

CITY OF HAYWARD

DATE: April 15, 2014
TO: Mayor and City Council
FROM: City Attorney
SUBJECT: *Adoption of the 2012 International Property Maintenance Code*

At tonight's City Council meeting, City staff will recommend adoption of amendments to the City's Residential Rental Inspection Ordinance. As part of the amendments, staff will also recommend adoption of the 2012 International Property Maintenance Code.

Staff has received comments from Tim May, Executive Director for Rental Housing Association -Southern Alameda Territory. The comments included an observation that the IPMC contains reference to other international codes (e.g., International Fire Code, International Plumbing Code, etc.) that have not been adopted by the City. Staff does not intend to enforce international codes aside from the IPMC because the City has already adopted applicable state codes. Nonetheless, staff has edited the ordinance adopting the IPMC to specifically exclude references to international codes. The revised proposed ordinance is attached as **Exhibit A**.

Respectfully submitted,



City Attorney

Attachments:

Exhibit A: Ordinance Adopting the 2012 International Property Maintenance Code

Cc: City Manager

ORDINANCE NO. _

AN ORDINANCE OF THE CITY OF HAYWARD ADOPTING BY REFERENCE THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE CITY OF HAYWARD PROPERTY MAINTENANCE CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. The City Council adopts and incorporates by reference, as set forth in full in this section, the 2012 International Property Maintenance Code, as published by the International Code Council.

The various parts of this Code, along with the amendments and deletions adopted in this section, shall constitute and be known as the City of Hayward Property Maintenance Code and shall be kept on file in the office of the City Clerk.

SEC. 1.00. Deletion of Chapter 1, except Sections 101, 102 and 108

Chapter 1 of the International Property Maintenance Code is hereby deleted, except Sections 101, 102 and 108

SEC. 1.01. Subsection 101.1 amended – Title.

Section 101.1 of the International Property Maintenance Code is amended to read as follows:

101.1 Title. This ordinance shall be known as the City of Hayward Property Maintenance Code, hereinafter referred to as “this code.”

SEC. 1.02. Subsection 102.3 amended – Application of other codes.

Section 102.3 of the International Property Maintenance Code is amended to read as follows:

102.3 Application of other codes. Repairs, additions or alterations to a structure, or change of occupancy, shall be done in accordance with the procedures and provisions of applicable codes adopted by the City of Hayward. Nothing in this code shall be construed to cancel, modify, or set aside any provisions of the Hayward Zoning Code.

SEC. 1.03. Subsection 201.3 amended – Terms defined in other codes.

Section 201.3 of the International Property Maintenance Code is amended to read as follows:

201.3 Terms defined in other codes. Where terms are not defined in this code and are defined in the California Building Code, California Fire Code, California Mechanical Code or California Plumbing Code, such terms shall have the meanings ascribed to them as stated in those applicable codes.

SEC. 1.04. Subsection 304.1.1 amended – Unsafe conditions.

Section 304.1.1 of the International Property Maintenance Code is amended to read as follows:

304.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or other applicable codes:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Siding and masonry joints including joints between the building envelope and the perimeter of windows, doors and skylights are not maintained, weather resistant or water tight;
5. Structural members that have evidence of deterioration or that are not capable of safely supporting all nominal loads and load effects;
6. Foundation systems that are not firmly supported by footings, are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
7. Exterior walls that are not anchored to supporting and supported elements or are not plumb and free of holes, cracks or breaks and loose or rotting materials, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects;
8. Roofing or roofing components that have defects that admit rain, roof surfaces with inadequate drainage, or any portion of the roof framing that is not in good repair with signs of deterioration, fatigue or without proper anchorage and incapable of supporting all nominal loads and resisting all load effects;
9. Flooring and flooring components with defects that affect serviceability or flooring components that show signs of deterioration or fatigue, are not properly anchored or are incapable of supporting all nominal loads and resisting all load effects;
10. Veneer, cornices, belt courses, corbels, trim, wall facings and similar decorative features not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
11. Overhang extensions or projections including, but not limited to, trash chutes, canopies, marquees, signs, awnings, fire escapes, standpipes and exhaust ducts not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
12. Exterior stairs, decks, porches, balconies and all similar appurtenances attached

thereto, including guards and handrails, are not structurally sound, not properly anchored or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects; or

13. Chimneys, cooling towers, smokestacks and similar appurtenances not structurally sound or not properly anchored, or that are anchored with connections not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SEC. 1.05. Subsection 305.1.1 amended – Unsafe conditions.

Section 305.1.1 of the International Property Maintenance Code is amended to read as follows:

305.1.1 Unsafe conditions. The following conditions shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or other applicable codes:

1. The nominal strength of any structural member is exceeded by nominal loads, the load effects or the required strength;
2. The anchorage of the floor or roof to walls or columns, and of walls and columns to foundations is not capable of resisting all nominal loads or load effects;
3. Structures or components thereof that have reached their limit state;
4. Structural members are incapable of supporting nominal loads and load effects;
5. Stairs, landings, balconies and all similar walking surfaces, including guards and handrails, are not structurally sound, not properly anchored or are anchored with connections not capable of supporting all nominal loads and resisting all load effects;
6. Foundation systems that are not firmly supported by footings are not plumb and free from open cracks and breaks, are not properly anchored or are not capable of supporting all nominal loads and resisting all load effects.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SEC. 1.06. Subsection 306.1.1 amended – Unsafe conditions.

Section 306.1.1 of the International Property Maintenance Code is amended to read as follows:

306.1.1 Unsafe conditions. Where any of the following conditions cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or other applicable codes:

1. Soils that have been subjected to any of the following conditions:
 - 1.1. Collapse of footing or foundation system;
 - 1.2. Damage to footing, foundation, concrete or other structural element due to soil expansion;
 - 1.3. Adverse effects to the design strength of footing, foundation, concrete or other structural element due to a chemical reaction from the soil;
 - 1.4. Inadequate soil as determined by a geotechnical investigation;
 - 1.5. Where the allowable bearing capacity of the soil is in doubt; or
 - 1.6. Adverse effects to the footing, foundation, concrete or other structural element due to the ground water table.
2. Concrete that has been subjected to any of the following conditions:
 - 2.1. Deterioration;
 - 2.2. Ultimate deformation;
 - 2.3. Fractures;
 - 2.4. Fissures;
 - 2.5. Spalling;
 - 2.6. Exposed reinforcement; or
 - 2.7. Detached, dislodged or failing connections.
3. Aluminum that has been subjected to any of the following conditions:
 - 3.1. Deterioration;
 - 3.2. Corrosion;
 - 3.3. Elastic deformation;

- 3.4. Ultimate deformation;
 - 3.5. Stress or strain cracks;
 - 3.6. Joint fatigue; or
 - 3.7. Detached, dislodged or failing connections.
4. Masonry that has been subjected to any of the following conditions:
 - 4.1. Deterioration;
 - 4.2. Ultimate deformation;
 - 4.3. Fractures in masonry or mortar joints;
 - 4.4. Fissures in masonry or mortar joints;
 - 4.5. Spalling;
 - 4.6. Exposed reinforcement; or
 - 4.7. Detached, dislodged or failing connections.
5. Steel that has been subjected to any of the following conditions:
 - 5.1. Deterioration;
 - 5.2. Elastic deformation;
 - 5.3. Ultimate deformation;
 - 5.4. Metal fatigue; or
 - 5.5. Detached, dislodged or failing connections.
6. Wood that has been subjected to any of the following conditions:
 - 6.1. Ultimate deformation;
 - 6.2. Deterioration;
 - 6.3. Damage from insects, rodents and other vermin;
 - 6.4. Fire damage beyond charring;
 - 6.5. Significant splits and checks;
 - 6.6. Horizontal shear cracks;
 - 6.7. Vertical shear cracks;

- 6.8. Inadequate support;
- 6.9. Detached, dislodged or failing connections; or
- 6.10. Excessive cutting and notching.

Exceptions:

1. When substantiated otherwise by an approved method.
2. Demolition of unsafe conditions shall be permitted when approved by the code official.

SEC. 1.07. Subsection 401.3 amended – Alternative devices.

Section 401.3 of the International Property Maintenance Code is amended to read as follows:

401.3 Alternative devices. In lieu of the means for natural light and ventilation herein prescribed, artificial light or mechanical ventilation complying with the California Building Code shall be permitted.

SEC. 1.08. Subsection 502.5 amended – Public toilet facilities.

Section 502.5 of the International Property Maintenance Code is amended to read as follows:

502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all times during occupancy of the premises.

SEC. 1.09. Subsection 505.1 amended – General.

Section 505.1 of the International Property Maintenance Code is amended to read as follows:

505.1 General. Every sink, lavatory, bathtub or shower, drinking fountain, water closet or other plumbing fixture shall be properly connected to either a public water system or to an approved private water system. All kitchen sinks, lavatories, laundry facilities, bathtubs and showers shall be supplied with hot or tempered and cold running water in accordance with the California Plumbing Code.

SEC. 1.10. Subsection 602.2 amended – Residential occupancies.

Section 602.2 of the International Property Maintenance Code is amended to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances shall not be used, nor shall portable unvented fuel-burning space heaters be used, as a means to provide required heating.

SEC. 1.11. Deletion of Section 602.3

Section 602.3 of the International Property Maintenance Code is hereby deleted.

SEC. 1.12. Subsection 604.3.1.1 amended – Electrical equipment.

Section 604.3.1.1 of the International Property Maintenance Code is amended to read as follows:

604.3.1.1 Electrical equipment. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the California Building Code.

Exception: The following equipment shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement:

1. Enclosed switches, rated a maximum of 1. 600 volts or less;
2. Busway, rated a maximum of 600 volts;
3. Panelboards, rated a maximum of 600 volts;
4. Switchboards, rated a maximum of 600 volts;
5. Fire pump controllers, rated a maximum of 600 volts;
6. Manual and magnetic motor controllers;
7. Motor control centers;
8. Alternating current high-voltage circuit breakers;
9. Low-voltage power circuit breakers;
10. Protective relays, meters and current transformers;
11. Low- and medium-voltage switchgear;
12. Liquid-filled transformers;
13. Cast-resin transformers;
14. Wire or cable that is suitable for wet locations and whose ends have not been exposed to water;
15. Wire or cable, not containing fillers, that is suitable for wet locations and whose ends have not been exposed to water;

16. Luminaires that are listed as submersible;
17. Motors;
18. Electronic control, signaling and communication equipment.

SEC. 1.13. Subsection 604.3.2.1 amended – Electrical equipment.

Section 604.3.2.1 of the International Property Maintenance Code is amended to read as follows:

604.3.2.1 Electrical equipment. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California Building Code.

Exception: Electrical switches, receptacles and fixtures that shall be allowed to be repaired where an inspection report from the equipment manufacturer or approved manufacturer's representative indicates that the equipment has not sustained damage that requires replacement.

SEC. 1.14. Subsection 702.1 amended – General.

Section 702.1 of the International Property Maintenance Code is amended to read as follows:

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall comply with the California Fire Code.

SEC. 1.15. Subsection 702.2 amended – Aisles.

Section 702.2 of the International Property Maintenance Code is amended to read as follows:

702.2 Aisles. The required width of aisles in accordance with the California Fire Code shall be unobstructed.

SEC. 1.16. Subsection 702.3 amended – Locked doors.

Section 702.3 of the International Property Maintenance Code is amended to read as follows:

702.3 Locked doors. All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, except where the door hardware conforms to that permitted by the California Building Code.

SEC. 1.17. Subsection 704.1 amended – General.

Section 704.1 of the International Property Maintenance Code is amended to read as follows:

704.1 General. All systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire or any combination thereof shall be maintained in an operable condition at all times in accordance with the California Fire Code.

SEC. 1.18. Subsection 704.2 amended – Smoke alarms.

Section 704.2 of the International Property Maintenance Code is amended to read as follows:

704.2 Smoke alarms. Single- or multiple-station smoke alarms shall be installed and maintained in Groups R-2, R-3, R-4 and in dwellings not regulated in Group R occupancies, regardless of occupant load at all of the following locations:

1. On the ceiling or wall outside of each separate sleeping area in the immediate vicinity of bedrooms.
2. In each room used for sleeping purposes.
3. In each story within a dwelling unit, including basements and cellars but not including crawl spaces and uninhabitable attics. In dwellings or dwelling units with split levels and without an intervening door between the adjacent levels, a smoke alarm installed on the upper level shall suffice for the adjacent lower level provided that the lower level is less than one full story below the upper level.

Single- or multiple-station smoke alarms shall be installed in other groups in accordance with the California Fire Code.

Section 2. Severance. Should any part of this ordinance be declared by a final decision by a court or tribunal of competent jurisdiction to be unconstitutional, invalid, or beyond the authority of the City, such decision shall not affect the validity of the remainder of this ordinance, which shall continue in full force and effect, provided that the remainder of the ordinance, absent the unexcised portion, can be reasonably interpreted to give effect to the intentions of the City Council.

Section 3. 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.

Section 4. This ordinance is not subject to the California Environmental Quality Act (CEQA) pursuant to Sections 15060(c)(2) of the CEQA Guidelines (Title 14, Chapter 3, of the California Code of Regulations) (the activity will not result in a direct or reasonably foreseeable indirect physical change in the environment) and 15060(c)(3) of the CEQA Guidelines (because it has no potential for resulting in physical change to the environment, directly or indirectly).

IN COUNCIL INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 15th day of April, 2014, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the _____ day of _____, 2014, by the following votes of members of said City Council.

AYES:
NOES:
ATTEST:
ABSENT:

Exhibit A

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