



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 10/01/02
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development
Fire Chief

SUBJECT: Uniform Building Code, Fire Code, Mechanical Code, Housing Code, Plumbing Code and the National Electrical Code

RECOMMENDATION:

It is recommended that Council adopt the attached resolutions of findings and introduce the attached ordinances adopting the 1997 editions of the Uniform Building Code and Uniform Housing Code, the 1999 edition of the National Electric Code, and the 2000 editions of the Uniform Fire Code, Uniform Plumbing Code and the Uniform Mechanical Code.

BACKGROUND:

The State of California tri-annually reviews the Uniform Codes. Hearings are conducted at The State Building Standards Commission and local building departments are mandated to enforce the State adopted codes at the local level. In turn, every three years the Council reviews and adopts the State revisions to the Uniform Codes, which govern all building construction in the City. Local jurisdictions are allowed to make reasonable amendments, with express findings, that such modifications or changes are necessary because of local climatic, geological or topographical conditions. This action is exempt from CEQA review pursuant to Section 15378(b)(1), State legislation, of the CEQA Guidelines.

In 1999, Council reviewed and adopted as amended, the 1997 editions of the Uniform Building Code, Fire Code, Mechanical Code, Housing Code, Plumbing Code and the 1996 edition of the National Electrical Code. The purpose of this evening's item is to hear public input and introduce the Ordinances adopting the above editions of the Codes and any City amendments. Adoption of the ordinances is tentatively scheduled for October 8, 2002.

Building Code Changes

The Uniform Building Code is published in three volumes. Volumes I and III contain changes to administrative procedures and material standards. None of these changes are substantive in nature. The most significant proposed amendment pertains to Volume II, which addresses the structural provisions of the code.

Due to an extended and complex disagreement between various code-writing agencies, the State of California readopted the current Uniform Building Code, 1997 edition. By readopting the 1997 Building Code, the State failed to amend the code to address major deficiencies, primarily in the earthquake design of steel buildings.

The steel moment frame is an earthquake resisting system. The 1994 Northridge earthquake exposed brittle fractures in the body and welds of beam to column connections of earthquake resisting steel moment frames. The observed fractures could potentially result in the partial or complete collapse of buildings. The American Institute of Steel Construction (AISC), author of the steel provisions in the building code, developed a revised protocol for design and testing of this type of structure. The State of California, in the past, had adopted emergency regulations requiring compliance with AISC testing and design standards. However, with the re-adoption of 1997 Uniform Code, the Building Standards Commission failed to include these provisions in the 2001 California Building Code, therefore making it necessary for jurisdictions to adopt the provisions at the local level.

City staff actively participated in the Bay Area Tri-Chapter Uniform Code Adoption Committee, which represents Building Officials from the East Bay, Peninsula and Monterey area. The Committee has unanimously recommended that the most recent AISC requirements be adopted as a local amendment to the 1997 edition of the Building Code. Staff is, therefore, recommending that the revised AISC standards be included in the Hayward amendments to the Building Code. Fremont, San Leandro and Union City have already adopted these updated standards as local amendments to the Building Code. Adoption by all East Bay jurisdictions is expected and will provide consistency of requirements locally.

Electrical Code Changes

All Electrical Code changes are administrative in nature or carry forward previously adopted amendments.

Mechanical Code Changes

Amendments to the City's Mechanical Code are primarily administrative in nature. In past years, the Mechanical Code was more restrictive on the use of flexible gas lines than was the Plumbing Code. This year, the Mechanical and Plumbing Codes were conformed. Now, both the Plumbing Code and the Mechanical Code allow for flexible corrugated stainless steel tubing (CSST), as adopted by the State. Staff feels this product has proven to be an excellent product in areas with high seismic activity, and is especially useful in retrofit applications.

Plumbing Code Changes

Staff is proposing that Hayward adopt the California Plumbing Code as adopted by the State, which limits the use of plastic drain, waste and vent systems (DWV) to two story residential construction. Staff is not proposing the allowance of plastic pipe for potable water within buildings.

Plastic piping material is commonly used in the majority of other cities within the Bay Area. It is a safe and economical material. In the past, Council has chosen to disallow any plastic piping materials in interiors of residential buildings. If Council wishes to continue this practice, it should direct staff to prepare alternate resolutions of findings for October 8, 2002 Council meeting.

Housing Code Changes

All Housing Code changes are administrative in nature.

Fire Code Changes

All Fire Code Changes are administrative in nature.

Building Code Review Committee

The Building Code Review Committee met on September 4, 2002 to review the latest State adopted edition of the six codes listed above and the proposed local amendments to the Codes. The Committee discussed all proposed administrative and technical changes. A vote was taken and each code, including proposed local amendments, was unanimously approved.

The members of the Committee are:

Chuck Bettencourt, retired plumbing contractor
Richard Larson, A.I.A., Architect
John Schneider, General Contractor
Don Trimble, P.E., Civil and Mechanical Engineer

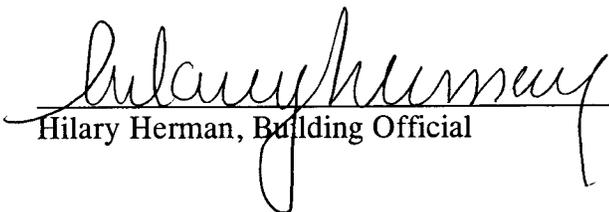
Public Notice

Public notice has been sent for the introduction of the Ordinances at the October 1, 2002 Council Meeting. Seventy-one (71) notices were sent to building trade organizations, labor organizations, developers, construction companies, architects, contractors and other interested parties.

Effective Date

The Codes introduced at Council tonight, if adopted on October 8, 2002, become effective 30 days after adoption, or not later than November 8, 2002.

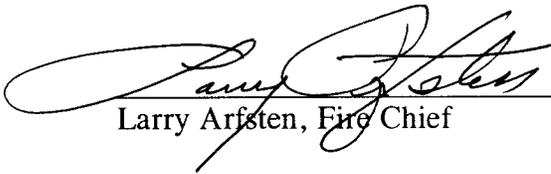
Prepared by:


Hilary Herman, Building Official

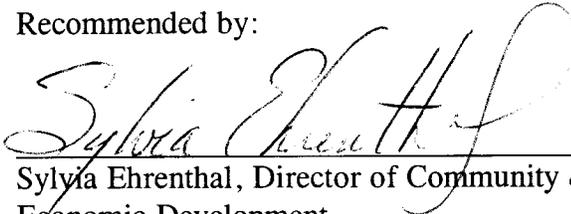
Prepared by:


Michael Hyde, Deputy Fire Chief

Recommended by:


Larry Arfsten, Fire Chief

Recommended by:


Sylvia Ehrental, Director of Community &
Economic Development

Approved by:


Jesús Armas, City Manager

- Exhibits:
- A. Proposed Building Code Ordinance and Resolution
 - B. Proposed Fire Code Ordinance and Resolution
 - C. Proposed Mechanical Code Ordinance and Resolution
 - D. Proposed Housing Code Ordinance and Resolution
 - E. Proposed Plumbing Code Ordinance and Resolution
 - F. Proposed Electrical Code Ordinance and Resolution

DRAFT

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A BUILDING CODE FOR THE CITY OF HAYWARD; REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO, 99-05 AND ALL AMENDMENTS THERETO

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

Section 1. Ordinance No. 99-05, and all amendments thereto, is hereby repealed and in substitution thereof a new Building Code for the City of Hayward is hereby enacted to read as follows:

BUILDING CODE
OF THE CITY OF HAYWARD

SEC. 1.00 UNIFORM BUILDING CODE, ADOPTION BY REFERENCE. The 2001 California Building Code, based on the Uniform Building Code, 1997 Edition, including volumes 1, 2, & 3, and Appendix thereto, published by the International Conference of Building Officials, as amended by the State of California pursuant to Health and Safety Code section 17922, and as further modified by the amendments, additions, and deletions as set forth hereinafter, is hereby adopted by reference as the Building Code of the City of Hayward.

A printed copy of such Uniform Building Code which is in three volumes, together with the State and local amendments thereto, is on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Reference is also made to the States' Matrix Adoption Tables which identify local Building Official's responsibility to enforce certain amendments.

SEC. 2.00 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE UNIFORM BUILDING CODE. Set forth below are the local amendments, additions and deletions to the California Building Code, 2001 Edition. Chapter and section numbers used herein are those of said California Building Code.

VOLUME I

CHAPTER I
ADMINISTRATIVE

SEC. 101 TITLE, PURPOSE AND SCOPE.

SEC. 101.1 TITLE. (Amendment) This ordinance may be cited and shall be known as the "Building Code of the City of Hayward."

SEC. 103 VIOLATIONS. (Amendment) It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of the provisions of this code or any order issued by the Building Official hereunder.

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, section 1-3.00 et seq. of the Hayward Municipal Code.

SEC. 104 ORGANIZATION AND ENFORCEMENT.

SEC. 104.2 POWERS AND DUTIES OF BUILDING OFFICIAL.

SEC. 104.2.3 RIGHT OF ENTRY. (Amendment) Upon presentation of proper credentials, the Building Official or his or her duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon him or her by this code. Except in emergency situations,

the Building Official or his or her duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Building Official possesses an inspection warrant obtained and issued in the manner provided by section 1822.50 et. seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or his or her duly authorized representative, while in the performance of the duties described above, from entering upon and into any building, structure, or premises under this jurisdiction, at all reasonable hours, during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

SEC. 105 BOARD OF APPEALS.

SEC. 105.1 GENERAL. (Amendment) In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by the City Manager as the occasion arises. The Building Advisory Committee shall have no jurisdiction over third party appeals.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as Secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by a determination of the Building Official relative to the suitability of alternate materials and methods of construction may request a review of the determination by the Building Advisory Committee. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final. Any reference in this code to "Board of Appeals" shall mean the Building Advisory Committee and its decision shall be final.

SEC. 106 PERMITS.

SEC. 106.3.3.5 PROPERTY SURVEY. (Addition) Any person, firm or corporation applying for a permit for the erection or construction of a building or structure, or moving an existing building to a new location, and required by the provisions of this section to file with his application for such permit a complete set of plans and specifications of the proposed building or structure, shall file with said set of plans and specifications, a duplicate polyester plastic tracing of the plat or a survey, and two prints thereof, of the property proposed to be improved by said building or structure, on which plat shall be delineated the accurate location of said proposed improvement and the grades at which it is to be constructed, the location of the proposed house sewer from the building or structure to the main sewer, or septic tank where permitted, the location of every existing building on the lot, the location of existing curbs, sidewalks and main sewers and the location of waterways and culverts affecting the lot. Said plat shall be not larger than 18 x 26 inches and shall show contours of not more than five-foot intervals, which contours shall extend to the center of the street when said street is unimproved. All grades and contours shall be based on United States Coast and Geodetic Survey datum except when authorized by the Building Official. The said survey shall have been made by a licensed land surveyor or registered civil engineer of the State of California and shall be signed by him or her and endorsed with his or her license or certificate number and shall clearly outline by appropriate stakes or marks with elevations thereon, the exterior lines of said property to be improved and location by map or deed distance to the nearest street intersection.

Details of Plat Survey: The plat survey shall show in permanent markings the following information:

1. The exterior lines of said property to be improved defined by appropriate stakes or marks.
2. The elevation of such stakes or marks.
3. The location of said exterior lines by map or deed distance to the nearest intersecting street.
4. Ties to existing permanent monuments.
5. Contours of not more than five-foot intervals, which contours shall extend to the center of the street when said street is unimproved. On relatively flat lots where the existing ground slope is less than 5percent, spot elevations may be shown with horizontal controls in lieu of contours or else closer contours shall be shown.
6. The location of every building on the property.
7. The location of existing curbs, sidewalks, reserves, main sewers, waterways, drains, and culverts affecting the property.
8. Additional information shall be added to the plat survey in permanent markings prior to submission to the Building Inspection Division as follows:
 - (a) The location, dimensions, and finished floor elevations of the proposed improvements.
 - (b) The location of the proposed house sewer from the building or structure to the main sewer.

SEC. 106.4.1.1. TO WHOM PERMIT MAY BE ISSUED.

“(Addition) Permit may be issued only to a person holding a valid State of California General Contractors license, owner of the property as Owner-Builder, agent of owner with certified letter for authorization or leasee with proof allowing construction.

SEC. 107 FEES AND PLAN REVIEW.

SEC. 107.2 PERMIT FEES. (Addition)

EXCEPTION: The Building Official is hereby authorized to waive building permit fees for minor repairs or rehabilitation to single family dwellings where the applicant's total verified household income is no more than:

\$28,150 per year - 1 person family
\$32,150 per year - 2 person family
\$36,200 per year - 3 person family
\$40,200 per year - 4 person family
\$43,400 per year - 5 person family
\$46,650 per year - 6 person family
\$49,850 per year - 7 person family
\$53,000 per year - 8 person family

Where work for which a permit is required by this code is started prior to obtaining said permit, the fees specified shall be double, with a minimum fee of \$86.00 or such other minimum established from time to time by City Council resolution. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

SEC. 107.3 PLAN REVIEW FEES. (Addition) When submittal documents are required by section 106.3.2, a plan review fee shall be paid at the time the application and documents are submitted. The plan review fee shall be set by the Master Fee Schedule adopted by the City Council from time to time.

SEC. 109 CERTIFICATE OF OCCUPANCY.

SEC. 109.1 USE OR OCCUPANCY. (Amendment) No building or structure in Groups A, B, E, F, H, I, M, R, S and U shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein. (Delete exception for Group R-3.)

SEC. 109.5 POSTING. (Delete)

TABLE 1-A BUILDING PERMIT FEES:(Delete)

Delete the entire table and notes 1 through 5 beneath "Other Inspections and Fees", and the footnotes 1 and 2. Add the following note:

NOTE: Fees for Building Permits and inspections are as established from time to time by a City Council Master Fee Resolution.

CHAPTER 2
DEFINITIONS AND ABBREVIATIONS

SEC. 228 ADDITIONAL WORDS AND PHRASES. (Addition)

"CITY OF" or "THE CITY" shall mean the City of Hayward, as the text may require.

"CITY COUNCIL" shall mean the City Council of the City of Hayward. "MAYOR" shall mean the Mayor of the City of Hayward.

"BOARD OF APPEALS" shall mean the "Building Advisory Committee" of the City of Hayward.

"BUILDING DEPARTMENT" or "ADMINISTRATIVE AUTHORITY" shall mean the Building Official.

"HAZARDOUS FIRE AREA" is land which is covered with grass, grain brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated by the Fire Chief on a map are maintained in the office of the Fire Marshal. The "Hazardous Fire Area" has been generally defined as:

The areas East of Mission Blvd. from the South side of D Street to the city limits South to Union City.

(Refer to Resolution No. 93-037, City of Hayward hillside design and urban/wildland interface guidelines)

“Security” shall mean the Building Security.

(Refer to Ordinance No. 90-26 C.S.)

CHAPTER 4 SPECIAL USE AND OCCUPANCY

SEC. 402 ATRIA.

SEC. 402.3 ENCLOSURE OF ATRIA. (Amend first exception, number 2) Open exit balconies may be permitted within the atrium, provided sprinkler protection and smoke removal requirements are established to be effective and reliable as determined by the Fire Chief.

CHAPTER 5 GENERAL BUILDING LIMITATIONS

SEC. 502.1 PREMISES IDENTIFICATION (Addition - Existing Buildings) When the valuation of any building construction, addition, alteration, or repair exceeds \$1,000.00 and a permit is required, approved numbers or addresses shall be provided unless already existing in such a manner as to be plainly visible and legible from the street or road fronting the property. Such numbers or addresses shall comply with the requirements of the Fire Code.

CHAPTER 9 FIRE PROTECTION SYSTEMS

SEC. 904 FIRE EXTINGUISHING SYSTEMS.

SEC. 904.2.1 Where required. Amend section to read: An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section.

For provision on special hazards, hazardous materials, and hazardous fire areas (as designated by the Fire Marshal), see UBC Section 228 and UFC Section 1001.9, Articles 79, 80, and 81.

SEC. 904.2.1.1 NEW CONSTRUCTION. (Addition) An automatic fire extinguishing system shall be installed in all new construction, regardless of occupancy classification, where the total floor area is 5,000 square feet (465 m²) or more. (Area Separation Walls may not be used in lieu of a sprinkler system except when buildings are separated by continuous area separation walls of at least four-hour fire-resistive construction without openings), building height exceeds two stories, or floor heights exceed 15 feet (4572 mm) from the lowest level of Fire Department access, or as provided in section 904.2.2. In cases where multiple requirements may apply, the most restrictive requirement shall prevail. Floor areas of mezzanines shall be included in calculating the total floor area to be used in determining automatic fire-extinguishing requirements.

SEC. 904.2.1.2 EXISTING BUILDINGS. (Addition) An automatic fire extinguishing system shall be installed in an existing building when cumulative additions, repairs, or alterations are made to the building and such additions, repairs, or alterations meet any of the following conditions:

- 1) Additions, repairs, or alterations are valued at 50 percent or more of the current assessed value of the building. (Value is based only on the structure involved. If owner disputes valuation, an appraisal can be performed at the owner's expense, by an appraiser acceptable to the Fire Chief.)
- 2) Any addition or additions to the original building which will add 10 percent or more to the total floor area of the existing building and the resulting floor area is 5,000 square feet (465 m²) or more, except where the occupancy classification for the building is Group H, Division 4, in which case, the resulting total floor area required is 3,000 square feet (279m²) or more.
- 3) Additions where items 1 or 2 do not apply that will result in a total floor area that exceeds the maximum floor area allowed by the Building Code under which the building was originally constructed.
- 4) Additions, repairs, or alterations that will result in a change in occupancy or use shall comply with section 3405, UBC 1997 Edition.

SEC. 904.5 STANDPIPES.

TABLE 9-A STANDPIPE REQUIREMENTS. Amend to substitute a reference to "3 Stories" rather than "4 Stories" in the second item in the occupancy column.

SEC. 904.5.5 LOCATION OF CLASS III STANDPIPE AND HOSE CONNECTIONS. Add new subsection 904.5.5.1 to read:

DUAL OUTLETS. All Class III standpipe outlets located as required in section 904.5.5 shall have added outlets located in enclosed corridors adjacent to enclosed stairway access doors at each level of every required stairway.

SEC. 904.6 BUILDINGS UNDER CONSTRUCTION. Amend subsection 904.6.2 to read:

WHERE REQUIRED. Every building three stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipe shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a 2 ½-inch valve outlet for Fire Department use. Where construction height requires installation of a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

CHAPTER 15
ROOFS AND ROOF STRUCTURES

SEC. 1503 ROOFING REQUIREMENTS.

SEC. 1503.3.1 MINIMUM ROOF COVERING REQUIREMENTS (Addition) Roof covering shall be a minimum Class "C" classification or better. All wood shake and shingle roof covering shall be fire retardant treated wood with a minimum class "C" classification. In areas designated by the Fire Chief as "Hazardous Fire Areas" roof covering shall be a minimum Class "B" classification or better.

SEC. 1506.5 OVER PUBLIC PROPERTY

(Delete) The exception for Group R-3 and Group U occupancies.

(Add) The Building Official may grant an exception for minor damage or special circumstances.

(Add) SEC. 1506.5.1 When roof gutters are installed, the down spouts shall be properly terminated with a splash block and shall carry water away from the foundations.

Table 15-A MINIMUM ROOF CLASSES. (Amendment)

Delete all references to non-rated (NR) roof classes and replace with a class "C" roof classification.

(Reference is made to Plumbing Code of the City of Hayward Chapter 11)

CHAPTER 18
FOUNDATIONS AND RETAINING WALLS

SEC. 1801 SCOPE.

SEC. 1801.1 GENERAL. (Amendment) This chapter sets forth requirements for excavation and fills for any buildings or structure and for foundations and retaining structures.

Reference is also made to the City of Hayward grading ordinance, Hayward Municipal Code, Chapter 10, Article 8, for requirements governing excavation, grading, and earth-work construction including fills and embankments. When retaining walls are required due to grading or drainage conditions, a separate Building Permit shall be required for each retaining wall.

CHAPTER 30
ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS

SEC. 3001 SCOPE. (Addition) Where rules and regulations of Title 24 of the California Code of Regulations, Part 2 - the California Building Code, Chapter 51 of Part 7 - the California Elevator Safety Regulations Code, apply, such rules and regulations shall be considered to pre-empt provisions of this chapter.

CHAPTER 31
SPECIAL CONSTRUCTION

SEC. 3102 CHIMNEYS, FIREPLACES AND BARBECUES.

SEC. 3102.3.8 SPARK ARRESTER. Delete the exception.

CHAPTER 34
EXISTING STRUCTURES

SEC. 3403.1 ADDITIONS, ALTERATIONS, OR REPAIRS. (Amendment) Amend first sentence of the first paragraph to read:

Except as otherwise required in this code, additions, alterations, or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of

this code, provided the addition, alteration, or repair conform to that required for a new building or structure. The Building Official may require correction of existing violation and/or upgrades of certain aspects, if in their judgment such is warranted.

APPENDIX CHAPTER 3
USE OR OCCUPANCY
DIVISION III - REQUIREMENTS FOR GROUP R, DIVISION 3 OCCUPANCIES

Delete Division 3 - R-3 Occupancies
Delete Sec. 332 - One and two family dwelling code adopted.

APPENDIX CHAPTER 10 (Delete)

Delete entire Chapter 10

(Refer to Hayward Municipal Ordinance 90-26 Building Security Standards)

APPENDIX CHAPTER 11 (Delete)

Delete entire Chapter 11

APPENDIX CHAPTER 13
ENERGY CONSERVATION IN NEW BUILDING CONSTRUCTION

(ADD) NOTE: Energy conservation shall be as provided in Title 24 of the California Code of Regulations, Part 6.

APPENDIX CHAPTER 15

SEC. 1514 GENERAL. (Amendment) All re-roofing shall conform to the applicable provisions of Chapter 15 of this code.

Roofing materials and methods of application shall comply with the U.B.C. standards or shall follow manufacturers installation requirements and Section 1503 of the U.B.C.

Add new subsection (a) to section 1515.

SEC. 1515 (a) PERMITS. A building permit shall be required for re-roofing all structures.

Re-roofing requiring a permit shall mean replacement of 25 percent or more of the existing roof covering within any 12 month period.

SEC. 1515.2.2.

(Add) When a building is re-roofed and there are existing fire places, spark arresters shall be installed prior to permit final for residential buildings.

APPENDIX CHAPTER 16 (Delete)

Delete entire Chapter 16

APPENDIX CHAPTER 18 (Delete)

Delete entire Chapter 18

APPENDIX CHAPTER 19 (Delete)

Delete entire Chapter 19

APPENDIX CHAPTER 21 (Delete)

Delete entire Chapter 21

APPENDIX CHAPTER 23 (Delete)

Delete entire Chapter 23

APPENDIX CHAPTER 30 (Delete)

Delete entire Chapter 30

APPENDIX CHAPTER 33 (Amended)

(Refer to Hayward Municipal Code Chapter 9, Article 4)

EXCAVATION AND GRADING

Delete entire Appendix Chapter and add the following note.

NOTE: For regulations covering excavation and grading, see Article 8, Chapter 10 of the Hayward Municipal Code.

(Add) Maximum grade of private driveways shall not exceed 12.5% or the limits imposed by Chapter 10 and 11 of the Building Code.

VOLUME II

CHAPTER 16

STRUCTURAL ENGINEERING DESIGN PROVISIONS

SEC. 1612.2.1 BASIC LOAD COMBINATIONS.

SEC. 1612.2.1 of the Code is deleted and replaced with the following:

SEC. 1612.2.1 BASIC LOAD COMBINATIONS. Where Load and Resistance Factor Design (Strength Design) is used, structures and all portions thereof shall resist the most critical effects from the following combinations of factored loads:

$1.4D$	(12-1)
$1.2D + 1.6L + 0.5(L_r \text{ or } S)$	(12-2)
$1.2D + 1.6(L_r \text{ or } S) + (f_1 L \text{ or } 0.8 W)$	(12-3)
$1.2D + 1.3W + (f_1 L + 0.5(L_r \text{ or } S))$	(12-4)
$1.2D + 1.0E + (f_1 L + f_2 S)$	(12-5)
$0.9D \pm (1.0\rho E_h \text{ or } 1.3 W)$	(12-6)

WHERE:

- $f_1 = 1.0$ for floors in places of public assembly, for live loads in excess of 100 psf (4.9 kN/m²), and for garage live load.
= 0.5 for other live loads.
 $f_2 = 0.7$ for roof configurations (such as saw tooth) that do not shed snow off the structure.
= 0.2 for other roof configurations.

EXCEPTIONS:

1. Factored load combinations for concrete per Section 1909.2 where load combinations do not include seismic forces.
2. Where other factored load combinations are specifically required by the provisions of this code.

SEC. 1629.4.2 SEISMIC ZONE 4 NEAR-SOURCE FACTOR. Section 1629.4.2 of the Code is deleted and replaced with the following:

In Seismic Zone 4, each site shall be assigned a near-source factor in accordance with Table 16-S and the Seismic Source Type set forth in Table 16-U. The value of N_a used in determining C_a need not exceed 1.1 for structures complying with all the following conditions:

1. The soil profile type is S_A , S_B , S_C or S_D .
2. $\rho = 1.0$.
3. Except in single-story structures, Group R, Division 3 and Group U, Division 1 Occupancies, moment frame systems designated as part of the lateral-force-resisting system shall be special moment-resisting frames.
4. The Provisions In Sections 9.6a And 9.6b Of AISC - Seismic Part 1 Shall Not Apply, Except For Columns In One-Story Buildings Or Columns At The Top Story Of Multistory Buildings.
5. None of the following structural irregularities is present: Type 1, 4 or 5 of Table 16-L, and Type 1 or 4 of Table 16-M.

SEC. 1630.8.2.2 DETAILING REQUIREMENTS IN SEISMIC ZONES 3 AND 4.

SEC. 1630.8.2.2 of the Code is deleted and replaced with the following:

SEC. 1630.8.2.2 DETAILING REQUIREMENTS IN SEISMIC ZONES 3 AND 4. In Seismic Zones 3 and 4, elements supporting discontinuous systems shall meet the following detailing or member limitations:

1. Reinforced concrete or reinforced masonry elements designed primarily as axial-load members shall comply with Section 1921.4.4.5.
2. Reinforced concrete elements designed primarily as flexural members and supporting other than light-frame wood shear wall systems or light-frame steel and wood structural panel shear wall systems shall comply with Sections 1921.3.2 and 1921.3.3. Strength computations for portions of slabs designed as supporting elements shall include only those portions of the slab that comply with the requirements of these Sections.
3. Masonry elements designed primarily as axial-load-carrying members shall comply with Sections 2106.1.12.4, Item 1, and 2108.2.6.2.6.
4. Masonry elements designed primarily as flexural members shall comply with Section 2108.2.6.2.5.
5. Steel elements designed primarily as flexural members or trusses shall have bracing for both top and bottom beam flanges or chords at the location of the support of the discontinuous system and shall comply with the requirements of AISC-Seismic Part I, Section 9.4b.

Wood elements designed primarily as flexural members shall be provided with lateral bracing or solid blocking at each end of the element and at the connection location(s) of the discontinuous system.

SEC. 1630.10.2 STORY DRIFT CALCULATION.

SEC. 1630.10.2 of the Code is deleted and replaced with the following:

SEC. 1630.10.2 CALCULATED. Calculated story drift using Δ_M shall not exceed 0.025 times the story height for structures having a fundamental period of less than 0.5 second. For structures having a fundamental period of 0.5 second or greater, the calculated story drift shall not exceed $0.020/T^{1/3}$ times the story height.

EXCEPTIONS:

1. These drift limits may be exceeded when it is demonstrated that greater drift can be tolerated by both structural elements and nonstructural elements that could affect life safety. The drift used in this assessment shall be based upon the Maximum Inelastic Response Displacement, Δ_M .
2. There shall be no drift limit in single-story steel-framed structures classified as Groups B, F and S Occupancies or Group H, Division 4 or 5 Occupancies. In Groups B, F and S Occupancies, the primary use shall be limited to storage, factories or workshops. Minor accessory uses shall be allowed in accordance with the provisions of Section 302. Structures on which this exception is used shall not have equipment attached to the structural frame or shall have such equipment detailed to accommodate the additional drift. Walls that are laterally supported by the steel frame shall be designed to accommodate the drift in accordance with Section 1633.2.4.

SEC. 1630.10.3 STORY DRIFT LIMITATION.

SEC. 1630.10.3 of the Code is deleted and replaced with the following:

SEC. 1630.10.3 LIMITATIONS. The design lateral forces used to determine the calculated drift may disregard the limitations of Formula (30-6) and (30-7) and may be based on the period determined from Formula (30-10) neglecting the 30 or 40 percent limitations of Section 1630.2.2, Item 2

Table 16-N

Table 16-N of the California Building Code is deleted and replaced with the following:

TABLE 16-N – STRUCTURAL SYSTEMS ¹

BASIC STRUCTURAL SYSTEM ²	LATERAL-FORCE-RESISTING SYSTEM DESCRIPTION	R	Ω	HEIGHT LIMIT FOR SEISMIC ZONES 3 AND 4 (feet) x 304.8 for mm
1. Bearing wall system	1. Light-framed walls with shear panels a. Wood structural panel walls for structures three stories or less b. All other light-framed walls 2. Shear walls a. Concrete b. Masonry 3. Light steel-framed bearing walls with tension-only bracing 4. Braced frames where bracing carries gravity load a. Steel b. Concrete ³ c. Heavy timber	5.5 4.5 4.5 4.5 2.8 4.4 2.8 2.8	2.8 2.8 2.8 2.8 2.2 2.2 2.2 2.2	65 65 160 160 65 160 - ³ 65
2. Building frame system	1. Steel eccentrically braced frame (EBF) 2. Light-framed walls with shear panels. a. Wood structural panel walls for structures three stories or less b. All other light-framed walls 3. Shear walls a. Concrete b. Masonry 4. Ordinary braced frames a. Steel ⁶ b. Concrete ³ c. Heavy timber 5. Special concentrically braced frames a. Steel	7.0 6.5 5.0 5.5 5.5 5.6 5.6 5.6 6.4	2.8 2.8 2.8 2.8 2.8 2.2 2.2 2.2 2.2	240 65 65 240 160 35 ⁶ - 65 240
3. Moment-resisting frame system	1. Special moment-resisting frame (SMRF) a. Steel b. Concrete ⁴ 2. Masonry moment-resisting wall frame (MMRWF) 3. Intermediate moment-resisting frame (IMRF) a. Steel ⁶ b. Concrete ⁵ 4. Ordinary moment-resisting frame (OMRF) a. Steel ⁶ b. Concrete ⁸ 5. Special truss moment frames of steel (STMF)	8.5 8.5 6.5 4.5 5.5 3.5 3.5 6.5	2.8 2.8 2.8 2.8 2.8 2.8 2.8 2.8	N.L. N.L. 160 35 ⁶ - ³ - ⁶ - ³ 240

4. Dual systems	1. Shear walls			
	a. Concrete with SMRF	8.5	2.8	N.L.
	b. Concrete with steel OMRF (Not Permitted)	-	-	-
	c. Concrete with concrete IMRF ⁵	6.5	2.8	- ⁵
	d. Masonry with SMRF	5.5	2.8	160
	e. Masonry with steel OMRF (Not Permitted)	-	-	-
	f. Masonry with concrete IMRF ³	4.2	2.8	- ³
	g. Masonry with masonry MMRWF	6.0	2.8	160
	2. Steel EBF			
	a. With steel SMRF	8.5	2.8	N.L.
	b. With steel OMRF (Not Permitted)	-	-	-
3. Ordinary braced frames (Not Permitted)				
4. Special concentrically braced frames				
a. Steel with steel SMRF	7.5	2.8	N.L.	
b. Steel with steel OMRF (Not Permitted)	-	-	-	
5. Steel IMRF (Not permitted)				
5. Cantilevered column building systems	1. Cantilevered column elements	2.2	2.0	35 ⁷
6. Shear wall-frame interaction systems	1. Concrete ⁸	5.5	2.8	160
7. Undefined systems	See Section 1629.6.7 and 1629.9.2	-	-	-

N.L. – no limit

¹ See Section 1630.4 for combination of structural systems.

² Basic structural systems are defined in Section 1629.6.

³ Prohibited in Seismic Zones 3 and 4.

⁴ Includes precast concrete conforming to Section 1921.2.7.

⁵ Prohibited in Seismic Zones 3 and 4, except as permitted in Section 1634.2.

⁶ In Seismic Zone 4 **Steel IMRF, OMRF and Ordinary Braced Frames** are permitted as follows:

- a) **Steel IMRF** are permitted for structural systems 35 feet or less in height and the dead load of the roof, walls or floors not exceeding 35 psf each; or for single-story buildings 60 feet or less in height with the dead load of the roof or walls not exceeding 15 psf each where the moment joints of field connections are constructed of bolted end plates; or single-family dwellings using light frame construction with $R = 3.0$ and $\Omega_o = 2.2$.
- b) **Steel OMRF** are permitted for buildings 35 ft or less in height with the dead load of the roof, walls or floors not exceeding 15 psf each; or single-story buildings 60 ft or less in height with the dead load of the roof or walls not exceeding 15 psf each and where the moment joints of field connections are constructed of bolted end plates.
- c) **Steel Ordinary Braced Frames** are permitted for structural systems 35 ft or less in height; or penthouse structures; or single-story buildings 60 ft or less in height with the dead load of the roof or walls not exceeding 15 psf each.

⁷ Total height of the building including cantilevered columns.

⁸ Prohibited in Seismic Zones 2A, 2B, 3 and 4. See Section 1633.2.7.

CHAPTER 22

STEEL

SEC. 2204 DESIGN METHODS.

SEC. 2204 of the Code is deleted and replaced with the following:

SEC. 2204.1 LOAD AND RESISTANCE FACTOR DESIGN. Steel design based on load and resistance factor design method shall resist the factored load combinations of section 1612.2 in accordance with the applicable requirements of section 2205.

SEC. 2204.2 ALLOWABLE STRESS DESIGN. Steel design based on allowable stress design methods shall resist the factored load combinations of section 1612.3 in accordance with the applicable requirements of section 2205.

1. The City of Hayward is densely populated and located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology.
2. Recent earthquake activities, including the 1989 Loma Prieta and the 1994 Northridge earthquakes, have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants.

The current 97 edition is based on the outdated 1992 AISC Seismic provisions. The proposal makes the CBC provisions consistent with the current practice, which is based on the 1997 AISC Seismic with the two subsequent Supplements printed afterward.

SEC. 2205.3 SEISMIC DESIGN PROVISIONS FOR STRUCTURAL STEEL.

SEC. 2205.3 of the Code is deleted and replaced with following:

SEC. 2205.3 SEISMIC DESIGN PROVISIONS FOR STRUCTURAL STEEL. Steel structural elements that resist seismic forces shall, in addition to the requirements of Section 2205.2 be designed in accordance with Division IV.

Division IV of Chapter 22 of the California Building Code is deleted and replaced with the following:

Division IV — SEISMIC PROVISIONS FOR STRUCTURAL STEEL BUILDINGS

Based on Seismic Provisions for Structural Steel Buildings, of the American Institute of Steel Construction. Parts I and III, dated April 15, 1997 and Supplement No. 2, dated November 10, 2000.

SEC. 2210 AMENDMENT.

SEC. 2210 of the Code is deleted and replaced with the following:

SEC. 2210 ADOPTION.

Except for the modifications as set forth in Sections 2211 and 2212 of this division and the requirements of the Building Code, the seismic design, fabrication, and erection of structural steel shall be in accordance with the *Seismic Provisions for Structural Steel Buildings*, April 15, 1997 published by the American Institute of Steel Construction, 1 East Wacker Drive, Suite 3100, Chicago, IL 60601, as if set out at length herein. The adoption of *Seismic Provisions for Structural Steel Buildings* in this Division, hereinafter referred to as AISC-Seismic, shall include Parts I (LRFD), and III (ASD) and Supplement No. 2, dated November 10, 2000.

Where other codes, standards, or specifications are referred to in this specification, they are to be considered as only an indication of an acceptable method or material that can be used with the approval of the Building Official.

SEC. 2211 ADOPTION.

SEC. 2211 of the Code is deleted and replaced to read as follows:

SEC. 2211 DESIGN METHODS.

When the load combinations from Section 1612.2 for LRFD are used, structural steel buildings shall be designed in accordance with Chapter 22 Division II (AISC-LRFD) and Part I of AISC-Seismic as modified by this Division.

When the load combinations from Section 1612.3 for ASD are used, structural steel buildings shall be designed in accordance with Chapter 22 Division III (AISC-ASD) and Part III of AISC-Seismic as modified by this Division.

SEC. 2212 GENERAL.

SEC. 2212 of the Code is deleted and replaced to read as follows:

SEC. 2212 AMENDMENTS

The AISC-Seismic adopted by this Division apply to the seismic design of structural steel members except as modified by this Section.

- a) The following terms that appear in AISC-Seismic shall be taken as indicated in the 1997 Uniform Building Code.

AISC-Seismic	1997 Uniform Building Code
Seismic Force Resisting System	Lateral Force Resisting System
Design Earthquake	Design Basis Ground Motion
Load Combinations Eqs. (4-1) and (4-2)	Chapter 16 Eqs. (12-17) and (12-18) respectively
LRFD Specification Section Eqs. (A4-1) through (A4-6)	Chapter 16 Eqs. (12-1) through (12-6) respectively
$\zeta_o Q_E$	E_m

ASIC SEISMIC PROVISIONS. The text of part 1, section 1 of the AISC Seismic Provisions is deleted and replaced with the following:

1. Scope

These provisions are intended for the design and construction of structural steel members and connections in the Seismic Force Resisting Systems in buildings for which the design forces resulting from earthquake motions have been determined on the basis of various levels of energy dissipation in the inelastic range of response. These provisions shall apply to buildings in Seismic Zone 2 with an importance factor I greater than one, in Seismic Zone 3 and 4 or when required by the Engineer of Record.

These provisions shall be applied in conjunction with, Chapter 22, Division II, hereinafter referred to as the LRFD Specification. All members and connections in the Lateral Force Resisting System shall have a design strength as provided in the LRFD Specification to resist load combinations 12-1 through 12-6 (in Chapter 16) and shall meet the requirements in these provisions.

Part I includes a Glossary, which is specifically applicable to this Part, and Appendix S.

LOAD COMBINATIONS. Part I, Section 4.1, first paragraph of the AISC Seismic Provisions is deleted and replaced as follows:

4.1 Loads and Load Combinations

The loads and load combinations shall be those in Section 1612.2 except as modified throughout these provisions.

E_h is the horizontal component of earthquake load E required in Chapter 16. Where required in these provisions, an amplified horizontal earthquake load $\Omega_o E_h$ shall be used in lieu of E_h as given in the load combinations below. The term Ω_o is the system overstrength factor as defined in chapter 16. The additional load combinations using amplified horizontal earthquake load are:

$$1.2 D + 0.5 L + 0.2 S + \Omega_o E_h \quad (4-1)$$

$$0.9 D + \Omega_o E_h \quad (4-2)$$

Exception: the load factor on L in load combination 4-1 shall be equal to 1.0 for garages, areas occupied as places of public assembly and all areas where the live load is greater than 100 psf.

Orthogonal earthquake effects shall be included in the analysis as required in section 1633.1, except that, when consideration of the load $\Omega_o E_h$ is required, orthogonal earthquake effects need not be considered.

DELETION OF DIVISION V OF CHAPTER 22 OF THE CALIFORNIA BUILDING CODE. Division V of Chapter 22 of the California Building Code is hereby deleted.

CHAPTER 23 WOOD

DIVISION III - DESIGN SPECIFICATIONS FOR ALLOWABLE STRESS DESIGN OF WOOD BUILDINGS. Division III of the Code is modified as follows:

Part I-ALLOWABLE STRESS DESIGN OF WOOD

This standard, with certain exceptions, is the ANSI/NFoPA NDS-97 National Design Specification for Wood Construction of the American Forest and Paper Association, 1997 Edition, and the Supplement to the 1997 Edition, National Design Specification, adopted by reference.

The National Design Specification for Wood Construction, 1997 Edition, and supplement are available from the American Forest and Paper Association, 1111 19th Street, NW, Eighth Floor, Washington, DC, 20036.

SEC. 2316.1 DESIGN SPECIFICATIONS.

SEC. 2316.1 of the Code is deleted and replaced with the following:

SEC. 2316.1 ADOPTION AND SCOPE. The National Design Specification for Wood Construction, revised 1997 Edition (NDS), which is hereby adopted as a part of this code, shall apply to the design and construction of wood structures using visually graded lumber, mechanically graded lumber, structural glued laminated timber, and timber piles. National Design Specification Appendix Section F, Design for Creep and Critical Deflection Applications, Appendix Section G, Effective Column Length, and Appendix Section J, Solution of Hankinson Formula are specifically adopted and made a part of this standard. The Supplement to the 1997 Edition National Design Specification, Tables 2A, 4A, 4B, 4C, 4D, 4E, 5A, 5B and 5C are specifically adopted and made a part of this standard.

Other codes, standards or specifications referred to in this standard are to be considered as only an indication of an acceptable method or material that can be used with the approval of the building official, except where such other codes, standards or specifications are specifically adopted by this code as primary standards.

SEC. 2316.2 ADMENDMENTS

SEC. 2316.2 of the Code is amended as follows:

- a) Section 3.2.3.2 as referenced in Section 12 of Section 2316.2 is amended to read as Section 3.2.3.3
- b) Section 12 is amended by adding the following on to the end of the paragraph:

Cantilevered portions of beams less than 4 inches (102 mm) in nominal thickness shall not be notched unless the reduced section properties and lumber defects are considered in the design. For effects of notch on shear strength, see Section 3.4.4

- c) Section 14 of Section 2316.2 is deleted.
- d) Section 26 of Section 2316.2 is deleted.
- e) Section 27 of Section 2316.2 is deleted.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of
, 2002, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held
the ____ day of _____, 2002, by the following votes of members of said City Council.

AYES:

NOES:

ATTEST:

ABSENT:

APPROVED:

Mayor of the City of Hayward

DATE:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

*Wae
9/26/02*

RESOLUTION FINDING AND DETERMINING THE NEED FOR CHANGES OR MODIFICATIONS TO THE UNIFORM BUILDING CODE, 1997 EDITION

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and the California Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, Health and Safety Code section 17958.5 permits a city to make such changes or modifications to the uniform industry codes as are deemed reasonably necessary because of local conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, pursuant to the requirements of Health and Safety Code section 17958.7, does hereby find and determine the need to adopt changes or modifications to the following sections of the Uniform Building Code, 1997 Edition, (U.B.C.) by reason of local climatic, geological, and topographical conditions:

ADMINISTRATIVE CHANGES

VOLUME I

1. Certain sections in Chapters 1 and 2 have been modified or changed to conform with provisions of other ordinances and the Charter of the City of Hayward; such changes are not technical in nature, but are administrative only, and as to those, pursuant to California Code of Regulations Title 25, Section 52, they are deemed equivalent to procedures provided by the state.

2. SEC. 402.3. Amend first exception, number 2, to read:

Open exit balconies may be permitted within the atrium provided sprinkler protection and smoke removal requirements are established to be effective and reliable as determined by the Fire Chief.

3. Section 502.1 has been amended to require premises identification on all buildings in compliance with City security ordinance.

4. CHAPTER 9, SEC. 904.2.1 - 904.5.5. Amended to parallel the requirements as set forth in the Fire Code. Amendments to the Uniform Building Code, 1997 Edition (published by the International Conference of Building Officials) have been recognized by the City of Hayward to address the fire problems, concerns, and future directions by which this City can establish and maintain an environment which will afford a level of fire and life safety to its citizens and guests. The proposed Fire and Building Code change sets a lower mandatory limit, further reducing the allowable size to 5,000 square feet of total building floor area and reduces reference to 3 stories rather than 4 stories on Table 9-A. These proposed changes will provide increased ability to control fires.

5. SEC. 904.6. Buildings under construction. This change parallels a similar requirement in the Fire Code.

6. SEC. 1506.5 is amended to delete the exception which allows R-3 and V occupancies roof drainage over public property. Add:

The Building Official may grant exceptions for minor damage or special circumstances.

7. TABLE 15-1. (Amendment) Amended to coincide with requirement that roof covering shall be a minimum "Class 'C'" classification or better.

8. SEC. 1801. General. Amended section clarifies which grading ordinance is in effect within the City of Hayward. (Administrative change) This section also clarifies the limitation on the maximum grade for private driveways.

9. SEC. 3001. Scope. Amendment clarifies scope of Chapter 30 with respect to provisions of state law. (Administrative change)

10. SEC. 3102. Require spark arrester in case of a combustible roof.

11. SEC. 3403. Existing structure. Amendment clarifies requirements in existing buildings. (Administrative change)

12. APPENDIX CHAPTER 3 R-3 OCCUPANCIES. (Deleted) The City considers provisions of the 1997 U.B.C. adequate to cover construction of one and two family buildings.

13. APPENDIX CHAPTER 10. (Deleted) The City considers its Building Security Ordinance adequate.

14. APPENDIX CHAPTER 13: Add:
Energy conservation shall be as provided in Title 24 of the California Code of Regulations, Part 6.
15. APPENDIX CHAPTER 15 RE-ROOFING. Amendment provides clarification for roofing materials and requires spark arresters on residential buildings.
16. APPENDIX CHAPTER 16. (Deleted) The requirements contained in the appendix are already covered in the main Chapter 16.
17. APPENDIX CHAPTER 18. (Deleted) The requirements are properly covered elsewhere.
18. APPENDIX CHAPTER 19 (Deleted) There is no alternate freezing and thawing in Hayward.
19. APPENDIX CHAPTER 21 (Deleted) There is no High-wind area in Hayward.
20. APPENDIX CHAPTER 23. (Deleted) There is no light-frame construction high-wind areas in Hayward.
21. APPENDIX CHAPTER 30. (Deleted) Chapter 30 has been deleted since requirement contained therein is preempted by State of California Division of Industrial Safety.
22. APPENDIX CHAPTER 33 EXCAVATION, GRADING. (Deleted) Existing City ordinance regulates excavation and grading requirements. Chapter has been deleted but a clarification has been added for limitation on driveway slopes.

VOLUME II

23. SEC. 1612.2.1 (Deleted). Provisions are consistent with the current 1997 American Institute of Steel Construction (AISC) - Seismic Provisions and latest supplements.
24. SEC 1629.4.2 (Revised) The revision reflects the same requirements as in the 1997 AISC - Seismic design standards.
25. SEC 1630.8.2.2 (Deleted) The provision is adopted in AISC - Seismic 97, Part I. Section 8.3. Redundant.
26. SEC 1630.10.2 (Deleted) Corrects a significant deficiency in the 1997 UBC, which eliminates any minimum base shear for consideration when checking for story drift.

27. SEC 1630.10.3 (Deleted) Corrects a significant deficiency in the 1997 UBC, which eliminates any minimum base shear for consideration when checking for story drift.
28. T-16-N (Deleted) Revises/updates table to make it consistent with the adoption of the 1997 AISC – Seismic Provisions and the latest supplements.
29. SEC 2204.1 (Deleted) Revise/update tables to make consistent with the adoption of the 1997 AISC- Seismic Provisions and the latest supplements.
30. SEC 2204.2 (Deleted) Revise/update tables to make consistent with the adoption of the 1997 AISC- Seismic Provisions and the latest supplements.
31. SEC 2205.3 (Deleted) Revise/update tables to make consistent with the adoption of the 1997 AISC- Seismic Provisions and the latest supplements.
32. SEC 2210 (Deleted) Revise/update tables to make consistent with the adoption of the 1997 AISC- Seismic Provisions and the latest supplements.
33. SEC 2211 (Deleted) Revise/update tables to make consistent with the adoption of the 1997 AISC- Seismic Provisions and the latest supplements.
34. SEC 2212 (Deleted) Revise/update tables to make consistent with the adoption of the 1997 AISC- Seismic Provisions and the latest supplements.
35. SEC 2316.1 (Deleted) National Design Specifications for Wood Construction from the 1991 edition to current 1997 edition.

BE IT FURTHER RESOLVED that the aforementioned amendments to the Uniform Building Code, 1997 Edition, are based on local climatic, geological, or topographical conditions. The "Findings of Facts" contained herein addresses present local conditions which either singularly or in combination cause the aforementioned amendments to be adopted.

GEOLOGICAL

- a. The City of Hayward is located in an area of high seismic activities as indicated by United States Geological Survey and California Divisions of Mines and Geology.
- b. The City of Hayward lies within the known Hayward Earthquake Fault Zone.

- c. Recent earthquake activities, including the 1989 Loma Prieta and the 1994 Northridge earthquakes, have indicated the lack of adequate design and detailing as a contributing factor to damage that reduces the protection of building occupants. In light of the City of Hayward's location in an area of high seismic activity and proximity to the Hayward Fault, the American Institute of Steel Construction (AISC) design and testing standards are appropriately incorporated to minimize the impact of seismic activity on structures and occupants.
- d. The underlying soils are subject to liquefaction and amplification of seismic energy. This increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage.

CLIMATIC

- a. Precipitation: Precipitation ranges from 15 to 24 inches per year with an average of approximately 17.58 inches per year. 95 percent falls during the months of October through April, and 5 percent from May through September.
- b. Relative Humidity: Humidity remains in the middle range most of the time. It ranges from 41 percent to 68 percent during the year.
- c. Temperatures: High temperatures have been recorded in the low 100's F. Average summer highs are in the 73 F. range with an average annual maximum temperature of 66 F.
- d. Winds: Prevailing winds are from the west, northwest (WNW). However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 to 23 mile-per-hour range, gusting to 25 to 35 miles per hour. Forty mile-per-hour winds are experienced occasionally, and higher have been registered. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days, creating extremely dry conditions.

TOPOGRAPHIC

- a. Vegetation: Dry grass and brush are common in the hills and open-space areas adjacent to built-up locations during six to eight months of each year. Many of these areas frequently experience wild land fires, which threaten nearby buildings, particularly those with wood roofs or sidings.

- b. Hills, Creeks, Canals, Freeways, Railways, Housing Tracts, Large Buildings, Building Complexes, and the Airport: All of these surface features, both natural and man-made, have a major adverse effect upon the road and street layout in the City, including major traffic routes. These conditions limit the number and cause indirect routing of major arterial streets for normal traffic as well as emergency vehicle response.
- c. Terrain: Areas with buildings include level, sloping, and rolling terrain. This terrain is not dissimilar to terrain in other locations which have experienced major conflagrations.
- d. Roads and Streets: As noted above, the limited number and the indirect routing of roads and streets in the City create heavy, slow traffic conditions and excessively long travel routes from point to point.

1. CONCLUSION

In the event of a natural disaster inadequately fitted structures present a significantly greater treat to persons and property due to the increased likelihood that such structures or portions of such structures may collapse in the wake of the natural disaster. Given the City of Hayward's proximity to or on the Hayward fault and existing climatic and topographic conditions, buildings must be designed to current seismic standards as set forth by the AISC in the City of Hayward.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the Uniform Building Code, to be filed with the California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO. _____

Mue
8/15/00

AN ORDINANCE ESTABLISHING A FIRE PREVENTION CODE FOR THE CITY OF HAYWARD; ADOPTING THE CALIFORNIA FIRE CODE, 2001 EDITION, AND THE CALIFORNIA FIRE CODE STANDARDS, 1997 EDITION, WITH CERTAIN AMENDMENTS THERETO INCLUDING THE 2000 SUPPLEMENTAL EDITION; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR PENALTIES FOR VIOLATION; AND REPEALING ORDINANCE NO. 99-06, AS AMENDED, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

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

Section 1. Ordinance No. 99.06 and all amendments thereto, is hereby repealed and in substitution thereof a new fire code for the City of Hayward is hereby enacted to read as follows:

SEC. 1. FIRE PREVENTION CODE OF THE CITY OF HAYWARD.
ADOPTION OF CALIFORNIA FIRE CODE. It is hereby adopted by the City Council of the City of Hayward for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the California Fire Code and California Fire Code Standards recommended by the Western Fire Chiefs Association and the Uniform Fire Code Association being particularly the 2000 edition thereof and the whole thereof (including the 2001 Supplements and Appendices I-A through VI-K) save and except such portions as are hereunder deleted, modified, or amended as set forth hereinafter, is hereby adopted as the Fire Code of the City of Hayward. A copy of each said California Fire Code and the California Fire Code Standards is on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Said code is adopted by reference pursuant to section 50022.2 et seq. of the Government Code of the State of California, and the same is hereby adopted and incorporated as fully as if set out at length herein and, from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Hayward except as otherwise noted herein.

SEC. 2. ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION OFFICE.

- 2.1 The California Fire Code shall be enforced by the Fire Prevention Bureau and the Operations Division in the Fire Department of the City of Hayward.
- 2.2 The chief officer in charge of the Fire Prevention Bureau shall be appointed by the Fire Chief.
- 2.3 The Chief of the Fire Department shall recommend to the City Manager the employment of technical personnel responsible for code enforcement. The Chief of the Fire Department may also detail such members of the Fire Department as inspectors as shall from time to time be necessary.

SEC. 3. DEFINITIONS.

- 3.1 Whenever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of Hayward.
- 3.2 Whenever the term "Corporation Counsel" is used in the California Fire Code, it shall be held to mean the City Attorney of the City of Hayward.
- 3.3 Whenever the term "Chief of the Bureau of Fire Prevention" or "Fire Marshal" is used, it shall be held to mean the Chief Officer in charge of the Fire Prevention Bureau for the fire department or his or her designated representative.

SEC. 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED.

- 4.1 The limits referred to in sections 7902.2.2.1 and 7904.2.5.4.2 of the California Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.
- 4.2 The limits referred to in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 5. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in section 8204.2 of the California Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety and welfare of the population of Hayward or to neighboring properties.

SEC. 6. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED. The limits referred to in section 7701.7.2 of the California Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 7. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED. The limits referred to in section 5204.5.2 of the California Fire Code, in which storage of compressed natural gas is prohibited, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 8. AMENDMENTS MADE IN THE CALIFORNIA FIRE CODE. The California Fire Code is amended in the following respects, with the reference numbers being taken from the California Fire Code, including deletions, additions and text changes.

GENERAL

ARTICLE 1 - ADMINISTRATION

SECTION 103 INSPECTION AND ENFORCEMENT.

103.1.4.1. Page 1-2. Amend section to read:

103.1.4.1. FIRE APPEALS BOARD ORGANIZATION. In order to determine the suitability of alternate materials and type of construction, there shall be and hereby is created an appropriate board consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The Fire Chief shall be an ex officio member and shall act as secretary of the board. The Fire Appeal Board shall be appointed by the City Manager and shall hold office at his or her pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation as is consistent therewith.

SECTION 104 CONTROL AND INVESTIGATION OF EMERGENCY

SCENES.

104.2. Page 1-5. Amend section to read:

104.2 INVESTIGATIONS. The Fire Department shall investigate promptly the cause, origin, and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears that such fire is of suspicious origin, the department shall then initiate efforts for the immediate collection of all physical evidence relating to the cause of the fire.

The Fire Chief is authorized to investigate the cause, origin, and circumstances of unauthorized releases of hazardous materials.

The Police Department shall assist the Fire Department in its investigations whenever requested to do so, unless otherwise directed by the Chief of Police.

SECTION 105 PERMITS.

105.4 Page 1-4 Amend section to read:

105.4 INSPECTION REQUIRED. Before a permit is issued, the Fire Chief or his or her designated representative is authorized to inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces, or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

Page 1-10 Add subsection 105.9 to read:

105.9 PERMIT FEES. The City Council of the City of Hayward may, if it so desires establish by resolution, permit fees in connection with any permit required or authorized to be issued by the Fire Chief or any other authorized representative of the fire department.

DEFINITIONS AND ABBREVIATIONS ARTICLE 2 - DEFINITIONS AND ABBREVIATIONS

SECTION 209-H. Page 1-18. Amend Hazardous Fire Area definition to read:

HAZARDOUS FIRE AREA is land which is covered with grass, grain brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are

designated by the chief on a map maintained in the office of the chief. The "Hazardous Fire Area" has been defined as:

"The areas East of Mission Blvd. from the South side of D Street to the city limits South to Union City."

GENERAL PROVISIONS FOR SAFETY
ARTICLE 9 - FIRE DEPARTMENT ACCESS AND WATER SUPPLY

SECTION 902 - FIRE DEPARTMENT ACCESS.

902.2 FIRE APPARATUS ACCESS ROADS. Page 1-29 Add new subsection 902.2.2.7 to read:

902.2.2.7 FIRE LANES. Where necessary to maintain adequate emergency vehicle approaches to buildings or fire apparatus access roads, the Fire Chief may establish designated "Fire Lanes."

1. Restrictions and requirements as specified in the California Vehicle Code sections 22500.1 and 22658 shall apply to fire lanes established by this section.
2. Minimum clearances or widths shall be the same as those required for fire apparatus access roads.
3. Turning radius shall be the same as provided for in section 902.2.2.3.

SECTION 903 - WATER SUPPLY AND FIRE HYDRANTS.

903.4 FIRE HYDRANT SYSTEMS.

903.4.1 GENERAL.

903.4.1.1 APPLICABILITY. Page 1-30. Amend subsection to read:

903.4.1.1 APPLICABILITY. Fire hydrant systems and fire hydrants shall be in accordance with section 903.4. Hydrants shall be of the City of Hayward approved type and have not less than a six-inch connection with the mains. A shutoff valve shall be installed in the hydrant connection a minimum distance of five feet from the hydrant. The number, size, and arrangements of outlets, the size of the main valve opening, and the size of barrel shall be suitable for the protection to be provided and shall be approved by the Fire Chief. Hydrants should be tested annually for proper functioning in accordance with the requirements of the authority having jurisdiction or upon request of the Fire Chief.

Hydrants shall be placed at least 50 feet from the buildings to be protected. Where it is not feasible to place them at that distance they may be in closer proximity in locations approved by the Chief.

ARTICLE 10 - FIRE PROTECTION SYSTEMS AND EQUIPMENT

SECTION 1003 - FIRE EXTINGUISHING SYSTEMS.

1003.1 INSTALLATION REQUIREMENTS. Page 1-34. Add new subsection 1003.1.3 to read:

1003.1.3 FIRE SPRINKLER CONTRACTORS. All design and on-site installation work for automatic fire sprinkler systems shall be done by people whose qualifications satisfy applicable State of California requirements and whose expertise in the field is demonstrable through documentation of their appropriate education, experience, or license to the Chief's satisfaction.

1003.2 REQUIRED INSTALLATIONS.

1003.2.1 GENERAL. Page 1-35. Amend section to read: An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in section 1003.2.

For provisions on special hazards, hazardous materials and hazardous fire areas, see section 1001.9, Articles 79, 80, and 81, and Appendix II-A-25.

Add new subsections 1003.2.1.1, 1003.2.1.2, 1003.2.1.3 and 1003.2.1.4. to read:

1003.2.1.1 NEW CONSTRUCTION. An automatic fire-extinguishing system shall be installed in all new construction, regardless of occupancy classification, where the total floor area is 5,000 square feet (465 m²) or more (area separation walls may not be used in lieu of a sprinkler system except when buildings are separated by continuous area separation walls of at least four-hour fire-resistive construction without openings), building height exceeds two stories, or floor heights exceed 15 feet (4572 mm) from the lowest level of Fire Department access, or as provided in Section 1003.2.2. In cases where multiple requirements may apply, the most restrictive requirement shall prevail. Floor areas of mezzanines shall be included in calculating the total floor area to be used in determining automatic fire-extinguishing requirements.

1003.2.1.2 EXISTING BUILDINGS. An automatic fire extinguishing system shall be installed in an existing building when cumulative additions, repairs, or alterations are made to the building and such additions, repairs, or alterations meet any of the following conditions:

1. Additions, repairs, or alterations are valued at 50 percent or more of the current assessed value of the building. (Value is based only on the structure involved. If owner disputes valuation, an appraisal can be performed at the owner's expense, by an appraiser acceptable to the Fire Chief.)
2. Any addition or additions to the original building which will add 10 percent or more to the total floor area of the existing building and the resulting floor area is 5,000 square feet (465 m²) or more, except where the occupancy classification for the building is Group H, Division 4, in which case, the resulting total floor area required is 3,000 square feet (279 m²) or more.
3. Additions where items 1 or 2 do not apply that will result in a total floor area that exceeds the maximum floor area allowed by the Building Code under which the building was originally constructed.
4. Additions, repairs, or alterations that will result in a change in occupancy or use shall comply with the most current UBC edition.

1003.2.1.3 TYPE REQUIRED. The Fire Chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the Chief.

1003.2.1.4 UNDETERMINED USE. When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of .33 GPM for 3750 square feet with a maximum coverage of 100 square feet per head. Use is considered undetermined if not classified at time permit is issued. Where subsequent use requires a system with greater capability, the system shall be reinforced to the required code in order to obtain clearance for the new use. Responsibility for compliance will be as set forth in section 103.4.3.

SECTION 1004 - STANDPIPES.

TABLE 1004-A STANDPIPE REQUIRED SYSTEMS. Page 1-44 Amend Table 1004-A to substitute a reference to "3 Stories" rather than "4 Stories" in the second item in the occupancy column.

1004.5 LOCATION OF CLASS III STANDPIPE HOSE CONNECTIONS.
Page 1-37 Add new subsection 1004.5.1 to read:

1004.5.1 DUAL OUTLETS. All Class III standpipe outlets located as required in Section 1004 shall have added outlets located in enclosed corridors adjacent to enclosed stairway access doors at each level of every required stairway.

ARTICLE 11 - GENERAL SAFETY PRECAUTIONS

SECTION 1103 - COMBUSTIBLE MATERIALS.

1103.2.3. Page 1-46. Add item #4 to the subsection to read:

4. Baled storage under any roof or overhang shall be protected by an approved automatic sprinkler system.

SECTION 1109 - CONTROL OF SOURCES OF IGNITION.

1109.7 SPARKS FROM CHIMNEYS. Page 1-48. Delete exception.

ARTICLE 28 - STORAGE AND HANDLING OF COMBUSTIBLE FIBERS

SECTION 2805 - BALED STORAGE. Page 1-73. Add new subsection 2805.4 to read:

2805.4 FIRE PROTECTION. Baled storage under any roof or overhang shall be protected by an approved automatic fire sprinkler system.

ARTICLE 61 - OIL-BURNING EQUIPMENT

SECTION 6106 - Portable Unvented Oil-Burning Heating Appliances.

6106.3 LOCATION. Page 1-135. Amend section to read:

6106.3 LOCATION. The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental heating in Group U-1 Occupancies.

EXCEPTION: When approved by the chief, portable unvented oil-burning heating appliances may be used in any occupancy during construction when such use is necessary for the construction and the use does not represent a hazard to life or property.

ARTICLE 79 - FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 7901 - GENERAL

7901.3 PERMITS AND PLANS.

7901.3.2 PLANS. Page 1-170. Amend the subsection to read:

7901.3.2. Plans shall be submitted with each application for a permit to store more than 60 gallons of liquids in drums or tanks. The plans shall indicate the methods of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities, and provisions for drainage and runoff. Storage shall be in accordance with approved plans.

SECTION 7902 - STORAGE.

7902.1.1 APPLICABILITY. Page 1-175. Amend the subsection to read:

7902.1.1 APPLICABILITY. Storage of flammable and combustible liquids in containers, cylinders, and tanks shall be in accordance with sections 7901 and 7902. Storage in portable tanks over 60 gallons and in aboveground tanks outside of buildings is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. For permits see section 105.1 and 7901.3.

For motor vehicle fuel-dispensing stations, see Article 52.

SECTION 7904 - SPECIAL OPERATIONS

7904.2 STORAGE AND DISPENSING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS ON FARMS AND CONSTRUCTION SITES.

7904.2.1 GENERAL. Page 1-203. Amend the subsection to read:

7904.2.1 GENERAL. Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms and rural areas and at construction sites, earth-moving projects, gravel pits or borrow pits shall be in accordance with section 7904.2. The storage of Class I or Class II liquids in aboveground tanks is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. For permits see section 105.1 and 7901.3.

EXCEPTION: Storage and use of fuel-oil in containers connected with oil-burning equipment regulated by Article 61 and the Mechanical Code.

7904.2.8 DISPENSING FROM TANK VEHICLES.

7904.2.8.1 GENERAL. Page 1-203. Add item #10 to read:

10. Tank vehicles shall not be permitted to serve as portable or temporary storage tanks.

ARTICLE 87 - FIRE SAFETY DURING CONSTRUCTION, ALTERATION OR
DEMOLITION OF A BUILDING

SECTION 8704 FIRE SAFETY DURING CONSTRUCTION. Page 1-261
Amend subsection 8704.4.3.1 to read:

8704.4.3.1 WHERE REQUIRED. Every building three stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipe shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a 2 ½-inch (64 mm) valve outlet for Fire Department use. Where construction height requires installation of a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

SPECIAL HAZARDS
APPENDIX II-A
SUPPRESSION AND CONTROL OF HAZARDOUS FIRE AREAS

Page 1-294. Add section 25 to read:

SECTION 25 CITY OF HAYWARD HILLSIDE DESIGN AND
URBAN/WILDLAND INTERFACE GUIDELINES. As adopted by Resolution No. 93-037.

FIGURE A-II-E-1
SAMPLE FORMAT
HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP) INSTRUCTIONS
Page 1-303 to Page 1-308

Delete in its entirety. (See Hayward Municipal Code Chapter 3 Article 8.)

APPENDIX III-A
FIRE FLOW REQUIREMENTS FOR BUILDINGS Pages 1-317 AND 1-318

SECTION 4. FIRE FLOW REQUIREMENTS FOR BUILDINGS. Amend subsections 4.1 and 4.2 to read:

4.1 ONE-AND TWO-FAMILY DWELLINGS. The minimum fire-flow requirements for one- and two-family dwellings shall be 1500 gallons per minute, at 20 p.s.i.

EXCEPTION: Fire flow may be reduced 50 percent when the building is provided with automatic sprinkler system.

4.2 BUILDINGS OTHER THAN ONE-AND TWO-FAMILY Dwellings. The fire flow for buildings other than one- and two-family dwellings shall be not less than that specified in Table No. A III-A-1.

EXCEPTION: A reduction in required fire flow of up to 75 percent, as approved by the chief, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire flow shall not be less than 1,500 gallons per minute (5677.5 L/min.).

APPENDIX III-BB
FIRE HYDRANT LOCATIONS AND DISTRIBUTION

TABLE A-III-BB-1. Page 1-324. AMEND TO READ:

TABLE A-III-BB-1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS

DISTRICT	FIRE FLOW REQUIREMENT (gpm) (1,2)	MINIMUM NO OF HYDRANTS	AVERAGE SPACING(3,4,5) BETWEEN HYDRANTS (FEET)	MAXIMUM DISTANCE FROM HYDRANT TO ANY POINT ON STREET OR ROADWAY FRONTAGE AND TYPE REQUIRED (6) (FEET)
<u>RESIDENTIAL</u>				
Low Density	1,500	1	400	200 mod. steamer
Med Density	3,000	3	400	150 double "
High Density	4,500	5	300	150 double "
<u>Commercial</u>	5,000	5	300	150 double "
<u>Industrial</u>	5,000	5	300	150 double "
<u>Civic</u>	4,000	4	300	150 double "
Hospitals/ Schools/etc.				

1. Minimum flow at 20 p.s.i.
2. The approved fire-flow is required to be within 500'.
3. Reduce by 100 feet for dead-end streets or roadways.
4. Where streets are provided with median dividers or arterial streets are provided with four or more traffic lanes per hydrant.
5. Where new water mains are extended along streets, where hydrants are not needed for protection of structures or similar fire problems, fire hydrants should be provided at not less than 1000-foot spacing to provide for transportation hazards.
6. Reduce by 50 feet for dead-end streets or roadways.

APPENDIX VI-E MODEL CITATION PROGRAM
Page 1-351 through 1-358

Appendix VI-E. Delete in its entirety.

SEC. 9. APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Manager.

SEC. 10. FEES. Fees may be established by resolution of the City Council for permits required by the code, and the fee required for any permit shall accompany the application for such permit. Unless the permit specifies otherwise, the permit shall be issued for a one-year period.

SEC. 11. PENALTIES.

- 11.1 Any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of the City of Hayward or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a criminal offense and subject to the penalties set forth in the Hayward Municipal Code, Chapter 1, Article 3, section 1-3.00 et. seq.
- 11.2 The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or to prohibit the use of any other criminal or civil remedy.

SEC. 12. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the California Fire Code as adopted and amended herein are hereby repealed.

SEC. 13. VALIDITY.

The City Council of the City of Hayward hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Hayward that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SEC. 14. DATE OF EFFECT.

This ordinance shall take effect and be in force from and after its approval as required by law.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the _____ day of _____, 2002, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2002, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

RESOLUTION FINDING AND DETERMINING THE NEED
FOR CHANGES OR MODIFICATION TO THE CALIFORNIA
FIRE CODE, 2001 EDITION, WITH 2001 SUPPLEMENTS

WHEREAS, California Health and Safety Code sections 13143.2 and 13143.5 permit a city to make such changes or modifications as deemed reasonably necessary because of local conditions to be made in specified uniform industry codes; and

WHEREAS, it is necessary that the City's Fire Code be revised to conform with parallel provisions in the City's Building Code as well as to address specialized needs presented by local conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find and determine as follows:

1. In connection with the adoption by reference of the California Fire Code, 2001 Edition, the City needs to adopt changes or modifications to the following sections of the California Fire Code, 2001 Edition, by reason of local conditions: 1, 2, 3, 4, 5, 6, 7, 8, 103.1.4.1, 104.2, 105.4, 105.9, 209-H, 902.2.2.7, 903.4.1.1, 1003.1.3, 1003.2.1, 1003.2.1.1, 1003.2.1.2, 1003.2.1.3, 1003.2.1.4, TABLE 1004-A, 1004.5.1, 1103.2.3, 1109.7, 2805.4, 6106.3, 7901.3.2, 7902.1.1, 7904.2.1, 7904.2.8.1, 8704.4.3.1, APPENDIX II-A SECTION 25, FIGURE A-II-E1, APPENDIX III-A SECTION 4.1, SECTION 4.2, APPENDIX III-BB TABLE A-III-BB-1, APPENDIX VI-E SECTIONS 9, 10, 11, 12, 13, AND 14.

2. The amendments to the California Fire Code, 2001 Edition (published by the Western Fire Chiefs Association and the Uniform Fire Code Association) have been recognized by the City of Hayward to address the fire problems, concerns, and future directions by which this City can establish and maintain an environment which will afford an acceptable level of fire and life safety to its citizens and guests.

3. The "Findings of Facts" contained herein addresses present local conditions which either singularly or in combination cause the aforesaid amendments to be adopted. The following local conditions have an adverse effect on the prevention and control of major loss fires, thereby making it necessary to adopt the above changes or modifications in the California Fire Code in order to provide a reasonable degree of fire and life safety in this community.

CLIMATIC

- (a) Precipitation: Precipitation ranges from 15 to 24 inches per year with an average of approximately 17.58 inches per year. 95 percent falls during the months of October through April, and five percent from May through September.
- (b) Relative Humidity: Humidity during May through November ranges between 20 to 40 percent going as low as 10 percent on an average of 10 days during this period. During December through April, the humidity ranges from 41 to 68 percent.
- (c) Temperatures: High temperatures have been recorded in the low 100's F. Average summer highs are in the 73° F. range with an average annual maximum temperature of 66° F.
- (d) Winds: Prevailing winds are from the west, northwest (WNW). However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 to 23 miles-per-hour range, gusting to 25 to 35 miles-per-hour. Forty miles-per-hour winds are experienced occasionally, and higher have been registered. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days, creating extremely dry conditions.
- (e) Summary: These local climatic conditions effect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and fires involving buildings. During wildland and wood shake and shingle roof fires, winds can carry sparks and burning brands to other roofs, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fire back into buildings and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

GEOLOGICAL AND TOPOGRAPHIC

- (a) Vegetation: Dry grass and brush are common in the hills and open-space areas adjacent to built-up locations during six to eight months of each year. Many of these areas frequently experience wildland fires which threaten nearby buildings, particularly those with wood roofs or sidings.
- (b) Hills, Creeks, Canals, Freeways, Railways, Housing Tracts, Large Buildings, Building Complexes, and the Airport: All of these surface features, both natural

and man-made, have a major adverse effect upon the road and street layout in the City including major traffic routes. These conditions limit the number, and cause indirect routing of major arterial streets for normal traffic as well as emergency vehicle response.

- (c) Terrain: Areas with buildings include level, sloping, and rolling terrain. This terrain is not dissimilar to terrain in other locations which have experienced major conflagrations.
- (d) Roads and Streets: As noted above, the limited number, and the indirect routing of roads and streets in the City create heavy, slow traffic conditions and excessively long travel routes from point to point.
- (e) Population: The current and rapidly growing population in the City creates two fire protection problems:
 - (1) The more people, the more emergency incidents requiring Fire Department response. The greater the frequency of alarms, the greater the chance there will be simultaneous emergency incidents requiring Fire Department response. This results in longer response times and/or fewer fire companies to respond to any emergency within the City; and
 - (2) The more people, the more traffic congestion during a greater part of the day. Such traffic congestion not only slows Fire Department response but often restricts access to fire scenes.
- (f) Buildings, Landscaping, and Clearances: Many building complexes are of designs which greatly limit the approach to and accessibility by Fire Department resources. Many houses and other buildings with wood roofs or sidings are close together, and fire will readily spread from one to another by both radiation and convection of flying brands.
- (g) Summary: Essentially, the above local geological and topographical conditions present fire frequency, magnitude, exposures, and accessibility problems and have a negative impact upon the response capability of the Fire Department. The quantity of Fire Department resources that can arrive within an effective time is limited. The time in which they can respond is extended due to lengthy travel distances and traffic congestion.

4. CONCLUSION. Local climatic, geological, and topographic conditions have a definite impact upon the frequency, spread, acceleration, intensity and size of fire involving buildings in Hayward. Furthermore, they have an adverse impact upon the number of Fire Department resources which can be brought to bear upon such fires within an

expeditious period of time. Therefore, it is found to be reasonably necessary that the California Fire Code be changed or modified to adopt more stringent requirements to mitigate the effects of the above conditions.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the California Fire Code, to be filed with the State of California Department of Housing and Community Development, the state Building Standards Commission, and the state Fire Marshal, by registered mail.

BE IT FURTHER RESOLVED that, should any finding contained herein be declared for any reason invalid, it is the intent of the City Council that it would have passed all remaining portions of this resolution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, ²⁰⁰²~~2001~~

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF HAYWARD, REGULATING THE ALTERATION, CONSTRUCTION, INSTALLATION AND REPAIR OF VENTILATING, REFRIGERATION, AND HEAT PRODUCING EQUIPMENT (MECHANICAL EQUIPMENT); PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND PRESCRIBING PENALTIES FOR VIOLATION OF SAID MECHANICAL CODE; AND REPEALING ORDINANCE NO. 99-07 AND ALL AMENDMENTS THERETO

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

Section 1. Ordinance No. 99-07, and all amendments thereto, is hereby repealed and in substitution thereof a new Mechanical Code for the City of Hayward is hereby enacted to read as follows:

MECHANICAL CODE
OF THE CITY OF HAYWARD

SEC. 1.00 MECHANICAL CODE ADOPTION BY REFERENCE. The 2001 California Mechanical Code which is based on the 2000 edition of the Uniform Mechanical Code and Appendix thereto, published by International Association of Plumbing and Mechanical Officials as amended by the State pursuant to Health and Safety Code Section 17922, and as further modified by these amendments, additions, alterations and deletions set forth hereinafter, is hereby adopted by reference as the Mechanical Code of the City of Hayward

A printed copy of such Mechanical Code is on file in the office of the City Clerk to which reference is hereby made for further particulars.

Reference is also made to the State's Matrix Adoption Tables which identify local Building Official's responsibility to enforce certain amendments.

SEC. 2.00 AMENDMENTS, ADDITIONS, AND DELETIONS TO UNIFORM MECHANICAL CODE. Set forth below are the local amendments, additions, and deletions to the Uniform Mechanical Code, 2000 Edition: Chapter and section numbers used herein are those of the Uniform Mechanical Code.

PART I
ADMINISTRATIVE

CHAPTER I
TITLE AND SCOPE

SEC. 101 TITLE. (Amendment.) This ordinance may be cited and shall be known as the "Mechanical Code of the City of Hayward."

Reference is made to Chapter 1 Administration, of 2001 California Building Code, which is based on the 1997 Uniform Building Code as published by the International Conference of Building Officials including local amendments.

PART II
ORGANIZATION AND ENFORCEMENT

SEC. 108 POWERS AND DUTIES OF BUILDING OFFICIAL.

SEC. 108.3 RIGHT OF ENTRY. (Amendment.) Upon presentation of proper credentials, the Building Official or their duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon the Building Official by this code, except in emergency situations.

The Building Official or their duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Building Official possesses an inspection warrant obtained and issued in the manner provided by sections 1822.50 et seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or their duly authorized representative, while in the performance of the duties described above, from entering upon and into

any building structure, or premises under this jurisdiction, at all reasonable hours during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, section 1-3.00 et seq. of the Hayward Municipal Code.

SEC. 109 UNSAFE EQUIPMENT.

SEC. 109.1 HAZARDOUS CONDITIONS. (Amendment.) Any equipment regulated by this code which is unsafe or which constitutes a fire or health hazard or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Any use of equipment regulated by this code constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purpose of this section, an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Dangerous Building Code of the City of Hayward or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct, or abate the violation.

SEC. 110.1 BOARD OF APPEALS. (Amendment.) In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by the City Manager as the occasion arises. The Building Advisory Committee is the Board of Appeals.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by a determination of the Building Official relative to the suitability of alternate materials and methods of construction may request a review of the determination by the Building Advisory Committee. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final. Any reference in this code to "Board of Appeals" shall mean the Building Advisory Committee and its decision shall be final.

SEC. 114 PERMIT ISSUANCE.

SEC. 114.6 TO WHOM PERMIT MAY BE ISSUED. (Addition) Permits may only be issued to a person holding a valid State of California Mechanical License except when otherwise provided in this section.

Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the applicant is the owner and occupant of such buildings, accessory buildings, or quarters.

SEC. 115 FEES.

SEC. 115.2. Permit Fees. The fee(s) for each permit shall be as established from time to time by resolution of City Council.

SEC. 115.6.4 WAIVER OF FEES. (Addition) The Building Official is hereby authorized to waive permit fees for minor repairs and rehabilitation for single-family dwellings where the applicants total verified housing income is no more than:

\$28,150 per year - 1 person family
\$32,150 per year - 2 person family
\$36,200 per year - 3 person family
\$40,200 per year - 4 person family
\$43,400 per year - 5 person family
\$46,650 per year - 6 person family
\$49,850 per year - 7 person family
\$53,000 per year - 8 person family

SEC. 115.6.5 PENALTY FEE. (Addition) Any person who begins any heating, ventilating, refrigeration equipment, or cooling work for which a permit is required without first having obtained a permit, if subsequently permitted to obtain a permit, shall pay double the permit fee, with a minimum of \$86.00 or such other minimum established from time to time by City Council resolution. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

TABLE NO. 1-A MECHANICAL PERMIT FEES. (Delete schedules and add the following note.)

NOTE: Mechanical permit fees are established from time to time by City Council resolution. For current fee schedule refer to such resolution.

CHAPTER II

SEC. 229 ADDITIONAL WORDS AND PHRASES. (Addition)

"CITY OF" or "THE CITY" shall mean the City of Hayward as the text may require.

"CITY COUNCIL" shall mean the City Council of the City of Hayward.

"H.M.C." shall mean the Hayward Mechanical Code.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of
2002, by Council member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of
, 2002, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor of the City of Hayward

DATE:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member

RESOLUTION FINDING AND DETERMINING THE NEED FOR
CHANGES OR MODIFICATIONS TO THE 2000 UNIFORM
MECHANICAL CODE

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and California Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, said Health and Safety Code section 17958.5 permits a city to make changes or modifications to the uniform industry code as deemed reasonably necessary because of local conditions; and

WHEREAS, pursuant to section 17958.7 of the Health and Safety Code, local substantive amendments shall be based upon findings of local climatic, geological, or topographical conditions, but such findings are not necessary for merely administrative changes, or changes unrelated to apartment houses, hotels, motels, and dwellings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines the need to adopt the administrative, commercial, or industrial changes or modifications to the following sections of the Uniform Mechanical Code, 2000 Edition, by reason of local conditions:

ADMINISTRATIVE PROVISIONS.

Certain administrative provisions in Chapters 1 and 2 have been amended to conform with provisions of the City Charter and other City ordinances; such changes are not technical in nature, but are administrative only. The City Council finds pursuant to California Code of Regulations Title 25, Section 52, that enforcement procedures of local ordinances are equivalent to those provided by the State for abatement of violations of this code.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the Uniform Mechanical Code, to be filed with the California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002
ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____ City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A HOUSING CODE FOR THE CITY OF HAYWARD; ESTABLISHING MINIMUM SPACE AND OCCUPANCY STANDARDS, STRUCTURAL REQUIREMENTS, MECHANICAL REQUIREMENTS, EXITS, FIRE PROTECTION AND OTHER REQUIREMENTS FOR RESIDENTIAL BUILDINGS; REGULATING THE USE AND OCCUPANCY OF RESIDENTIAL BUILDINGS; PROVIDING FOR THE REPAIR, REHABILITATION, OR DEMOLITION OF SUBSTANDARD RESIDENTIAL BUILDINGS, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID HOUSING CODE; AND REPEALING ORDINANCE NO. 99-08 AND ALL AMENDMENTS THERETO

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

Section 1. Ordinance No. 99-08, and all amendments thereto, is hereby repealed and in substitution thereof a new Housing Code for the City of Hayward is hereby enacted to read as follows:

HOUSING CODE
OF THE CITY OF HAYWARD

SEC. 1.00 UNIFORM HOUSING CODE, 1997 EDITION, ADOPTION BY REFERENCE.

The Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials, as modified by the amendments, additions, and deletions set forth hereinafter, is hereby adopted by reference as the Housing Code of the City of Hayward.

Reference is made to the Building Code of the City of Hayward and to the State housing law.

A printed copy of such Housing Code is on file in the office of the City Clerk to which reference is hereby made for further particulars.

SEC. 2.00 AMENDMENTS, ADDITIONS, AND DELETIONS TO UNIFORM HOUSING CODE. Set forth below are the local amendments, additions, and deletions to the Uniform Housing Code, 1997 Edition. Chapter and section numbers used herein are those of said Uniform Housing Code, 1997 Edition.

(Reference is made to the Residential Rental Inspection, Article 5 Hayward Municipal Code)

CHAPTER 1
TITLE AND SCOPE

SEC. 101 TITLE. (Amendment) This ordinance may be cited and shall be known as the "Housing Code of the City of Hayward" and will be referred to herein as "this code."

CHAPTER 2
ENFORCEMENT

SEC. 201 GENERAL.

SEC. 201.2 RIGHT OF ENTRY. (Amendment) Upon presentation of proper credentials, the Building Official or his or her duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon him or her by this code. Except in emergency situations, the Building Official or his or her duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Building Official possesses an inspection warrant obtained and issued in the manner provided by sections 1822.50 et seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or his or her duly authorized representative, while in the performance of the duties described above, from entering upon and into any building, structure, or premises under his or her jurisdiction, at all reasonable hours during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

SEC. 203 HOUSING ADVISORY AND APPEALS BOARD BUILDING ADVISORY COMMITTEE IS THE HOUSING ADVISORY AND APPEALS BOARD.

(Amendment) In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five

members qualified by experience and training to pass upon matters pertaining to building construction, shall be appointed by the City Manager as the occasion arises.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as Secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by a determination of the Building Official relative to the suitability of alternate materials and methods of construction may request a review of the determination by the Building Advisory Committee. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final. Any reference in this code to "Board of Appeals" shall mean the Building Advisory Committee and its decision shall be final.

CHAPTER 3 PERMITS AND INSPECTIONS

SEC. 302 PERMIT FEES. (Addition.) The fee(s) for each permit required pursuant to this code shall be as established from time to time by resolution by the City Council.

EXCEPTION: The Building Official is hereby authorized to waive permit fees for minor repairs and rehabilitation for single family dwellings where the applicant's total verified household income is no more than:

\$28,150 per year - 1 person family
\$32,150 per year - 2 person family
\$36,200 per year - 3 person family
\$40,200 per year - 4 person family
\$43,400 per year - 5 person family
\$46,650 per year - 6 person family
\$49,850 per year - 7 person family
\$53,000 per year - 8 person family

CHAPTER 4 DEFINITIONS

SEC. 402 ADDITIONAL WORDS AND PHRASES. (Addition)

"CITY OF" or "THE CITY" shall mean the City of Hayward as the text may require.

"CITY COUNCIL" shall mean the City Council of the City of Hayward.

"H.H.C." shall mean the Hayward Housing Code.

"HOUSING ADVISORY APPEALS BOARD" or "BOARD OF APPEALS" shall mean the Building Advisory Committee.

CHAPTER 13
PROCEDURES FOR CONDUCT
OF HEARINGS APPEALS

Delete.

CHAPTER 14
ENFORCEMENT OF THE ORDER
OF THE BUILDING OFFICIAL
OR THE BOARD OF APPEALS

Delete.

CHAPTER 15
PERFORMANCE OF WORK OR
REPAIR OR DEMOLITION

Delete.

CHAPTER 16
RECOVERY OF COST OF REPAIR
OR DEMOLITION

Delete.

SECTION 2 In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of
, 2002, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of

, 2002, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor of the City of Hayward

DATE:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member

RESOLUTION FINDING AND DETERMINING THE NEED FOR
CHANGES OR MODIFICATIONS TO THE UNIFORM HOUSING CODE,
1997 EDITION

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and Housing and Community Development Commission regulations promulgated thereunder;

WHEREAS, Health and Safety Code section 17958.5 permits a city to make such changes or modifications to the uniform industry codes as are deemed reasonably necessary because of local conditions; and

WHEREAS, pursuant to section 17958.7 of the Health and Safety Code, local substantive amendments shall be based upon findings of local climatic, geological, or topographical conditions, but such findings are not necessary for merely administrative changes, or changes unrelated to apartment houses, hotels, motels, and dwellings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines the need to adopt the administrative, commercial, or industrial changes or modifications to the following sections of the Uniform Housing Code, 1994 Edition, by reason of local conditions.

1. ADMINISTRATIVE PROVISIONS. Certain administrative provisions in Chapters 1, 2, 3, and 4 have been amended to conform with provisions of the City Charter and other City ordinances.

2. CHAPTERS 13 through 16. The appeal, enforcement, and abatement provisions of these chapters are addressed by the procedures outlined in the City of Hayward Building Abatement Ordinance, (Hayward Municipal Code, Chapter 9, Article 3), which is applicable to all occupancies. Pursuant to the California Code of Regulations Title 25, Section 52, the enforcement agency has determined that the local government housing abatement procedure provides the equivalent of procedures outlined in CCR Title 25, Sec. 48, et. seq.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the Uniform Housing Code, to be filed with the California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 2002

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____ City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO.

AN ORDINANCE ESTABLISHING A PLUMBING CODE FOR THE CITY OF HAYWARD, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF PLUMBING; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 99-10 AND ALL AMENDMENTS THERETO

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

SECTION 1. Ordinance No. 99-10 and all amendments thereto, is hereby repealed and in substitution thereof a new Plumbing Code for the City of Hayward is hereby enacted to read as follows:

PLUMBING CODE
OF THE CITY OF HAYWARD

SEC. 1.00 2001 CALIFORNIA PLUMBING CODE, ADOPTION BY REFERENCE. The 2001 California Plumbing Code, adopting the Uniform Plumbing Code, 2000 Edition, and Appendix thereto, published by the International Association of Plumbing and Mechanical Officials, as modified by the California Building Standards Commission and as further modified by the amendments, additions, and deletions set forth herein, is hereby adopted as the Plumbing Code of the City of Hayward.

A copy of such Plumbing Code is on file in the office of the City Clerk, to which reference is hereby made for further particulars. Reference is also made to the State's Matrix Adoption Tables which identify local Building Official's responsibilities to enforce certain amendments.

SEC. 2.00 AMENDMENTS, ADDITIONS AND DELETIONS TO THE UNIFORM PLUMBING CODE. Set forth below are the local amendments, additions, and deletions to the 1998 State Plumbing Code. Chapter and section numbers used herein are those of the State Plumbing Code.

PART I
ADMINISTRATION

SEC. 101.0 TITLE. (Amendment) This ordinance may be cited and shall be known as the "Plumbing Code of the City of Hayward."

Reference is made to Chapter 1 Administration of 2001 California Building Code, which is based on the 1997 Uniform Building Code as published by the International Conference of Building Officials including local amendments

In case of a conflict between administrative requirements of the California Building Code, Chapter 1, and Chapter 1 of the 2001 California Mechanical Code and the Plumbing Code, including local amendments, the most stringent shall govern.

SEC. 102.2 DUTIES AND POWERS OF THE BUILDING OFFICIAL.

(b) RIGHT OF ENTRY. (Amendment) Upon presentation of proper credentials, the Building Official or their duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon the Building Official by this code.

Except in emergency situations, the Administrative Authority or their duly authorized representative, shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Administrative Authority possesses an inspection warrant obtained and issued in the manner provided by sections 1822.50 et. seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Administrative Authority or their duly authorized representative, while in the performance of the duties described above, from entering upon and into any building, structure, or premises under this jurisdiction, at all reasonable hours, during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

SEC. 102.2.7 BUILDING ADVISORY COMMITTEE. (Addition)

In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by the City Manager as the occasion arises.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by a determination of the Building Official relative to the suitability of alternate materials and methods of construction may request a review of the determination by the Building Advisory Committee. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final.

SEC. 102.3 VIOLATIONS AND PENALTIES.

SEC. 102.3.1 VIOLATIONS. (Amendment) It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done contrary to or in violation of the provisions of this code or any order issued by the Building Official hereunder.

SEC. 102.3.2 PENALTIES. Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, section 1-3.00 et seq. of the Hayward Municipal Code.

SEC. 103.2 APPLICATION FOR PERMIT.

SEC. 103.2.4. COST OF PERMIT. (Addition) Every applicant for a permit to do work regulated by this code shall state in writing, on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information pertinent thereto, as may be required.

Such applicant shall pay for each permit, at the time of issuance, a fee in accordance with the applicable fees established by City Council resolution.

EXCEPTION: The Administrative Authority is hereby authorized to waive plumbing permit fees for minor repairs and rehabilitation to single family residences where the applicant's total household income is no more than:

\$28,150 per year - 1 person family
\$32,150 per year - 2 person family
\$36,200 per year - 3 person family
\$40,200 per year - 4 person family
\$43,400 per year - 5 person family
\$46,650 per year - 6 person family

\$49,850 per year - 7 person family
\$53,000 per year - 8 person family

SEC. 103.3 PERMIT ISSUANCE.

SEC. 103.3.6 TO WHOM PERMIT MAY BE ISSUED. (Addition)

- (a) Permits may only be issued to a person holding a valid State of California Plumbing Contractors license except when otherwise provided in this section.
- (b) Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the applicant is the owner and occupant of such buildings, accessory buildings, or quarters.

103.4 FEES.

SEC. 103.4.1 PERMIT FEES. (Amendment) For the purpose of this section, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconditioning and retesting of plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, etc., involved.

When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling of private sewage disposal facilities abandoned consequent to such connection is included in the permit.

Permit fees are established by City Council resolution in a Master Fee Schedule and are required to be paid at the time of permit issuance.

SEC. 103.4.4.1. INVESTIGATION FEES: WORK WITHOUT A PERMIT. (Addition) Such investigation fee shall be a minimum of \$86.00, or such other minimum established from time to time by City Council resolution.

TABLE 1-1 (Delete)
PLUMBING PERMIT FEES

(Add) Permit fees are established by the City Council by resolution.

INSTALLATION REQUIREMENTS

CHAPTER 2
DEFINITIONS

SEC. 202.0 DEFINITION OF TERMS.

(c) ADMINISTRATIVE AUTHORITY. (Amendment) "ADMINISTRATIVE AUTHORITY" shall mean the City Building Official of the City of Hayward or his or her duly authorized representative.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of
, 2002, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of
, 2002, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor of the City of Hayward

DATE:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member

RESOLUTION FINDING AND DETERMINING THE NEED
FOR CHANGES OR MODIFICATIONS TO THE 2000
UNIFORM PLUMBING CODE

WHEREAS, section 17958 of the State of California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and State of California Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, Health and Safety Code section 17958.5 permits a city to make changes or modifications to the uniform industry codes as deemed reasonably necessary because of local climatic, geological or topographical conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, pursuant to the requirements of Health and Safety Code section 17958.7, does hereby find and determine the need to adopt changes or modifications to the following sections of the State Plumbing Code by reason of local climatic, geological and topographical conditions:

1. ADMINISTRATIVE CHANGES. Certain administrative provisions in Part I, Chapters 1 and 2 have been amended to conform with provisions of the City Charter and other City ordinances of the City of Hayward. Such changes are not technical in nature, but are administrative only.
2. APPENDIX D. SIZING STORMWATER DRAINAGE SYSTEMS. This amendment is necessary to clarify the requirement of carrying roof drainage to an acceptable point of discharge and set forth standards in relation thereto.
3. APPENDIX E. MOBILE HOME PARK STANDARDS. These regulations are preempted by state law.
4. APPENDIX G. GRAYWATER SYSTEM FOR SINGLE FAMILY DWELLINGS. The use of graywater is not allowed due to health and safety concerns.
5. APPENDIX K. PRIVATE SEWAGE DISPOSAL SYSTEMS. The City of Hayward does not allow private sewage disposal systems.
6. (ABS), (PVC). In connection with the adoption by reference of the 1998 State Plumbing Code, it is hereby expressly found and determined that the following changes to the State Plumbing Code are needed.
 - a. All reference to acrylonitrile-butadiene-styrene (ABS) and poly-vinyl-chloride (PVC) piping, fittings and valves for use in drain, waste and vent (DWV) systems in the foregoing sections need to be deleted from the State Plumbing Code. The use of ABS and PVC for DWV systems is expressly disallowed in the City of Hayward. Plastic piping is not allowed for water distribution within a building.
7. FINDINGS. The aforesaid local amendments are reasonably necessary in order to lessen the threat to life, safety, and property presented by certain local climatic, geological, and topographical conditions

existing in the City of Hayward. The aforesaid local amendments are enacted pursuant to the authority of section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid conditions which are more specifically described as follows:

- a. The Hayward fault lies within the City of Hayward and in fact, a substantial portion of the residential area of the City lies within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development. This fact increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. A series of minor tremors over a period of time can affect the joints in pipes and have potential unnoticed damage. Such damage is often accompanied by structural fire. Fire or burning of combustibles emits toxic gases and acids, and generates large amounts of smoke. Presence of smoke in interior of buildings increases the threat to life and property in the event of a seismic disturbance or other emergency. Because ABS and PVC plastic pipe is combustible, emits toxic gases and acids, and generates large amounts of smoke, its presence in interior water distribution systems would increase the threat to life and property in the event of a seismic disturbance.

The plastic pipe joints gel was adversely affected with repeated minor tremors and seismic disturbance. The presence of plastic pipes with joints increases the danger of leaks.

- b. The travel time to a fire or other emergency within Hayward may be impeded by the following conditions:
 - (1) Three major railway lines, the elevated BART line, two major freeways, and natural creeks divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers.
 - (2) The City of Hayward contains five major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.
 - (3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of the Highway 238, which is itself a potential physical barrier impeding response to a fire or other emergency.
 - (4) The major north-south and east-west emergency response routes aside from the freeways are dependent upon bridges and grade separations. Failure of structures or systems would isolate a heavily populated section of the City.
 - (5) In the event of a fire, toxic gases and smoke generated would increase life hazard, and since most loss of life in fires is from asphyxiation, a rapid response by emergency equipment becomes more critical.
- c. High wind conditions normally exist in the hillside and shoreline areas of the City, increasing the potential for fire spread in case of fire.
- d. All drain and waste pipes flow into the City of Hayward Waste Water Treatment Plant. Any chemical reaction between the plastic pipe and the waste flowing through it,

may produce contaminants, threatening the biological process of the treatment Plant itself and in turn thereby threatening the marine life in the San Francisco Bay. Extensive use presents an unacceptable threat.

- e. A substantial portion of the residential area of Hayward is the natural habitat of various species of animals and rodents. Plastic pipe has been known to be damaged by such rodents and animals.
- f. Prevailing soil conditions within the City of Hayward have been found to be highly acidic and corrosive to both ferrous and non-ferrous piping. Without protection, these piping systems have shown failure on an accelerated rate. A high rate of failure in unprotected under slab copper tubing has been found to occur due to electrolysis.
- f. The use of plastic piping for the pressurized potable water systems within structures constitutes a possible hazard to such structures in case of breakage. As the City of Hayward sits astride the Hayward fault which is considered a major California fault system, the likelihood of a high magnitude earthquake is predicted by geologists to be highly likely within the next thirty years. Metal piping with threaded or soldered joints has by the nature of the material considerably greater strength to resist breakage.

The City Council hereby takes official notice of the General Plan (and all elements thereof) of the City of Hayward, all documents on file with the City relating to the Alquist-Priolo Act Special Studies Zone and to plastic pipe and the findings and recommendations of the Building Advisory Committee in this matter.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the State Plumbing Code, to be filed with the State of California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____ City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

ORDINANCE NO.

AN ORDINANCE TO BE KNOWN AND DESIGNATED AS THE ELECTRICAL CODE OF THE CITY OF HAYWARD; REGULATING THE INSTALLATION, ALTERATION, REPAIR, AND MAINTENANCE OF ELECTRICAL WIRING, ELECTRICAL FIXTURES, AND OTHER ELECTRICAL APPLIANCES AND EQUIPMENT; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 99-09 AND ALL AMENDMENTS THERETO.

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

Section 1. Ordinance No. 99-09, and all amendments thereto, are hereby repealed and, in substitution thereof, a new Electrical Code for the City of Hayward is hereby enacted to read as follows:

ELECTRICAL CODE
OF THE CITY OF HAYWARD

SEC. 100. CALIFORNIA ELECTRICAL CODE, ADOPTION BY REFERENCE. (Addition)

The 2001 Triennial Edition of the California Electrical Code, Part 3, Title 24, California Code of Regulations (which is based upon the National Electrical Code, 1999 Edition, published by the National Fire Protection Association) and the Uniform Administrative Code Provisions for the National Electrical Code, 1999 Edition published by the International Conference of Building Officials, as contained in the 1999 National Electrical Code, as modified by the amendments, additions, and deletions set forth hereinafter, are hereby adopted by reference as the Electrical Code of the City of Hayward, regulating the installation, alteration, repair, and maintenance of electrical wiring, electrical fixtures, and other electrical appliances and equipment in the City of Hayward.

A copy of the California Electrical Code is on file in the office of the City Clerk, to which reference is hereby made for further particulars. Reference is also made to the State's Matrix Adoption Tables which identify local Building Official's responsibilities and enforce certain amendments.

Reference is further made to the Administrative provisions of the Uniform Housing Code and Building Code of the City of Hayward. Whenever there is a conflict in the administrative portions of the various standards referenced the more restrictive shall govern.

CHAPTER 1

GENERAL

SEC. 101 TITLE. (Amendment) This ordinance may be cited and shall be known as the "Electrical Code of the City of Hayward."

CHAPTER 2

ORGANIZATION AND ENFORCEMENT

SEC. 201.3 RIGHT OF ENTRY. (Amendment) Upon presentation of proper credentials, the Building Official or the Building Official's duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon the owner or occupant by this code. Except in emergency situations, the Building Official or the Building Official's duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless he possesses an inspection warrant obtained and issued in the manner provided by section 1822.50 et seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or his or her duly authorized representative, while in the performance of the duties described above, from entering upon and into any building, structure, or premises under the Building Official's jurisdiction, at all reasonable hours during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of the Code are observed therein.

SEC. 203 BUILDING ADVISORY COMMITTEE - ORGANIZATION.

(Amendment) In order to review the determinations made by the Building Official concerning the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable Code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by

the City Manager as the occasion arises. The committee shall be the Board of Appeals.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by a determination of the Building Official relative to the suitability of alternate materials and methods of construction may request a review of the determination by the Building Advisory Committee. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final. Any reference in this code to "Board of Appeals" shall mean the Building Advisory Committee and its decision shall be final.

SEC. 204 VIOLATIONS AND PENALTIES. (Amendment) It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done contrary to or in violation of the provisions of this Code or any order issued by the Building Official hereunder.

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, Section 1-3.00 et seq. of the Hayward Municipal Code.

CHAPTER 3 PERMITS AND INSPECTIONS

APPLICATION FOR PERMITS

SEC. 302.4 TO WHOM PERMITS MAY BE ISSUED. (Addition) Permit may be issued only to a person holding a valid, unexpired State of California Electrical Contractor's license except when otherwise provided in this section.

Any permit required by this code may be issued to any person to do any work regulated by this code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the applicant is the owner and occupant of such buildings, accessory buildings, or quarters.

SEC. 304.1 PERMIT FEES. (Amendment) Before any permit required by this code is issued, the applicant shall pay to the Building Official the fees for each building or structure as established from time to time by resolution of the City Council, except as otherwise provided for herein.

EXCEPTION: The Building Official is hereby authorized to waive electrical permit fees for minor repairs and rehabilitation for single family dwellings where the applicant's total verified household income is no more than:

\$28,150 per year - 1 person family

\$32,150 per year - 2 person family
\$36,200 per year - 3 person family
\$40,200 per year - 4 person family
\$43,400 per year - 5 person family
\$46,650 per year - 6 person family
\$49,850 per year - 7 person family
\$53,000 per year - 8 person family

SEC. 304.2 PLAN REVIEW FEES. (Amendment) When a plan or other data is required to be submitted by subsection (b) of section 302 and not otherwise included in the plan review of a new building or addition, a plan review fee shall be paid at the time of issuance of the permit. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established for labor costs from time to time by applicable resolution of the City Council.

SEC. 304.4.2. FEE. (Amendment) An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in section 304 (b). The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

SEC. 304.6 PENALTY FEE. (Addition) Any person who begins any electrical work for which a permit is required without first having applied for a permit, if subsequently permitted to obtain a permit, shall pay double the permit fee, with a minimum of \$86.00. Notwithstanding the foregoing, the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

SEC. 305.5 REINSPECTION. (Amend the second to last paragraph to read as follows):

To obtain a reinspection, the applicant shall pay the prescribed fee as set forth in the City Council resolution establishing fees. Payment shall be made prior to reinspection.

SEC. 305.6 INSPECTION RECORD CARD. (Addition) Work requiring a permit shall not be commenced until the permit holder or their agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the Building Official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until final approval has been granted by the Building Official.

There shall be a final inspection and approval on all buildings and structures when completed and ready for occupancy or use.

TABLE 3-A
ELECTRICAL PERMIT FEES

(Delete Schedule and Add the Following Note)

NOTE: Fees are as established from time to time by City Council resolution.

AMENDMENTS, ADDITIONS, AND DELETIONS TO UNIFORM ELECTRICAL CODE.
Set forth below are the local amendments, additions, and deletions to the Uniform Electrical Code, 2001 Edition.

Page 4 of Ordinance No. _____

Chapter and section numbers used herein are those of the Uniform Electrical Code.

CHAPTER 1
GENERAL

ARTICLE 100
DEFINITIONS

C. ADDITIONAL WORDS AND PHRASES (Addition)

CITY or THE CITY: "City" or "The City" shall mean the City of Hayward unless the context requires otherwise.

CITY COUNCIL: "City Council" shall mean the City Council of the City of Hayward.

ELECTRICAL CONTRACTOR: "Electrical Contractor" means a contractor in possession of a valid license issued in accordance with the provisions of the State of California Contractors License Law.

ELECTRICAL INSPECTOR: The "Electrical Inspector" is the Building Official of the City of Hayward or his or her authorized representative.

ELECTRICAL WORK: "Electrical Work" means and includes the installation, construction, maintenance, and repair of electrical equipment.

EXPOSED WIRING: "Exposed Wiring" means electric wiring not rendered inaccessible by the structure or finish of the building. Open wiring within basements or under floors rendered accessible by means of doors or openings shall be considered as exposed wiring.

H.E.C.: "H.E.C." means Hayward Electrical Code.

PERSON: "Person" is a natural person, his or her heirs, executors, administrators, or assignees, and also includes a firm, partnership, or corporation, its or their successors or assignees, or the agent of any of the aforesaid.

SINGLE FAMILY DWELLING: "Single Family Dwelling" shall mean a building designed for the occupancy of one family.

ARTICLE 210
BRANCH CIRCUITS

SEC. 210.5 (c) UNGROUNDED CONDUCTORS OF MULTIWIRE BRANCH CIRCUITS IN RACEWAY. (Addition) Ungrounded conductors of a multiwire branch circuit shall each be of a color or other distinguishing marking to identify the feeder phase by which it is supplied and each conductor of the same identification shall be connected to the same feeder.

Required colors for identification are as follows:

120/240 volt 3 wire conductors: Black, Red

120/240 volt 4 wire conductors: Black, Orange, Red or Blue

120/208 volt 4 wire conductors: Black, Red, Blue
277/480 volt 4 wire conductors: Brown, Purple, Yellow

This subsection (c) applies to industrial and commercial construction only.

ARTICLE 230
SERVICES

SEC. 230.70 (a) LOCATION. (Amendment) The service disconnecting means shall be installed on the exterior of any residential structure or within a cabinet or electrical equipment room with Fire Department access provided.

ARTICLE 250

SEC. 250.66. (Amendment) Amended by deleting Sections No. (a) and (b)

ARTICLE 300

SEC. 300.11 (a). (Addition) Low voltage (50 volts and less) communications, alarm, signaling systems, and similar systems shall be supported as provided above at not to exceed 4-1/2 foot intervals within buildings.

EXCEPTION: In suspended ceilings, low voltage (50 volts and less) systems referred to above shall be supported at intervals not to exceed eight feet.

ARTICLE 770
OPTICAL FIBER CABLE AND RACEWAYS

SEC. 770-8. (Add) Optical fiber cables shall be supported at intervals not to exceed 4-1/2 feet.

EXCEPTION: See Section 300-11 (a) exception

SECTION 2. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of 2002, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of , 2002, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED:

Mayor of the City of Hayward

DATE:

ATTEST:

City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

HAYWARD CITY COUNCIL

RESOLUTION NO.

Introduced by Council Member

RESOLUTION FINDING AND DETERMINING THE NEED FOR
CHANGES OR MODIFICATIONS TO THE CALIFORNIA ELECTRICAL
CODE, 1998 TRIENNIAL EDITION

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain National Industry Codes as specified in Health and Safety Code section 17922 and Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, Health and Safety Code section 17958.5 permits a city to make changes or modifications to the National Industry Codes as deemed reasonably necessary.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines that, in addition to administrative changes, there is a need to adopt the modifications of the following sections of the California Electrical Code, 1998 Triennial Edition, by reason of local climatic, geological, and topographical conditions.

1. CHAPTERS 1, 2, and 3. GENERAL AND ADMINISTRATIVE PROVISIONS. The California Electrical Code, as printed, does not include detailed administrative provisions, thereby requiring the City of Hayward to adopt its own.

2. ARTICLE 210. BRANCH CIRCUITS. Many neutral conductors of multi-wire branch circuits are overloaded due to improper phasing of conductors, splices, and connection of devices. Color coding of the ungrounded conductors of a multiline branch circuit is a safety as well as a design consideration of safe and proper wiring. Much electrical work is installed with the NEC minimum requirements as the only design criteria. Failure to connect the proper conductor to receptacles supplied by multiline branch circuits can result in overloading of the unprotected neutral conductor to as much as three times its allowable ampacity or, in the case of two four-wire circuits, to as much as six times its allowable ampacity. The resultant over-heating of a neutral wire is no less a hazard than that of an ungrounded conductor.

The identification of ungrounded conductors of a multiline branch circuit permits the electrician to install devices in a manner that will result in a balancing of the phase loadings and neutral load. Detection of improper phasing of a multiline circuit by the inspecting authority is extremely difficult without conductor identification and virtually impossible when making a final inspection of work that is not energized, as is often the case. The proposal, as written, would offer a simple means for the electrician, inspector, and subsequent electricians to determine and maintain correct circuit phasing in industrial and commercial construction where this is likely to occur.

Due to the rapid increase in the number of hand held electrical appliances in and about bathrooms and laundry areas, ground fault interrupter (GFI) protection is needed in these additional locations. The proposal, as written, would provide additional necessary safety to citizens.

This last amendment is enacted pursuant to earthquake vulnerability as a result of having a substantial portion of the residential areas of the City of Hayward within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development. This fact increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage could cause plumbing fixtures

and pipes to break, allow large amounts of water close to electrical outlets without GFI protection, and, as a result, increase the threat to life and property.

3. ARTICLE 230. SERVICES. The need for this addition to the model code requirements is justified by safety considerations. The need to disconnect all current carrying conductors within a structure by occupants or Fire Department personnel in case of fire or other emergency, and the replacement of wire seals by locking rings on meter bases by Pacific Gas and Electric, make this requirement necessary.

4. ARTICLE 300. WIRING METHODS. The need for this addition to the model code is for the purpose of increasing safety within buildings in an active seismic area. By requiring that these systems be supported, the proposal as written, should increase safety in low voltage circuits and avoid the problem of cables falling through the ceiling in case of seismic activity. It should also provide easier response for emergency personnel as they conduct rescue operations through the building.

5. ARTICLE 770. OPTICAL FIBER CABLES (See UPS). The proposal, as written, will bring it into conformity with Article 300 requirements, and should also provide the increased safety needed in an active seismic area as a result of these cables being supported.

BE IT FURTHER RESOLVED that the aforementioned amendments to the California Electrical Code, 1998 Triennial Edition, are based on local climatic, geological, or topographical conditions. The "Findings of Facts" contained herein address present local conditions which either singularly or in combination cause the aforementioned amendments to be adopted. The following local conditions have an adverse effect on the prevention and control of major loss fires, thereby making necessary the above changes or modifications in the National Electrical Code and the California Electrical Code in order to provide a reasonable degree of fire and life safety in this community.

1. CLIMATIC

- a. Precipitation: Precipitation ranges from 15 to 24 inches per year with an average of approximately 17.58 inches per year. 95 percent falls during the months of October through April, and 5 percent from May through September.
- b. Relative Humidity: Humidity remains in the middle range most of the time. It ranges from 41 percent to 68 percent during the year.
- c. Temperatures: High temperatures have been recorded in the low 100's F. Average summer highs are in the 73 range with an average annual maximum temperature of 66 F.
- d. Winds: Prevailing winds are from the West, Northwest (WNW). However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 mph to 23 mph range, gusting to 25 to 35 mph. Forty mile-per-hour winds are experienced occasionally and higher have been registered. During the winter half of the year, strong, dry, gusty winds from the north move through the areas for several days, creating extremely dry conditions.
- e. Summary: These local climatic conditions affect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall or of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and fires involving buildings. During wildland and wood shake and shingle roof fires, winds can carry sparks and burning brands to other roofs, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fire back into buildings and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

2. GEOLOGICAL AND TOPOGRAPHIC

- a. Vegetation: Dry grass and brush are common in the hills and open-space areas adjacent to built-up locations during six to eight months of each year. Many of these areas frequently experience wildland fires which threaten nearby buildings, particularly those with wood roofs or sidings.
- b. Hills, Creeks, Canals, Freeways, Railways, Housing Tracts, Large Buildings, Building Complexes, and the Airport: All of these surface features, both natural and man-made, have a major adverse effect upon the road and street layout in the City of Hayward, including major traffic routes. These conditions limit the number, and cause indirect routing, of major arterial streets for normal traffic as well as emergency vehicle response.
- c. Terrain: Areas with buildings include level, sloping, and rolling terrain. This terrain is not dissimilar to terrain in other locations which have experienced major conflagrations. The City of Hayward is in an active seismic area and may be subject to ground shaking and surface rupture.
- d. Roads and Streets: As noted above, the limited number and the indirect routing of roads and streets in the City of Hayward create heavy, slow traffic conditions and excessively long travel routes from point to point.
- e. Population: The current and rapidly growing population in the City creates two fire protection problems:
 - 1) The more people, the more emergency incidents requiring fire department response. The greater the frequency of alarms, the greater the chance there will be simultaneous emergency incidents requiring fire department response. This results in longer response times and/or few fire companies to respond to any emergency within this jurisdiction; and
 - 2) The more people, the more traffic congestion during a greater part of the day. Such traffic congestion not only slows fire department response but often restricts access to fire scenes.
- f. Buildings, Landscaping and Clearances: Many building complexes are of designs which greatly limit the approach to and accessibility by Fire Department and other emergency resources. Many houses and other buildings with wood roofs and/or sidings are close together and fire will readily spread from one to another by both radiation and convection of flying brands.
- g. Summary: Essentially, the above local geological and topographical conditions present fire frequency, magnitude, exposure, and accessibility problems and have a negative impact upon the response capability of the Fire Department and other emergency response efforts. The quantity of emergency resources that can arrive within an effective time is limited. The time in which they can respond is extended due to lengthy travel distances and traffic congestion.

3. CONCLUSION. Local climatic, geological and topographic conditions have a definite impact upon the frequency, spread and acceleration, intensity and size of fire and other structural threats involving buildings in Hayward. Furthermore, they have an adverse impact upon the number of Fire Department and other emergency resources which can be brought to bear in an expeditious period of time to resolve or reduce threats to

life and property. Therefore, it is found to be reasonably necessary that the California Electrical Code as adopted by the City of Hayward be changed or modified to mitigate the effects of the above conditions.

BE IT FURTHER RESOLVED THAT THE City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the California Electrical Code, to be filed with the state Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST:

_____ City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward