ORDINANCE NO. 08-001

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EMERYVILLE REPEALING CHAPTERS ONE, TWO, THREE, FOUR, FIVE, SEVEN, EIGHT, AND SEVENTEEN OF TITLE EIGHT OF THE EMERYVILLE MUNICIPAL CODE AND ADOPTING NEW CHAPTERS ONE, TWO, THREE, FOUR, FIVE, SEVEN, AND EIGHT OF TITLE EIGHT, "BUILDING REGULATIONS."

WHEREAS, the City of Emeryville's Building Regulations are codified in Title 8 of the Emeryville Municipal Code and were last updated in 1995; and

WHEREAS, on January 1, 2007, the California Building Standards Commission has adopted the International Building Code, the Uniform Mechanical, Plumbing, the National Electrical Code as the 2007 California Building Codes collectively; and

WHEREAS, State law requires local jurisdictions to enforce the 2007 California Building Codes beginning January 1, 2008; and

WHEREAS, the 2007 California Building Codes will automatically become effective in the City of Emeryville January 1, 2008, unless the City amends those Codes otherwise; and

WHEREAS, pursuant to Sections 17922, 17958, 17958.5, 17958.7 of the California Health and Safety Code, a local jurisdiction may adopt amendments to the State Building Code when such amendments are reasonably necessary because of local climactic, geological, or topographical conditions; and

WHEREAS, it is the desire and intent of the City Council of the City of Emeryville to provide the public with the greatest degree of fire, life, health and structural safety in buildings in the most effective manner by adopting the most current body of regulations;

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF EMERYVILLE HEREBY ORDAINS AS FOLLOWS:

SECTION ONE. PURPOSE AND INTENT
The purpose and intent of this Ordinance is to repeal Chapters 1, 2, 3, 4, 5, 7, 8, and 17 of Title 8 of the Emeryville Municipal Code in their entirety and adopt new Chapters 1, 2, 3, 4, 5, and 7 of Title 8.

SECTION TWO. REPEALING CHAPTERS ONE, TWO, THREE, FOUR, FIVE, SEVEN, EIGHT AND SEVENTEEN OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE
Chapters 1, 2, 3, 4, 5, 7, 8, and 17 of Title 8 of the Emeryville Municipal Code are hereby repealed in their entirety.

SECTION THREE. ADOPTING CHAPTER 1 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE
Chapter 1 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 1. BUILDING CODE

ARTICLE 1 GENERAL PROVISIONS

Sections:

8-1.1.01 Title.
8-1.1.02 Adoption.
8-1.1.03 Applicability of the California Building Code (CBC)

8-1.1.01 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Building Code of the City of Emeryville and will be referred to in this Chapter as "this code."

8-1.1.02 Adoption.

The following documents are hereby collectively adopted as the Building Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

A. The 2006 International Building Code (IBC) Volume 1, as amended by the state and known as the 2007 California Building Code (CBC) Volumes 1 and 2 (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), as published by the International Code Council (ICC) and the California Building Standards Commission, and as further modified and amended by Article 2 of this Chapter; and

B. 2006 International Existing Building Code, Appendix A1.

A copy of this code is on file in the office of the Building Official.

8-1.1.03 Applicability of California Building Code Appendix Chapters and Preface Material

Wherever in the California Building Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted herein. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
1	Administration	Adopted & Amended as Chapter 1A
A	Employee Qualifications	Not Applicable / Not Adopted
B	Board of Appeals	Not Applicable / Not Adopted
C	Group U Agricultural Buildings	Not Applicable / Not Adopted
D	Fire Districts	Not Applicable / Not Adopted
E	Reserved	Not Applicable / Not Adopted
F	Rodent Proofing	Not Applicable / Not Adopted

G	Flood Resistant Construction	Not Applicable / Not Adopted
H	Signs	Not Applicable / Not Adopted
I	Patio Covers	Not Applicable / Not Adopted
J	Grading	Not Applicable / Not Adopted

ARTICLE 2. AMENDMENTS TO CALIFORNIA BUILDING CODE

Sections:

8-1.2.01 Amendments to California Building Code Volume 1.
8-1.2.02 Amendments to California Building Code Volume 2.
8-1.2.03 Automatic Fire Sprinkler Systems

8-1.2.01 Amendments to California Building Code Volume 1.

Appendix Chapter 1, "Administration," of the California Building Code is hereby adopted with amendments as follows:

(a) Section 101.1 is amended to read as follows:

101.1 Title. The California Building Code, as amended by this Chapter, shall be known as the Building Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Building Code, are referred to hereafter as "these regulations" or "these building standards" or "this code."

(b) Section 101.4.5 is amended to read as follows:

101.4.5 Property maintenance. The provisions of the California Mechanical Code and the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

(c) Section 101.4.6 is amended to read as follows:

101.4.6 Fire prevention. The provisions of the California Fire Code as amended by the City of Emeryville shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

(d) Section 102.1.2 is added to read as follows:

102.1.2 Alternate codes. Where, in any specific case, applicable referenced code sections are absent because the State of California has not adopted the International Energy Code (IEC), International Electrical Code (IELC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC), International Plumbing Code (IPC) and International Residential Code (IRC) the Building Official may allow and/or require the use of an alternate code(s). The alternate codes may include, but are not limited to the 2006 IEC, 2006 IELC, 2006 IFGC, 2006 IMC, 2006 IPC, 2006 IRC, 2005 California Energy Code (CEC), 2001 Uniform Fuel and Gas Code (UFGC), 2001 California Mechanical Code (CMC), 2001 California Plumbing Code (CPC) 1997 Uniform Dangerous Building Code and 2001 California Building Code (CBC). The use of alternate codes will be allowed on a case by case basis by the Building Official or his/her

designee.

(e) Section 102.6 is amended to read as follows:

102.6 Existing structures. The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the 2007 California Mechanical Code or the 2007 California Fire Code or the 2006 International Property Maintenance Code, or as deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.

(f) Section 103.1 is amended to read as follows:

103.1 Creation of Enforcement Agency. The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is herby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(g) Section 103.3 is amended to read as follows:

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Building Official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the Building Official. For the maintenance of existing properties, see the 2007 California Mechanical Code or the 2006 International Property Maintenance Code.

(h) Section 104.7 is amended to read as follows:

104.7 Department records. The Building Official shall keep official records of applications received, permits and certificates issued, fees collected, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

(i) Section 105.1.1 **Annual Permits** is hereby deleted.

(j) Section 105.1.2 **Annual Permit Records** is hereby deleted.

(k) Section 105.2 item No. 6 is amended to read as follows:

105.2 Work exempt from permit. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

Building:

6. Sidewalks, decks, and driveways not more than 30 inches (762 mm) above adjacent grade, and not over any basement or story below and are not part of an accessible route.

(l) Section 105.2 Work Exempt from permit: The section titled **"Electrical"** is hereby deleted.

(m) Section 105.2 Work Exempt from permit: The section titled **"Gas"** is hereby deleted.

(n) Section 105.2 Work Exempt from permit: The section titled **"Mechanical"** is hereby deleted.

(o) Section 105.2 Work Exempt from permit: The section titled **"Plumbing"** is hereby deleted.

(p) Section 105.5 is hereby deleted in its entirety and a new section 105.5 is added as follows:

105.5 Expiration. With the following exceptions, every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within 1 year from the date of issuance:

1. The Building Official shall have the authority to authorize longer time periods for specific projects.

2. Whenever a permit is issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building, structure or equipment, or to otherwise abate a nuisance, the Building Official shall establish a reasonable time period for the completion of the work.

3. Whenever a permit is issued for certain short-term projects, the Building Official shall have the authority to establish a time period of less than 1 year. These projects may include, but not be limited to, termite repairs, free-standing fireplace stoves, solar system installations, spas and hot tubs, demolition, and electrical service alterations.

4. The permit holder may renew a permit for a period of no longer than 1 year after the original date of expiration provided: that the request for renewal is submitted to the Building Official prior to said expiration date along with the payment of a renewal fee; that no changes have been made or will be made in the original plans and specifications; and that no laws, regulations, rules, or ordinances have been changed in such as manner as to prohibit the completion of the proposed work. This renewed permit shall require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of renewal. The permit renewal fee shall be established as indicated in Section 108 of this Chapter.

(q) Section 105.5.1 is added as follows:

105.5.1 Completion permits. In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 108.2 of this Chapter and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(r) Section 106.6 is added as follows:

106.6 Expiration of Plan Review. Applications for which no permit is issued within 180 days following the date of completion of the initial review of the submitted plans, or

applications for which no permit is issued within 12 months following the date of application, shall expire by limitation. The Building Official may extend either of these expiration dates for an additional period, not exceeding 180 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. Following final expiration of the application, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

(s) Section 108.1.1 is added as follows:

108.1.1 Plan Review Fees. When submittal documents are required by Section 106.1 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in Section 108.2 of this Chapter. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in Section 108.2 of this Chapter. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in Section 108.2 of this Chapter; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

(t) Section 108.2 is amended to read as follows:

108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the City of Emeryville Master Fee Schedule.

(u) Section 108.3 is amended to read as follows:

108.3 Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can provide detailed estimates to the satisfaction of the Building Official. A minimum valuation established by the Building Official or the declared valuation, which ever is higher, shall be used to calculate the permit and plan check fees in accordance with City of Emeryville Master Fee Schedule. Proof of the declared valuation will be required to be submitted prior to the issuance of permits. Final building permit valuation shall be set by the Building Official.

(v) Section 108.4 is amended to read as follows:

108.4 Work commencing before a permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the City of Emeryville Master Fee Schedule that shall be in addition to the required permit fees.

(w) Section 108.6 is amended to read as follows:

108.6 Fee Refunds. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee. The Building Official may

authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

(x) Section 109.4 is amended as follows: **Inspection agencies** is hereby deleted.

(y) Section 110.2 is amended to read as follows:

Section 110.2 Certificate issued. After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the City of Emeryville, the Building Official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure ahs 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.
6. The name of the Building Official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3 of the California Building Code.
9. They type of construction as defined in Chapter 6 of the California Building Code.
10. The design occupant load.
11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
12. Any special stipulations and conditions of the building permit.

Exception: Group R, Division 3 and U occupancies.

(z) Section 110.3 is amended to read as follows:

Section 110.3 Temporary occupancy. The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely, compliance for disabled access, (if applicable) conditions of approval verified for compliance, any City agreements consummated, and remaining fees paid. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. Prior to the issuance of the temporary certificate of occupancy a fee to cover administrative costs in accordance with the City of Emeryville Master Fee Schedule shall be paid.

(aa) Section 110.5 is amended to read as follows:

110.5 Abandonment of Legal Occupancy. Whenever the legal occupancy or use of a building or structure, other than a 1 or 2 family dwelling, is abandoned continuously for a period of 1 year or more, the said building or structure shall be considered to have no legal occupancy and shall be so declared by the Building Official. When this building or structure is next occupied or used after such declaration, it shall be made to comply fully with the requirements for the new occupancy or use per the requirements of this code.

(bb) Section 110.6 is amended to read as follows:

110.6 Occupancy violations. Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the Building Official, the Building Official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the Building Official shall post the notice in a conspicuous place. No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the Building Official.

8-1.2.02 Amendments to California Building Code Volume 2.

(a) Section 1614.1.3 ASCE 7, Section 12.8.1.1., is amended by modifying Equation 12.8-5 as follows:

$C_S = 0.044 S_{DS} I \geq 0.01$ (Equation 12.8-5)

(b) 1614.1.7 ASCE 7, Section 12.12.3, is amended to read as follows:

12.12.3 Minimum Building Separation. All structures shall be separated from adjoining structures. Separations shall follow for the maximum inelastic response displacement (Δ_M). Δ_M shall be determined at critical locations with consideration for both translational and torsional displacements of the structure as follows:

$\Delta_M = C_d \delta_{max}$ (Equation 16-45)

Where δ_{max} is the calculated maximum displacement at level x as defined in ASCE 7 Section 12.8.4.3.

Adjacent buildings on the same property shall be separated by at least a distance Δ_{MT}, where

$\Delta_{MT} = \sqrt{(\Delta_{M1})^2 + (\Delta_{M2})^2}$ (Equation 16-46)

And Δ_{M1} and Δ_{M2} are the maximum inelastic response displacements of the adjacent buildings.

Where a structure adjoins a property line not common to a public way, the structure shall also be set back from the property line by at least the displacement, Δ_M, of that structure.

Exception: Smaller separations or property line setbacks shall be permitted when justified by rational analyses.

(c) Section 1908.1 is amended to read as follows:

1. Equation (14-7) of ACI 318 Section 14.8.3 is amended as follows:
   Icr shall be calculated by Equation (14-7), and Ma shall be obtained by iteration of deflections,

   $$I_{cr} = E_s/E_c\,[A_s + (P_u/F_y * h/2d)]\,(d-c)^2 = I_w c^3/3$$

   and the value E_s/E_c shall not be taken less than 6

2. ACI 318 Section 14.8.4 is amended to read as follows:

14.8.4 – Maximum out –of-plane deflection, Δ_s, due to service loads, including PΔ effects, shall not exceed $l_c/150$.

If M_a, maximum moment at mid-height of wall due to service lateral and eccentric loads, including PΔ effects, exceed $(^2/_3)\,M_{cr}$, Δ_s shall be calculated by equation (14-8)

$$\Delta_s = \tfrac{2}{3}\,\Delta_{cr} + (M_a - \tfrac{2}{3}M_{cr}/M_n - \tfrac{2}{3}M_{cr})*(\Delta_n - \tfrac{2}{3}\,\Delta_{cr}) \qquad (14\text{-}8)$$

If M_a does not exceed $(\tfrac{2}{3})M_{cr}$, Δ_s shall be calculated by Equation (14-9)

$$\Delta_s = (M_a/M_{cr})\,\Delta_{cr} \qquad (14\text{-}9)$$

Where:

$$\Delta_{cr} = (5M_{cr}I_c^2)/(48E_cI_g)$$

$$\Delta_n = (5M_nI_c^2)/(48E_cI_{cr})$$

(d) Section 2308.9.3 is amended by deleting Item(s) 1, 2, 5 and 7

8-1.2.03 Automatic Fire Sprinkler Systems

(a) Section 903.4 is amended to read as follows:

903.4 Sprinkler System monitoring and alarms. All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically monitored where the number or sprinklers are:

1. Twenty or more in a Group I Divisions 1.1 and 1.2 Occupancies.
2. One hundred or more in all other occupancies.
3. As deemed necessary by the Fire Chief.

(b) Section 904.2 is amended to read as follows:

Section 904.2 Where Required. An automatic fire-sprinkler system shall be installed in the occupancies and locations as set forth in this section, or as required by Emeryville Municipal Code Section 4-5.08. Special provisions on hazardous chemicals shall be governed by the California Fire Code.

(c) Section 904.2.1.2 is added to read as follows:

Section 904.2.1.2 Exhibition and display rooms. An automatic sprinkler system shall be installed in Group A occupancies which have more than 3,000 square feet of floor area which can be used for exhibition or display purposes.

(d) Section 905.10 is amended to read as follows:

Section 905.10 During Construction. Where required, every building three stories or more in height shall be provided with no less than one standpipe for use during construction. Such standpipe shall follow the progress of construction to within one floor of the highest point of construction having secure decking or flooring. Where the building height requires a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

SECTION FOUR. ADOPTING CHAPTER 2 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 2 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 2. MECHANICAL CODE

Sections:

8-2.1.01 Title.
8-2.1.02 Adoption.
8-2.1.03 Applicability of the California Mechanical Code (CMC) Appendix Chapter
8-2.1.04 Amendment to the California Mechanical code

8-2.1.01 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Mechanical Code of the City of Emeryville and will be referred to in this Chapter as "this code."

8-2.1.02 Adoption.

The following documents are hereby collectively adopted as the Mechanical Code for the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

A. The 2006 Uniform Mechanical Code (UMC) as amended by the state and known as the 2007 California Mechanical Code (CMC) as published by the International

Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

8-2.1.03 Applicability of California Mechanical Code Appendix Chapters.
Wherever in the California Mechanical Code reference is made to an appendix chapter, the provisions of said appendix chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
1	Administration	Adopted & Amended as Chapter 2
A	Uniform Mechanical Code Standards	Not Applicable / Not Adopted
B	Procedures to be followed to place Gas Equipment in Operation	Not Applicable / Not Adopted
C	Installation and Testing of Oil (Liquid) Fuel-Fired Equipment.	Not Applicable / Not Adopted
D	Unit Conversion Tables	Not Applicable / Not Adopted

8-2.1.04 Amendments to California Mechanical Code.
Appendix Chapter 1, "Administration", is hereby adopted with amendments as follows:
(a) Section 101.1 is amended to read as follows:

101.0 Title. The California Mechanical Code, as amended by this Chapter, shall be known as the Mechanical Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Mechanical Code are referred to hereafter as "these regulations" or "these standards" or "this code."

(b) Section 105.1 is added to read as follows:

Section 105.1 Alternate codes. Where, in any specific case, applicable referenced code sections are absent because the State of California has not adopted the International Energy Code (IEC), International Electrical Code (IEC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC), International Plumbing Code (IPC) and International Residential Code (IRC) the Building Official may allow and/or require the use of an alternate code(s). The alternate codes may include, but are not limited to the 2006 IEC, 2006 IELC, 2006 IFGC, 2006 IMC, 2006 IPC, 2006 IRC, 2001 CBC, 2005 California Energy Code (CEC), 2001 Uniform Fuel and Gas Code (UFGC), 2001 California Mechanical Code (CMC), 2001 California Plumbing Code (CPC) 1997 Uniform Dangerous Building Code and 2001 California Building Code (CBC). The use of alternate codes will be allowed only on a case by case basis by the Building Official."

(c) Section 108.1 is added to read as follows:

108.1.1 Authority Having Jurisdiction. The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is herby authorized

and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

Section 114.4.1 is added to read as follows:

(d) **114.4.1 Completion permits.** In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit. The payment of an additional permit fee; moreover, the Building Official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(e) Section 115.1 is amended to read as follows:

115.1 Plan Review Fees. When submittal documents are required by Section 113.2 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in City of Emeryville Master Fee Schedule. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the City of Emeryville Master Fee Schedule described in; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in said fee schedule.

(f) Section 115.2 is amended to read as follows:

115.2 Permit Fees. The fee for each permit shall be as set forth in accordance with the City of Emeryville Master Fee Schedule.

(g) Section 115.6.4 is added to read as follows:

115.6.4 Fee Refunds. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired,

the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

SECTION FIVE. ADOPTING CHAPTER 3 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 3 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 3. PLUMBING CODE

Sections:

8-3.1.01 Title.
8-3.1.02 Adoption.
8-3.1.03 Applicability of the California Plumbing Code and Preface Material
8-3.1.04 Amendments to California Plumbing Code

8-3.1.01 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Plumbing Code of the City of Emeryville and will be referred to in this Chapter as "this code."

8-3.1.02 Adoption.

The following documents are hereby collectively adopted as the Plumbing Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

A. The 2006 Uniform Plumbing Code (UPC) as amended by the state and known as the 2007 California Plumbing Code (CPC) as published by the International Association of Plumbing and Mechanical Officials (IAPMO) and the California Building Standards Commission, and as further modified and amended by this Chapter.

A copy of this code is on file in the office of the Building Official.

8-3.1.03 Applicability of California Plumbing Code Appendix Chapters.

Wherever in the California Plumbing Code reference is made to an Appendix Chapter, the provisions of said appendix Chapter shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
1	Administration	Adopted & Amended as Chapter 3
A	Recommended Rules for Sizing the Water Supply System	Not Applicable / Not Adopted
B	Explanatory Notes on Combination Waste and Vent Systems	Not Applicable / Not Adopted
C	Deleted	Not Applicable / Not Adopted
D	Sizing Storm Water Drainage Systems	Not Applicable / Not Adopted
E	Manufactured/Mobile Home Parks and Recreational Vehicle Parks	Not Applicable / Not Adopted
F	Firefighter Breathing Air Replenishment Systems	Not Applicable / Not Adopted
H	Deleted	Not Applicable / Not Adopted
I	Installation Standards	Not Applicable / Not Adopted
K	Private Sewage Disposal Systems	Not Applicable / Not Adopted
L	Alternate Plumbing Systems	Not Applicable / Not Adopted

8-3.1.04 Amendments to California Plumbing Code.

Appendix Chapter 1, "Administration", is hereby adopted with amendments as follows:

(a) Section 101.1 is amended to read as follows:

101.0 Title. The Uniform Plumbing Code, as amended by this Chapter, shall be known as the Plumbing Code of the City of Emeryville. The provisions contained in this Chapter are adopted, and together with the amended California Plumbing Code, are referred to hereafter as "these regulations" or "these standards" or "this code."

(b) Section 101.4.1.5 is added to read as follows:

101.4.1.5 Alternate codes. Where, in any specific case, applicable referenced code sections are absent because the State of California has not adopted the International Energy Code (IEC), International Electrical Code (IELC), International Fuel Gas Code (IFGC), International Mechanical Code (IMC), International Plumbing Code (IPC) and International Residential Code (IRC) the Building Official may allow and/or require the use of an alternate code(s). The alternate codes may include, but are not limited to the 2006 IEC, 2006 IELC, 2006 IFGC, 2006 IMC, 2006 IPC, 2006 IRC, 2001 CBC, 2005 California Energy Code (CEC), 2001 Uniform Fuel and Gas Code (UFGC), 2001 California Mechanical Code (CMC), 2001 California Plumbing Code (CPC) 1997 Uniform Dangerous Building Code and 2001 California Building Code (CBC). The use of alternate codes will be allowed only on a case by case basis by the Building Official or his/her designee.

(c) Section 102.2.1.1 is added to read as follows:

102.2.1.1 Authority Having Jurisdiction. The Building Division of the City of Emeryville Planning and Building Department is hereby designated as the enforcement agency for this code and the official in charge thereof shall be known as the Building Official or the Authority Having Jurisdiction. The Building Official is herby authorized and directed to enforce all the provisions of this code. For such purposes, the Building Official shall have the powers of a law enforcement officer. The Building Official shall have the power to render interpretations of this code and to adopt and enforce rules and regulations supplemental to this code as may be deemed necessary in order to clarify the application of the provisions of this code. Such interpretations, rules, and regulations shall be in conformity with the intent and purpose of this code.

(d) Section 103.3.4.1 is added to read as follows:

103.3.4.1 Completion permits. In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the building official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in the City of Emeryville Master Fee Schedule and in accordance with the schedule of previously completed and inspected work. Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The Building Official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

(e) Section 103.4.1 is amended to read as follows:

103.4.1 Permit Fees. Fees shall be assessed in accordance with the provisions of this section and set forth in accordance with the City of Emeryville Master Fee Schedule.

(f) Section 103.4.2 is amended to read as follows:

103.4.2 Plan Review Fees. When submittal documents are required by Section 103.2.2 of this Chapter, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the Building Official in accordance with the schedule described in the City of Emeryville's Master Fee Schedule. The plan review fee specified in this Section is separate from and in addition to the permit fee specified in City of Emeryville's Master Fee Schedule. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the City of Emeryville's Master Fee Schedule described in; moreover, when submittal documents are incomplete or changed so as to require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in the said fee schedule.

(g) Section 103.4.5.4 is added to read as follows:

103.4.5.4 Fee Refunds. The Building Official shall not authorize refunding of any fee paid to the building official except on written application filed by the original permittee. The Building Official may authorize refunding of any fee paid under this code that was erroneously paid or collected. The Building Official may authorize the refunding of a maximum of 80% of the initial permit fee paid to the Building Official when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the Building Official may authorize refunding of not more than 40% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized. The Building Official may authorize the refunding of a maximum of 80% of the plan review fee paid to the building official if no plan review comments have been issued by the Building Official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the Building Official.

SECTION SIX. ADOPTING CHAPTER 4 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 4 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 4. ELECTRICAL CODE

Sections:

8-4.1.01 Title.
8-4.1.02 Adoption.

8-4.1.01 Title.

The Ordinance codified in this Chapter shall be known and may be cited as the Electrical Code of the City of Emeryville and will be referred to in this Chapter as "this code."

8-4.1.02 Adoption.

The following documents are hereby collectively adopted as the Electrical Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

A. The 2005 National Electrical Code (NEC) as amended by the state and known as the 2007 California Electrical Code (CEC) as published by the National Fire Protection Association (NFPA) and the California Building Standards Commission.

A copy of this code is on file in the office of the Building Official.

SECTION SEVEN. ADOPTING CHAPTER 5 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE

Chapter 5 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 5. PROPERTY MAINTENANCE CODE

Sections:
8-5.1.01 Title.
8-5.1.02 Adoption.

8-5.1.01 Title.
The Ordinance codified in this Chapter shall be known and may be cited as the Property Maintenance Code of the City of Emeryville and will be referred to in this Chapter as "this code."

8-5.1.02 Adoption.
The following documents are hereby collectively adopted as the Property Maintenance Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

A. The 2006 International Property Maintenance Code (IPMC) as promulgated by the International Code Council (ICC).

A copy of this code is on file in the office of the Building Official.

SECTION EIGHT. ADOPTING CHAPTER 7 OF TITLE 8 OF THE EMERYVILLE MUNICIPAL CODE
Chapter 7 of Title 8 of the Emeryville Municipal Code is hereby adopted to read as follows:

CHAPTER 7. ENERGY CODE

Sections:
8-7.1.01 Title.
8-7.1.02 Adoption.

8-7.1.01 Title.
The Ordinance codified in this Chapter shall be known and may be cited as the Energy Code of the City of Emeryville and will be referred to in this Chapter as "this code."

8-7.1.02 Adoption.
The following documents are hereby collectively adopted as the Energy Code of the City of Emeryville, pursuant to the provisions of Section 50020 et. seq. of the Government Code of the state:

A. The 2006 International Energy Code (IEC) as promulgated by the International Code Council (ICC).

A copy of this code is on file in the office of the Building Official.

SECTION NINE. CEQA DETERMINATION
The City Council finds, pursuant to Title 14 of the California Administrative Code, §15061(b)(3) and §15378(a), that this Ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. This action is further exempt from the definition of Project in §15378(b)(3) in that it concerns general policy and procedure making.

SECTION TEN. SEVERABILITY
Every section, paragraph, clause, and phrase of this Ordinance is hereby declared severable. If, for any reason, any section, paragraph, clause, or phrase is held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining section, paragraphs, clauses, or phrases.

SECTION ELEVEN. EFFECTIVE DATE
This Ordinance shall take effect thirty (30) days following its final passage. The City Clerk is directed to cause copies of this Ordinance to be posted or published as required by Government Code §33693.

SECTION TWELVE. CODIFICATION
Sections Three, Four, Five, Six, Seven, and Eight of this Ordinance shall be codified in the Emeryville Municipal Code. Sections One, Two, Nine, Ten, Eleven, and Twelve, shall not be so codified.

This Ordinance was introduced and first read by the City Council of the City of Emeryville at a regular meeting on Tuesday, December 18, 2007 and **PASSED AND ADOPTED** by the City Council at a regular meeting on Tuesday, January 15, 2008 by the following vote:

AYES: (5)Mayor Bukowski, Vice Mayor Atkin and Councilmembers Davis, Fricke & Kassis

NOES: (0) None ABSENT: None

EXCUSED: None ABSTAINED: None

MAYOR

ATTEST:

CITY CLERK

APPROVED AS TO FORM:

CITY ATTORNEY