.

*Section 110.2 is modified as follows:*

SECTION 110.2 - MANDATORY REQUIREMENTS FOR SPACE-CONDITIONING EQUIPMENT

Certification by Manufacturers. Any space-conditioning equipment listed in this section, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified to the Commission that the equipment complies with all the applicable requirements of this section.

*Section 110.3 is modified as follows:*

SECTION 110.3 - MANDATORY REQUIREMENTS FOR SERVICE WATER-HEATING SYSTEMS AND EQUIPMENT

(a) Certification by manufacturers. Any service water-heating system or equipment, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified that the system or equipment complies with all of the requirements of this subsection for that system or equipment.

*Section 110.4 is modified as follows:*

SECTION 110.4 - MANDATORY REQUIREMENTS FOR POOL AND SPA SYSTEMS AND EQUIPMENT

(a) Certification by Manufacturers. Any pool or spa heating system or equipment, meeting the requirements of section 100.0 (e)2A, may be installed only if the manufacturer has certified that the system or equipment has all of the following:

*Section 110.5 is modified as follows:*

SECTION 110.5 - NATURAL GAS CENTRAL FURNACES, COOKING EQUIPMENT, POOL AND SPA HEATERS, AND FIREPLACES: PILOT LIGHTS PROHIBITED

Any natural gas system or equipment, meeting the requirements of Section 100.0 (e)2A, listed below may be installed only if it does not have a continuously burning pilot light:

*SECTION 140.0(b) is modified as follows:*

(b) The requirements of Sections 120.0 through 130.5 (mandatory measures for nonresidential, high-rise residential and hotel/motel buildings)and for all newly constructed buildings:

1. The entire solar zone, as specified in Section 110.10, shall have a solar photovoltaic system installed.

**Exception 1 to 140.0(b)1:** The building official may grant a modification if the applicant demonstrates that the required percentage of PV installation will over-generate the annual kWh required to operate the proposed building.

**Exception 2 to 140.0(b)1:** If the applicant demonstrates that conditions exist where excessive shading occurs, a performance equivalency approved by the Building Official may be used as an alternative.

**Exception 3 to 140.0(b)1:** Vegetative roofs covering 35 percent of the roof area or greater, meeting all relevant code requirements including considerations for wind, fire, and structural loads.

(Ord. No. 07-2020, § 2, 10-21-2020)

## Chapter 15.32 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

**Sections:**

15.32.010 Uniform Code for the Abatement of Dangerous Buildings.

The code of rules and regulations known and designated as the "Uniform Code for Abatement of Dangerous Buildings," 1997 Edition, published by the International Conference of Building Officials, to provide a just, equitable and practical method, to be cumulative to, with and in addition to, any other remedy provided by the building code, housing code, or otherwise available at law, whereby buildings or structures which from any cause endanger the life, limb, health, morals, property, safety or welfare of the general public or their occupant, may be required to repair, vacate or abate, and applies to all dangerous buildings, as defined in this chapter, which are now in existence or which may hereafter become dangerous in the city, printed in book form and filed in the office of the clerk of the city council of the city, is adopted and by reference incorporated in this chapter as if fully set forth, as the abatement code of the city.

(Prior code § 9-8.101; Ord. No. 10-2022, § 11, 12-6-2022)

## Chapter 15.40 MOVING AND REMOVAL OF BUILDINGS AND STRUCTURES

**Sections:**

15.40.010 Definitions.

For the purposes of this chapter, certain terms, phrases and words shall be construed as follows:

"Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels or property of any kind.

"Building inspector" means the building inspector of the city of East Palo Alto or his/her regularly authorized deputy.

"Structure" means that which is built or constructed, an edifice, or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner, but not including mobile houses.

(Prior code § 9-11.101)

15.40.020 Permits required.

No person shall move any building or structure into or within the incorporated territory of the city, or remove any building or structure from the incorporated territory without first obtaining a permit from the building inspector for each such building or structure to be moved or removed. Design review approval is also required for house moving permits.

(Prior code § 9-11.102)

15.40.030 Application.

To obtain a permit to move or remove a building or structure, the applicant shall first file an application therefor in writing on a form furnished for that purpose by the building inspector. Every such application shall contain the following information:

A. The location and legal description of the land on which the building or structure to be moved or removed at the time of the application is situated;

B. The location, legal description and name of the legal owner of the land to which the building or structure is to be moved;

C. The alterations or additions, if any, to be made to the building or structure to be moved or removed;

D. The name and address of the person who will install the foundations and do any other necessary work that may be required at the new site if the building or structure is to be moved or removed to land within the incorporated territory of the city;

E. The name and address of the person who will move the building or structure to be moved or removed;

F. The use made of the building or structure to be moved or removed at the time of the application for a permit to move or remove the same;

G. The use to be made of such building or structure if it is to be moved or removed to land within the incorporated territory of the city;

H. Any such other information as may reasonably be required by the building inspector;

I. Plot plan, floor plan and elevations of the project;

J. Design review application;

K. Landscaping plan;

L. Certification by the building inspector that the building to be moved or removed is structurally sound.

(Prior code § 9-11.103)

15.40.040 Filing fee.

Prior to, or at the time of, filing any application for a permit to move or remove a building or structure, a fee in an amount to be determined by the East Palo Alto city council shall be paid to the building inspector by the applicant to defray the reasonable cost of investigations and other services required of the building inspector pursuant to this chapter. The filing fee provided in this chapter shall be in addition to other permit fees which are required to erect, construct, enlarge, alter, repair, improve and convert any structural, electrical, plumbing and heating work required for any building, or to demolish any building or structure pursuant to other applicable laws or ordinances.

(Prior code § 9-11.104)

15.40.050 Investigation and report.

The building inspector, upon receipt of application for a permit to move or remove a building or structure pursuant to this chapter, shall make all necessary inspections to determine whether such building or structure may be moved safely without demolishing or destroying the same and shall determine whether or not the proposed location of any building or structure sought to be moved or removed to the incorporated territory of the city meets the requirements of the city building code and any other laws or ordinances pertaining thereto. The application may also be examined and reviewed by other departments of the city to check compliance with the various applicable laws and ordinances. Upon the making of his inspection and the completion of this investigation of the application for a permit to move or remove any building or structure, the building inspector shall make and file a written report of his/her findings and recommendations with every such application for a permit to move or remove a building or structure.

(Prior code § 9-11.105)

15.40.060 Issuance of permit.

If the written report of the building inspector shows that the building or structure specified in the application may be moved safely without demolishing or destroying the same and if such report shows that where the building or structure is to be moved or removed to land within the incorporated territory of the city, such building or structure, when so moved or removed, will conform with the requirements of any laws and ordinances applicable thereto, the building inspector shall issue the permit to move or remove said building or structure upon fulfillment of the following conditions by the applicant:

A. The person named in the application as the person who will move the building or structure shall furnish evidence of public liability insurance covering injuries to persons and property by reason of the proposed moving or removing of such building in a reasonable amount to be approved by the building inspector.

B. Where the building is to be moved or removed to land within the incorporated territory of the city, the applicant or some person on his behalf shall file a performance bond in the amount specified in the city's adopted fee schedule and in the form of cash or surety bond, guaranteeing performance within ninety (90) days of all necessary work and improvements and the furnishing of all labor and materials necessary to make such building or structure, when moved or removed to such location, comply with any applicable laws and ordinances including, but not limited to, the various health, building and zoning regulations of the city.

(Prior code § 9-11.106)

15.40.070 Denial of permit.

If the written report of the building inspector shows that the moving or removing of the building or structure specified in the application cannot be done safely without demolishing or destroying the same, he/she shall deny the application for a permit to move or remove such building or structure unless the applicant can and does select another location within the incorporated territory to which such building or structure may be moved or removed in conformance with any laws and ordinances applicable thereto, or unless the applicant selects another location not subject to the jurisdiction of the city.

(Prior code § 9-11.107)

15.40.080 Review by planning commission.

Before granting any permit under this chapter, the building inspector shall refer any application for such permit to the planning commission for its approval. The planning commission shall review such application and may approve it subject to conditions. Prior to, or at the time of, such referrals, the applicant shall pay a fee as set by resolution of the East Palo Alto city council to the commission.

(Prior code § 9-11.108)

## Chapter 15.44 BACKFLOW PREVENTION AND CROSS-CONNECTION CONTROL[[7]](#footnote-7)

**Sections:**

15.44.010 Title and purpose.

This chapter shall be known as the "East Palo Alto Backflow Prevention and Cross-Connection Control Ordinance." The purpose of this chapter is:

A. To describe the cross-connection control program implemented by the City of East Palo Alto and its contractors and partners to protect the public water supply against actual or potential contamination through cross-connection and backflow.

B. To protect the water system from the possibility of contamination or pollution by isolating within the customer's internal distribution system(s) or the customer's private water system(s) such contaminants or pollutants which could backflow into the public water systems.

C. To promote the elimination or control of existing cross-connections, actual or potential, between the customer's potable water system(s) and non-potable water systems, plumbing fixtures, and industrial piping system.

D. To provide for the maintenance of a continuing program of cross-connection control that will systematically and effectively prevent the contamination or pollution of all potable water systems.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.020 Scope.

The scope of the cross-connection control program includes all of the elements necessary to ensure compliance with the California Code of Regulations, Title 17, Public Health Sections 7583 through 7605, and any future state water resource control board requirements and regulations for cross-connection control. The City of East Palo Alto has a contract with the San Mateo County Environmental Health Services Division to implement this program, including compliance with required program personnel certifications, surveying of residential, industrial and commercial user facilities for potential cross-connection hazards, designation of appropriate backflow preventers, requirements for testers and testing of backflow prevention assemblies, and maintenance of records.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.030 Definitions.

The following definitions describe those terms and phrases pertinent to the various elements of a cross-connection control program:

"ABPA" is an acronym for the American Backflow Prevention Association (ABPA).

"Air Gap" means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet conveying water to a tank, plumbing fixture, receptor or other assembly and the flood level rim of the receptacle. These vertical physical separations must be at least twice the diameter of the water supply outlet, never less than one inch.

"Approved Backflow Prevention Assembly" means assemblies listed, and installed as prescribed, on the most current List of approved backflow prevention assemblies, published by the University of Southern California Foundation for Cross-Connection Control and Hydraulic Research (USC Foundation), and meeting any additional requirements deemed necessary by the city or San Mateo County Environmental Health Services.

"Approved Water Supply" means any water supply whose potability is regulated by a state or local health agency.

"Atmospheric Vacuum Breaker Assembly" means an assembly that contains an air inlet valve, a check seat and air inlet port(s). A shutoff valve immediately upstream may be an integral part of the assembly, but there shall be no shutoff valves or obstructions downstream. The assembly shall not be subject to operating pressure for more than twelve (12) hours in any twenty-four (24) hour period.

"Auxiliary Water Supply" means any water supply on or available to the premises other than the approved water supply as delivered by the water purveyor to the service connection.

"AWWA" is an acronym for the American Water Works Association.

"Backflow" means a flow condition, caused by a differential in pressure, which causes the flow of water or other liquid, gases, mixtures or substances into the distributing pipes of a potable supply of water from any source or sources other than an approved water supply source. Back siphonage is one cause of backflow; back siphonage is caused by negative or reduced pressure in the supply piping. Back pressure is the other cause. Back flow is the undesirable reversal of flow in a potable water distribution system as a result of cross-connections.

"Backflow Preventer" means an approved assembly or means designed to prevent backflow.

"Certified Tester" means a person certified by AWWA or an approved equivalent certificate and authorized by San Mateo County Environmental Health Services to perform backflow prevention assembly testing.

"City" means the City of East Palo Alto.

"Contamination" means a degradation of the quality of the potable water by any foreign substance which creates a hazard to the public health, or which may impair the usefulness or quality of the water.

"County" means San Mateo County Environmental Health Services.

"Cross-Connection" means any unprotected actual or potential connection between a potable water system used to supply water for drinking purposes and any source or system containing unapproved water or a substance that is not or cannot be approved as safe, wholesome, and potable. By-pass arrangements, jumper connections, removable sections, swivel or changeover devices, or other devices through which backflow could occur, shall be considered to be cross-connections.

"Cross-Connection—Control by Contaminant" means the installation of an approved backflow-prevention assembly at the water service connection to any customer's premises, where it is physically and economically unfeasible to find and permanently eliminate or control all actual or potential cross-connections within the customer's water system; or it means the installation of an approved back-flow prevention assembly on the service line leading to and supplying a portion of a customer's water system where there are actual or potential cross-connections that cannot be effectively eliminated or controlled at the point of the cross-connection.

"Cross-Connection—Controlled" means a connection between a potable water system and a non-potable water system with an approved backflow-prevention assembly properly installed and maintained so that it will continuously afford the protection commensurate with degree of hazard.

"Cross-Connection Control Specialist" means a person certified by the California-Nevada Section of the American Water Works Association (AWWA), or an approved equivalent certifying entity, to evaluate the hazards inherent in supplying a customer's water system.

"Customer" or "Responsible Party" means the person that either has applied for water service from the city, or the one who owns or controls water piping or fixtures served by the city water supply.

"Division" means the state water resources control board, division of drinking water.

"Double-Check Detector Assembly" (DCDA) has the meaning defined in the most recent edition of the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, Manual on Cross-Connection Control.

"Double Check Valve Assembly" means an assembly that consists of two internally loaded check valves, either spring-loaded or internally weighted, installed as a unit between two tightly closed resilient-seated shutoff valves and equipped with properly located resilient-seated test cocks. This assembly shall only be used to protect against a non-health hazard (a pollutant). Devices must be manufactured in full conformance with the standards established by the American Water Works Association entitled "AWWA C506-78(R83)—Standards for Reduced Pressure Principle (RP) and Double Check Valve Backflow Prevention Devices (DC)" as referenced in 17 CCR § 7602.

"Double Check Valve Detector Assembly" shall mean an assembly that is a specially designed backflow assembly composed of a line-sized-approved double check valve assembly with a bypass containing a water meter and an approved double check valve assembly. The meter shall register accurately for only very low rates and is used to show unauthorized usage or leaks in the customer's system.

"DPW" means the City of East Palo Alto Department of Public Works.

"Facility" means any and all areas on a water user's property which are served or have the potential to be served by the public water system.

"Hose Bibb Vacuum Breaker" means a device that is permanently attached to a hose bibb and acts as an atmospheric vacuum breaker.

"Inspection Tag" means a current-calendar-year backflow tag purchased from San Mateo County Environmental Health Services.

"Person" means an individual, corporation, company, association, partnership, municipality, public utility, or other public body or institution.

"Pollution" means an impairment of the quality of the water to a degree which does not create a hazard to the public health, but which does adversely and unreasonably affect the aesthetic qualities of such waters for domestic use. Pollution causes impairment to the usefulness of water.

"Pressure Vacuum Breaker Assembly" means an assembly that contains one or two independently operated spring-loaded check valves and an independently operated spring-loaded air inlet valve located on the discharge side of the check or checks. It also includes two tightly closing shutoff valves on each side of the check valves and equipped with properly located resilient-seated test cocks.

"Public Water System" (PWS) means a system for the provision of water for human consumption through pipes or other constructed conveyances that has fifteen (15) or more service connections or regularly serves at least twenty-five (25) individuals daily at least sixty (60) days out of the year.

"Reduce Pressure Principle Backflow Prevention Assembly" means an assembly that consists of two independently acting approved check valves together with a hydraulically operating, mechanically independent pressure differential relief valve located between the check valves and below the first check valve. These units are located between two tightly closing resilient-seated shutoff valves as an assembly and equipped with properly located resilient-seated test cocks. Devices must be manufactured in full conformance with the standards established by the American Water Works Association entitled "AWWA C506-78(R83)—Standards for Reduced Pressure Principle (RP) and Double Check Valve Backflow Prevention Devices (DC)" as referenced in 17 CCR § 7602.

"Reduced Pressure Principle Detector Assembly" has the meaning defined in the most recent edition of the University of Southern California, Foundation for Cross-Connection Control and Hydraulic Research, Manual on Cross-Connection Control.

"Service Connection" means the point of connection of a facility's piping to the water supplier's facilities, usually considered the point at the outlet from the water meter.

"SWRCB" is an acronym for the state water resources control board.

"Water Supplier" means the person who owns or operates the approved water supply system.

"Water User" means any person obtaining water from an approved water supply system.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.040 Administration of program and authority.

A. Administrative Authority. The city's department of public works is the administrative authority for the cross-connection control program. The authority to administer this program comes from California Code of Regulations Title 17 and any future state water resource control board requirements and regulations for cross-connection control; State of California, Public Utilities Commission Rule 16c; and State of California, State Water Resources Control Board Division of Drinking Water.

B. Program Administrator. The program administrator for the cross-connection control program is the city's public works director or designee. At a minimum, the program administrator must be at a supervisor capacity and must be a cross-connection specialist certified by ABPA or AWWA. The city has a contract with the county division through an agreement to implement portions of the program, as allowed by state law and regulations and any future SWRCB requirements. City and the city's water provider are ultimately responsible for the implementation of the program.

C. Cross-Connection Control Inspector and Tester. The city representative assigned to the inspection and survey of consumers to determine if backflow prevention is warranted shall be a cross-connection control specialist. The city employee or designee assigned to the testing of city-owned assemblies shall be a ABPA or AWWA certified tester as defined by San Mateo County Ordinance Code Section 4.72.080.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.050 Appropriate backflow protection.

A. New Construction, Remodels and Tenant Improvements.

1. Residential (Single-Family, Duplexes and Multiple Family), Commercial, Industrial and Institutional.

a. Domestic Water. City may require an approved backflow prevention assembly to be installed on the facility as close as possible to the service connection. The assembly shall be a lead-free reduced pressure principle backflow prevention assembly. If it is determined that a backflow prevention assembly is required, the customer may also need to install a thermal expansion tank in accordance with the California Plumbing Code.

b. Irrigation System. City requires an approved backflow prevention assembly to be installed on the facility on the branch line serving an irrigation system. The assembly shall be a pressure vacuum breaker, reduced pressure principle backflow prevention assembly, or atmospheric pressure vacuum breaker as determined by the city.

c. Fire Suppression System. All facilities with an installed fire suppression system must have an approved backflow prevention assembly, excluding flow-through fire systems, on the branch line serving the fire suppression system. The assembly shall be a double check valve backflow prevention device, a double check detector assembly, a reduced pressure principle backflow prevention assembly, or a reduced pressure principle detection assembly or as determined by the city. Flow-through fire protection systems shall be constructed with approved potable water piping and materials.

B. Fire Protection System. Except as noted below, a public water system must ensure its distribution system is protected with no less than double check detector assembly protection for a premises with a fire protection system.

1. A high hazard cross-connection fire protection system, including, but not limited to, fire protection systems that may utilize chemical addition (e.g., anti-freeze) or an auxiliary water supply, must have no less than a reduced pressure principle backflow prevention assembly protection. An air gap is required for customers where the fire system is supplied from the public water system and interconnected with an unapproved auxiliary water supply.

C. Sewage and Hazardous Substances.

1. An air gap is required for facilities where there are waste water pumping and/or treatment plants and there is no interconnection with the potable water system. This does not include a single-family residence that has a sewage lift pump.

2. An air gap is required for facilities where hazardous substances are handled in any manner in which the substances may enter the potable water system. This does not include a single-family residence that has a sewage lift pump.

3. A reduced pressure principle backflow prevention assembly is required for facility's where there are irrigation systems into which fertilizers, herbicides, or pesticides are, or can be, injected.

D. Auxiliary Water Supplies.

1. An air gap is required for facilities where there is an unapproved auxiliary water supply which is interconnected with the public water system.

2. A reduced pressure principle backflow prevention assembly is required for facilities where there is an unapproved auxiliary water supply and there are no interconnections with the public water system.

E. Recycled Water.

1. A reduced pressure principle backflow prevention assembly or another city-approved device that is in accordance with the SWRCB is required for facilities where the public water system is used to supplement the recycled water supply.

2. A reduced pressure principle backflow prevention assembly is required for facilities where recycled water is used and there is no interconnection with the potable water system.

F. Existing Service Connection. When it is determined in a survey by the city or county cross-connection control program specialist that an actual or potential cross-connection or backflow condition is present on an existing facility, the installation of an appropriate backflow preventer shall be required. Should an existing backflow prevention assembly be in place that does not meet the city's installation requirements, does not comply with this section, or does not provide adequate protection with the degree of hazard found on-site, the assembly shall be replaced or upgraded as required by the city, at the expense of the customer or responsible party.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.060 Surveys.

A. Identification of Survey Candidates. City may identify specific industries that might pose an actual or potential backflow hazard to the public water supply. Some of these industries are identified from common lists of industries where cross-connections are likely to be found, as provided by the State of California, the USC Foundation, and other recognized organizations. From these lists, specific facilities in the city's service area may be identified by directories, mailing lists, associations, and business licenses.

B. Surveys may take the form of office surveys or field surveys. Office surveys may include determination of facility hazards based on business type or known water use on the facility. Office surveys could also include evaluation of responses to mailed or on-line surveys.

C. Procedures for surveying and retrofitting existing facilities and for plan review and inspection of new construction:

1. Backflow preventers are tested annually, and the city's contracted water system operator works with the county when devices are out of compliance or needs testing. City recognizes and follows all state, county, and other jurisdictional authorities' procedures and guidelines. New construction is analyzed on a case-by-case basis by city.

2. Existing backflows will be identified, and those backflows will be tested per state testing procedures, at least annually. Customers with noncompliance backflow systems will be notified as outlined in Section 15.44.100 and required to come into compliance.

3. Portable backflows must be tested annually and or retested when disconnected or removed from any approved location. Anyone connecting to the public water system, by hydrant, temporarily or other, must have an acceptable and approved backflow preventer assembly and or plan from city. If the device is moved from place to place it must be tested by a city-approved certified tester.

D. Field surveys may include evaluation of water use by observations made from public or private areas not on the subject facility, or physical inspection on all or a portion of the facility. When possible, a request to survey the facility shall be made at least twenty-four (24) hours in advance, and a date and time agreed upon with a responsible party. Should the request to survey be denied by a responsible party, notice shall be sent to the customer or responsible party directing installation of a lead-free reduced pressure principle backflow assembly, at the water meter, based on best available knowledge of the water use and potential hazards at the facility.

During the survey many factors are considered to determine if activities or water use on facility are or could be a potential hazard to the public water supply. Factors that may be considered include:

1. Alternative sources of water on-site (auxiliary water supplies).

2. Piping configurations on-site.

3. Uses of water on-site.

4. Types of water using equipment.

5. Condition of water using equipment.

6. Complexity and elevations of plumbing on-site, and the potential for alterations of that system.

7. Storage and use of hazardous materials on-site.

All the factors found and recorded during the survey shall be considered in the determination of the degree of potential hazard (degree of hazard) to the public water supply. This information shall be considered in the determination of the appropriate backflow preventer. The customer or responsible party shall be informed of the requirement to provide backflow protection and the type of backflow prevention assembly required in accordance with Title 17 of the California Regulations Related to Drinking Water or any future state water resource control board requirements and regulations for cross-connection control, or the direction of the San Mateo County Health Officer.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.070 Location and configuration of backflow assemblies.

Location and Configuration of Backflow Assemblies. Backflow prevention assemblies shall be installed in accordance with Title 17 of the California Code of Regulations, Section 7603, and any future state water resource control board requirements and regulations for cross-connection control, and the most recent edition of the USC Foundation Manual. Any deviation from these requirements shall require the city's approval. Unless otherwise permitted by the city, all backflow preventers shall be installed on the customer's or responsible party's facility. A public water system must comply with the requirements of any future SWRCB cross-connection control regulations.

A. Air Gap Separation. The air gap separation shall be located as close as practical to the user's connection and all piping between the user's connection and the receiving tank shall be entirely visible unless otherwise approved. The DPW must ensure that air gap meets the requirements in Section 603.3.1 of the 2019 California Plumbing Code and any requirements in any future updates to the California Plumbing Code. The receiving water container must be located on the water user's premises at the water user's service connection unless an alternate location has been approved by the DPW. All piping between the water user's service connection and the discharge location of the receiving water container must be above finished grade and be accessible for visual inspection unless an alternative piping configuration is approved by the DPW. Any new air gap installation at a user service connection must be reviewed and approved by the SWRCB prior to installation.

B. Double Check Valve Assembly. A double check valve assembly and double check valve detector assembly shall be installed a minimum of twelve (12) inches above grade and not more than thirty-six (36) inches above grade measured from the bottom of the assembly in a manner where it is readily accessible for testing and maintenance. Below ground installation can be considered by the DPW if it determines no alternative options are available. A minimum of twelve (12) inches side clearance is required in a manner where the assembly is readily accessible for testing and maintenance, except that a minimum side clearance of twenty-four (24) inches must be provided on the side of the assembly that contains the test cocks. See Section 15.44.050 for fire protection and fire suppression system assembly requirements.

C. Reduced Pressure Principle Backflow Prevention Assembly. A reduced pressure principle backflow prevention assembly shall be installed a minimum of twelve (12) inches above grade, unless an alternative is approved by the DPW, and not more than thirty-six (36) inches above grade measured from the bottom of the assembly. With a minimum of twelve (12) inches side clearance in a manner where the assembly is readily accessible for testing and maintenance, except that a minimum side clearance of twenty-four (24) inches must be provided on the side of the assembly that contains the test cocks. See Section 15.44.050 for fire protection and fire suppression system assembly requirements.

D. Pressure Vacuum Breaker. A pressure vacuum breaker check valve assembly shall be installed a minimum of twelve (12) inches above all downstream piping and flood level rims of receptors and in a manner where it is readily accessible for testing and maintenance.

E. Atmospheric Vacuum Breaker. An atmospheric vacuum breaker check valve assembly shall be installed a minimum of six inches above all downstream piping and flood level rims of receptors and in a manner where it is readily accessible for testing and maintenance.

F. Spill-Resistant Pressure Vacuum Breakers Back-Siphonage Prevention Assembly. A spill-resistant pressure vacuum breaker must be installed a minimum of twelve (12) inches above all downstream piping.

G. Pressure vacuum breakers, spill-resistant vacuum breakers and double check valve assemblies may not be used for premises isolation.

H. Backflow Prevention Assembly Enclosures. A backflow prevention assembly enclosure, cage or locked bag may be required by city to be installed at the customer's expense, to combat against tampering, vandalism or theft. City may require that any enclosure, cage or locked bag be secured to a concrete slab and securely locked.

I. Backflow protection must be located at the water user's service connection unless one or more alternative locations have been approved by the DPW. If internal protection is provided the DPW must obtain access to the user premises and must ensure that the on-site protection meets the requirements of this chapter for installation, testing and inspections.

J. Each backflow prevention assembly and air gap separation must be accessible for field testing and maintenance.

K. Any deviation of installation from the descriptions provided shall require the city's approval prior to installation. All backflow prevention assembly installations shall be inspected by the city to ensure compliance with all relevant statutes, regulations, ordinances, and city requirements.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.080 Testing maintenance of backflow of backflow preventers.

A. As required by the California Code of Regulations, Title 17 or any future SWRCB requirements and regulations for cross-connection control, the city shall assure that adequate maintenance and annual testing of backflow prevention assemblies are provided by the customer or responsible party, to ensure the proper operation of the assemblies. The customer or responsible party is ultimately responsible for the installation, testing, and maintenance of all required backflow prevention assemblies on or related to the customer's facility.

B. Certified Testers. No person shall test and/or make reports on backflow prevention assemblies to comply with this section unless he or she possesses a current certification issued by the county as defined in the county ordinance code. Additionally, testers must be approved by city.

C. Frequency of Testing. Backflow prevention assemblies shall be tested by a certified tester immediately after they are installed, relocated or repaired and not placed in service unless they are functioning as required. All backflow prevention assemblies shall be tested at least annually or more frequently if determined to be necessary by the city or county, in accordance with the California Code of Regulations, Title 17 or any future SWRCB requirements and regulations for cross-connection control, and San Mateo County Ordinance Code.

D. Fire Suppression System Backflow Preventer Testing.

1. Single-Family and Duplex Residential. Single-family and duplex residential fire suppression systems with an installed backflow prevention assembly shall be tested upon installation and annually thereafter.

2. Commercial, Industrial, Multiple-family.

a. Commercial, industrial, multiple-family fire suppression system backflow preventers must be tested annually by a certified tester.

b. If an existing fire suppression system backflow assembly is located in a vault, and has adequate physical clearance to test, it is considered "existing non-conforming" and approved for testing.

c. If an existing assembly fails the field test, the assembly must be repaired or replaced with an appropriate, approved backflow prevention assembly, installed to current city standards. If any failed assembly is currently in a vault, the assembly must be relocated above grade, to meet all current codes and city standards.

d. If an existing fire system does not have testable approved backflow prevention assembly the city shall require that a new appropriate assembly that meets all current codes be installed at customer or responsible party expense.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.090 Procedures for testing and inspection.

A. Testable backflow prevention assemblies shall be tested using current USC Foundation test procedures.

B. When a backflow prevention assembly is inspected and has passed the testing procedure, the certified tester shall immediately affix a numbered inspection tag to the assembly purchased from the county.

C. When a backflow prevention assembly fails the testing procedure, the certified tester shall immediately affix a "Failed" inspection tag to the assembly. Records of failed assembly tests shall be filed/submitted as directed within ten (10) days. The "Failed" inspection tag shall remain affixed to the assembly until the assembly is repaired, has passed the testing procedures and has been affixed with a numbered inspection tag.

D. Certified testers are solely responsible to comply with applicable municipal requirements for additional permits or licenses (i.e., local business license, plumbing permit, etc.) to test or repair backflow prevention assemblies within the city limits.

E. Procedures for handling backflow related complaints and emergencies:

1. The city water operator works closely with the county as part of its cross-connection control program regarding backflow prevention. Complaints may be sent to the city water operator and then the operator will coordinate with San Mateo County Environmental Health Services.

2. During emergencies contact the city water provider.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.100 Enforcement.

A. County has authority to take enforcement action as specified in the county ordinance code relating to backflow prevention, consistent with the agreement between the city and county. The city and city's water provider shall work with the county on enforcement. If the county is unable to reach the customer or responsible party, the city, with support from the city's water provider, will send a notice of violation by certified mail to the customer or responsible party.

B. Failure to comply with any requirement of this chapter may be cause for the discontinuance of water service. The program administrator shall give notice in writing of any violations of this chapter to the customer or responsible party. If appropriate action is not taken within ten (10) days after such notice has been mailed or delivered in person, the program administrator may discontinue delivery of water. However, if the program administrator or the health officer determines that the violation constitutes an immediate threat to the public health or safety or to the integrity of the public water system, the program administrator or the health officer may discontinue delivery of water immediately without prior notice; in such an instance, the program administrator or the health officer shall deliver notice of discontinuance as soon as practicable to the property owner and customer or responsible party. Delivery of water shall not be resumed until all required corrective actions have been made and certified as complete by the city or county.

C. All costs incurred by the city for discontinuance of water service and all fees associated with reinstating water service shall be paid by the customer or responsible party. Costs incurred by the county for inspections shall be paid by the customer or responsible party at the rate established by San Mateo County.

D. Any person found guilty of violating any provision of this chapter, or who bypasses or renders inoperative any backflow prevention assembly installed under the provisions of this chapter, shall be fined as follows:

1. A fine not exceeding one hundred dollars ($100.00) for the first violation;

2. A fine not exceeding two hundred dollars ($200.00) for a second violation within twelve (12) months;

3. A fine not exceeding five hundred dollars ($500.00) for each additional violation within twelve (12) months.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.110 Reporting.

All reporting by the city required by this chapter shall be the responsibility of the program administrator. This includes any reports to local, state, and federal regulatory or health agencies.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.120 Maintenance of records.

A. Assembly Records. Records of assembly type, size, manufacturer, installation date, location, account number, customer or responsible party of record, and repair history shall be kept electronically or in hard copy form. Assembly records shall be kept for the life of the assembly by either the city or the county, as appropriate.

B. Testing Records. Test results on all assemblies shall be kept electronically or in hard copy form for a minimum of three years.

C. Backflow Incident Notification.

1. Each public water system must notify the SWRCB of any known incident of backflow within twenty-four (24) hours of the determination. If required by the state water board, a public water system must issue a tier 1 public notification pursuant to California Code of Regulations, Title 22, Section 64463.1.

2. If required by the SWRCB, the public water system must submit, by a date specified by the SWRCB, a written incident report describing the nature and severity of the backflow or cross-connection incident, the actions taken by the public water system in response to the incident, and the follow up actions to prevent future incidents. The written report must contain, at a minimum, the information requested in the California State Water Resources Control Board Backflow Incident Report Form which can be found on the city website.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.130 Public outreach and education.

Education is a critical component to the control of backflow and cross-connection control. The city shall provide educational information on the backflow and cross-connection control program on the city website.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.140 Water supply—Sale of devices or materials that may cause pollution.

No person shall advertise locally by local means, sell, or offer for use or sale any water-treating chemical or substance, water-using or water-operated equipment, mechanism or contrivance which may cause contamination or pollution of the domestic water supply if not equipped with an approved backflow prevention device, unless such person states in such advertisement or at the time of such sale or offer that state law and this chapter may require such device in connection with the use of such chemical, substance, equipment, mechanism or contrivance.

(Ord. No. 04-2021, § 1, 10-19-2021)

15.44.150 Local plumbing codes.

Nothing in this chapter shall exempt any person from compliance with applicable requirements of the local plumbing codes.

(Ord. No. 04-2021, § 1, 10-19-2021)

## Chapter 15.48 EXCAVATION, GRADING, FILLING AND CLEARING REGULATIONS

**Sections:**

### Article I. General Provisions

15.48.010 Scope and purpose.

It is the declared intent of the city to promote the conservation of natural resources, including topography and vegetation, as well as to protect health and safety, which includes the reduction or elimination of the hazards of earth slides, mud flows, rock falls, undue settlement, erosion, siltation, and flooding, or other special conditions. To achieve these goals, the adverse effects of grading, cut and fill operations, land clearing, water runoff and soil erosion must be minimized. Therefore, the following regulatory provisions of this chapter shall apply for the purpose of effecting stringent control of all aspects of grading and clearing operations and to establish procedures for the issuance, administration and enforcement of a permit.

(Prior code § 7-2.101)

15.48.020 Definitions.

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

"Architect" means a professional architect registered in and by the state of California.

"As-graded" means the surface conditions extant on completion of grading.

"Bedrock" means in-place solid rock.

"Bench" means a relatively level step excavated into earth material on which fill is to be placed, or within a cut or fill slope.

"Best Management Practices Handbook" means a compilation of erosion and sediment control measures which is maintained by the city planning department.

"Blending" means the intermixing and compaction of natural site soils (such as materials from two natural soil horizons), or for the intermixing of natural site soils with imported soil or other materials.

"Borrow" means earth material acquired from on or off site locations for use in grading on a site.

"Buttress fill" means a compacted fill placed in such a manner as to buttress and retain weak or unstable materials.

"Certification" means a written engineering or geological opinion concerning the progress and completion of the work.

"City," where referring to approvals, denials or waivers, means the city of East Palo Alto, or its designees.

"Civil engineer" means a professional engineer registered in and by the state of California to practice in the field of civil works (see Section 8606.2, Responsibilities of Civil Engineer).

"Civil engineering" means the application of the knowledge of the forces of nature, principles of mechanics and the properties of material to the evaluation, design and construction of civil works.

"Compaction" means the densification of a fill by mechanical or other means.

"Competent material" means earth material capable of withstanding the loads or forces which are to be imposed upon it without failure or detrimental settlement as certified by the appropriate geotechnical consultant.

"Contour rounding" means the rounding of cut and fill slopes in the horizontal and vertical planes to promote stability, to blend with existing contours or to provide horizontal variation, and to eliminate the artificial appearance of slopes.

"Depth of cut or fill" means the vertical distance between existing natural ground and the finish elevation at any location.

"Drainageway" means a natural or man-made channel which collects and intermittently or continuously conveys storm water runoff.

"Dust control plan" means a written procedure describing the method, equipment and materials to be used in minimizing and controlling dust arising from construction activities.

"Earth material" means any rock, or natural soil or any combination thereof.

"Engineering geologist" means a professional engineering geologist certified in and by the state of California to practice in the field of engineering geology (see Section 8606.3, Responsibility of the Soils Engineer and the Engineering Geologist).

"Erosion" means the wearing away of the ground surface as a result of the movement of wind or water.

"Erosion control plan" means a written report describing the measures, materials and implementation schedule proposed for erosion control on a grading site, as per performance standards for erosion and sediment control plans described in the Grading Permit Performance Standards Handbook.

"Excavation" means the mechanical removal of earth material.

"Fill" means a deposit of earth or waste material placed by artificial means. ("Engineered fill" means material placed according to the recommendations and under the observation of a geotechnical consultant.)

"Geotechnical consultant" means soil engineer or engineering geologist.

"Grade" means the vertical location of the ground surface.

Grade, Existing. "Existing grade" means the grade prior to grading.

Grade, Finish. "Finish grade" means the final grade of the site which conforms to the approved plan.

Grade, Rough. "Rough grade" means is the stage at which the grade approximately conforms to the approved plan.

"Grading" means any excavating, filling or placement of earth materials or combination thereof.

"Grading Permit Performance Standards" means a handbook to be used by the applicant which details requirements for erosion and sediment control plans, grading standards, geotechnical report guidelines and dust control plan guidelines.

"Height of cut and fill slopes" means the finish vertical distance from the top to toe of the slope.

"Key" means a trench (or bench) excavated in competent earth material beneath a proposed fill for placement of engineered fill.

"Land clearing" means the removal of vegetation down to the duff or bare soil by any method.

"Land clearing permit" means a permit granted by the planning director or planning commission which authorizes the permittee to carry out land clearing.

"Land disturbance or land disturbing activity" means clearing, grading or other manipulation of the terrain.

"Minimum Standards for Geotechnical Reports" means a handbook which details the information to be included in a geotechnical report.

"Nesting" means the placement of large rocks such that voids in the fill are created and the proper compaction becomes difficult or impossible to achieve.

"Replacement" is the removal and wasting of soil materials as judged unsuitable for the support of dwellings or other site improvements, and their replacement with suitable soil materials properly engineered.

"Reworking" means the removal, or processing and subsequent mechanical densification or consolidation of existing soil material for reasons of deficiency in one or more respects.

"Significant" means any detrimental effect on the physical or natural state which cannot be adequately mitigated and as identified by Section 21000 et seq. of the California Public Resources Code.

"Site" means any lot or parcel of land or continuous combination thereof, where grading is anticipated.

"Slope" means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

"Soil" means the highly weathered top layer of the earth's surface, excluding bedrock, but including any otherwise unconsolidated earth materials.

"Soil engineer" means a civil engineer experienced and knowledgeable in the practice of soil engineering (see Section 8609.3).

"Soil engineering" means the application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

"Stabilization" means any procedure that will result in increased shear strength in a soil.

"Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

"Variable slope" means the variation of a cut or fill slope in the vertical plane to blend with existing contours and vertical undulation to eliminate the artificial appearance of slopes or to take advantage of inherent characteristics of the slope material.

"Waste material" means nonhazardous, useless or discarded material.

"Watercourse" means a blue line perennial or intermittent stream as shown on USGS topographic 7.5 minute quadrangle series maps.

(Prior code § 7-2.102)

15.48.030 Permit requirements.

For the purpose of this chapter and to establish an orderly procedure for excavating, grading, filling and clearing, land disturbing activities shall be handled in two distinct phases:

A. Grading. A grading permit shall be required for activities involving grading except as exempted in Section 15.48.040.

B. Clearing. A land clearing permit for the removal of vegetation shall be required when:

1. The land area to be cleared is five thousand (5,000) square feet or greater, within any two-year period, except in city scenic corridors where any vegetation removal is greater than one thousand (1,000) square feet.

2. Existing slopes are greater than twenty (20) percent.

3. The land area to be cleared is in any sensitive habitat or buffer zone as identified in the general plan of the city.

(Prior code § 7-2.103)

15.48.040 Exemptions.

The following exemptions shall not apply to land disturbances within natural drainage channels.

No person shall do any grading or land clearing without first having obtained a permit from the city required by this chapter, except for the following:

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 subsection shall not exempt from permit requirements under this chapter any fill made with material on or off site from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of such structure, nor when any single purpose excavation exceeds two hundred fifty (250) yards;

B. Cemetery graves shall be exempt from permit requirements;

C. Approved grading in conjunction with a timber harvest permit issued by the county of San Mateo;

D. Excavations for water wells or utilities;

E. Mining, quarrying, excavation, processing, stockpiling of rock, sand, gravel, aggregate or clay, provided a valid surface mining and reclamation permit issued by the county of San Mateo is in effect;

F. Exploratory excavations under the direction of a soils engineer or an engineering geologist. Such excavations are not to result in an erodible, hazardous or unstable state. The county geologist, or the equivalent city official, shall be informed of such explorations at least two working days prior to commencement of work;

G. An excavation which is less than two feet in maximum vertical depth made on competent natural terrain with a slope flatter than five horizontal to one vertical and which creates slopes no steeper than two horizontal to one vertical and removes less than one hundred fifty (150) cubic yards of material;

H. A fill less than two feet in depth, placed on natural terrain with a slope flatter than five horizontal to one vertical, not intended to support structures, and which does not exceed one hundred fifty (150) cubic yards on any one parcel, and does not obstruct a drainage course or affect the structural integrity of adjacent property;

I. Work conducted in any city street, public right-of-way or easement when the work is for a public facility, a public utility or other public purposes, or is controlled by other permits;

J. Emergency work as authorized by the planning director necessary to protect life, limb or property; or to maintain the safety, use or stability of a public way or drainage way;

K. The land area to be cleared is for fire protection purposes as required by the fire regulations of the city;

L. The land area to be cleared is for routine agricultural activities including but not limited to plowing, harrowing, disking, ridging, listing, leveling, and similar operations to prepare a field for a crop or the land area to be cleared is for resource management such as brush clearing, erosion control or other resource management programs carried out under the purview of the local resource conservation district (USCA-SCS);

M. Gardening for home use;

N. Agricultural use of land that is operated in accordance with a conservation plan approved by and implemented according to the practices of the resource conservation district (RCD) or when it is determined by the RCD that such use will not cause excessive erosion or sediment losses, based on applicable soil loss tolerance values;

O. Grading projects for purposes of soil conservation that have been approved by the San Mateo County resource conservation district (RCD) when plans for such project have been filed by the RCD with the planning department and the department of Public works;

P. Agricultural water impoundments not exceeding the minimum limitations of the State Dams and Reservoir Act of 1967 (Sections 6000 et seq. of the Water Code) when approved by the San Mateo County resource conservation district under the purview of the California Department of Forestry when plans for such projects have been filed with the planning department;

Q. The land area to be cleared is to be carried out under an approved forest improvement program or chaparral management program under the purview of the California Department of Forestry when plans for such projects have been filed with the planning department;

R. Repair of storm damage consisting of slide repair, debris removal and water impoundment replacement on agricultural lands carried out under the purview of the ASCS or RCD provided that such activity does not create hazards to other lands.

(Prior code § 7-2.104)

15.48.050 Procedure—Application requirements.

A. Grading Permit Application Requirements. To obtain a grading permit, the applicant shall first file a written application with the planning department on a form provided by the planning director.

The application shall be accompanied by the following material:

1. Where applicable, a letter from the property owner authorizing the property owner's representative to sign the application;

2. Fees as set by resolution of the city council;

3. A civil engineer's estimate of the quantity of materials to be moved;

4. A geotechnical report except when waived by the director of public works. The applicant must comply with the Uniform Building Code and the San Mateo County minimum standards for geotechnical reports;

5. Two sets of grading plans. When the permit is to be heard by the planning commission, seven sets of plans are required. The plans shall be prepared and signed by a civil engineer and shall be twenty-four (24) inches by thirty-six (36) inches and in a form approved by the director of public works. Where a geotechnical report has been required, the geotechnical consultant shall certify on the San Mateo geotechnical consultant approval form that applicable portions of the plans have been prepared in accordance with the recommendations contained in the geotechnical report. The plan shall contain at least the following items (additional material may be required to show conformance of the proposed grading with the requirements of this section and other related ordinances):

a. A vicinity map or other means of adequately indicating the site location,

b. Boundary lines of the site,

c. If there is a proposed subdivision, each lot or parcel of land into which the site is proposed to be divided,

d. The location of any existing buildings, structures, easements or underground utilities on the property where the work is to be performed, and the location of any buildings or structures on adjacent land within fifty (50) feet of the proposed work,

e. Accurate contours showing the topography of the existing ground extending at least ten feet outside all boundary lines of the project site, based on elevations taken on adjacent property or other means approved by the director of public works. The contour lines shall be at intervals sufficient to show the configuration of the ground before grading relative to a bench mark established at or adjacent to the grading site,

f. All of the proposed uses for which the proposed grading is necessary,

g. Elevations, locations, extent and slope of all proposed grading shown by contours, or other acceptable means, and location of any rock disposal areas, buttress fills, subdrains, or other special features to be included in the work. Contours or the finished surface of all proposed grading shall also be included,

h. A statement of the quantities of materials to be excavated and/or filled and the amount of such material to be imported to, or exported from, the site. Approved disposal sites must be used,

i. Location and nature of known or suspected soil or geologic hazard areas,

j. Approximate boundaries of any areas with a history of flooding,

k. Location, width, direction of flow and approximate location of top and toes of banks of any watercourses,

l. General location and character of vegetation covering the site and the locations of trees with a trunk diameter of twelve (12) inches or more, measured at a point four and one-half feet above average ground level, within twelve (12) feet of the area to be disturbed by the proposed grading,

m. A detailed plan for erosion and sediment control, both during construction and permanent, unless the site has no slopes greater than two percent or unless waived or modified by the director of public works (see erosion and sediment control plan, Grading Permit Performance Standards Handbook),

n. A plan for dust control (see dust control plans, Grading Permit Performance Standards Handbook),

o. Name and signature of the registered civil engineer (when required) under whose direction the grading plan is prepared,

p. Specifications, and cross-sections, profiles, elevations, dimensions and construction details based on accurate field data,

q. Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, gabion walls, cribbing, dams and other improvements existing or to be constructed, together with supporting calculations and maps,

r. Such other information as the director of public works or the planning director may require.

B. Agricultural Water Impoundments Permit Requirements. Plans and profiles not under the purview of the RCD and therefore not exempt under Section 15.48.040R shall be prepared by a licensed engineer as required by the director of public works and be subject to permits and approvals from the planning division. All construction must be in accordance with approved plans and specifications and, when required, shall be done in the presence of and certified by a licensed soils engineer or engineering geologist as appropriate.

C. Land Clearing Permit Application Requirements. To obtain a land clearing permit, the applicant shall first file a written application with the planning and development division on a form provided by the planning director.

The application for a land clearing permit shall be accompanied by the following materials:

1. Where applicable, a letter from the property owner authorizing the property owner's representative to sign the application;

2. Fees as set by resolution of the city council;

3. An erosion control plan (as specified in the Grading Permit Performance Standards Handbook);

4. Plan for the removal of vegetation. The plan shall include at a minimum:

a. A vicinity map or other means of adequately indicating the site location,

b. Boundary lines of the site,

c. Location of area to be cleared,

d. Location of existing structures on the site,

e. A plan for disposal of the removed vegetation,

f. Purpose of removal.

(Prior code § 7-2.105)

15.48.060 Review, referral and report.

A. Prior to acceptance, the application shall be reviewed by the planning division and the department of public works for compliance with Section 15.48.050A or B. Additional information may subsequently be required to demonstrate compliance with this chapter.

B. The planning division shall refer the application to the department of public works and other interested departments and agencies for comment and recommendation.

In reviewing the application and plans and making his recommendations, the director of public works shall report whether the grading as proposed complies with the standards as detailed in Section 15.48.050 and shall recommend conditions to assure such compliance.

C. It shall be the duty of the planning director to forward the application together with recommendations thereon to the appropriate body specified in Section 15.48.070 for its action.

(Prior code § 7-2.106)

15.48.070 Decision making authority.

The following person or body shall grant the indicated permits as required by this chapter:

A. The Planning Commission. All grading and land clearing permits in state or county or city scenic road corridors;

B. Planning Director. Land clearing permits outside state or county or city scenic road corridors; grading permits for agricultural water impoundments which do not qualify for exemption under Section 15.48.040P and which are located outside state and county scenic road corridors; and grading permits involving cut or fill not to exceed one thousand (1,000) cubic bank yards;

C. Zoning Hearing Officer. All other grading permits.

(Prior code § 7-2.107)

15.48.080 Public hearing and comment.

A. The zoning hearing officer, planning commission or city council shall hold a public hearing before taking action on any grading or land clearing permit which is before them.

B. A public hearing on a grading or land clearing permit may be held concurrently with any other public hearing on the project held by the appropriate person or body specified in Section 15.48.070.

C. In addition to testifying at a public hearing, any person may submit written comment on an application for a grading or land clearing permit, or on a permit appeal, at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in any notice required by Section 15.48.090. Written comments shall be submitted to the planning director who shall forward them to the appropriate person, commission or board.

(Prior code § 7-2.108)

15.48.090 Notice requirements.

Where a public hearing is required, notice shall be given as required for use permits in Title 10 of this code, if in the opinion of the planning director, the grading activity may affect properties beyond three hundred (300) feet from the property line; additional notice may be required as deemed appropriate. In addition, ten days prior to action by the planning director, notice of grading permits required for agricultural water impoundments shall be given in the same manner; such notice shall specify the date on which a decision will be made.

(Prior code § 7-2.109)

15.48.100 Findings, conditions and action.

A. The decision making authority will review the report submitted by the planning division regarding the permit and make the following findings in any action to approve the permit:

1. That the granting of the permit will not have a significant adverse effect on the environment;

2. That the project conforms to the criteria of this chapter, including the standards referenced in Section 15.48.050;

3. That the project is consistent with the general plan.

B. Approval of a permit required by this chapter shall be conditioned as necessary to ensure conformance with this chapter. For agricultural water impoundments, the permit may be conditioned as appropriate to include such requirements as having adequate evidence of water rights provided by the State Division of Water Rights in advance of construction. The approving authority may require modification and resubmittal of project plans, drawings and specifications. When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to allow the planning director to prepare his recommendation on the modified project.

C. After reviewing the evidence regarding the application for permit, the decision making authority shall either grant or deny the permit based on the conditions and findings described in Section 15.48.100A and B.

(Prior code § 7-2.110)

15.48.110 Appeals.

The action of the decision maker in authorizing or denying a permit may be appealed by the applicant, or any other person who is aggrieved by issuance of or nonissuance of the permit or any conditions thereof.

Permits considered and acted upon by the planning director or zoning hearing officer may be appealed to the planning commission, by filing a written notice of appeal with the planning division within ten calendar days from issuance or denial of such permit. The planning commission shall hear such appeal and render a decision following such hearing. The decision of the planning commission is appealable to the city council in the manner described above. The decision of the city council shall be final. The action taken by the decision maker shall be reported to the affected parties.

(Prior code § 7-2.111)

15.48.120 Duration of permit.

If a substantial amount of work authorized by any permit is not commenced within eight months of the date of issuance or as otherwise indicated on the face of the permit, or on the improvement agreement, or if such work is not completed within one year of commencement or as otherwise indicated on the permit or the improvement agreement, the permit shall expire and become void.

(Prior code § 7-2.112)

15.48.130 Renewal.

The renewal of an expired permit may be administratively approved by the planning director providing no changes to the plans have been made. An application for such renewal must be made in writing no later than one month prior to the expiration date, in the same manner as specified for in the original application. The fees for such renewal will be one-half the original fee. Two renewals may be granted. Extensions beyond two renewals require a complete new application and must be submitted with full fees.

(Prior code § 7-2.113)

15.48.140 Permit amendment.

Upon application by the permittee, the permit required by this chapter may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this chapter for initial approval of the permit. All sections of this chapter shall apply to the permit amendment.

(Prior code § 7-2.114)

15.48.150 Securities.

The city may require the applicant as a condition of issuing a permit required by this chapter, to post a security in an amount as determined by the city. The security shall be of sufficient amount to insure compliance with the conditions of the permit, this chapter and to repair any damage that may result from the land disturbing activity. Release of the security shall occur one year after installation of the measures and be conditioned on the faithful performance of the conditions of the permit.

Securities will be released only upon satisfactory completion of the work and completion of a one year warranty period required by the city. When landscaping or erosion control measures are required, a separate security shall be posted for a period of two growing seasons. The security shall be based upon the cost of placement or replacement of the landscaping or the work performed, whichever is greater.

(Prior code § 7-2.115)

15.48.160 Standards.

The following standards delineate levels of design and control to be met during the project. Their purpose is to assure that development is accomplished so as to minimize adverse effects on the existing terrain and to minimize the potential for erosion.

A. Erosion and Sediment Control. An erosion and sediment control plan and subsequent implementation shall be required except where an environmental assessment by the county planning division of the site shows that such a plan is not necessary. Plans shall conform to standards as detailed in the Grading Permit Performance Standards Handbook.

B. Grading. Performance standards, as detailed in the Grading Permit Performance Standards Handbook, are to apply to all aspects of the proposed grading and are intended to be operational during all stages of development.

C. Geotechnical Reports. When it is determined by the department of public works that conditions on the project site warrant a geotechnical report (see Section 15.48.050A, Grading Permit Application Requirements), the report shall be prepared by a professional geotechnical consultant under the direction of a soils engineer and an engineering geologist in accordance with the current minimum Standards for Geotechnical Reports and the Grading Permit Performance Standards Handbook.

D. Dust Control Plans. All projects must submit dust control plans as detailed in the Grading Permit Performance Standards Handbook.

E. Fire Safety. All equipment used in grading operations shall meet spark arrester and fire fighting tool requirements as specified in the California Public Resources Code.

F. Time Restrictions. The period from October 15th to April 15th has been determined to be the period in which heavy rainfall normally occurs in the county and the city. During such period, no land disturbing activity shall be authorized on any single site under a permit if the planning director determines that such work will endanger the public health or safety or cause excessive erosion.

(Prior code § 7-2.116)

15.48.170 Responsibilities during project implementation—Right of inspection.

All land disturbing activities for which a permit is required shall be subject to inspection by the city.

In addition to the inspections specified in Sections 15.48.180 and 15.48.190, the city may make such other inspections as it deems necessary to determine that the work is being performed in compliance with the requirements of this chapter.

(Prior code § 7-2.117)

15.48.180 Responsibilities of the civil engineer.

A. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the geotechnical reports into the grading plan. The civil engineer shall also be responsible for the inspection and certification of the grading within the engineer's area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the city. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans (see Section 15.48.220) upon completion of the work.

B. Prior to foundation work, the permittee's engineer shall certify that the building pad elevations do not vary more than two-tenths of a foot from the approved pad elevations.

C. When work has been completed, the civil engineer shall certify that all grading, lot drainage and drainage facilities have been completed and the slope planting installed in conformance with the approved plan and the requirements of this chapter.

(Prior code § 7-2.118)

15.48.190 Responsibilities of the soils engineer and engineering geologist.

A. During all grading, all necessary reports, compaction data and geotechnical recommendations shall be submitted to the permittee's civil engineer and the department of public works by the soils engineer and the engineering geologist.

B. The soil engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and design of buttress and replacement fills, and the design and need for subdrains and other groundwater control devices, where required, incorporating data supplied by the engineering geologist.

C. The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters. Applicable findings shall be reported to the soils engineer and the civil engineer for engineering analysis.

D. During grading, periodic density tests shall be made by the geotechnical consultant and submitted to the department of public works. Dry density, moisture content, and the location, elevation and sampling date of each sample taken shall be reported, along with sufficient data to correlate with laboratory analyses submitted. In addition, the location and type of all surface and subsurface water control measures shall be submitted.

E. Upon completion of the grading, the geotechnical consultant shall certify that the site was graded and filled with material in accordance with approved specifications and approved geotechnical recommendations. The certification should be completed on the geotechnical consultant approval form provided by the department of public works.

(Prior code § 7-2.119)

15.48.200 Change of consultant.

If the civil engineer, the geotechnical consultant or the testing agency of record are changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of its technical competence for certification upon completion of the work.

(Prior code § 7-2.120)

15.48.210 Noncompliance.

If, in the course of fulfilling its responsibility under this chapter, the civil engineer, the geotechnical consultant or the testing agency finds that the work is not being done in conformance with this chapter, or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the department of public works and the planning director. Recommendations for corrective measures, if necessary, shall be submitted. Project work shall be stopped until corrective measures are approved by the city.

(Prior code § 7-2.121)

15.48.220 Supplemental reports.

Upon completion of the rough grading work, and at the final completion of the work, the city may require the following reports and drawings and supplements thereto:

A. An as-graded grading plan prepared by the civil engineer including original ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities, cut fill lines and all other pertinent information including, but not limited to, buttress and replacement fills, restricted from building areas, etc.;

B. An as-built grading report prepared by the geotechnical consultant including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The report shall include a final description and, if necessary, a map of the geology of the site including any new information disclosed during the grading and its effect upon site grading. A certification shall be provided approving the adequacy of the site for the intended use as affected by soil and geologic factors.

(Prior code § 7-2.122)

15.48.230 Emergency preventative maintenance.

In the event that a condition should arise during the grading operations which may become a hazard, whether or not such condition was caused through negligence or act of God, immediate remedial action to mitigate the hazard shall be taken under the direction of the civil and/or geotechnical consultant. Within three working days, a written report describing the remedial work shall be sent to the city for review.

(Prior code § 7-2.123)

### Article II. Enforcement

15.48.240 Enforcement of permit by planning director.

A. The planning director shall enforce the provisions of this chapter and the terms of any grading or land clearing permit. If an applicant fails, neglects or refuses to fulfill any of the requirements of this chapter or conditions of the permit or violates any provisions of applicable law or if work is carried out in such a manner as materially to affect adversely the health, welfare or safety of persons or shall conduct or carry on land disturbance so that the land disturbance is materially detrimental to the public welfare or injurious to property or improvements, the planning director shall give notice to the permittee stating:

1. The work to be completed and/or repairs to be made;

2. The time within which all work is to be completed.

B. If after ten days from the receipt of the notice the applicant fails to respond to meet the requirements of the notice within the time limit set by the planning division, the planning director shall take one of two actions:

1. The city may cause such work to be done and deduct the cost thereof from a cash deposit or collect such amount from the surety.

2. The planning director may bring the matter before the planning commission as specified in the zoning ordinance.

(Prior code § 7-2.201)

15.48.250 Nuisance.

The provisions of this chapter shall not be construed to authorize any person to maintain a private or public nuisance upon their property, and compliance with the terms of this chapter shall not be a defense in any action to abate such nuisance.

(Prior code § 7-2.202)

15.48.260 Hazards.

Upon city determination that an existing excavation or fill embankment on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel or creates an erosion problem, the city will notify the person or agent in control of such property. Upon receipt of this written city notice, the person in control of such property shall, within the period specified therein, repair or remove such excavations or fill embankment so as to eliminate the hazard and be in conformance with the requirements of this chapter.

(Prior code § 7-2.203)

### Article III. Violations

15.48.270 Stop work order.

If the chief building inspector finds any grading work for which a permit is required but not issued, or the grading is in substantial noncompliance with an issued permit, or the plans and specifications relating thereto, he/she may order the work stopped by posting the site or by written notice and may issue an abatement order, No further grading may be done except on the approval of the planning director. Conditions may be imposed as necessary to protect the health, safety and welfare of the public, including the condition that corrective work be done within a designated time as specified in Section 15.48.240.

(Prior code § 7-2.301)

15.48.280 Record notice of violation.

The planning director shall record a notice of a grading violation in the office of the county recorder and notify the owner of the affected real property and any other known party responsible for the violation. If the property owner or other responsible party disagrees that the grading violates this chapter, proof may be submitted to the planning director, including documentation and engineering reports that a grading permit is not required. The planning director's decision may be appealed to the planning commission and the board of supervisors in the manner provided in this chapter. The appeal to the planning commission may be filed within ten calendar days from the date of service of written notice of violation and shall be filed within ten days after the decision of the planning director on appeal thereto.

(Prior code § 7-2.302)

15.48.290 Notice of expungement.

A notice of expungement of the notice of violation shall be recorded with the county recorder when:

A. The Planning Director or other appellate authority determines that a grading permit is not required; or

B. All work has been completed and approved by the planning director.

(Prior code § 7-2.303)

15.48.300 Misdemeanor.

Violations of this chapter shall be a misdemeanor and shall be punishable as provided in Title 1 of the Municipal Code of the city of East Palo Alto.

(Prior code § 7-2.304)

15.48.310 Additional prosecutions.

When applicable, violations may be prosecuted as an unfair business practice under the Business and Professions Code.

(Prior code § 7-2.305)

## Chapter 15.52 FLOODPLAIN MANAGEMENT[[8]](#footnote-8)

15.52.010 Findings.

A. Areas of special flood hazards exist within the city. These areas are subject to periodic inundation which may result 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 which may cause damages in other areas. Structures that are not adequately floodproofed, anchored, properly elevated or otherwise protected from flood damage may also contribute to the flood loss.

(Ord. No. 362, § 2, 10-1-2013)

15.52.020 Statement of purpose.

It is the purpose of this chapter 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 to:

A. Protect human life and health;

B. Minimize damage to private property, public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazards;

C. Help maintain a stable tax base by providing for the use and development of areas of special flood hazard so as to minimize future flood blight areas and protect property located adjacent to or upstream from special flood hazard areas;

D. Control development which will, when acting alone or in combination with similar development, create an additional burden to the public to pay the cost of rescue, relief, emergency preparedness measures, sandbagging, pumping, and temporary dikes and levees;

E. Control development which will, when acting alone or in combination with similar development, create an unjustified demand for public investment in flood control works by requiring that uses vulnerable to floods, including public facilities which serve such uses, shall be protected against flood damage at the time of initial construction;

F. Control development which will, when acting alone or in combination with similar development, create an additional burden on the public for business interruptions, factory closings, disruption of transportation routes, interference with utility services, and other factors that result in loss of wages, sales, production and tax write-offs;

G. Control development which will, when acting alone or in combination with similar development, cause flood losses if public streets, sewer, water and other utilities must be extended below the flood level to serve the development;

H. Control floodplain uses such as fill, dumping, storage of materials, structures, buildings, and any other works which, acting alone or in combination with other existing or future uses, will cause damaging flood heights and velocities by obstructing flows and reducing valley storage;

I. Minimize surface and groundwater pollution which will affect human, animal or plant life;

J. Ensure that potential buyers are notified that property is located in an area of special flood hazard; and

K. Ensure that those who occupy areas of special flood hazards assume the responsibility for their actions.

(Ord. No. 362, § 2, 10-1-2013)

15.52.030 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter 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 in 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 floodwaters;

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 floodwaters or which may increase flood hazards in other areas.

(Ord. No. 362, § 2, 10-1-2013)

15.52.040 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application. The following words and phrases are defined for purposes of clarifying their use in this chapter:

A. "Appeal" means a request for a review of the floodplain administrator's interpretation of any provision in this chapter or a request for a variance.

B. "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").

C. "Base flood elevation" or "BFE" means the height of the base flood in relation to the North American Vertical Datum of 1988.

D. "Basement" means any area of a structure having its floor subgrade (below ground level) on all sides.

E. "Breakaway walls" means 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 building to which they might be carried by floodwaters. 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 walls collapse shall result from a water load less than that which would occur during the base floods; 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. "Coastal high hazard area" means the area subject to high velocity waters, including but not limited to, coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as Zone V1-V30, VE or V.

G. "Development" means any manmade change to improved or unimproved real estate, including but not limited to, building(s) or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

H. "Fill" is the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

I. "Fill material" can be natural sand, dirt, soil or rock, and for the purposes of floodplain management, may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

J. "Encroachment" means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

K. "Erosion" means the process of the gradual wearing away of land masses.

L. "Existing manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

M. "Expansion to an existing manufactured home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

N. "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 special flood hazards and the floodway.

O. "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.

P. "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.

Q. "Flood or flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from: (1) the overflow of floodwaters; (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 caused 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.

R. "Flood management regulations" means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain ordinance, grading ordinance and erosion control ordinance), and other applications of 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.

S. "Flood elevation study" means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/or flood-related erosion hazards.

T. "Flood Hazard Boundary Map" means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

U. "Flood-related erosion" means the collapse or subsidence of land along a body of water as a result of undermining caused 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 a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

V. "Flood-related erosion area" or "flood-related erosion-prone area" means a land area adjoining a body of water, which due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

W. "Flood-related erosion area management" means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage, including, but not limited to, emergency preparedness plans, flood-related erosion control works, and floodplain management regulations.

X. "Floodplain management" means the operation of an overall program of corrective and preventative measures for reducing flood damage and preserving and enhancing, where possible, natural resources in the floodplain, including but not limited to, emergency preparedness plans, flood control works, floodplain management regulations, and open space plans.

Y. "Floodplain or flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flood").

Z. "Floodproofing" means any combination of structural and nonstructural additions, changes or adjustments to nonresidential structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, nonresidential structures and their contents.

AA. "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."

BB. "Freeboard" means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management.

CC. "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, and does not include long-term storage or related manufacturing facilities.

DD. "Hardship" for the purposes of this chapter, means the hardship that would result from a failure to grant the requested variance and must involve circumstances that are exceptional, unusual, and peculiar to the property involved.

EE. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

FF. "Historic structure" means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the department of interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district registered historic district;

3. Individually listed on a state inventory of historic places in states with historic places; in states with historic preservation programs which have been approved by the Secretary of Interior; or individually listed on a local inventory of historic place in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior, or directly by the Secretary of the Interior in states with approved programs.

GG. "Lowest floor" means the lowest floor of the lowest enclosed area including basement. An unfinished or flood-resistant enclosure, below the lowest floor that is 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 it conforms to applicable nonelevation design requirements, including, but not limited to:

1. The wet floodproofing standard in Section 15.52.070.A.3.c;

2. The anchoring standards in Section 15.52.070.A.1;

3. The construction materials and methods standards in Section 15.52.070.A.2;

4. The standards for utilities in Section 15.52.070.B.

5. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "Basement" definition). This prohibition includes below-grade garages, recreation rooms, utility rooms and storage areas.

GG-1. "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. The term "manufactured home" does not include a "recreational vehicle."

HH. "Manufactured home park or subdivision" means a parcel or contiguous parcels of land divided into two or more manufactured home sites for sale or rent.

II. "Mean sea level" means, for the purposes of the National Flood Insurance Program, the North American Vertical Datum of 1988 or other datum to which the base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

JJ. "New construction" for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of floodplain management regulation(s) adopted by this community, and includes any subsequent improvements to such structures.

KK. "Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water or its likelihood of being carried downstream.

LL. "One hundred-year flood (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 chapter.

MM. "Persons" means an individual or his agent, firm, partnership, association or corporation, or agent of the aforementioned groups, or this state or its agencies or political subdivisions.

NN. "Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;

2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light-duty truck; and

4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

OO. "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 can be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of this chapter, or otherwise deterring future similar violations, or reducing federal financial exposure with regard to the structure or other development.

PP. "Riverine" means relating to, formed by, or resembling a river (including tributaries), stream brook, etc.

QQ. "Sand dunes" means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

RR. "Special flood hazard area" or "SFHA" means an area having special flood, mudslide (i.e., mudflow), or flood-related erosion hazards, and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99, AH, V1-V30, VE or V. SFHA may also be designated by the City of East Palo Alto Community Development Department for riverines not shown on the FIRM, when a hydraulic study has defined the base flood elevations and the area of inundation.

SS. "Start of construction" means and includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty (180) days from the date of the permit. 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. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building whether or not that alteration affects the external dimensions of the building.

TT. "Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

UU. "Substantial damage" means 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 (50) percent of the market value of the structure before the damage occurred.

VV. "Substantial improvement" means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the start of construction of the improvement. If multiple or phased improvements are involved, total costs shall be cumulative for a five consecutive year period prior to the start of construction. This term includes structures which have incurred substantial damage, regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a historic structure listed on the National Register of Historic Places or a state inventory of historic places, provided that the alteration will not preclude the structure's continued designation as a historic structure.

WW. "Variance" means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

XX. "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 chapter is presumed to be in violation until such time as that documentation is provided.

YY. "Water surface elevation" or "WSE" means the height, in relation to the North American Vertical Datum of 1988 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

ZZ. "Watercourse" means a lake, river, creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

(Ord. No. 362, § 2, 10-1-2013)

15.52.050 General provisions.

A. This chapter shall apply to all areas of special flood hazard within the city.

B. Basis for Establishing Areas of Special Flood Hazard. The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS), dated September 19, 1984 and accompanying Flood Insurance Rate Map (FIRM), and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city council by the floodplain administrator. The study and FIRM are on file at the City of East Palo Alto Community Development Department.

C. Requirement to Submit New Technical Data. Applicants who submit hydrologic and hydraulic engineering analyses as part of permit applications are required to submit to FEMA the data and information necessary to maintain the Flood Insurance Rate Maps if the analyses indicate changes in base flood elevations, flood hazard area boundaries, or floodway designations; such submissions shall be made within six months of such data becoming available.

D. Compliance. No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violations of the provisions of this chapter 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 in this chapter shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

E. Abrogation and Greater Restrictions. This chapter is not intended to repeal, abrogate or impair any existing easement, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever poses the more stringent restrictions shall prevail. The city reserves the right to utilize the best available data and best management practices in support of the NFIP.

F. Interpretation. In the interpretation and application of this chapter, all provisions shall be:

1. Considered as minimum requirements;

2. Liberally construed in favor of the governing body; and

3. Deemed neither to limit, nor repeal any other powers granted under federal or state statutes.

G. Warning and Disclaimer of Liability. The degree of flood protection required by this chapter 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 manmade or natural causes. This chapter does not imply that land outside of the areas of special flood hazards or uses permitted within such areas will be free from flooding. This chapter shall not create liability on the part of the city, any officer or employee thereof, the state, the Federal Emergency Management Agency or the Federal Insurance Administration for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

H. Penalties.

1. Any person or business entity, whether as principal, agent, employee, or otherwise, who violates any of the provisions of this chapter shall be guilty of a misdemeanor and upon conviction thereof, shall be punishable by a fine not exceeding one thousand dollars ($1,000.00) or by imprisonment in the county jail not exceeding one year or by both fine and imprisonment.

2. The city's building official or designated authority are authorized to issue citations for the violation of any provision of this chapter.

3. Any structure or improvement constructed, affixed, located, extended, enlarged, converted or altered contrary to the provisions of this chapter or any use of any land or structure contrary to the provisions of this chapter or contrary to a permit or variance or the terms and conditions imposed therein shall be, and the same is declared to be, unlawful and a public nuisance, and the duly constituted authorities of the city shall immediately commence action or proceedings to abate, remove and enjoin thereof in the manner provided by law.

4. The remedies provided for in this chapter shall be cumulative and not exclusive.

(Ord. No. 362, § 2, 10-1-2013; Ord. No. 419, § 1, 1-15-2019)

15.52.060 Development review procedures.

A. Establishment of a development permit. A development permit shall be obtained before construction or development begins within any area of special flood hazards, established in Section 15.52.050.B. 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 quadruplicate, drawn to scale showing the nature, location, dimensions and elevation of the area in question; existing and proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

1. A development permit need not be a separate permit document but, at the discretion of the community development director or designee, may consist of a clearance signature integrated into an existing approval process. The issuance of a development permit may follow a decision on a discretionary permit.

2. Application for a development permit shall be submitted to the community development director or designee on forms provided by that division. Such applications shall be submitted concurrently with applications for any other permits or approvals required (i.e., planning approvals, grading permit, etc.) for the project by the federal, state, local laws or East Palo Alto policies and shall include the following in addition to plans and information required for other permits or approvals:

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 nonresidential structure will be floodproofed;

c. All appropriate certifications listed in Section 15.52.060.C.4 of this chapter; and

d. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

B. Designation of the floodplain administrator. The community development director or designee is appointed to administer and implement this chapter by granting or denying development permits in accordance with its provisions.

C. Duties and responsibilities of the floodplain administrator. The duties and responsibilities of the floodplain administrator shall include, but not be limited to:

1. Permit review.

a. Review all development permits to determine that the permit requirements of this chapter have been satisfied;

b. All other required state and federal permits have been obtained;

c. The site is reasonably safe from flooding; and

d. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point.

2. Use of other base flood data. When base flood elevation data has not been provided in accordance with Section 15.52.050.B, 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 15.52.070.

3. Whenever a watercourse is to be altered or relocated:

a. Notify adjacent communities and federal and state agencies as applicable, including but not limited to the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit written evidence of such notification to the Federal Emergency Management Agency; and

b. Require that the flood-carrying capacity of the altered or relocated portion of such watercourse is maintained.

4. Obtain and maintain for public inspection and make available as needed:

a. The certification required in Section 15.52.070.A.3.a (lowest floor elevations);

b. The certification required in Section 15.52.070.A.3.b (elevation or floodproofing of nonresidential structures);

c. The certification required in Section 15.52.070A.3.c (wet floodproofing standards);

d. The certification required in Section 15.52.070.C (subdivision standards);

e. The certification required in Section 15.52.070.E.1 (floodway encroachments); and

f. The information required in Section 15.52.070.F.6 (coastal construction standards).

5. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.52.080.

6. Take specific action to remedy violations of this chapter as specified in Section 15.52.050.C.

(Ord. No. 362, § 2, 10-1-2013)

15.52.070 Provisions for flood hazard reduction.

A. Standards of construction. In all areas of special flood hazards, the following standards are required:

1. Anchoring.

a. 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; and

b. All manufactured homes shall meet the anchoring standards of Section 15.52.070.D.

2. Construction materials and methods.

a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage;

b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage; and

c. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

3. Elevation and floodproofing.

a. New construction and substantial improvement of any structure shall have the lowest floor, including basement elevated eighteen (18) inches above the base flood elevation. Nonresidential structures may meet the standards in Section 15.52.070.A.3.b. Upon the completion of the structure, the elevation of the lowest floor including the basement shall be certified by a registered professional engineer or surveyor, and verified by the community building official to be properly elevated. Such certification and verification shall be recorded and filed at the community development department, planning division.

b. Nonresidential construction, new or substantial improvement, shall either be elevated to conform with Section 15.52.070.A.3.a or together with attendant utility and sanitary facilities:

i. Be floodproofed to the elevation required under Section 15.52.070.A.3.a, so that the structure is watertight with walls substantially impermeable to the passage of water;

ii. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

iii. 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.

c. Require for all new construction and substantial improvements with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and 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 floodwater.

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 minimum of two openings having 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 devises provided that they permit the automatic entry and exit of floodwaters.

d. Manufactured homes shall also meet the standards in Section 15.52.070.D.

B. Standards for utilities.

1. All new and replacement water supplies and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters; and

2. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Standards for subdivisions.

1. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood;

2. All final subdivision plans will provide the elevation of proposed structure(s) and pads. If the building site is filled, the final pad elevations shall be eighteen (18) inches above the base flood elevation and be certified by a registered professional engineer or surveyor and provided to the floodplain administrator;

3. All subdivision proposals shall be consistent with the need to minimize flood damage;

4. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage; and

5. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

D. Standards for manufactured homes. All new, substantially improved, replacement manufactured homes and additions to manufactured homes shall:

1. Be elevated so that the lowest floor is elevated eighteen (18) inches above the base flood elevation; and

2. Be securely anchored to a permanent foundation system to resist flotation, collapse or lateral movement.

E. Floodways. Located within areas of special flood hazard established in Section 15.52.050 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles and erosion potential, the following provisions apply:

1. Prohibit encroachments, 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; and

2. If Section 15.52.070.E.1 is satisfied, all new construction and substantial improvements shall comply with all other applicable flood hazard reduction provisions of Section 15.52.070.

F. Coastal high hazard areas. Within coastal high hazard areas established in Section 15.52.050, the following standards shall apply:

1. All new construction and substantial improvements shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the lowest horizontal portion of the structural members of the lowest floor (excluding the pilings or columns) is elevated eighteen (18) inches above the base flood elevation. The pole or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards;

2. All new construction and other development shall be located landward of reach of mean high tide;

3. All new construction and substantial improvements shall have the space below the lowest floor free of obstructions or constructed with breakaway walls. Such temporarily enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or limited storage;

4. Fill shall not be used for structural support of buildings;

5. Manmade alteration of sand dunes which would increase potential flood damage is prohibited; and

6. The floodplain administrator shall obtain and maintain the following records:

a. Certification by a registered engineer or architect that a proposed structure complies with Section 15.52.070.F.1; and

b. The elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding pilings or columns) or all new and substantially improved structures, and whether such structures contain a basement.

(Ord. No. 362, § 2, 10-1-2013)

15.52.080 Variance procedures.

A. Appeal board.

1. The city council of the city shall hear and decide appeals and requests for variances from the requirements of this chapter;

2. The city council shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the floodplain administrator in the enforcement or administration of this chapter;

3. In passing upon such applications, the city council shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter; and:

a. The danger that materials may be swept onto other lands to the injury of others,

b. The danger to life and property due to flooding or erosion damage,

c. The susceptibility of the proposed development to flood damage and the effect of such damage on the individual owner,

d. The importance of the services provided by the proposed facility to the community,

e. The necessity of a waterfront location for the proposed facility, where applicable,

f. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage,

g. The compatibility of the proposed use with existing and anticipated development,

h. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area,

i. The safety of access to the property in times of flood for ordinary and emergency vehicles,

j. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters expected at the site, and

k. 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.

4. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the elevation required in Section 15.52.070.A.3, providing items in Sections 15.52.080.A.3.a through 15.52.080.A.3.k have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases;

5. Upon consideration of the factors of Section 15.52.080.A.3 and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter; and

6. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Insurance Administration, Federal Emergency Management Agency.

B. Conditions for variances.

1. Variances may be issued for the repair, rehabilitation or restoration of structures listed in the National Register of Historic Places or the state inventory of historic places, upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure;

2. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result;

3. Variances shall only be issued upon the determination that the variance is the minimum necessary, considering the flood hazard, to afford relief;

4. Variances shall only be issued upon:

a. A showing of good and sufficient cause,

b. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and

c. 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 or victimization of the public, or conflict with existing local laws or ordinances.

5. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the provisions of Sections 15.52.080.B.1 through 15.52.080.B.4 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; and

6. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with the lowest floor below the required elevation in Section 15.52.070.A.3.a and that the cost of the flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

C. Application procedure. Application for a variance from the provisions of this chapter may be made by the property owner or the owner's representative on forms provided by the floodplain administrator. Applications for variances shall be processed in accordance with the provisions established by the floodplain administrator and the application material shall include:

1. A complete application form, environmental information form and filing fees as set by the city;

2. Complete site plans, floor plans, exterior elevations and grading plans in quadruplicate drawn to scale, showing the location, dimensions, contours and elevations above mean sea level of areas proposed for development, existing and proposed structures, streets, roads, drainage facilities, utilities, areas of fill and locations of North American Vertical Datum of 1988;

3. The proposed elevation in relation to mean sea level of the lowest floor (including basement) of all structures, based on North American Vertical Datum of 1988; in Zone AO, elevation of the existing grade and proposed elevation of the lowest floor of all structures, based on North American Vertical Datum of 1988; and

4. Proposed elevation in relation to mean sea level to which any structure will be floodproofed, based on North American Vertical Datum of 1988.

(Ord. No. 362, § 2, 10-1-2013)

15.52.090 Nonconforming uses.

A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions:

1. The structure or use shall comply with the regulations contained in the city zoning ordinance.

2. Structural alterations, maintenance or repair of a nonconforming building may be allowed provided:

a. The cubical contents of the building as it existed at the time it became nonconforming is not increased; or

b. The building is permanently changed to a conforming use.

B. Structures or adjuncts thereof which are/or become nuisances shall not be entitled to continue as nonconforming uses.

C. Except as provided in Section 15.52.080.B, any use which has been permitted following approval of variance by the city, as provided for in Section 15.52.080, shall be considered a conforming use.

D. Any alteration, addition or repair to any nonconforming structure which would result in substantially increasing its flood damage potential shall be protected by measures pursuant to Section 15.52.080.

(Ord. No. 362, § 2, 10-1-2013)

15.52.100 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. Whenever the provisions of this chapter conflict with the provisions of City of East Palo Alto Building Code relating to flood-prone areas, the more restrictive language shall govern.

(Ord. No. 362, § 2, 10-1-2013)

15.52.110 Severability.

The provisions of this chapter are hereby declared to be severable. Should any portion of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than one so declared to be unconstitutional or invalid.

(Ord. No. 362, § 2, 10-1-2013)

## Chapter 15.56 RECYCLING AND DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS

15.56.010 Findings and purpose.

The city council finds and determines that the city is committed to protecting the public health, safety, welfare and environment; that in order to meet these goals it is necessary that the city promote the reduction of solid waste and reduce the stream of solid waste going to landfills; that under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), East Palo Alto is required to prepare, adopt and implement source reduction and recycling elements to reach reduction goals, and is required to make substantial reductions in the volume of waste materials going to landfill, under the threat of penalties of ten thousand dollars ($10,000.00) per day; that debris from demolition and construction of buildings and tenant upgrades represents a portion of the volume presently coming from East Palo Alto, and that much of the debris is particularly suitable for recycling; that East Palo Alto's commitment to the reduction of waste and to compliance with state law requires the establishment of programs for recycling and salvaging construction and demolition materials; the city council recognizes that requiring demolition and construction debris to be recycled and reused may in some respects add modestly to the cost of demolition and in other respects may make possible some cost recovery and cost reduction; and that it is necessary in order to protect the public health, safety and welfare that the following regulations be adopted.

(Ord. 246 § 1, 2000)

15.56.020 Definitions.

For purposes of this chapter the following definitions apply:

"Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures in East Palo Alto.

"Construction" means all building, landscaping, remodeling, addition, removal or destruction involving the use or disposal of designated recyclable and reusable materials as defined in this section.

"Demolition and construction debris" means:

A. Discarded materials generally considered to be not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, asphalt material, pipe gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project;

B. Clean cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project;

C. Non-construction and demolition debris wood scraps;

D. De-minimis amounts of other nonhazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry;

E. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

"Designated recyclable and reusable materials" means:

A. Masonry building materials including all products generally used in construction including, but not limited to, asphalt, concrete, rock, stone and brick;

B. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted;

C. Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use;

D. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences;

E. Roofing materials including wood shingles as well as asphalt, stone and slate based roofing material;

F. Salvageable materials including all salvageable materials and structures including, but not limited to, wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances;

G. Any other materials which city officials determine can be diverted due to the identification of a recycling facility, reuse facility, or market accessible to East Palo Alto.

(Ord. 246 § 2, 2000)

15.56.030 Deconstruction—Salvage—Recovery.

Every structure planned for demolition shall be made available for deconstruction, salvage and recovery prior to demolition and sufficient time shall be provided for this purpose in the demolition time schedule provided by the contractor. It is the responsibility of the owner, the general contractor and all subcontractors to recover materials prior to demolition and sufficient time shall be provided for this purpose in the demolition time schedule. In the event that it is determined that no materials can be salvaged for reuse from a particular project, written documentation must be provided to the public works department as to the reasons why salvaging cannot take place. Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall qualify to be counted in meeting the diversion requirements of this chapter. Recovered or salvaged materials may be given or sold on the premises, or may be removed to reuse warehouse facilities for storage or sale as long as this is not in any violation of any other government law or city ordinance. Title to recyclable materials forwarded to the operator of recycling facilities or of a landfill that is under contract to the cities in southern San Mateo County will transfer to the service provider upon departure of materials from the site.

(Ord. 246 § 3, 2000)

15.56.040 Diversion requirements.

It is required that at least the following specified percentages of the waste tonnage of demolition and construction debris generated from every demolition, remodeling and construction project, as defined below, be diverted from going to landfill by using recycling, reuse and diversion programs:

A. Demolition. All residential and commercial demolition projects in the city are covered by the following diversion requirement: sixty percent (60%) of waste tonnage including concrete and asphalt, and twenty-five (25%) percent of waste tonnage excluding concrete and asphalt.

B. New construction. All single-family residential new construction projects, including at least three single-family dwellings, all multifamily residential new construction projects including at least ten dwelling units, and all commercial new construction projects regardless of size are covered by the following diversion requirements: fifty-five percent (55%) of waste tonnage including concrete and asphalt and twenty percent (20%) of waste tonnage excluding asphalt and concrete.

C. Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction.

(Ord. 246 § 4, 2000)

15.56.050 Information required before issuance of permit.

Every applicant shall submit a properly completed recycling and waste reduction form to the public works department as a portion of the building or demolition permit process. The applicant shall provide an accurate estimate of the tonnage or other specified units of construction and/or demolition debris to be generated from the construction and demolition on the site. Approval of the form by the director of public works or his/her designee as complete and accurate shall be a condition precedent to issuance of any building or demolition permit.

The public works department will review the recycling and waste reduction form for the purpose of confirming the accuracy of the estimated waste generation and gathering data on the amount of waste generated for the project in the city. Projects required to meet specific diversion goals will be required to submit a written waste reduction and recycling plan to be reviewed by the director of public works or his/her designee.

(Ord. 246 § 5, 2000)

15.56.060 Deposit required.

As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall post a cash deposit in the amount as set forth in the city's most current fee schedule, for each estimated ton of generated construction and/or demolition debris. The deposit shall be returned, without interest, in total or in proportion, upon proof to the satisfaction of the director of public works or his/her designee, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and/or construction project have been diverted from landfills and have been recycled or reused. If a lesser percentage of tons or cubic yards than required is diverted, a proportionate share of the deposit will be returned. The deposit shall be forfeited entirely or to the extent that there is a failure to comply with the requirements of this chapter, but shall not prevent the city from seeking or receiving restitution beyond the amount of the deposit as applicable to the project.

(Ord. 246 § 6, 2000)

15.56.070 Administrative fee.

As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall pay to the city fee sufficient to compensate the city for all expenses incurred in administering the permit. The amount of this fee is determined in accordance with the then current resolution of the city council determining the same.

(Ord. 246 § 7, 2000)

15.56.080 On-site practices.

During the term of the demolition or construction project, the contractor shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements that can be converted to tonnage. The public works department will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged and disposed from the project. The required diversion of a minimum of the required percentages of the demolition and construction debris will be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved. On-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged in order to permit chipping and mulching for soil enhancement or land cover purposed to the maximum extent feasible. Metal and other materials which cannot be chipped or ground shall not be placed in such boxes in order to protect chipping and grinding machinery. On-site separation shall be undertaken for wallboard to the extent feasible on new construction.

(Ord. 246 § 8, 2000)

15.56.090 Reporting.

A. Within sixty (60) days following the completion of the demolition project, and again within sixty (60) days following the completion of the construction project, the contractor shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the public works department which proves compliance with the requirements of Sections 15.56.040 and 15.56.080. The documentation shall consist of a final completed recycling and waste reduction form showing actual data of tonnage of materials recycled and diverted, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been, or will be recycled, reused, salvaged or otherwise disposed of. If mixed debris is taken to a facility which provides both mixed C&D processing and disposal services, documentation must be provided to show that the delivered materials were processed for recycling and also indicate the average diversion rate achieved by the facility from mixed load processing. If a project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the public works department before issuance of a building permit for the construction project. In the alternative, the permitee may submit a letter stating that no waste or recyclable materials were generated from the project, in which case this statement shall be subject to verification by the public works department. Any deposit posted pursuant to Section 15.56.060 shall be forfeited if the permitee does not meet the timely reporting requirements of this section.

B. On an annual basis the department of public works shall compile a report that describes the number and type of permits issued, the number and type of projects covered by diversion requirements, the total tonnage generated and the estimated diversion resulting from these projects. Within eighteen (18) months the department of public works shall also review and evaluate the impact of this chapter for the purpose of making recommendations to improve diversion of waste generated through construction, demolition and remodeling activities and improve the cost-effective oversight of the chapter.

(Ord. 246 § 9, 2000)

15.56.100 Violation as a public nuisance.

Each violation of the provisions of this chapter constitutes a public nuisance and is subject to abatement as such, pursuant to the provisions of applicable state and local laws. The costs of abatement of any such nuisance is a lien upon the property involved.

(Ord. 246 § 10, 2000)

15.56.110 Penalties.

Each violation of the provisions of this chapter constitutes a misdemeanor, and is punishable by imprisonment in the county jail not to exceed six months, or by fine not exceeding one thousand dollars ($1,000.00), or by both such fine and imprisonment. Each day that a violation continues is deemed a new and separate offense.

(Ord. 246 § 11, 2000)

## Chapter 15.58 FIRE CODE[[9]](#footnote-9)

15.58 Title.

This chapter shall be known and may be cited and referred to as the "Fire Code for the City of East Palo Alto."

(Ord. No. 339D, § 2(Exh. A), 12-21-2010; Ord. No. 371, § 2(Exh. A), 11-19-2013)

15.58.010 Adoption by reference.

The "2022 California Fire Code" is hereby adopted by reference as the fire code of the City of East Palo Alto. All references to jurisdictional requirements are found in the East Palo Alto Municipal Code or other appropriate schedules.

(Ord. No. 339D, § 2(Exh. A), 12-21-2010; Ord. No. 371, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 10, 12-6-2022)

15.58.020 Ratification.

Menlo Park Fire Protection District Ordinance No. 44-2022 is hereby ratified and adopted by reference as a local amendment to the "2022 California Fire Code."

(Ord. No. 339D, § 2(Exh. A), 12-21-2010; Ord. No. 371, § 2(Exh. A), 11-19-2013; Ord. No. 426, 12-17-2019; Ord. No. 10-2022, § 10, 12-6-2022)

Editor's note(s)—Ord. No. 426, changed the title of § 15.58.020 from "Adopted by reference" to "Ratification," as herein set out.

1. Editor's note(s)—Ord. No. 363, §§ 1, 2(Exh. A), adopted Nov. 19, 2013, repealed the former ch. 15.08 and enacted a new ch. 15.08 as set out herein. The former ch. 15.08, §§ 15.08.005—15.08.040 was entitled "California Building Code", and derived from: Ord. No. 334, §§ 5, 6, adopted July 20, 2010, with further derivative chapter history from: Prior code §§ 9-2.101—9-2.110; Ord. No. 161 § 2, 1993; Ord. No. 184 § 2, 1995; and Ord. No. 289, adopted Dec. 7, 2004; and Ord. No. 339, § 2(exh. A), adopted Feb. 1, 2011. [↑](#footnote-ref-1)
2. Editor's note(s)—Ord. No. 364, §§ 1, 2(exh. A), adopted Nov. 19, 2013, repealed the former ch. 15.10 and enacted a new ch. 15.10 as set out herein. The former ch. 15.10, §§ 15.10.000—15.10.050 pertained to similar subject matter, and derived from: Ord. No. 339H, § 1(Exh. A), adopted Dec. 21, 2010. [↑](#footnote-ref-2)
3. Editor's note(s)—Ord. No. 373, § 1(Exh. A), adopted Mar. 18, 2014, repealed the former Ch. 15.11, §§ 15.11—15.11.022, and enacted a new Ch. 15.11, as set out herein. The former Ch. 15.11 pertained to similar subject matter and derived from: Ord. No. 339E, § 1(Exh. A), adopted Dec. 21, 2010; Ord. No. 368, §§ 1, 2(Exh. A), Nov. 19, 2013. [↑](#footnote-ref-3)
4. Editor's note(s)—Ord. No. 339A, § 2, Exh. A, adopted Dec. 21, 2010, amended former Ch. 5.12, § 5.12.010, in its entirety which pertained to similar subject matter and derived from Ord. No. 334, § 8, adopted July 20, 2010. [↑](#footnote-ref-4)
5. Editor's note(s)—Ord. No. 366, §§ 1, 2(exh. A), adopted Nov. 19, 2013, repealed the former ch. 15.16 and enacted a new ch. 15.16 as set out herein. The former ch. 15.16, §§ 15.16.000, 15.16.010 pertained to similar subject matter, and derived from: Ord. No. 334, § 10, adopted July 20, 2010; Ord. No. 339G, § 2(Exh. A), adopted Dec. 21, 2010. [↑](#footnote-ref-5)
6. Editor's note(s)—Ord. No. 367, §§ 1, 2(exh. A), adopted Nov. 19, 2013, repealed the former ch. 15.20 and enacted a new ch. 15.20 as set out herein. The former ch. 15.20, §§ 15.20.000, 15.20.010 pertained to similar subject matter, and derived from: Ord. No. 334, § 12, adopted July 20, 2010; Ord. No. 339F, § 2(Exh. A), adopted Dec. 21, 2010. [↑](#footnote-ref-6)
7. Editor's note(s)—Ord. No. 04-2021, § 1, adopted Oct. 19, 2021, repealed the former Ch. 15.44, §§ 15.44.010—15.44.100, and enacted a new Ch. 15.44 as set out herein. The former Ch. 15.44 was entitled "Backflow Prevention," and derived from Prior Code §§ 6-6.101—6-6.110. [↑](#footnote-ref-7)
8. Editor's note(s)—Ord. No. 362, § 2, adopted Oct. 1, 2013, amended Ch. 15.52 in its entirety to read as herein set out. Former Ch. 15.52, §§ 15.52.010—15.52.090, was entitled "Flood Damage Prevention", and derived from: Ord. 214, § 1(part), 1997; and Ord. No. 381, § 1, adopted June 17, 2014. [↑](#footnote-ref-8)
9. Cross reference(s)—Fire code and prevention, Ch. 8.16. [↑](#footnote-ref-9)