



TOWN OF TIBURON
1505 Tiburon Boulevard
Tiburon, CA 94920

Town Council Meeting
November 2, 2016
Agenda Item: *PH-1*

STAFF REPORT

To: **Mayor & Members of the Town Council**

From: **Community Development Department**

Subject: **Amend Title IV, Chapter 13 (Building Regulations) of the Tiburon Municipal Code to Adopt by Reference and with Modifications the Latest State-Authorized Construction Codes; File MCA2016-04; Introduction of Ordinance**

Reviewed by: *H.C.*

BACKGROUND

Approximately every three years, the State of California adopts updated uniform construction codes and allows local government agencies limited latitude to modify those codes by ordinance. Local agency modifications may provide for requirements that are more restrictive, but not less restrictive, than the state-adopted codes. The new state codes will go into effect on January 1, 2017.

The draft ordinance before the Town Council contains the Town's proposed adoption of the most recent State of California-authorized construction codes, with modifications for local conditions, and ratifies the two local Fire Districts' adoption of the 2016 California Fire Code and any other fire-related codes adopted by those Districts.

ANALYSIS

There are few substantive changes to the standardized construction codes during this cycle that involve the Town's localized amendments.

During the most recent code adoption cycle in 2013, the Town of Tiburon chose to adopt those portions of Tier 1 of the CalGreen Code that it could lawfully adopt. Those provisions will be carried over with the 2016 CalGreen Code. The energy efficiency provisions of the California codes are now sufficiently robust that the Town no longer needs to adopt its own separate enhancements, so those provisions are being deleted.

ENVIRONMENTAL STATUS

Adoption of this ordinance is ministerially exempt from the requirements of CEQA per state statutes.

STAFF RECOMMENDATION

Following a public hearing, staff recommends that the Town Council:

1. Hold a public hearing and consider any testimony.
2. Move to read by title only and introduce the ordinance (**Exhibit 1**) amending Title IV, Chapter 13 (Building Regulations) of the Tiburon Municipal Code to adopt updated construction codes with modifications, waiving further reading. Hold a roll call vote on the introduction. The item would return for adoption at the next regular Town Council meeting.

EXHIBITS

1. Draft Ordinance

Prepared by: Clay Salzman, Building Official

Scott Anderson, Director of Community Development 

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN
OF TIBURON AMENDING PROVISIONS OF TITLE IV,
CHAPTER 13 OF THE TIBURON MUNICIPAL CODE BY
ADOPTING WITH AMENDMENTS THE MOST RECENT
STANDARDIZED CONSTRUCTION CODES**

Section 1. Findings.

- A. The Town Council held a public hearing on _____, 2016, and has heard and considered any and all public testimony on this matter.
- B. The Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.
- C. The Town Council finds that the amendments made by this Ordinance are necessary for the protection of the public health, safety, and welfare.
- D. The Town Council has found that the amendments made by this Ordinance are consistent with the goals and policies of the Tiburon General Plan.
- E. The Town Council finds that the adoption of this Ordinance is ministerially exempt from the requirements of CEQA and is also exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Article II. Technical Codes

For the purpose of establishing proper regulations for building construction, for the installation of plumbing, gas appliances and electrical systems, and for the storage and handling of flammable liquids, the codes or portions thereof set forth in this article are adopted and are made a part of this chapter by reference without further publication or posting thereof, and not less than one certified copy, along with the deletions and exceptions therefrom and additions and amendments thereto, shall be kept on file for use and examination by the public in the office of the town clerk.

13-4.1 Building Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2016 California Building Code (based on the International Building Code, 2015 Edition), Volume 1 and Volume 2, including the following appendices: Appendices F, H, I, J and M as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2, hereinafter referred to as the "California Building Code", save and except such portions as are hereinafter amended or modified by Section 13-4.1.1 of this chapter.

13-4.1.1 Amendments made to the 2016 California Building Code.

The 2016 California Building Code is amended to read as follows:

(a) Section 1.8.5.1 is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged.)

(b) Section 1.8.8.1 is amended to add the following sentence thereto:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(c) Chapter 1, Division II is modified as follows:

(1) Section 104.6 is amended to add the following phrase to the end of the last sentence:

", including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California."

78 (2) Section 105.2 is amended to delete subsections 2, 4, 5, 6 and 12,
79 and to modify subsections 1 and 7 to read as follows:

80 1. Detached accessory structures used as playhouses or play
81 structures provided that the structure:

- 82 a. Does not exceed one-hundred twenty (120)
83 square feet in area and is portable (i.e., is not
84 anchored or affixed in any way);
- 85 b. Does not exceed twelve (12) feet in height; and
- 86 c. Contains no plumbing, electricity or heating or
87 cooling appliances.
- 88 d. Does not exceed one-story.

89 7. Painting, papering, tiling, carpeting, counter tops and similar
90 finish work; except that repaving and/or re-stripping of parking
91 lots shall require a permit.

92 (3) Section 105.5 is amended to read as follows:

93 1. All permits issued by the Building Official shall expire by
94 limitation and become null and void eighteen (18) months from
95 the date the permit is issued, except as follows:

96 a. In instances where the project is unusually large or
97 complex, a twenty-four (24) month permit may be issued
98 in the reasonable discretion of the Building Official at the
99 time of initial issuance; or

100 b. In instances where the permittee has proceeded with
101 due diligence and made substantial progress but is
102 unable to complete the project because of unforeseen
103 circumstances beyond the control of the permittee, one
104 extension of up to six (6) months may be granted,
105 without payment of additional charges or penalties. In
106 determining whether due diligence has been exercised,
107 the Building Official shall consider whether work began
108 promptly after permit issuance, whether work was
109 conducted on a regular basis and any other relevant
110 facts.

111 2. Once the initial permit and/or approved six (6) month
112 extension has expired, a Stop Work Order shall be issued and
113 work shall not recommence until the permit is reactivated and
114 extended. Reactivation and extension shall be allowed only if
115 there have been no substantive changes to the approved plans

116 and specifications and a Reactivation/Extension Charge equal
117 to the original project construction permit fees is paid. A
118 Reactivation/Extension Charge, for purposes of this section, is
119 primarily a penalty for failure to complete the project within the
120 allotted time, and secondarily a fee to recover the cost of
121 providing additional building inspection division services, and is
122 defined as the subtotal of the building, electrical, plumbing,
123 mechanical, grading, and business license fee portions of the
124 original permit. A permit reactivated and extended under this
125 subsection shall be valid for an additional six (6) months beyond
126 the date of its expiration prior to the reactivation/extension
127 granted pursuant to this paragraph.

128 3. If the project is not completed within the six (6) month
129 extension allowed under subsection 2 above, a Stop Work
130 Order shall be issued on the date of expiration and work shall
131 not recommence until the permit is reactivated and extended.
132 Reactivation and extension of the permit for another six (6)
133 month period shall be allowed only if there have been no
134 substantive changes in the approved plans and specifications
135 and a Reactivation/Extension Charge equal to three (3) times
136 the original project construction permit fees, as defined in
137 subsection 2 above, is paid. The Building Official may, in his
138 sole discretion, reduce the penalty based on such reasons as
139 the project's nearness to completion and/or the cause of the
140 delay. A permit reactivated and extended under this subsection
141 shall be valid for an additional six (6) months beyond the date of
142 its expiration prior to the reactivation/extension granted
143 pursuant to this paragraph.

144 4. If the project is not completed within the six (6) month
145 extension allowed under subsection 3 above, a Stop Work
146 Order shall be issued and the matter referred to the town
147 council for resolution. The town council may reactivate and
148 extend the permit for an additional six (6) months upon
149 submission and acceptance of a completion schedule for the
150 project and payment of five (5) times the original project
151 construction permit fees (as defined in subsection 2 above) as a
152 Reactivation/Extension Charge, and provided that there have
153 been no substantive changes in the approved plans and
154 specifications. The town council may, in its sole discretion,

155 reduce the reactivation/extension charge based on such
156 reasons as the project's nearness to completion and/or the
157 cause of the delay.

158 5. If the project is not completed within the six (6) month
159 extension allowed under subsection 4 above, or pursuant to this
160 subsection 5, a Stop Work Order shall be issued and the matter
161 referred to the town council for resolution. The town council may
162 impose additional requirements, such as the retention of a
163 qualified contractor for owner/builder projects or retention of a
164 qualified construction manager for a contracted project, in order
165 to promote swift completion. The town council may reactivate
166 and extend the permit upon imposition of any such conditions
167 deemed reasonable, and payment of five (5) times the original
168 project construction permit fees (as defined in subsection 2
169 above) as a Reactivation/Extension Charge, provided that there
170 have been no substantive changes in the approved plans and
171 specifications.

172 (4) Section 109.2 is amended to read as follows:

173 109.2 Schedule of Fees.

174 On buildings, structures, electrical, gas, mechanical and
175 plumbing system alterations requiring a permit, a fee for each
176 permit shall be required as set forth in the Building Division Fee
177 Schedule as adopted by resolution of the town council and
178 amended from time to time.

179 (5) Section 109.4 is amended to read as follows:

180 109.4 Work commencing before permit issuance.

181 Any person who commences any work without a permit on a
182 building, structure, electrical, gas, mechanical or plumbing
183 system before obtaining the necessary permits shall be subject
184 to a penalty as set forth in the Town's Schedule of Fines,
185 established by resolution of the town council and amended from
186 time to time.

187 (6) Section 113.1 is amended by adding the following sentence thereto:

188 For appeal of non-administrative provisions of the code, the
189 local appeals board and the housing appeals board shall be the
190 Tiburon Building Code Appeals Board, except that if required by
191 Health and Safety Code section 19957.5, the local appeals
192 board and the housing appeals board shall be the County of

Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(d) Section 501.2 is amended to read as follows:

501.2 Address Numbers.

1. The following standards for address markings shall apply to residential buildings:

a. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, and one-half inch in width, of a color contrasting to the background and located so they may be clearly seen and read. If a building is not easily visible from the street, then the numbers are to be mounted at the access drive leading to the building.

b. At each vehicular access to a multiple family dwelling complex having four or more buildings, there shall be an illuminated diagrammatic representation (plot plan) of the complex, which shows the location of the viewer and the building units within the complex.

c. In multiple family dwelling complexes, any building having a separate identifying factor other than the street number shall be clearly identified in the manner described in subsection a. Each individual unit of residence shall have a unit identifying number, letter, or combination thereof displayed upon the door.

d. Maps of the multiple family complex will be furnished to the police department and applicable fire district upon completion of construction. The maps shall include building identification and unit identification.

e. Buildings shall be numbered in such a manner and sequence as to meet with the approval of the enforcing authority.

f. This section shall not prevent supplementary numbering such as reflective numbers on street curbs or decorative numbering, but this shall be considered supplemental only and shall not satisfy the requirements of this section.

2. The following standards for address markings shall apply to commercial buildings:

a. The address number of every commercial building shall be located and displayed so that it shall be easily visible from the street.

230 b. The numerals in these numbers shall be no less than six inches in
 231 height, one-half inch in width, and of a color contrasting to the
 232 background. In addition, any business which affords vehicular access to
 233 the rear through any driveway, alleyway, or parking lot shall also display
 234 the same numbers on the rear of the building.

235 c. When required by the Building Official, approved numbers or
 236 addresses shall be placed on all new and existing buildings in such a
 237 position as to be plainly visible and legible from the fire apparatus road
 238 at the back of a property or where rear parking lots or alleys provide an
 239 acceptable vehicular access. Number height and width shall comply
 240 with Section 501.2.

241

242 (e) Section 903.2, first sentence, is amended to read as follows:

243 903.2 Where required.

244 Approved automatic sprinkler systems in new buildings and structures shall be
 245 provided in the locations described in this section, provided that where
 246 applicable code provisions adopted by the Tiburon Fire Protection District or
 247 Southern Marin Fire Protection District are more restrictive, the more restrictive
 248 provisions shall control.

249

250 (f) Section 1015.2 is amended by adding the following sentence:

251 Guards are also required at waterfront bulkheads, fixed piers and gangways.

252

253 (g) Section 1505 is amended to read as follows:

254 The roof covering on any structure regulated by this code shall be as specified
 255 in California Building Code Chapter 15 with the following conditions:

256 1. All new buildings and new additions shall have at least a Class A-
 257 listed or noncombustible roof covering.

258 2. Where alterations or repairs to existing roofs involve more than fifty
 259 (50) percent of the total area of an existing building within a one year
 260 time period, the entire roof shall be retrofitted with at least a Class A-
 261 listed or noncombustible roof.

262 3. Where applicable code provisions adopted by the Tiburon Fire
 263 Protection District or Southern Marin Fire Protection District are more
 264 restrictive, the more restrictive provisions shall control.

265

266 (h) Appendix J "GRADING" is amended as follows:

J103.3 Grading Permit Fees. Fees shall be as set forth in the Building Division Fee Schedule established by resolution of the town council as amended from time to time.

J110.3 Mud, Loose Dirt, or Debris on Public Street. No person, firm or corporation who has a valid building, demolition or grading permit shall permit any mud, loose dirt or debris to be removed from the job site and deposited on any public street or sidewalk.

13-4.2 Residential Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public, that certain code known as the 2016 California Residential Code (based on the International Residential Code, 2015 edition), including Appendices G, H, and J published by the International Code Council, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2.5, hereinafter referred to as the "California Residential Code," save and except such portions as are hereinafter amended or modified by Section 13-4.2.1 of this chapter.

13-4.2.1 Amendments to the 2016 California Residential Code.

The 2016 California Residential Code is amended as follows:

(a) Section 1.8.5.1 is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged.)

(b) Section 1.8.8.1 to delete the final sentence and add the following:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals

Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(c) Chapter 1, Division II is modified as follows:

(1) Section 104.6 is amended to add the following phrase to the end of the last sentence:

" , including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California."

(2) Section 105.2 is amended to delete (building) subsections 2, 3, 4, 5, 9 and 10, and to modify subsections 1 and 6 to read as follows:

1. Detached accessory structures used as playhouses or play structures provided that the structure:

- a. Does not exceed one-hundred twenty (120) square feet in area and is portable (i.e., is not anchored or affixed in any way);
- b. Does not exceed twelve (12) feet in height; and
- c. Contains no plumbing, electricity or heating or cooling appliances.
- d. Does not exceed one-story.

6. Painting, papering, tiling, carpeting, counter tops and similar finish work; except that repaving and/or re-stripping of parking lots shall require a permit.

(3) Section 105.5 is amended to read as follows:

Section 105.5 Expiration.

1. All permits issued by the Building Official shall expire by limitation and become null and void eighteen (18) months from the date the permit is issued, except as follows:

- a. In instances where the project is unusually large or complex, a twenty-four (24) month permit may be issued in the reasonable discretion of the Building Official at the time of initial issuance; or
- b. In instances where the permittee has proceeded with due diligence and made substantial progress but is unable to complete the project because of unforeseen circumstances beyond the control of the permittee, one extension of up to six (6) months may be granted, without payment of additional charges or penalties. In

338 determining whether due diligence has been exercised,
339 the Building Official shall consider whether work began
340 promptly after permit issuance, whether work was
341 conducted on a regular basis and any other relevant
342 facts.

343 2. Once the initial permit and/or approved six (6) month
344 extension has expired, a Stop Work Order shall be issued and
345 work shall not recommence until the permit is reactivated and
346 extended. Reactivation and extension shall be allowed only if
347 there have been no substantive changes to the approved plans
348 and specifications and a Reactivation/Extension Charge equal
349 to the original project construction permit fees is paid. A
350 Reactivation/Extension Charge, for purposes of this section, is
351 primarily a penalty for failure to complete the project within the
352 allotted time, and secondarily a fee to recover the cost of
353 providing additional building inspection division services, and is
354 defined as the subtotal of the building, electrical, plumbing,
355 mechanical, grading, and business license fee portions of the
356 original permit. A permit reactivated and extended under this
357 subsection shall be valid for an additional six (6) months beyond
358 the date of its expiration prior to the reactivation/extension
359 granted pursuant to this paragraph.

360 3. If the project is not completed within the six (6) month
361 extension allowed under subsection 2 above, a Stop Work
362 Order shall be issued on the date of expiration and work shall
363 not recommence until the permit is reactivated and extended.
364 Reactivation and extension of the permit for another six (6)
365 month period shall be allowed only if there have been no
366 substantive changes in the approved plans and specifications
367 and a Reactivation/Extension Charge equal to three (3) times
368 the original project construction permit fees, as defined in
369 subsection 2 above, is paid. The Building Official may, in his
370 sole discretion, reduce the penalty based on such reasons as
371 the project's nearness to completion and/or the cause of the
372 delay. A permit reactivated and extended under this subsection
373 shall be valid for an additional six (6) months beyond the date of
374 its expiration prior to the reactivation/extension granted
375 pursuant to this paragraph.

4. If the project is not completed within the six (6) month extension allowed under subsection 3 above, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may reactivate and extend the permit for an additional six (6) months upon submission and acceptance of a completion schedule for the project and payment of five (5) times the original project construction permit fees (as defined in subsection 2 above) as a Reactivation/Extension Charge, and provided that there have been no substantive changes in the approved plans and specifications. The town council may, in its sole discretion, reduce the reactivation/extension charge based on such reasons as the project's nearness to completion and/or the cause of the delay.

5. If the project is not completed within the six (6) month extension allowed under subsection 4 above, or pursuant to this subsection 5, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion. The town council may reactivate and extend the permit upon imposition of any such conditions deemed reasonable, and payment of five (5) times the original project construction permit fees (as defined in subsection 2 above) as a Reactivation/Extension Charge, provided that there have been no substantive changes in the approved plans and specifications.

(d) Section R319.1 is amended to read as follows:

R319.1 Address Numbers. The following standards for address markings shall apply to residential buildings:

a. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, and one-half inch in width, of a color contrasting to the background and located so they may be clearly seen and read. If a building is not easily visible from the street, then the numbers are to be mounted at the access drive leading to the building.

414 b. At each vehicular access to a multiple family dwelling complex having
415 four or more buildings, there shall be an illuminated diagrammatic
416 representation (plot plan) of the complex, which shows the location of
417 the viewer and the building units within the complex.

418 c. In multiple family dwelling complexes, any building having a separate
419 identifying factor other than the street number shall be clearly identified
420 in the manner described in subsection a. above. Each individual unit of
421 residence shall have a unit identifying number, letter, or combination
422 thereof displayed upon the door.

423 d. Maps of the multiple family complex will be furnished to the police
424 department and applicable fire district upon completion of construction.
425 The maps shall include building identification and unit identification.

426 e. Buildings shall be numbered in such a manner and sequence as to
427 meet with the approval of the enforcing authority.

428 f. This section shall not prevent supplementary numbering such as
429 reflective numbers on street curbs or decorative numbering, but this
430 shall be considered supplemental only and shall not satisfy the
431 requirements of this section.

432

433 (e) Section R312.1.1 is amended by adding the following sentence:
434 "Guards are also required at waterfront bulkheads, fixed piers and gangways."
435

436 (f) Section R313.3, first sentence, is amended to read as follows:
437 R313.3 Where required.
438 Approved automatic sprinkler systems in new buildings and structures shall be
439 provided in the locations described in this section, provided that where
440 applicable code provisions adopted by the Tiburon Fire Protection District or
441 Southern Marin Fire Protection District are more restrictive, the more restrictive
442 provisions shall control.

443

444 (g) Section R905 is amended to read as follows:
445 The roof covering on any structure regulated by this code shall be as specified
446 in California Residential Code Chapter 9 with the following conditions:
447 1. All new buildings and new additions shall have at least a Class A-
448 listed or noncombustible roof covering.
449 2. Where alterations or repairs to existing roofs involve more than fifty
450 percent of the total area of an existing building within a one year time

451 period, the entire roof shall be retrofitted with at least a Class A-listed or
452 noncombustible roof.

453 3. Where applicable code provisions adopted by the Tiburon Fire
454 Protection District or Southern Marin Fire Protection District are more
455 restrictive, the more restrictive provisions shall control.

458 13-4.3 Plumbing Code.

459 The Town Council hereby adopts, for the purpose of providing minimum
460 requirements for the protection of life, limb, health, property, safety and welfare of the
461 general public, that certain code known as the 2016 California Plumbing Code (based
462 on the Uniform Plumbing Code, 2015 Edition), including Appendices A, B, D, I, and L
463 published by the International Association of Plumbing and Mechanical Officials, and as
464 amended by the California Building Standards Commission in the California Code of
465 Regulations, Title 24, Part 5, hereinafter referred to as the "California Plumbing Code",
466 save and except such portions as are hereinafter amended or modified by Section 13-
467 4.3.1 of this chapter.

468 13-4.3.1 Amendments made to the 2016 California Plumbing Code.

469 The 2016 California Plumbing Code is amended as follows:

470 (a) Section 1.8.5.1 is amended to modify the first sentence to read as
471 follows:

472 Section 1.8.5.1 General. Subject to the provisions of law, including Section
473 1822.50 et. seq. of the Code of Civil Procedure of the State of California,
474 officers and agents of the Building Official may enter and inspect public and
475 private properties to secure compliance with the provisions of this code.

476 (The remainder of this section is unchanged)

477
478 (b) Section 1.8.8.1 is amended by deleting the final sentence and adding
479 the following sentence thereto:

480 For appeal of non-administrative provisions of the code, the local
481 appeals board and the housing appeals board shall be the Tiburon
482 Building Code Appeals Board, except that if required by Health and
483 Safety Code section 19957.5, the local appeals board and the housing
484 appeals board shall be the County of Marin's Disability Access Appeals

Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(c) Chapter 1, Division II is amended as follows:

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

These regulations shall be known as the California Plumbing Code, may be cited as such, and will be referred to herein as "this code".

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

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION — The Authority Having Jurisdiction shall mean the Building Official or his duly authorized representative.

(3) Section 103.4.2 is deleted.

(4) Section 104.3 is amended to read as follows:

103.2.1 Application. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose. Every such application shall:

(The remainder of this section is unchanged.)

(5) Section 104.3.2 is amended to read as follows:

104.3.2 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(6) Section 104.5 is amended to read as follows:

104.5 Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee, which fee shall be as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(7) Section 105.2.6 is amended to replace the fourth paragraph with the following:

To obtain re-inspection, the applicant shall first pay the re-inspection fee in accordance with the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(8) Table 1-1 is deleted.

(9) Section 203.0 is amended to read as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION — The Authority Having Jurisdiction shall mean the Building Official or his duly authorized representative.

13-4.4 Electrical Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2016 California Electrical Code (based on the National Electrical Code, 2014 Edition) as published by the National Fire Protection Association, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 3, hereinafter referred to as the "California Electrical Code", save and except such portions as are hereinafter amended or modified by Section 13-4.4.1 of this chapter.

13-4.4.1 Amendments made to the 2016 California Electrical Code.

The 2016 California Electrical Code is amended or modified as follows:

(a) Section 89.108.4.2 is amended to read as follows:

89.108.4.2 Fees. Any person desiring a permit required by this code shall, at the time of issuance thereof, pay a fee, which shall be as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(b) Section 89.108.5.1 is amended to modify the first sentence to read as follows:

Section 89.108.5.1 General. Subject to other provisions of law, including Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California, officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code.

(The remainder of this section is unchanged.)

(c) Section 89.108.8.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(d) Article 100 is amended to read as follows:

The definition of "Authority Having Jurisdiction" is amended to read as follows:

Authority Having Jurisdiction (AHJ)—The Authority Having Jurisdiction shall mean the Building Official or his or her duly authorized representative.

(e) Section 210.12 (B) is amended by adding the following sentence:

The provisions of this section shall apply to existing dwelling units when electrical service panels or sub-panels are replaced or upgraded.

13-4.5 Fire Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2016 California Fire Code (as adopted and modified by the current Tiburon Fire Protection District and Southern Marin Fire Protection District ordinances), which Code and ordinances are hereby referred to, ratified, and made a part hereof as if fully set forth herein. Copies of said code and ordinances are on file and available for public inspection in the office of the town clerk.

13-4.6. Housing Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the Uniform Housing Code (1997 Edition, as published by the International Conference of Building Officials), hereinafter referred to as the "Uniform Housing Code", save and except such portions as are hereinafter changed or modified by Section 13-4.6.1 of this chapter.

13-4.6.1 Amendments made to the 1997 Uniform Housing Code.

The 1997 Uniform Housing Code is amended as follows:

(a) Section 103 is amended to revise the second sentence of the first paragraph to read as follows:

Such occupancies in existing buildings may be continued as provided by the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations, except such structures as are found to be substandard as defined by this code.

(b) Section 104.1 is amended to read as follows:

All buildings or structures that are required to be repaired under the provisions of this code shall be subject to the provisions of the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations.

(c) Section 201.1 is amended to revise the first paragraph to read as follows:

The Building Official and his designees are hereby authorized and directed to enforce all of the provisions of this code. For such purposes, such officials shall have the powers of law enforcement officers.

(d) Section 201.2 is amended to read as follows:

Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises an immediate threat to health and safety, 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 by this code; provided, that if such building or premises be occupied he shall first

628 present proper credentials and demand entry; and if such building or
629 premises be unoccupied he shall first make a reasonable effort to locate
630 the owner or other persons having charge or control of the building or
631 premises and demand entry. If such entry is refused, the Building
632 Official, or his authorized representative, shall have recourse to every
633 remedy provided by law to secure entry, including the warrant
634 provisions of Section 1822.50 et seq. of the Code of Civil Procedure of
635 the State of California.

636
637 (e) Section 203.1 is amended by adding the following sentence thereto:
638 For appeal of non-administrative provisions of the code, the housing
639 advisory and appeals board shall be the Tiburon Building Code Appeals
640 Board. If required by Health and Safety Code section 19957.5, the
641 housing advisory and appeals board shall be the County of Marin's
642 Disability Access Appeals Board. The town council shall hear appeals
643 of administrative provisions of this code.

644
645 (f) Section 301 is amended to read as follows:
646 No building or structure regulated by this code shall be erected,
647 constructed, enlarged altered, repaired, moved, improved, removed,
648 converted or demolished unless a separate permit for each building or
649 structure has first been obtained as required by the Building Code.

650
651 (g) Section 302 is deleted.

652
653 (h) Section 303 is amended to read as follows:
654 Buildings or structures within the scope of this code and all construction
655 or work for which a permit is required shall be subject to inspection by
656 the Building Official as provided by this code and in accordance with the
657 applicable requirements of the Building Code.

658
659 (i) Section 401 is amended as follows:
660 The definition of "Building Code" in Section 401 is amended to read as
661 follows:

662 BUILDING CODE is the California Building Code as adopted
663 with amendments by the Town of Tiburon.
664

(j) A definition for "Building Official" is added to Section 401 to read as follows:

BUILDING OFFICIAL is the Building Official in the Community Development Department of the Town of Tiburon.

(k) The definition of "Mechanical Code" in Section 401 is amended to read as follows:

MECHANICAL CODE is the California Mechanical Code as adopted with amendments by the Town of Tiburon.

(l) The definition of "Plumbing Code" in Section 401 is amended to read as follows:

PLUMBING CODE is the California Plumbing Code as adopted with amendments by the Town of Tiburon.

13-4.7 Mechanical Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2016 California Mechanical Code (based on the Uniform Mechanical Code, 2015 Edition) as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 4, hereinafter referred to as the "California Mechanical Code", save and except such portions as are hereinafter amended or modified by Section 13-4.7.1 of this chapter.

13-4.7.1 Amendments made to the 2016 California Mechanical Code.

The 2016 California Mechanical Code is amended as follows:

(a) Chapter 1, Division I, Section 1.8.8.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the board of appeals shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the board of appeals shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(b) Chapter 1, Division II is amended as follows:

700 (1) Section 101.1 is amended to read as follows:
701 These regulations shall be known as the California Mechanical
702 Code, may be cited as such, and will be referred to herein as
703 "this code".
704
705 (c) Section 107.1 is amended by adding thereto:
706 For appeal of non-administrative provisions of the code, the board of
707 appeals shall be the Tiburon Building Code Appeals Board, except that
708 if required by Health and Safety Code section 19957.5, the board of
709 appeals shall be the County of Marin's Disability Access Appeals Board.
710 The town council shall hear appeals of administrative provisions as
711 generally described in the administrative chapter of this code.
712
713 (d) Section 104.3.2 is amended to read as follows:
714 104.3.2 General. Fees shall be assessed in accordance with the
715 provisions of this section and as set forth in the Building Division
716 Fee Schedule adopted by resolution of the town council and
717 amended from time to time.
718
719 (e) Section 104.5 is amended to read as follows:
720 104.5 Fees. Any person desiring a permit required by this code
721 shall, at the time of issuance for the permit, pay a fee, which fee
722 shall be as set forth in the Building Division Fee Schedule
723 adopted by resolution of the town council and amended from
724 time to time.
725
726 (f) Section 105.2.6 is amended to replace the third paragraph with the
727 following:
728 To obtain re-inspection, the applicant shall first pay the re-
729 inspection fee in accordance with the Building Division Fee
730 Schedule adopted by resolution of the town council and
731 amended from time to time.
732
733 (g) Section 203.0 is amended as follows:
734 The definition of "AUTHORITY HAVING JURISDICTION" is amended to
735 read as follows:

736 AUTHORITY HAVING JURISDICTION — The Authority Having
737 Jurisdiction shall mean the Building Official or his duly
738 authorized representative.
739

740 **13-4.8 Dangerous Building Code.**

741 The Dangerous Building Code of the Town shall be the California Code for the
742 Abatement of Dangerous Buildings (1997 edition, as published by the International
743 Conference of Building Officials), on file with the office of the Town Clerk, which Code
744 is hereby referred to, adopted and made a part hereof as if fully set forth herein, save
745 and except such portions as are hereinafter amended or modified by Section 13-4.8.1
746 of this chapter.

747 **13-4.8.1 Amendments made to the 1997 California Code for the Abatement of**
748 **Dangerous Buildings.**

749 The 1997 California Code for the Abatement of Dangerous Buildings is
750 amended as follows:

- 751 (a) Section 103 is amended to read as follows:
752 All buildings or structures which are required to be repaired under the
753 provisions of this code shall be subject to the provisions of the
754 California Existing Building Code, as contained in Title 24, Part 10 of
755 the California Code of Regulations.
756
- 757 (b) Section 201.3 is amended to read as follows:
758 Whenever necessary to make an inspection to enforce any of the
759 provisions of this title, or whenever the Building Official or his authorized
760 representative has reasonable cause to believe that there exists in any
761 building or upon any premises an immediate threat to health and safety,
762 the Building Official or his authorized representative may enter such
763 building or premises at all reasonable times to inspect the same or to
764 perform any duty imposed upon the Building Official by this code;
765 provided, that if such building or premises be occupied he shall first
766 present proper credentials and demand entry; and if such building or
767 premises be unoccupied he shall first make a reasonable effort to locate
768 the owner or other persons having charge or control of the building or
769 premises and demand entry. If such entry is refused, the Building
770 Official, or his authorized representative, shall have recourse to every

remedy provided by law to secure entry, including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California.

(c) Section 203 is deleted.

(d) Section 204 is amended to read as follows:

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the Building Official as provided in this code and in accordance with the applicable requirements of the Building Code.

(e) Section 205.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the board of appeals shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the board of appeals shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions of this code.

(f) Section 301 is amended as follows:

The definition of "Building Code" is amended to read as follows:
BUILDING CODE is the California Building Code as adopted with amendments by the Town of Tiburon.

(g) A definition of "Building Official" is added to read as follows:

BUILDING OFFICIAL is the Building Official in the Community Development Department of the Town of Tiburon.

13-4.9 Green Building Standards Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements to enhance the public health and welfare and assure that residential and commercial development is consistent with the Town's desire to create a more sustainable community by incorporating green building measures into the design, construction, and maintenance of buildings and appurtenant development, that certain code known as the California Green Building Standards Code, 2016 edition (also known as the 2016 CALGreen Code) as published by the California Building Standards

Commission in the California Code of Regulations, Title 24, Part 11, herein referred to as the "CALGreen Code," save and except such portions as are hereinafter amended or modified by Section 13-4.9.1 of this chapter.

13-4.9.1 Amendments made to the 2016 CALGreen Code.

The California Green Building Standards Code is amended as follows:

(a) For new residential construction only (not including additions), the Town Council hereby adopts as mandatory measures the following otherwise voluntary divisions of Appendix A4:

1. Division A4.1 (Planning & Design);
2. Division A4.3 (Water Efficiency & Conservation);
3. Division A4.4 (Material Conservation and Resource Efficiency);
4. Division A4.5 (Environmental Quality); and
5. Division A4.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.

(b) For new nonresidential construction only (not including additions), the Town Council hereby adopts as mandatory measures the following otherwise voluntary divisions of Appendix A5:

1. Division A5.1 (Planning & Design);
2. Division A5.3 (Water Efficiency & Conservation);
3. Division A5.4 (Material Conservation and Resource Efficiency);
4. Division A5.5 (Environmental Quality); and
5. Division A5.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.

13-4.10 Energy Code.

The Energy Code of the Town shall be the California Energy Code, 2016 edition, and the appendices thereof, as published by the California Building Standards Commission, on file with the office of the Town Clerk, which Code and appendices are hereby referred to, adopted and made a part hereof as if fully set forth herein.

13-4.11 Miscellaneous Portions of the Building Standards Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public, 2016 California Building Standards Code Part 8 (Historical Building

Code), Part 10 (Existing Building Code), and Part 12 (Referenced Standards Code),
said codes being on file with the office of the Town Clerk.

Section 3. Findings Pursuant to Health & Safety Code.

A. California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5
require that findings be made in order to change or modify building standards found
in the California Building Standards Code based on local climatic, geologic, or
topographic conditions. Therefore, the Town of Tiburon hereby finds that these
changes or modifications to the Building Code as adopted herein are reasonably
necessary because of the following local climatic, geological and topographical
conditions:

1. Climatic conditions:

- a. Most of the annual rainfall in Tiburon occurs during the winter, it receives no
measurable precipitation between May and October. During this time, temperatures
average between 60 and 85 degrees. These conditions eliminate most of the
moisture in the natural vegetation and heavily wooded hillsides. The area also
suffers periodic droughts that can extend the dry periods to other months of the year.
These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-
Ana winds.
- b. Most of the annual rainfall in Tiburon occurs during the winter, and some portions
of Tiburon are subject to tidal influences, there are times that flooding conditions
occur in low-lying areas.
- c. Tiburon is situated within a densely populated major metropolitan area (the San
Francisco Bay Area) that generates and releases into the atmosphere significant
quantities of greenhouse gases, which have detrimental effects to the local climate
as determined by the State of California.

2. Geologic conditions:

- a. Tiburon lies near several earthquake faults, including the very active San Andreas
Fault and the Hayward Fault, and there are significant potential hazards such as road
closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- b. Much of the Downtown commercial area is located on bay alluvial soils, which are
subject to liquefaction in the event of an earthquake.

3. Topographic conditions:

- a. Much of Tiburon is located in steep, hilly areas; many of the residential areas are
heavily landscaped; and many exist adjacent to hilly open space areas which are
characterized by dry vegetation and have limited access. In addition, the steepness

of grades located in the hills and dales results in narrow and winding roads, and limited water supply.

- b. The major arterial route between Tiburon and U. S. Highway 101 is Tiburon Boulevard (State Highway 131). Should that highway become impassable, the only alternative roadway on and off the Peninsula is Paradise Drive, a narrow, winding road easily subject to closure in storms and having an extensive history of lane failures due to unstable soils and poor drainage. This would result in traffic congestion, severely limiting emergency access.

B. Adoption by Reference of Tiburon Fire Protection District and Southern Marin Fire District Findings:

The Town Council further adopts by reference all applicable climatic, geological, and topographical conditions findings of the Tiburon Fire Protection District and the Southern Marin Fire Protection District in their most recently-enacted ordinances adopting and modifying the California Fire Code and other related codes.

- C. The above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

Residential Building Code Section Number	Building Code Section Number	Climatic, geological and topographical condition
R319.1	501.2	1a, 2a, 3a, 4
R313.3	903.2	1a, 2a, 3a, 3b, 4
R312.1.1	1015.2	1b, 2a, 4
R905	1505	1a, 4

Section 4. Repeal of Local Energy Efficiency Enhancements.

Article V (Energy Efficiency Standards) of Title IV, Chapter 13 is deleted in its entirety.

Section 5. Severability.

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 6. Effective Date.

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of Town Clerk at least five (5) days prior to the Council meeting at which it is adopted. This Ordinance shall be in full force and effect thirty (30) days after the date of adoption, or on January 1, 2017 (whichever occurs last), and the summary of this Ordinance shall be published within fifteen (15) days after its adoption, together with the names of the Councilmembers voting for or against same, in a newspaper of general circulation in the Town of Tiburon, County of Marin, State of California.

This ordinance was read and introduced at a regular meeting of the Town Council of the Town of Tiburon, held on the ___ day of _____, 2016, and was adopted at a regular meeting of the Town Council of the Town of Tiburon, held on the ____ day of _____, 2016, by the following vote:

AYES: COUNCILMEMBERS:

NAYS: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

ERIN TOLLINI, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK