



CITY OF MARTINEZ

**CITY COUNCIL AGENDA
December 15, 2010**

TO: Mayor and City Council
FROM: Mercy G. Cabral, Deputy City Clerk
SUBJECT: Adopting Ordinance 1358 C.S.
DATE: December 7, 2010

RECOMMENDATION:

Adopt Ordinance No. 1358 C.S. amending the Martinez Municipal Code , Title 15, Building and Construction, by repealing and reenacting Chapters 15.04, 15.16, 15.20, 15.24, 15.28 and adopting Chapters 15.07 And 15.05, adopting by reference The Uniform Building Code, The Uniform Mechanical Code, The Uniform Plumbing Code, The Uniform Electrical Code, The Uniform Fire Code, The Uniform Green Building Standards Code, The Uniform Residential Code, and repealing Chapters 15.08 and 15.12.

BACKGROUND:

At the City Council meeting of December 1st the above ordinance was introduced and a public hearing was held in accordance with California Government Code. The ordinance is now before you for adoption and will become effective after 30 days.

FISCAL IMPACT:

No fiscal impact.

ACTION:

Motion to adopt Ordinance No. 1358 C.S. by amending the Martinez Municipal Code by repealing and reenacting Chapters 15.04, 15.16, 15.20, 15.24, 15.28 and adopting Chapters 15.07 And 15.05, adopting by reference The Uniform Building Code, The Uniform Mechanical Code, The Uniform Plumbing Code, The Uniform Electrical Code, The Uniform Fire Code, The Uniform Green Building Standards Code, The Uniform Residential Code, and repealing Chapters 15.08 and 15.12.

APPROVED BY: 
City Manager

ORDINANCE NO. 1358 C.S.

AMENDING THE MARTINEZ MUNICIPAL CODE BY REPEALING AND REENACTING CHAPTERS 15.04, 15.16, 15.20, 15.24, 15.28 AND ADOPTING CHAPTERS 15.07 AND 15.05, ADOPTING BY REFERENCE THE UNIFORM BUILDING CODE, THE UNIFORM MECHANICAL CODE, THE UNIFORM PLUMBING CODE, THE UNIFORM ELECTRICAL CODE, THE UNIFORM FIRE CODE, THE UNIFORM GREEN BUILDING STANDARDS CODE AND THE UNIFORM RESIDENTIAL CODE AND REPEALING CHAPTERS 15.08 AND 15.12

THE CITY COUNCIL OF THE CITY OF MARTINEZ DOES ORDAIN AS FOLLOWS:

SECTION 1. Chapter 15.04 of the Martinez Municipal Code is hereby repealed in its entirety and reenacted to read as set forth in Exhibit A, attached hereto and incorporated herein by reference.

SECTION 2. Chapter 15.08 of the Martinez Municipal Code is hereby repealed in its entirety.

SECTION 3. Chapter 15.12 of the Martinez Municipal Code is hereby repealed in its entirety.

SECTION 4. Chapter 15.16 of the Martinez Municipal Code is hereby repealed in its entirety and reenacted to read as set forth in Exhibit B, attached hereto and incorporated herein by reference.

SECTION 5. Chapter 15.20 of the Martinez Municipal Code is hereby repealed in its entirety and reenacted to read as set forth in Exhibit C, attached hereto and incorporated herein by reference.

SECTION 6. Chapter 15.24 of the Martinez Municipal Code is hereby repealed in its entirety and reenacted to read as set forth in Exhibit D, attached hereto and incorporated herein by reference.

SECTION 7. Chapter 15.28 of the Martinez Municipal Code is hereby repealed in its entirety and reenacted to read as set forth in Exhibit E, attached hereto and incorporated herein by reference.

SECTION 8. Chapter 15.07 of the Martinez Municipal Code is hereby enacted to read as set forth in Exhibit F, attached hereto and incorporated herein by reference.

SECTION 9. Chapter 15.05 of the Martinez Municipal Code is hereby enacted to read as set forth in Exhibit G, attached hereto and incorporated herein by reference.

SECTION 10. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 11. Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 12. Posting. The City Clerk shall cause this ordinance to be published within fifteen days after its adoption, at least once, with the names of those city council members voting for or against the ordinance, in a newspaper of general circulation published and circulated in the City of Martinez.

APPROVED: _____
Rob Schroder, Mayor

ATTEST: _____
Deputy City Clerk

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 1st day of December, 2010, and duly passed and adopted at a Regular Meeting of said City Council held on the day of December 15, 2010, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ
CITY CLERK, CITY OF MARTINEZ

Exhibit A

CHAPTER 15.04 - BUILDING CODE²

15.04.010 - Adoption of the International Building Code.

There is adopted by reference, with the exceptions set out herein, for the purpose of prescribing regulations governing the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and structures in the City, The International Building Code, 2009 Edition, including 2010 State Amendments, published by the International Conference of Building Officials, including Chapter 1, Volume II, Administration and Appendix i, Patio Covers; Appendix J; Appendix and the same is referred to, and made a part of this Chapter as if set out in full herein.

15.04.020 - Amendments to International Building Code.

Exceptions in Sections 15.04.026 through 15.04.150. herein
(and amendments to the international building code are set forth.)

15.04.026 - Section 115 Amended—Stop Work Orders.

Section 115 of the International Building Code is hereby amended as follows:

Stop Work Orders. Whenever any work is being done contrary to, respectively, the provisions of this Code or any provision of the Martinez Municipal Code, or any condition imposed by the City on a permit or approval issued or granted under the Martinez Municipal Code, the Building Official may order the work stopped by notice in writing served on any persons engaged in the doing or causing such work to be done, and any such persons shall forthwith stop such work until authorized by the Building Official to proceed with the work. Such orders may also be served by the Chief of Police.

15.04.030 - Section 114 Amended—Violations and Penalties.

Amend Section 114 to provide that Title 1 of the Martinez Municipal Code shall herewith apply.

15.04.035 - Section 105.2 Amended—Exempted Work.

Section 105.2 of the International Building Code is hereby amended as follows:

105.2 Exempted Work. A building permit will not be required for the following:

- A. One-story detached accessory buildings used as tool and storage sheds, playhouses, and similar uses, provided the projected roof area does not exceed 100 square feet and 6 feet, 6 inches, in height.
- B. Fences not over 6 feet in height when in compliance with other applicable codes.
- C. Cases, counters and partitions not over 5 feet high.
- D. Retaining walls not over 3 feet in height measured from grade to top of cut or fill unless supporting a surcharge or impounding Class I, II or III liquids.
- E. Platforms, walks and driveways not more than 18 inches above grade and not over any basement or story below.

Exhibit A

- F. Painting, papering and similar finish work.
- G. Temporary motion picture, television, and theatre stage sets and scenery.
- H. Window awnings supported by an exterior wall of Group R, Division 3, and Group M occupancies when projecting not more than 1/3 the distance to a property line, providing the projection does not exceed 54 inches.

15.04.040 - Section 105.3 Amended—Application.

Section 105.3 of the International Building code is hereby amended to add the following:

"8. The plans shall include two copies of the site plan with the location of all existing trees as defined in Section 8.12.020 of the Martinez Municipal Code, in addition to the location of proposed structures, existing structures, proposed improvements, easements and such other information that may be required by the Building Official. The plot plan shall show the location of existing curbs, sidewalks, public sewers, public conduits, waterways and culverts on or affecting the property, and any rights-of-way, existing easements or proposed easements required in connection therewith."

"The site plan shall be reviewed by the City Engineer for required public improvements and when the plans include such improvements they shall comply with City standards. Four copies of the site plan, with contours, are required where improvements and/or grading is necessary."

"Public improvements as used in this section shall include but not be limited to the following:

"A. Improvements required for general access by the public (e.g., parking lots, common driveways, private streets, etc.)

"B. Improvements required for access by police, fire, ambulance and/or other emergency vehicles.

"C. Improvements required for the public health, safety and welfare of those occupying or using the proposed construction (e.g. storm drains, drainage ditches, guardrails, fences, etc.)"

15.04.045 - Permit Fees—Amend Section 109.

Section 109 of the International Building Code is hereby amended as follows:

Permit fees for work regulated by this Chapter shall be as adopted from time to time by resolution of the City Council of the City of Martinez.

(Ord. 1341 C.S. § II (part), 2007; Ord. 1228 C.S. § I, 1995; Ord. 916 C.S. § 1 (part), 1980.)

15.04.150 - Appendix Chapter J Amended—Excavation and Grading.

Appendix Chapter J-Excavation and Grading, shall be amended as follows:

"A. Section J103.2 further amend by adding a new paragraph 8 as follows:

"8. Grading of streets in subdivisions for which improvement plans have been approved by the City Engineer when such grading is being inspected by the City Engineering Department.

"B. Section J102-Amend by adding the following definition in proper sequence:

"Building Official. For the purpose of this chapter this title shall be the Community Development Director or his or her designee.

"C. Section J104.2—Amend by deleting entire section and substituting the following in place thereof:

"Each application for a grading permit shall be accompanied by four sets of plans 24 inches x 36 inches in size prepared at a scale of 1 in.=40 feet or greater. The plans shall be accompanied by specifications and supporting data consisting of a soils report and engineering geology report. The plans and specifications shall be prepared and signed by a civil engineer when required by the Building Official. Upon approval, three sets of the approved corrected plans shall be submitted to the City for use during the course of the work.

Exhibit A

"At the completion of work and prior to release of the permit by the City, one reproducible set and one set of prints shall be submitted to the Building Official. The plans shall be designated 'As Built' and shall include any changes from the approved plan made during the course of work. The 'As Built' plans shall be signed and dated by the Civil Engineer and Soils Engineer.

"D. Section J102.1—Amend by deleting the entire section and substitute the following in place thereof:

"a) Plan review and permit fees for work regulated by this chapter shall be as adopted from time to time by resolution of the City Council of the City of Martinez.

"b) Separate plan review and permit fees shall apply to retaining walls or major drainage structures as required elsewhere in this code.

"E. Section J105.2.1—Amend by adding a new Subsection J105.2.1 to the end of the section as follows:

Pad Certification.

"Prior to the issuance of a building permit, as specified in this code, the Civil Engineer shall certify, in writing, that pad elevations are in conformance with the approved grading plans and the rough lot will drain according to drainage patterns specified on the plan.

"The area of the pad within the foundation of the proposed structure shall be certified by the Civil Engineer to be within 0.1 feet (\pm) of the pad elevation specified on the approved grading plan.

"The engineer's certification shall state that in his opinion finish lot grading may be done to provide positive drainage away from the foundation and to approved drainage facilities (curb underdrains, lined ditches, etc.) as specified on the approved grading plan."

15.04.155 - Site Development Permit.

A site development permit shall be required for each single parcel residential and non-residential development for the plan checking and inspection of all non-building site improvements including grading, drainage, streets, driveways, parking lots, walkways, and other related improvements. The site development permit shall serve as a grading permit and permit for all other non-building on-site improvements. An encroachment permit for improvements within the public rights-of-way is still required.

15.04.165 - Section J110 Amended—Erosion Control.

Amend section J110 of the International Building Code by deleting the entire section and substituting the following in place thereof:

A. Title and Purpose. This ordinance shall be known as the "Erosion Control Ordinance." The purpose of this chapter is to provide minimum standards and procedures to protect the public interest by managing construction practice of land excavation, fill, storage and grading.

B. Erosion Control Measures—Required. Erosion control measures are required prior to commencing work under any of the following conditions:

1. The area of land disturbed exceeds one-half acre;
2. Natural and finished slopes exceed 10% and area of land disturbed exceeds 3,000 square feet.
3. Volume of soil stored exceeds 200 cubic yards.

C. Work Not Requiring Erosion Control Measures. Erosion control measures will not be required for:

1. Routine maintenance work;
2. Work specifically determined by the City Engineer which meets the intent of this erosion control ordinance.

D. Permit—Application. Erosion mitigation measures shall be a requirement of the grading permit. The plans submitted with the application for a grading permit shall include erosion mitigation

Exhibit A

measures and may include or be accompanied by all or part of the following items as required by the City Engineer:

1. Site plan;
2. Grading plan;
3. Erosion control plan;
4. Soil engineer's report on erosion potential due to wind or water runoff and mitigation measures;
5. Contractor's name and emergency phone number;
6. Checking and inspection fees;
7. Security bonds or deposits;
8. Work schedule.

If Erosion Control Plans prepared by a Registered Civil Engineer have not been submitted to the City for review by September 1, the City may have plans prepared and the cost shall be deducted from the deposit. The deposit, or any unexpended portions, shall remain with the City until release of the bond for the Grading Permit or acceptance of the improvements by the City, whichever occurs later.

E. Security for Erosion Control Measures.

At the time of issuance of an Encroachment Permit, Grading Permit, Site Development Permit, or other approval to commence work by the City, an additional cash deposit shall also be required to guarantee installation of erosion control measures, cleanup of siltation, dust, and debris from the project site onto public and private property, repair of public improvements damaged by activity, installation of emergency measures to protect public health and safety, and continuing maintenance of erosion control facilities during the period from October 15 through April 15. The required deposit may be used at the discretion of the City. The required amount of the deposit shall be set forth in the development agreement or permit. The applicant shall maintain the deposit at the required amount at all times as specified in the Agreement or Permit.

At acceptance of improvements or final approval of the work covered by the permit, whichever comes later, all unexpended funds of the applicant's cleanup deposit shall be refunded.

In the event it is necessary for the City to use any portion of the cleanup deposit, the applicant will be billed by the City for the costs of the required corrective work and administrative costs incurred for City staff time. The applicant shall deposit the required amount to bring the deposit to its specified level within ten days of notification by the City. Failure to comply with these provisions shall be cause for issuance of a Stop Work Order on the project or not granting final approvals and additional permits.

This deposit shall be required for all grading permits, site development permits, subdivision improvement agreements or for other work as required by the City.

F. Standards.

The minimum Erosion Control Standards shall be as approved by the City Engineer and shall include the following:

1. Wind Related Erosion.
 - a. Temporary erosion control measures shall be part of the grading plan.
 - b. Temporary erosion control measures shall be maintained pending the installation of permanent erosion control.
 - c. Planting for permanent erosion control shall be established by October 1, or mitigation for water related erosion implemented as specified below.
2. Water Related Erosion.

Exhibit A

- a. Period when erosion control measure is in effect is October 15 to April 15;
- b. Erosion control design shall be prepared by a registered civil engineer and shall meet the approval of the City Engineer;
- c. Erosion control standard plans and design criteria on file with the City Engineer are to be used as guidelines by the Engineer;
- d. Two sets of erosion control plans shall be submitted by September 1 for review by the City Engineer.

G. Violation.

It shall be a violation of this ordinance for any person to:

1. Perform work without a permit;
2. Perform work without an approved plan;
3. Continue to work in violation of a stop work order.

H. Enforcement.

Any violation of this ordinance shall be a public nuisance and a misdemeanor which may be punishable by imposing a fine of \$500.00 and/or a jail term of thirty (30) days up to six (6) months for each such violation.

I. Permit—Inspection.

City Engineer is authorized to inspect and initiate enforcement procedures as necessary.

15.04.170 - Minimum Building Permit Valuation Basis.

- A. The minimum valuation basis to be used in computing permit fees shall be such as are fixed from time to time by resolution of City Council.
- B. Building permit fees shall be based on the above-mentioned minimum valuation schedule or the actual value, whichever is greater.

15.04.180 - Moved Buildings.

Buildings or structures proposed to be moved within the City limits shall be inspected by the Building Department prior to moving and issuance of permits. Fees for such inspections shall be such as fixed by resolution of the City Council.

15.04.200 - Penalty for Violation.

Any person who violates any of the provisions of this Chapter and Chapter 15.44 or any order made hereunder, or the provisions of any permit issued hereunder, is guilty of a misdemeanor, punishable by a fine of not more than \$500.00 or by imprisonment in the County Jail for a period of 6 months or by both such fine and imprisonment. A continuing violation shall be deemed to be and shall constitute a separate and distinct offense for each day or portion thereof that such violation continues.

Exhibit B

CHAPTER 15.16 - MECHANICAL CODE

15.16.010 - Adoption of the Uniform Mechanical Code.

There is adopted by reference with the exceptions and amendments set out herein for the purpose of prescribing minimum regulations for the installation, alteration, repair and location of heating, ventilating, cooling, refrigeration systems and other miscellaneous heat-producing appliances, the I.A.P.M.O. Uniform Mechanical Code, 2009 Edition, in its entirety including the Appendix and the 2010 State Amendments.

15.16.020 - Permit Fees.

Permit fees for work regulated by this Chapter shall be as adopted from time to time by Resolution of the City Council of the City of Martinez.

15.16.030 - Penalty for Violations.

Any person who violates any of the provisions of this Chapter, or any order made hereunder, or the provisions of any permit issued hereunder is guilty of a misdemeanor punishable by a fine of not more than \$500.00 or by imprisonment in the County Jail for a period of 6 months or by both such fine and imprisonment. A continuing violation shall be deemed to be and shall constitute a separate and distinct offense for each day or portion thereof that such violation continues.

Exhibit C

CHAPTER 15.20 - PLUMBING CODE

15.20.010 - Adoption of the Uniform Plumbing Code.

There is adopted by reference with the exceptions and amendments set out herein, for the purpose of prescribing minimum regulations for the installation, alteration, repair and inspection of plumbing and drainage systems, the I.A.P.M.O. Uniform Plumbing Code, 2009 Edition in its entirety including the 2010 State Amendments, and the same is referred to and made a part of this Chapter as if set out in full herein.

15.20.020 - Amendments and Exceptions to Uniform Plumbing Code.

Amendments and exceptions to the Uniform Plumbing Code are set forth in Section 15.20.040.

15.20.040 - Section 108.4.2 Fees.

Permit fees for work regulated by this Chapter shall be as adopted from time to time by resolution of the City Council.

Exhibit D

CHAPTER 15.24 - ELECTRICAL CODE

15.24.010 - Adoption of National Electrical Code.

There is adopted by reference the National Electrical Code, 2008 Edition, including the Uniform Administration Section as recommended by the National Fire Protection Association, with the exceptions and additions as set forth in this Chapter; including the 2010 State Amendments.

15.24.030 - Section 89.108.4.2 Fees.

Section 89.108.4.2 is hereby amended to read as follows:

"Permit fees for work regulated by this Chapter shall be as adopted from time to time by resolution of the City Council.

15.24.040 - Administrative Authority and Assistants Defined.

"Whenever the term "Administrative Authority" is used in the Code adopted by this Chapter and in the following Sections it shall be construed to mean the building official; and whenever the term "assistants" is used, it shall be construed to mean the Building Inspector.

15.24.050 - Departments having Jurisdiction.

"Unless otherwise provided for by law, the office of the Administrative Authority shall be a part of the Public Works Department.

Exhibit E

CHAPTER 15.28 - FIRE PREVENTION CODE³

15.28.010 - Adopted.

"The Contra Costa County Consolidated Fire District Fire Prevention Code is adopted by reference, with those changes, additions and deletions made from time to time of the Uniform Fire Code, by the Consolidated Fire District, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion.

Exhibit F

15.05 Adoption of the California Residential Code

There is adopted by reference the California Residential code, 2010 Edition for the purpose of prescribing regulations governing the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every one-and two-family dwelling, townhouse not more than three stories above grade plane in height with separate means of egress and structures accessory thereto.

Exhibit G

15.07 Adoption of the California Green Building Standards Code

There is adopted by reference the California Green Building Standards Code, 2010 Edition for the purpose of prescribing regulations governing the planning, design, operation, construction, use and occupancy of every newly constructed building or structure unless otherwise indicated in the California Green Building Standards Code.