



TOWN OF TIBURON  
1505 Tiburon Boulevard  
Tiburon, CA 94920

Town Council Meeting  
November 16, 2016  
Agenda Item: CC-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 Constriction Codes; File MCA2016-04; Adoption of Ordinance**

Reviewed by: 

## BACKGROUND

The Town Council held first reading of this ordinance following a public hearing at its meeting on November 2, 2016, and waived additional readings. The ordinance now comes to the Town Council for consideration of adoption.

## PROCEDURE

This is a consent calendar item. The Council's motion to adopt this item on the consent calendar will constitute a motion to confirm the waiver of second reading from the previous meeting and adopt the ordinance. Each Councilmember's vote on the motion to approve this item on the consent calendar will constitute the equivalent of a roll call vote and will be recorded within the ordinance. Should any Councilmember choose to vote differently on this item than other items on the consent calendar, then the vote on this item should be taken separately from other items appearing on the Consent Calendar such that individual votes may be properly recorded. Should the Council wish to discuss the item, it must be removed from the Consent Calendar and voted upon separately.

## RECOMMENDATION

Staff recommends that the Town Council approve the adoption of Ordinance No. 566 N. S., a draft of which is attached as **Exhibit 1**, as part of the Consent Calendar.

## EXHIBIT

1. Draft Ordinance No. 566 N. S.

Prepared by: Scott Anderson, Director of Community Development 



44 **13-4.1 Building Code.**

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

53 **13-4.1.1 Amendments made to the 2016 California Building Code.**

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

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

56 1.8.5.1 General. Subject to the provisions of law, including Code of Civil  
57 Procedure Section 1822.50 et. seq., officers and agents of the Building Official  
58 may enter and inspect public and private properties to secure compliance with  
59 the provisions of this code and the rules and regulations promulgated by the  
60 department of housing and community development. For limitations and  
61 additional information regarding enforcement, see the following:

62 (The remainder of this section is unchanged.)

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

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

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

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

76 ", including the warrant provisions of Section 1822.50 et. seq. of  
77 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-striping 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

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

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

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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.

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

109.2 Schedule of Fees.

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

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

109.4 Work commencing before permit issuance.

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

(6) Section 113.1 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

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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.

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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.

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250 (f) Section 1015.2 is amended by adding the following sentence:  
251 Guards are also required at waterfront bulkheads, fixed piers and gangways.

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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.

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

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

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

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## 275 **13-4.2 Residential Code.**

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

### 284 **13-4.2.1 Amendments to the 2016 California Residential Code.**

285 The 2016 California Residential Code is amended as follows:

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

287 1.8.5.1 General. Subject to the provisions of law, including Code of Civil  
288 Procedure Section 1822.50 et. seq., officers and agents of the Building Official  
289 may enter and inspect public and private properties to secure compliance with  
290 the provisions of this code and the rules and regulations promulgated by the  
291 department of housing and community development. For limitations and  
292 additional information regarding enforcement, see the following:

293 (The remainder of this section is unchanged.)

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

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

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

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

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

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

309 (2) Section 105.2 is amended to delete (building) subsections 2, 3, 4, 5,  
310 9 and 10, and to modify subsections 1 and 6 to read as follows:

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

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

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

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

324 Section 105.5 Expiration.

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

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

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

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

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

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

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

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

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

407 a. All residential structures shall display a street number in a prominent  
408 position so that it shall be easily visible from the street. The numerals in  
409 these numbers shall be no less than four inches in height, and one-half  
410 inch in width, of a color contrasting to the background and located so  
411 they may be clearly seen and read. If a building is not easily visible from  
412 the street, then the numbers are to be mounted at the access drive  
413 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.

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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."  
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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.

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### 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)

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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

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

487  
488 (c) Chapter 1, Division II is amended as follows:

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

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

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

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

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

499  
500 (3) Section 103.4.2 is deleted.

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

503 103.2.1 Application. To obtain a permit, the applicant shall apply  
504 to the Authority Having Jurisdiction for that purpose. Every such  
505 application shall:

506 (The remainder of this section is unchanged.)

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

509 104.3.2 General. Fees shall be assessed in accordance with the  
510 provisions of this section and as set forth in the Building Division  
511 Fee Schedule adopted by resolution of the town council and  
512 amended from time to time.

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

515 104.5 Fees. Any person desiring a permit required by this code  
516 shall, at the time of issuance therefore, pay a fee, which fee  
517 shall be as set forth in the Building Division Fee Schedule  
518 adopted by resolution of the town council and amended from  
519 time to time.

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

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

527 (8) Table 1-1 is deleted.

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

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

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

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### 536 **13-4.4 Electrical Code.**

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

#### 545 **13-4.4.1 Amendments made to the 2016 California Electrical Code.**

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

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

548

549 89.108.4.2 Fees. Any person desiring a permit required by this code  
550 shall, at the time of issuance thereof, pay a fee, which shall be as set  
551 forth in the Building Division Fee Schedule adopted by resolution of the  
552 town council and amended from time to time.

553

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

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

561 (The remainder of this section is unchanged.)

562  
563 (c) Section 89.108.8.1 is amended by adding the following sentence  
564 thereto:

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

572  
573 (d) Article 100 is amended to read as follows:

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

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

579  
580 (e) Section 210.12 (B) is amended by adding the following sentence:

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

583 **13-4.5 Fire Code.**

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

591 **13-4.6. Housing Code.**

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

598                   **13-4.6.1 Amendments made to the 1997 Uniform Housing Code.**

599                   The 1997 Uniform Housing Code is amended as follows:

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

602                               Such occupancies in existing buildings may be continued as provided  
603 by the California Existing Building Code, as contained in Title 24, Part  
604 10 of the California Code of Regulations, except such structures as are  
605 found to be substandard as defined by this code.

606  
607                   (b)       Section 104.1 is amended to read as follows:

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

612  
613                   (c)       Section 201.1 is amended to revise the first paragraph to read as  
614 follows:

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

618  
619                   (d)       Section 201.2 is amended to read as follows:

620                               Whenever necessary to make an inspection to enforce any of the  
621 provisions of this title, or whenever the Building Official or his authorized  
622 representative has reasonable cause to believe that there exists in any  
623 building or upon any premises an immediate threat to health and safety,  
624 the Building Official or his authorized representative may enter such  
625 building or premises at all reasonable times to inspect the same or to  
626 perform any duty imposed upon the Building Official by this code;  
627 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

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

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

669

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

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

674

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

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

679

#### 680 **13-4.7 Mechanical Code.**

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

#### 688 **13-4.7.1 Amendments made to the 2016 California Mechanical Code.**

689 The 2016 California Mechanical Code is amended as follows:

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

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

698

699 (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

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

774

775 (c) Section 203 is deleted.

776

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

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

782

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

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

790

791 (f) Section 301 is amended as follows:

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

795

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

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

799

### 800 **13-4.9 Green Building Standards Code.**

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

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

811 **13-4.9.1 Amendments made to the 2016 CALGreen Code.**

812 The California Green Building Standards Code is amended as follows:

- 813 (a) For new residential construction only (not including additions), the Town  
814 Council hereby adopts as mandatory measures the following otherwise  
815 voluntary divisions of Appendix A4:
- 816 1. Division A4.1 (Planning & Design);
  - 817 2. Division A4.3 (Water Efficiency & Conservation);
  - 818 3. Division A4.4 (Material Conservation and Resource Efficiency);
  - 819 4. Division A4.5 (Environmental Quality); and
  - 820 5. Division A4.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.

- 821
- 822 (b) For new nonresidential construction only (not including additions), the  
823 Town Council hereby adopts as mandatory measures the following  
824 otherwise voluntary divisions of Appendix A5:
- 825 1. Division A5.1 (Planning & Design);
  - 826 2. Division A5.3 (Water Efficiency & Conservation);
  - 827 3. Division A5.4 (Material Conservation and Resource Efficiency);
  - 828 4. Division A5.5 (Environmental Quality); and
  - 829 5. Division A5.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.
- 830

831 **13-4.10 Energy Code.**

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

836 **13-4.11 Miscellaneous Portions of the Building Standards Code.**

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

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

842

843 **Section 3. Findings Pursuant to Health & Safety Code.**

844

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

852

853 1. Climatic conditions:

854

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

869

870 2. Geologic conditions:

871

- 872 a. Tiburon lies near several earthquake faults, including the very active San Andreas  
873 Fault and the Hayward Fault, and there are significant potential hazards such as road  
874 closures, fires, collapsed buildings, and isolation of residents requiring assistance.
- 875
- 876 b. Much of the Downtown commercial area is located on bay alluvial soils, which are  
877 subject to liquefaction in the event of an earthquake.

878

879 3. Topographic conditions:

880

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

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

886  
887 b. The major arterial route between Tiburon and U. S. Highway 101 is Tiburon  
888 Boulevard (State Highway 131). Should that highway become impassable, the only  
889 alternative roadway on and off the Peninsula is Paradise Drive, a narrow, winding  
890 road easily subject to closure in storms and having an extensive history of lane  
891 failures due to unstable soils and poor drainage. This would result in traffic  
892 congestion, severely limiting emergency access.

893  
894 B. Adoption by Reference of Tiburon Fire Protection District and Southern Marin Fire  
895 District Findings:

896  
897 The Town Council further adopts by reference all applicable climatic, geological,  
898 and topographical conditions findings of the Tiburon Fire Protection District and the  
899 Southern Marin Fire Protection District in their most recently-enacted ordinances  
900 adopting and modifying the California Fire Code and other related codes.

901  
902 C. The above modified building standards are listed below with the corresponding  
903 climatic, geological or topographical condition which necessitates the modification.  
904

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

905  
906 **Section 4. Repeal of Local Energy Efficiency Enhancements.**

907  
908 Article V (Energy Efficiency Standards) of Title IV, Chapter 13 is deleted in its entirety.

909  
910 **Section 5. Severability.**

911  
912 If any section, subsection, clause, sentence, or phrase of this Ordinance is for any  
913 reason held to be invalid or unconstitutional by a decision of a Court of competent  
914 jurisdiction, such decision shall not affect the validity of the remaining portions of the  
915 Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have  
916 passed this Ordinance, any section, subsection, sentence, clause or phrase thereof,  
917 irrespective of the fact that any one or more sections, subsections, sentences, clauses, or  
918 phrases may be declared invalid or unconstitutional.

919  
920 **Section 6. Effective Date.**

921

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

930  
931

932 This ordinance was read and introduced at a regular meeting of the Town Council of  
933 the Town of Tiburon, held on the 2nd day of November, 2016, and was adopted at a regular  
934 meeting of the Town Council of the Town of Tiburon, held on the \_\_\_\_ day of  
935 \_\_\_\_\_, 2016, by the following vote:

936  
937

938 AYES: COUNCILMEMBERS:

939

940 NAYS: COUNCILMEMBERS:

941

942 ABSENT: COUNCILMEMBERS:

943

944

945

946

947

948

949

950 ATTEST:

951

952

953

954

955 \_\_\_\_\_  
DIANE CRANE IACOPI, TOWN CLERK

\_\_\_\_\_  
ERIN TOLLINI, MAYOR  
TOWN OF TIBURON