

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



May 26, 2011

Kevin Jorgensen, Chief Building Official  
City of Tracy  
333 Civic Center Plaza  
Tracy, CA 95376

Dear Mr. Jorgensen:

This letter is to acknowledge receipt on April 29, 2011 of the City of Tracy electronic submittal pertaining to Ordinance No. 1157 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code Section 17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the finding and the modification or change have been filed with the California Building Standards Commission (the Commission).

This letter attests only to the filing of these local modifications with the Commission, which is not authorized by law to determine the merit of the filing.

As a reminder, local modifications are specific to a particular edition of the Code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the Code is published. In addition, should you receive Fire Protection District ordinances for ratification, it is required to submit the ratified ordinances to the Department of Housing and Community Development [H&SC Section 13869.7(c)], attention State Housing Law Program Manager, rather than the Commission.

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in black ink, appearing to read "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings

ORDINANCE 1157

AN ORDINANCE OF THE CITY OF TRACY ADOPTING THE 2010 CALIFORNIA BUILDING CODE, 2010 CALIFORNIA ELECTRICAL CODE, 2010 CALIFORNIA PLUMBING CODE, 2010 CALIFORNIA RESIDENTIAL CODE, 2010 CALIFORNIA MECHANICAL CODE, 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2010 CALIFORNIA HISTORICAL BUILDING CODE, 2010 CALIFORNIA EXISTING BUILDING CODE, AND 2010 CALIFORNIA ENERGY CODE, ADOPTING ADMINISTRATIVE AND PENALTY PROVISIONS, ADOPTING CERTAIN CODE APPENDICES, ADOPTING MINIMUM DESIGN STANDARDS FOR CONCRETE SLABS, REPEALING SECTIONS TO ELIMINATE ANTIQUATED OR REPETITIVE LANGUAGE, CODIFYING BYLAWS FOR THE BUILDING BOARD OF APPEALS AND ADDING CHAPTER 9.62 TO THE TRACY MUNICIPAL CODE TO REQUIRE PLACARDING FOR POST-DISASTER SAFETY ASSESSMENTS

WHEREAS, New versions of the various codes related to building design and construction are adopted by the State of California every three years, and

WHEREAS, There are three new codes that are new to the City; the California Residential Code (CRC), California Existing Building Code (CEBC) and the California Green Building Standards Code (CGBSC), and

WHEREAS, Ferrous rod, pipe and plate electrodes can corrode in the City of Tracy's soils; the proposed ordinance includes requirements for the protection of such materials or the use of appropriate corrosion-resistant material, and

WHEREAS, Slabs-on-grade installed in conjunction with foundations in the City of Tracy can fail by experiencing differential volume changes in soil that lead to horizontal and/or vertical displacement of the slab, and

WHEREAS, The City of Tracy's Building Board of Appeals met on May 25, 2010, and adopted bylaws in order to be able to conduct its business appropriately, and

WHEREAS, Adoption of the Ordinance will have a fiscal impact. Although the fees collected at permit issuance will not change, the addition of three new codes will create additional work load;

NOW, THEREFORE, The City Council of the City of Tracy does hereby ordain as follows:

SECTION 1: Repealed and amended sections. Tracy Municipal Code sections 9.04.030 through 9.04.070 are hereby repealed and the following text is added to read as follows:

"9.04.030 Adoption by reference of the California Building Code.

The City hereby adopts by reference the code entitled "2010 California Building Code," Volumes 1 and 2, including appendices F, H and K, copyrighted by the International Code Council and the California Building Standards Commission (hereinafter "California Building Code"), as amended by this chapter. The California Building Code is on file with the City Clerk, and is available for inspection and copying in accordance with

Government Code section 50022.6.

9.04.040 Penalty provisions.

California Building Code subsection 114.4, Violation penalties, is amended by deleting the existing text and replacing it to read as follows:

(a) Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040.

9.04.050 Slab Design for Expansive Soils

California Building Code section 1808.6.1, Foundations, is amended by adding the following text to the end of the section:

3. Slabs-on-grade installed in conjunction with foundations shall also be designed to resist differential volume changes and to prevent horizontal and vertical displacement of the slab.

9.04.060 Referenced Codes

California Building Code section 101.4.1 through 101.4.5, Referenced codes, is amended by deleting the existing text and replacing it with the following:

101.4.1 Gas. The provisions of the California Plumbing Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories.

101.4.2 Mechanical. The provisions of the California Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems.

101.4.3 Plumbing. The provisions of the California Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system.

101.4.4 Property Maintenance. The provisions of the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings shall apply to existing structures and premises; equipment and facilities; light, ventilation space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

101.4.5 Fire Prevention. The provisions of the California Fire Code shall apply to matter affecting or relating to structures, processes and premises from the

hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression and alarm systems or fire hazards in the structure or on the premises from occupancy or operation.

9.04.070 Expiration of Application for Plan Review and Permit

California Building Code section 105.3.2, Time limitation of application, is amended by deleting its text and adding the following text in its place:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, an application shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.

California Building Code section 105.5, Expiration, is amended by deleting its text and adding the following text in its place:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, a permit shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired."

SECTION 2: Repealed sections. Tracy Municipal Code sections 9.04.080 through 9.04.260 are hereby repealed.

SECTION 3: Repealed and amended sections. Tracy Municipal Code sections 9.08.030 through 9.08.070 are hereby repealed and the following text is added to read as follows:

"9.08.030 Adoption by reference of the California Electrical Code.

The City hereby adopts by reference the code entitled "2010 California Electrical Code," copyrighted by the National Fire Protection Association and approved by the California Building Standards Commission (hereinafter "California Electrical Code"), as amended by this chapter. The California Electrical Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section

50022.6.

9.08.040 Penalty Provisions.

Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040.

9.08.050 Rod and pipe and plate electrodes.

California Electrical Code subsection 250.52(A)(5), Rod and Pipe Electrodes and 250.52(A)(7), Plate Electrodes, are amended by deleting the existing text of subsection 250.52(A)(5) and 250.52(A)(7), and replacing it with the following:

(5) Rod and pipe electrodes. Rod and pipe electrodes shall not be less than 8 feet in length and shall consist of the following materials.

(a) Grounding electrodes of pipe or conduit shall not be smaller than metric designator 21 (trade size 3/4) and any piping subject to undue corrosive action, electrolysis, erosion or mechanical damage shall be protected in a manner suitable for the purpose and subject to the approval of the Building Official.

(b) Grounding electrodes of rods of stainless steel and copper coated steel shall be at least 15.87 mm (5/8 inch) in diameter, unless listed for use in corrosive soils and not less than 12.70 mm (1/2 inch) in diameter.

(7) Plate Electrodes. Each plate electrode shall expose not less than 0.186 m<sup>2</sup> (2 ft<sup>2</sup>) of surface to exterior soil. Electrodes of iron or steel plates shall not be permitted. Electrodes of nonferrous metal shall be at least 1.5 mm (0.06 in.) in thickness.

9.08.060 Administrative Provisions to the California Electrical Code

Administrative provisions to the California Electrical Code shall be enforced by the City in accordance with Division II requirements found in sections 101-116 of the California Building Code or sections R101-R114 of the California Residential Code, whichever applies.

9.08.070 Amendments to California Electrical Code.

The California Electrical Code as adopted by Section 9.08.030 of the Tracy Municipal Code is amended as set forth in Sections 9.08.040, 9.08.050, 9.08.060, 9.08.140 and 9.08.150."

SECTION 4: Repealed sections. Tracy Municipal Code sections 9.08.080 through 9.08.130 and section 9.08.160 are hereby repealed.

SECTION 5: Added chapter. Tracy Municipal Code chapter 9.10 is hereby added to read as follows:

"Residential Code

9.10.010 Reference to chapter.

This chapter 9.10 of the Tracy Municipal Code may be referred to as the "City Residential Code," and is adopted pursuant to Government Code section 50022.2. For purpose of clarity, the term "Code," when used alone, shall refer to the Tracy Municipal Code.

9.10.020 Purpose of chapter.

The purpose of this chapter is to establish minimum requirements to safeguard the public safety, health and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, light and ventilation, energy conservation and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

9.10.030 Adoption by reference of the California Residential Code

The City hereby adopts by reference the code entitled "2010 California Residential Code" and appendices H and R copyrighted by the International Code Council and the California Building Standards Commission (hereinafter "California Residential Code"), as amended by this chapter. The California Residential Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

9.10.040 Penalty Provisions

California Residential Code subsection R113.4, Violation Penalties, is amended by adding the following text to the end of the subsection:

(a) Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040."

SECTION 6: Repealed and amended sections. Tracy Municipal Code sections 9.12.030 and 9.12.050 are hereby repealed and the following is added to read as follows:

"9.12.030 Adoption by reference of the California Plumbing Code.

The City hereby adopts by reference the code entitled "2010 California Plumbing Code," including all appendices attached thereto, copyrighted by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission (hereinafter "California Plumbing Code"), as amended by this chapter. The California Plumbing Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

9.12.050 Expiration of Application for Plan Review and Permit

California Plumbing Code section 103.4.3, Expiration of Plan Review, is amended by deleting its text and adding the following text in its place:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, an application shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.

California Plumbing Code section 103.3.4, Expiration, is amended by deleting its text and adding the following text in its place:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, a permit shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired."

SECTION 7: Added chapter. Tracy Municipal Code chapter 9.14 is hereby added to read as follows:

"Green Building Standards Code

9.14.010 Reference to chapter.

This chapter 9.14 of the Tracy Municipal Code may be referred to as the "City Green Building Standards Code," and is adopted pursuant to Government Code section 50022.2. For purpose of clarity, the term "Code," when used alone, shall refer to the Tracy Municipal Code.

9.14.020 Purpose of chapter.

The purpose of this chapter is to improve public health, safety and general welfare by enhancing the design and construction of buildings through the use of building concepts having a reduced negative impact or positive environmental impact and encouraging sustainable construction practices in the following categories:

1. Planning and design
2. Energy efficiency
3. Water efficiency and conservation

4. Material conservation and resource efficiency
5. Environmental quality

The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

9.14.030 Adoption by reference of the California Green Building Standards Code

The City hereby adopts by reference the code entitled "2010 California Green Building Standards Code" without appendices and copyrighted by the California Building Standards Commission (hereinafter "California Green Building Standards Code"), as amended by this chapter. The California Green Building Standards Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

9.14.040 Penalty Provisions

California Green Building Standards Code subsection 101.5, Reference codes and standards, is amended by adding the following text to the end of the subsection:

(a) Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040."

SECTION 8: Repealed and amended section. Tracy Municipal Code section 9.16.030 is hereby repealed and the following is added to read as follows:

"9.16.030 Adoption by reference of the California Mechanical Code.

The City hereby adopts by reference the code entitled "2010 California Mechanical Code," without appendices attached thereto, copyrighted by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission (hereinafter "California Mechanical Code"), as amended by this chapter. The California Mechanical Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6."

SECTION 9: Added section. Tracy Municipal Code section 9.16.050 is hereby added to read as follows:

"9.16.050 Expiration of Application for Plan Review and Permit

California Mechanical Code section 115.4, Expiration of Plan Review, is amended by deleting its text and adding the following text in its place:

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, an application shall not be extended

more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired.

California Mechanical Code section 114.4, Expiration, is amended by deleting its text and adding the following text in its place:

Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. However, at the discretion of the building official, a permit shall not be extended more than two times if this code or any other pertinent code, law or ordinance has been adopted subsequent to the date of application. A new permit shall be obtained and corresponding fees shall be paid when a permit has expired."

SECTION 10: Repealed and amended section. Tracy Municipal Code section 9.40.080 is hereby repealed and the following text is added to read as follows:

"9.40.080 Entrance numbers.

All buildings and enclosures with main entrances on the public streets of the City shall be numbered in the manner set forth in this section, and all changes from the existing entrance number to a new entrance number where such changes are shown to be required by the block number revisions shown on said Plan shall be made at the earliest possible date, and in any event within a period of six months, unless such date is extended by resolution of the Council.

The duty of obtaining an assignment or reassignment of the appropriate entrance number is imposed upon the owner and also upon the occupant of the building or enclosure to which any such entrance belong or pertains. All such numbers or revised numbers shall be assigned by an official or department of the City designated to perform such duty, and such official or department shall cause to be prepared and maintained such block maps or other documents as may be necessary and adequate for the purpose of keeping an accurate record of entrance numbers.

After such assignment, all existing entrance numbers which are replaced and all numbers on such buildings and enclosures completed after July 1, 1989, shall be placed in figures not less than four inches (nominal) high on illuminated background and a minimum of ½-inch stroke width, or not less than six inches (nominal) high on a nonilluminated background. Such numbers shall contrast with their background and shall be placed on a portion of the building that is both legible and visible from the street fronting the property a minimum of six feet above the grade. Entrance numbers shall not be placed on any moveable door and shall be unobstructed from the view of such numbers from the street. Additionally, where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other approved sign or means shall be used to identify the structure."

SECTION 11: Repealed and amended section. Tracy Municipal Code section 9.44.010 is hereby repealed and the following text is added to read as follows:

"9.44.010 The Building Board of Appeals is created in order to hear appeals by persons aggrieved by any administrative decisions in the application of the Uniform Housing, Building, Mechanical, Electrical, Plumbing, Abatement of Dangerous Buildings, Residential, Green Building Standards and Fire Codes, or regulations adopted pursuant thereto, of the City."

SECTION 12: Added section. Tracy Municipal Code section 9.44.050 is hereby added to read as follows:

"9.44.050 Bylaws

WHEREAS, Pursuant to Tracy Municipal Code Chapter 9.44, the City Council has established a Building Board of Appeals for the purpose of hearing appeals by persons aggrieved by any administrative decisions in the application of the Uniform Housing, Building, Mechanical, Electrical, Plumbing, Abatement of Dangerous Buildings, and Fire Codes, or regulations adopted pursuant thereto; and

WHEREAS, Administrative appeal hearing procedures, adopted by the Building Board of Appeals pursuant to Tracy Municipal Code section 9.44.040, shall prevail over any inconsistency with these Bylaws.

NOW, THEREFORE, unless otherwise provided in the Building Board of Appeals adopted hearing procedures, these Bylaws govern the conduct of the meetings and the transaction of its affairs.

A. PURPOSE

Pursuant to Tracy Municipal Code Chapter 9.44, the City Council has established a Building Board of Appeals for the purpose of hearing appeals by persons aggrieved by any administrative decisions in the application of the Uniform Housing, Building, Mechanical, Electrical, Plumbing, Abatement of Dangerous Buildings, and Fire Codes, or regulations adopted pursuant thereto.

B. ROLE AND RESPONSIBILITIES

The role of the Building Board of Appeals is set forth in Tracy Municipal Code Chapter 9.44.

C. MEMBERSHIP GUIDELINES

1. Membership. The Building Board of Appeals shall consist of five members with qualifications established in the Tracy Municipal Code.
2. Term. Each member shall serve a four-year term.

3. Attendance. If a member of Building Board of Appeals fails to attend four regular meetings in any calendar year, his or her position on the Board shall automatically become vacant and the staff liaison shall so inform the City Clerk. Absences may not be excused; however, a Board member may request a leave of absence as outlined in these bylaws.

For quorum confirmation, a member who needs to miss a meeting shall inform the staff liaison designated by the relevant City Department at least 48 hours before the next meeting.

4. Leave of Absence. A member may submit a written request to the City Council, for a leave of absence of up to six-months, which may be approved in its discretion.

D. QUORUM

A quorum of the Building Board of Appeals shall consist of a majority of the members (including any vacancies). A quorum must be present in order for the Building Board of Appeals to hold a meeting.

E. OFFICERS AND DUTIES

1. The officers shall be:
  - a. The Chairperson and
  - b. The Vice-Chairperson.
2. The Chairperson shall:
  - a. Preside at all regular and special meetings.
  - b. Rule on all points of order and procedure during the meetings.
  - c. Provide recommendations to staff liaison regarding agenda items.
3. The Vice Chairperson shall assume all duties of the Chairperson in his or her absence or disability.
4. In case of the absence of both the Chairperson and Vice Chairperson from any meeting, an Acting Chairperson shall be elected from among the members present.

F. TERMS AND VACANCIES

The officers will be selected by the membership for a one-year term. The election of officers shall take place each year at annual meeting to be held within the first quarter of the calendar year. The terms of officers shall commence as of the date of that meeting and shall continue until the annual meeting in the following year.

G. MEETINGS

1. Other than the annual meeting, meetings of the Building Board of Appeals shall be as needed to hear appeals filed pursuant to Tracy Municipal Code Chapter 9.44.
2. All meetings are subject to the Brown Act as set forth in Government Code sections 54950 and following. Accordingly, all meetings shall be noticed and agendas for all meetings shall be prepared and posted in accordance with the current City Council meeting procedures. All agendas shall be prepared and distributed in accordance with City Council meeting procedures and the Brown Act.
3. Except as otherwise provided in the Building Board of Appeals adopted hearing procedures, all meetings shall be conducted in accordance with the current City Council meeting procedures.

H. STATEMENTS OF ECONOMIC INTEREST (Form 700)

1. The City Clerk's Office will monitor compliance with state and City Form 700 filing requirements.
2. If a member of a City board, commission, or committee, who is required to file a Form 700, does not do so in a timely manner, the City Clerk's Office will send two written notices at least 10 days apart to the member.
3. If the member does not file a Form 700 with the City Clerk's Office within 30 days of receiving the second written notice, his or her appointment will automatically terminate.

I. FUNDING

Any funding necessary for operation of the Building Board of Appeals shall be included in the City of Tracy budget, which shall be approved by the City Council.

J. ADMINISTRATIVE PROCEDURES AND POLICIES

City Boards and Commissions shall follow all applicable City fiscal administrative policies and procedures.

K. STAFF LIAISON

The Building Board of Appeals shall have a staff liaison designated by the relevant City Department. The staff liaison shall:

1. Receive and record all exhibits, petitions, documents, or other material presented to the Board in support of, or in opposition to, any question before the Board.

2. Sign all meetings minutes and resolutions upon approval.
3. Prepare and distribute agendas and agenda packets.

L. ADOPTION

This document, as adopted and amended by City Council resolution, shall serve as the Bylaws for the Building Board of Appeals."

SECTION 13: Repealed and amended section. Tracy Municipal Code section 9.48.030 is hereby repealed and the following text is added to read as follows:

"9.48.030 Adoption by reference of the California Historical Building Code.

The City hereby adopts by reference the code entitled "2010 California Historical Building Code" including all appendices attached thereto and copyrighted by the California Building Standards Commission (hereinafter "California Historical Building Code"), as amended by this chapter. The California Historical Building Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

SECTION 14: Added chapter. Tracy Municipal Code chapter 9.50 is hereby added to read as follows:

"Existing Building Code

9.50.010 Reference to chapter.

This chapter 9.50 of the Tracy Municipal Code may be referred to as the "City Existing Building Code," and is adopted pursuant to Government Code section 50022.2. For purpose of clarity, the term "Code," when used alone, shall refer to the Tracy Municipal Code.

9.50.020 Purpose of chapter.

The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings. The provisions of this chapter are intended as minimum standards for structural seismic resistance, and are established primarily to reduce the risk of life loss or injury. Compliance with these provisions will not necessarily prevent loss of life or injury, or prevent earthquake damage to rehabilitated buildings. The purpose of this chapter is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this chapter.

9.50.030 Adoption by reference of the California Existing Building Code

The City hereby adopts by reference the code entitled "2010 California Existing Building Code" and all appendices attached thereto, copyrighted by the

International Code Council and the California Building Standards Commission (hereinafter "California Existing Building Code"), as amended by this chapter. The California Existing Building Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6.

9.50.040 Penalty Provisions

California Existing Building Code section A102, Scope, is amended by adding the following text to the end of the section:

(a) Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040."

SECTION 15: Repealed chapter. Tracy Municipal Code chapter 9.56 is hereby repealed.

SECTION 16: Added chapter. Tracy Municipal Code chapter 9.62 is hereby added to read as follows:

"Safety Assessment Placards

9.62.010 Intent

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the Building Official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

9.62.020 Application of Provisions

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the City of Tracy. The City Council may extend the provisions as necessary.

9.62.030 Definitions

**Safety Assessment** is a visual, non-destructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

9.50.040 Penalty Provisions

Violations of this chapter shall be enforced by the City in accordance with Tracy Municipal Code section 9.02.040.

9.62.050 Placards

The following are verbal descriptions of the official jurisdiction placards to be

used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.

- (1) **INSPECTED – Lawful Occupancy Permitted** is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
- (2) **RESTRICTED USE** is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
- (3) **UNSAFE – Do Not Enter or Occupy** is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the Building Official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.

The ordinance number, City Hall address and phone number shall be permanently affixed to each placard. Once the placard has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the Building Official. It shall be unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

SECTION 17: Repealed and amended section. Tracy Municipal Code section 9.64.030 is hereby repealed and the following is added to read as follows:

"9.64.030 Adoption by reference of the California Energy Code.

The City hereby adopts by reference the code entitled "2010 California Energy Code," including all appendices attached thereto, published by the International Code Council and copyrighted by the California Building Standards Commission (hereinafter "California Energy Code"), as amended by this chapter. The California Energy Code is on file with the City Clerk, and is available for inspection and copying in accordance with Government Code section 50022.6."

SECTION 18: Title, chapter and section headings. Title, chapter, and section headings contained herein shall not be deemed to govern, limit, modify, or in any manner affect the scope, meaning or intent of the provisions of any title, chapter, or section hereof.

SECTION 19: Constitutionality. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional,

such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 20: Effective date. This Ordinance shall take effect thirty (30) days after its final passage and adoption.

SECTION 21: Publication. A summary of this ordinance shall be published and a certified copy of the full text posted in the office of the City Clerk at least five days before the City Council meeting at which the proposed ordinance is to be adopted. Within 15 days after adoption, the City Clerk shall publish a summary, and shall post in her office a certified copy, of the ordinance with the names of those Council Members voting for and against the ordinance. (Government Code section 36933(c)(1).)

\* \* \* \* \*

The foregoing Ordinance 1157 was introduced at a regular meeting of the Tracy City Council on the 15th day of March, 2011, and finally adopted on the 5th day of April, 2011, by the following vote:

AYES: COUNCIL MEMBERS: ABERCROMBIE, ELLIOTT, MACIEL, RICKMAN, IVES  
NOES: COUNCIL MEMBERS: NONE  
ABSENT: COUNCIL MEMBERS: NONE  
ABSTAIN: COUNCIL MEMBERS: NONE

  
MAYOR

ATTEST

  
CITY CLERK