

BUILDING STANDARDS COMMISSION

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



May 4, 2012

Kevin Reese, Chief Building Official
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587

Dear Mr. Reese:

This letter is to acknowledge receipt on May 3, 2012 of the City of Union City submittal pertaining to Ordinance Nos. 742-10, 743-10, 744-10, 745-10, 746-10, 748-10, 749-10, 750-10, 751-10, and 752-10 with findings and is acceptable for filing. Your filing attests to your understanding that according to Health and Safety Code §17958.7 no modification or change to the California Building Standards Code shall become effective or operative for any purpose until the findings and the modifications or changes 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 [Health and Safety Code §13869.7(c)], attention State Housing Law Program Manager, rather than the Commission. Likewise, ordinances containing energy efficiency standards may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

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 that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez
Associate Construction Analyst

cc: Chron
Local Filings



34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA 94587
(510) 471-3232

May 1, 2012

Enrique M. Rodriguez
Associate Construction Analyst
Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, California 95833-2936

Dear Mr. Rodriguez,

On November 23, 2010 the City Council of the City of Union City adopted the 2010 California Codes with modifications.

Per Section 17958.7 of the Health and Safety Code, I am submitting the ordinances including findings of fact and need for the change or modification. All changes that were adopted are enclosed.

- Ordinance #742-10, 1997 Uniform Administrative Code
- Ordinance #743-10, 2010 California Building Code
- Ordinance #744-10, 2010 California Plumbing Code
- Ordinance #745-10, 2010 California Mechanical Code
- Ordinance #746-10, 2010 California Electrical Code
- Ordinance #748-10, 1997 Uniform Housing Code
- Ordinance #749-10, 1997 Uniform Code for the Abatement of Dangerous Buildings
- Ordinance #750-10, 1997 Uniform Security Code
- Ordinance #751-10, 2010 California Residential Code
- Ordinance #752-10, 2010 California Green Building Standards Code

If you have any questions or need any further information you may contact me at (510) 675-5314

Sincerely,

Kevin Reese
Chief Building Official
City of Union City

RECEIVED
2012 MAY -3 A 9:47
CITY OF UNION CITY
BUILDING STANDARDS COMMISSION

ORDINANCE NO. 742-10

AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF UNION CITY, TO PROVIDE THE NECESSARY REQUIREMENTS FOR A SINGLE ADMINISTRATION DOCUMENT APPLICABLE TO AND COMPATIBLE WITH ALL ADOPTED TECHNICAL CODES THAT REGULATE CONSTRUCTION BY THE AMENDMENT OF CHAPTER 15.36 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 691-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1. The Uniform Administrative Code is adopted herein by reference and hereby amended by the following additions, deletions, and amendments there to as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers are taken from said Union City Municipal Code and the Uniform Administrative Code (UAC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever jurisdiction adopts regulations which are more restrictive than state model codes (California Building Codes), as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content that tends to corrode underground metallic pipes.

A. **Climate.** The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. **Geography.** The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other numerous active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or PH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state-wide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 691-07 is hereby repealed.

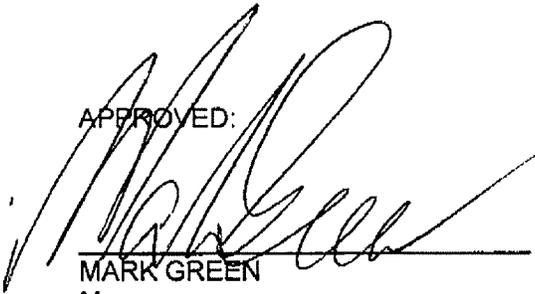
SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

- AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
- NOES: None
- ABSENT: None
- ABSTAIN: None

APPROVED:



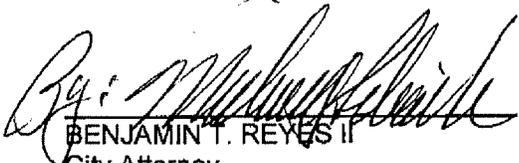
MARK GREEN
Mayor

ATTEST:



RENEE ELLIOTT
City Clerk

APPROVED AS TO FORM:



BENJAMIN T. REYES II
City Attorney

Dated: 12-8-10

EXHIBIT A

15.36.010 Adoption by Reference.

A. The Uniform Administrative Code, 1997 Edition, and appendices thereto, published by the International Conference of Building Officials (ICBO), Whittier, California, is hereby adopted by referenced as the Uniform Administrative Code of the City of Union City.

B. One copy of said Code and appendices thereto has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copy thereof, not less than one in number shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.36.020 Title. This Ordinance may be cited and shall be known as the "Uniform Administrative Code of the City of Union City.

15.36.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

- A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.
- B. "Building Official" shall mean the Chief Building Official of the City of Union City.
- C. "City" shall mean the City of Union City.
- D. "City Council" shall mean the City Council of the City of Union City.
- E. "Code Enforcement Division" shall mean the Building Inspection Division.
- F. "Mayor" shall mean the Mayor of the City of Union City.

15.36.040 Violation an Infraction. A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provide for the following fines:

First citation infraction	\$150.00
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Second citation infraction	\$300.00
Third citation infraction	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.36.050 Violation of Nuisance. It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

15.36.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

15.48.070 Fees (UAC Section 304). Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.36.080 Board of Appeals (UAC Section 204.3). The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

This space for filing stamp only

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

CNS #: 1996164

ORDINANCE NO. 742-10

AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF UNION CITY, TO PROVIDE THE NECESSARY REQUIREMENTS FOR A SINGLE ADMINISTRATION DOCUMENT APPLICABLE TO AND COMPATIBLE WITH ALL ADOPTED TECHNICAL CODES THAT REGULATE CONSTRUCTION BY THE AMENDMENT OF CHAPTER 15.36 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 691-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith

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

SECTION 1. The Uniform Administrative Code is adopted herein by reference and hereby amended by the following additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers are taken from said Union City Municipal Code and the Uniform Administrative Code (UAC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows:
Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever jurisdiction adopts regulations which are more restrictive than state model codes (California Building Codes), as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content that tends to corrode underground metallic pipes.

A. Climate. The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 742-10

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Elwyn Johnson

Signature



numerous active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or PH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also affects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state-wide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 691-07 is hereby repealed.

SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:
/s/ Mark Green

MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1996164#

ORDINANCE NO. 743-10

AN ORDINANCE ESTABLISHING A BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE AMENDMENT OF CHAPTER 15.40 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 690-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. The California Building Code, 2010 Edition, (Based on the 2009 International Building Code) and Appendix I, are adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Building Code (IBC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. **Climate.** The typical late summer and autumn combination of little or no precipitation, low humidity, high temperatures, and prevailing winds, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect that exacerbates "natural" ventilation.

B. **Geography.** The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near numerous potentially active faults. The Association of Bay Area Governments (ABAG) estimates the probability of a serious earthquake along the Hayward Fault as one-in-four within the next 30 years. Furthermore, ABAG projects that damage along the Hayward fault will vary from moderate to extreme, depending on the location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop the younger alluvial deposits that surround the Bay Area. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud,

which varies in thickness from a few feet to as much as thirty (30) feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 690-07 is hereby repealed.

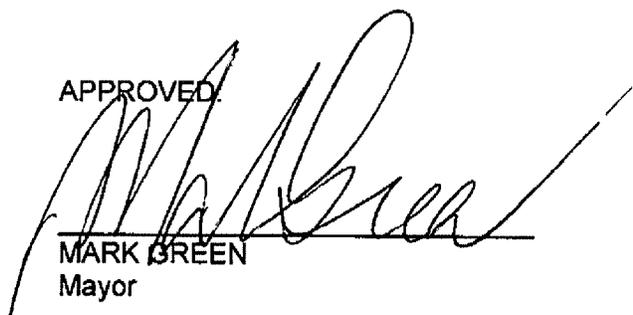
SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle,
Mayor Green
 NOES: None
 ABSENT: None
 ABSTAIN: None

APPROVED:



MARK GREEN
Mayor

ATTEST:



RENEE ELLIOTT
City Clerk

APPROVED AS TO FORM:



BENJAMIN T. REYES II
City Attorney

Dated: 12-8-10

EXHIBIT A

15.40.010 Adoption by Reference.

A. The 2010 California Building Code and State of California Amendments, volume 1 and 2 (Based on the 2009 International Code) and Appendix I, published by the International Code Council, and all revisions and amendments heretofore and here after adopted by the International Code Council, are hereby adopted by reference as the Building Code and Building Standards of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of buildings within the City of Union City.

B. One copy of said Code and appendices thereto has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copy thereof, not less than one in number shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.40.020 Title. This Ordinance may be cited and shall be known as the "Building Code of the City of Union City".

15.40.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.

B. "Building Official" shall mean the Chief Building Official of the City of Union City.

C. "City" shall mean the "City of Union City."

D. "City Council" shall mean the City Council of the City of Union City.

E. "Code Enforcement Division" shall mean the Building Inspection Division.

F. "Mayor" shall mean the Mayor of the City of Union City.

15.40.040 Violation an Infraction (CBC Chapter 1, Section 1.8.9). A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation misdemeanor	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.40.050 Violation a Nuisance (CBC Chapter 1, Section 1.8.9). It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner hereinabove provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

15.40.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

15.40.070 Fees (CBC Chapter 1, Section 1.8.4.2). Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.40.080 Board of Appeals (CBC Chapter 1, Section 1.8.8) The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

15.40.090 Structure Moving Permits (CBC Chapter 34, Section 3410.1). In addition to other permits required by this Code, no person, firm or corporation shall move or cause to be moved any building or structure from any location, lot, piece, or parcel of land located within or without the corporate limits of the City of Union City to any other lot, piece or parcel of land located within the incorporated territory of the City of Union City without first having obtained a separate structure moving permit for each building or structure to be moved, pursuant to Chapter 15.70 of the Union City Municipal Code.

15.40.130 Premises Identification (CBC Section 501.2). Approved numbers or addresses shall be provided on all new buildings and on existing buildings when remodeling or alteration work is undertaken. Numbers shall be placed in such a position as to be plainly visible and legible from the street or road fronting the property.

To be considered plainly visible and legible, the following minimal standards shall apply:

A. Multi-Family Dwellings: Each building address shall be in Arabic numbers not less than 4" in height, internally illuminated and connected to the building wiring. Where units are designated individually by unit numbers or letters, such designations shall be in Arabic numbers or letters at least 4" in height and shall be permanently affixed immediately adjacent to or directly on the main entrance doors of each unit.

B. Business, Industrial and Institutional buildings. Each building and each unit or subdivision of each building shall be provided with street address and unit or suite designations in permanently affixed Arabic numerals and/or letters at least 4" in height and a 1" stroke.

Exception: Where buildings are located a substantial distance from the face of the curb, the size of letters and numbers shall be adjusted as follows:

More than 50 feet:	At least 6" in height with a 1" stroke.
More than 100 feet:	At least 10" in height with a 1 3/4" stroke.
More than 150 feet:	At least 16" in height with a 2" stroke.

When any work on an existing building is undertaken that requires the issuance of a building permit and such work exceeds a permit value of \$1,000, then address and unit numbers as described above shall be provided as a part of the work.

15.40.160 Automatic Fire Extinguishing Systems (CBC Chapter 9). Where Required. An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in the Uniform Fire Code, as amended by the City of Union City.

15.40.175 Fire Walls. (CBC Section 705.1.1, and Exception) deleted.

15.40.200 Structural Amendments.

(CBC Section 1613.8 is added to CBC Section 1613) To read as follows:

ASCE, Section 12.8.7. Modify ASCE 7, Section 12.8.7 by using the equation shown in CBC Section 1615.10.7

Section 1704.4 Concrete Construction. The special inspections and verifications for concrete construction shall be required by this section and TABLE 1704.4

Exceptions: Special Inspections shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength f'_c , no greater than 2500

pounds per square inch (psi) (17.2Mpa)

(CBC Section 1908.1.8 ACI 318, section 22.10) Delete ACI 318, section 22.10, and replace with the following:

22.10 - Plain concrete in structures assigned to seismic design category C, D, E or F.

22.10.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

(CBC Section 2308.9.3) To be replaced with the following:

2308.9.3 Bracing

- A. Braced wall lines shall consist of braced wall panels which meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet (1219 mm). Braced wall panels shall start not more than 12.5 feet (3810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:
1. Wood structural panel sheathing with a thickness not less than 5/16-inch (7.9 mm) for 16-inch (406 mm) stud spacing and not less than 3/8-inch (9.5 mm) for 24-inch (610 mm) stud spacing in accordance with Tables 2308.9.3(2) and 2308.9.3(3).
 2. Fiberboard sheathing 4-foot by 8-foot (1219 mm by 2438 mm) panels not less than ½-

inch (13 mm) thick applied vertically on studs spaced not over 16-inches (406 mm) on center when installed in accordance with Section 2306.4.4 and Table 2306.4.4.

3. Hardboard panel siding when installed in accordance with Section 2303.1.6 and Table 2309.9.3(5).

For cripple wall bracing see Section 2308.9.4.

For methods 1, 2, and 3, each braced wall panel must be at least 48-inches (1219 mm) in length, covering three stud spaces where studs are 16-inches (406 mm) apart and covering two stud spaces where studs are spaced 24-inches (610 mm) apart.

- B. All vertical joints of panel sheathing shall occur over studs. Horizontal joints shall occur over blocking equal in size to the studding except where waived by the installation requirements for the specific sheathing materials.
- C. Braced wall panel sole plates shall be nailed to the floor framing and top plates shall be connected to the framing above in accordance with Table 2304.9.1. Sills shall be bolted to the foundation or slab in accordance with Section 1805.6. Where joists are perpendicular to braced wall lines above, blocking shall be provided under and in line with the braced wall panels.

Table 2308.12.4

In footnotes "b" and "c" of Table 2308.12.4, delete all references to "gypsum board," "lath and plaster," "Portland cement plaster," and "gypsum sheathing boards."

(CBC Section 2505.1) Delete Section 2505.1 completely.

WHATS HAPPENINGS TRI CITY VOICE

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39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2482

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

CNS #: 1996166

ORDINANCE NO. 743-10

AN ORDINANCE ESTABLISHING A BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE AMENDMENT OF CHAPTER 15.40 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 690-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. The California Building Code, 2010 Edition, (Based on the 2009 International Building Code) and Appendix I, are adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Building Code (IBC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows:
Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical late summer and autumn combination of little or no precipitation, low humidity, high temperatures, and prevailing winds, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect that exacerbates "natural" ventilation.

B. Geography. The relatively young geographical processes that created the San Francisco Bay

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 743-10

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature



Area are still active today. Union City sits astride the Hayward Fault and is very near numerous potentially active faults. The Association of Bay Area Governments (ABAG) estimates the probability of a serious earthquake along the Hayward Fault as one-in-four within the next 30 years. Furthermore, ABAG projects that damage along the Hayward fault will vary from moderate to extreme, depending on the location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop the younger alluvial deposits that surround the Bay Area. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 690-07 is hereby repealed.

SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

/s/ Mark Green
MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1006166#

ORDINANCE NO. 744-10

AN ORDINANCE ESTABLISHING A PLUMBING CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF PLUMBING AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.48 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 697-07 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. The California Plumbing Code, 2010 Edition, (Based on 2009 Uniform Plumbing Code), Appendices A, B, and G, are adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Plumbing Code (CPC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows:

Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content that tends to corrode underground metallic pipes.

A. **Climate.** The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally

force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other numerous potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. Topography. Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance 697-07 is hereby repealed.

SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

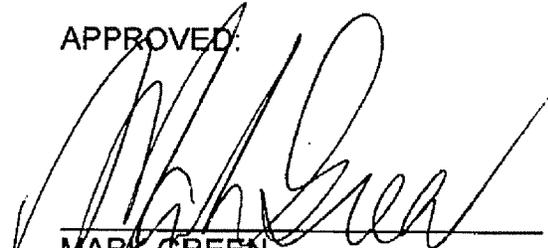
SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of

Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

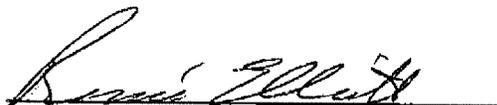
AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:



MARK GREEN
Mayor

ATTEST:



RENEE ELLIOTT
City Clerk

APPROVED AS TO FORM:



BENJAMIN T. REYES II
City Attorney

Dated: 12-8-10

EXHIBIT A

15.48.010 Adoption by Reference.

A. The California Plumbing Code 2010 Edition, (Based on 2009 Uniform Plumbing Code), and Appendices A, B, and G, thereto, published by the International Association of Plumbing and Mechanical Officials, and all revisions and amendments heretofore and hereafter adopted by the International Association of Plumbing and Mechanical Officials, are hereby adopted by reference as the Plumbing Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of plumbing systems within the City of Union City.

B. One copy of said Code and appendices thereto has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copy thereof, not less than one in number shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.48.020 Title. This Ordinance may be cited and shall be known as the "Plumbing Code of the City of Union City".

15.48.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

- A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.
- B. "Building Official" shall mean the Chief Building Official of the City of Union City.
- C. "City" shall mean the City of Union City.
- D. "City Council" shall mean the City Council of the City of Union City.
- E. "Code Enforcement Division" shall mean the Building Inspection Division.
- F. "Mayor" shall mean the Mayor of the City of Union City.

15.48.040 Violation an Infraction. A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense

for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provide for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation infraction	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.48.050 Violation a Nuisance. It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

15.48.060. Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

15.48.070 Fees (CPC Chapter 1, Section 1.8.4.2). Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.48.100 Board of Appeals (CPC Chapter 1, Section 1.8.8). The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

15.48.80 Water Piping In or Under Concrete Slab Floors (CPC Section 609.3). Water piping shall not be installed in or under a concrete floor slab within a building without prior approval of the Administrative Authority. When approved, such piping shall be installed in accordance with the Uniform Plumbing Code, Sections 609.3.1 and 609.3.2.

15.48.90 Drainage of Fixtures Located Below the Next Upstream Manhole or Below the Main Sewer Level (CPC Section 710.1). Drainage piping serving fixtures which have flood

level rims less than twelve (12) inches (304 8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved backwater valve. Fixtures above such elevations shall not discharge through the backwater valve unless first approved by the Administrative Authority.

15.48.110 Underground Water Pipe Protection (CPC Section 609.3). All metallic water piping installed underground shall be protected by a plastic sleeve.

WHATS HAPPENINGS TRI CITY VOICE

This space for filing stamp only

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

CNS #: 1996169

ORDINANCE NO. 744-10

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 744-10

AN ORDINANCE ESTABLISHING A PLUMBING CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF PLUMBING AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 16.48 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 897-07 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. The California Plumbing Code, 2010 Edition, (Based on 2009 Uniform Plumbing Code), Appendices A, B, and G, are adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Plumbing Code (CPC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions. GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content that tends to corrode underground metallic pipes.

A. Climate. The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature



numerous potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. Topography. Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also affects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of those local conditions.

SECTION 3. Ordinance 697-07 is hereby repealed.

SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vemacl, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:
/s/ Mark Green

MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1896169#

ORDINANCE NO. 745-10

AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF MECHANICAL EQUIPMENT AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.52 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 696-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

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

SECTION 1. The California Mechanical Code, 2010 Edition is adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Mechanical Code (CMC) respectively where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other numerous potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. Topography. Union City is built atop alluvial deposits that surround the margins of the San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current statewide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 696-07 is hereby repealed.

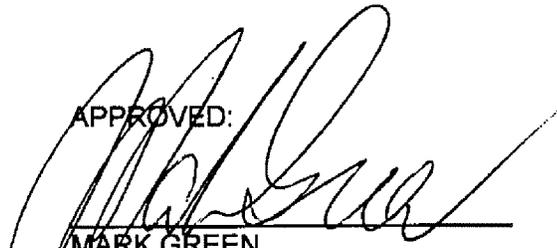
SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

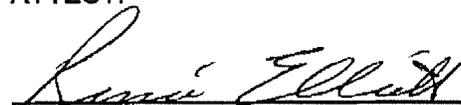
AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:



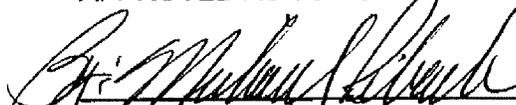
MARK GREEN
Mayor

ATTEST:



RENEE ELLIOTT
City Clerk

APPROVED AS TO FORM:



BENJAMIN T. REYES II
City Attorney

Dated: 12-8-10

EXHIBIT A

15.52.010 Adoption by Reference.

A. The California Mechanical Code 2010 Edition, with State of California amendments, (Based on 2009 Uniform Mechanical Code), published by the International Association of Plumbing and Mechanical Officials, and all revisions and amendments heretofore and hereafter adopted by the International Association of Plumbing and Mechanical Officials, are hereby adopted by reference as the Mechanical Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of mechanical systems within the City of Union City.

B. One copy of said Code and appendices there to has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009Alvarado-NilesRoad, Union City, California, and the same or identical copy thereof, not less than one in number, shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.52.020 Title. This Ordinance may be cited and shall be known as the "Mechanical Code of the City of Union City".

15.52.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

- A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.
- B. "Building Official" shall mean the Chief Building Official of the City of Union City.
- C. "City" shall mean the "City of Union City."
- D. "City Council" shall mean the City Council of the City of Union City.
- E. "Code Enforcement Division" shall mean the Building Inspection Division.
- F. "Mayor" shall mean the Mayor of the City of Union City.

15.52.040 Violation an Infraction. A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation infraction	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.52.050 Violation a Nuisance. It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private, wherein said nuisance exists and summarily abate same.

15.52.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

15.52.070 Fees (CMC Chapter 1, Division I, Section 1.8.4.2). Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.52.080 Board of Appeals (CMC Chapter 1, Division I, Section 1.8.8). The Board of Appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

This space for filling stamp only

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2482

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

CNS#: 1996173

ORDINANCE NO. 745-10

AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF MECHANICAL EQUIPMENT AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.52 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 696-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH.

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 745-10

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

SECTION 1. The California Mechanical Code, 2010 Edition is adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Mechanical Code (CMC) respectively where applicable.

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17956.5 and 17956.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

11/30/2010

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

Executed on: 11/30/2010
At Los Angeles, California

A. Climate. The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride

Elyse Johnson

Signature



the Hayward Fault and is very near other numerous potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. Topography. Union City is built atop alluvial deposits that surround the margins of the San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also affects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current statewide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 696-07 is hereby repealed.

SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

/s/ Mark Green
MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1996173#

ORDINANCE NO. 746-10

ORDINANCE ESTABLISHING AN ELECTRICAL CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF ELECTRICAL SYSTEMS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.44 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 694-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith

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

SECTION 1. The California Electrical Code, 2010 Edition (Based on 2008 National Electrical Code), is, adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Electrical Code (CEC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the National Electrical Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. **Climate.** The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. **Geography.** The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other numerous potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current statewide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 694-07 is hereby repealed.

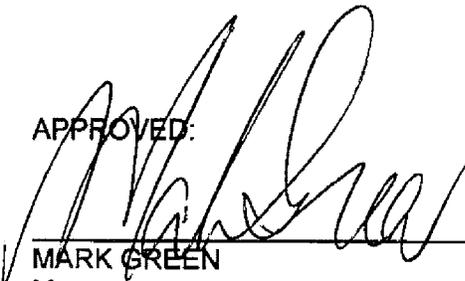
SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES:	Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES:	None
ABSENT:	None
ABSTAIN:	None

APPROVED:



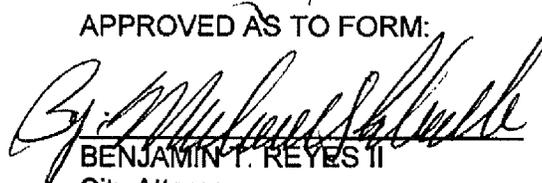
 MARK GREEN
 Mayor

ATTEST:



 RENEE ELLIOTT
 City Clerk

APPROVED AS TO FORM:



 BENJAMIN T. REYES II
 City Attorney

Dated: 12-8-10

EXHIBIT A

15.44.010 Adoption by Reference.

A. The California Electrical Code 2010 Edition, (Based on 2008 National Electrical Code), Appendices thereto, including the General Code Provisions Article 89, for the National Electrical Code, published by the National Fire Protection Association, and all revisions and amendments heretofore and hereafter adopted by the National Fire Protection Association, are hereby adopted by reference as the Electrical Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of electrical building systems within the City of Union City.

B. One copy of said Code and appendices thereto has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copy thereof, not less than one in number, shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.44.020 Title. This ordinance may be cited and shall be known as the "Electrical Code of the City of Union City."

15.44.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

- A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.
- B. "Building Official" shall mean the Chief Building Official of the City of Union City.
- C. "City" shall mean the "City of Union City."
- D. "City Council" shall mean the City Council of the City of Union City.
- E. "Code Enforcement Division" shall mean the Building Inspection Division.
- F. "Mayor" shall mean the Mayor of the City of Union City.

15.44.040 Violation an Infraction. (CEC Section 89.108.8.3) A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation misdemeanor	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.44.050 Violation a Nuisance. (CEC Section 89.108.8.3) It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private, wherein said nuisance exists and summarily abate same.

15.44.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, and phrases be declared unconditional.

15.44.070 Fees. (CEC Section 89.108.4.2) Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.44.080 Board of Appeals. (CEC Section 89.108.8) The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 746-10

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

This space for filing stamp only

CNS#: 1996176

ORDINANCE NO. 746-10

ORDINANCE ESTABLISHING AN ELECTRICAL CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF ELECTRICAL SYSTEMS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 16.44 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 694-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1. The California Electrical Code, 2010 Edition (Based on 2008 National Electrical Code), is, adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Electrical Code (CEC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the National Electrical Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride



the Hayward Fault and is very near other numerous potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. Topography. Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also affects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current statewide model codes be modified to mitigate effects of these local conditions.

SECTION 3 - Ordinance No. 694-07 is hereby repealed.

SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15081(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

/s/ Mark Green
MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1996176#

ORDINANCE NO. 748-10

AN ORDINANCE ESTABLISHING A HOUSING CODE FOR THE CITY OF UNION CITY: 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 BY THE AMENDMENT OF CHAPTER 15.60 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 695-07 AS AMENDED, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1. The 1997 Uniform Housing Code (with State amendments) is adopted herein by reference and hereby amended by the additions, deletions, and amendments set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the Uniform Housing Code (UHC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other numerous potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. Topography. Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud

which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing and placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current statewide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 695-07 is hereby repealed.

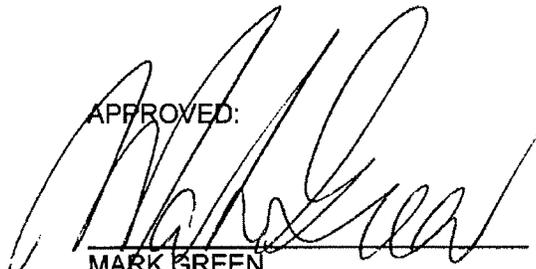
SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

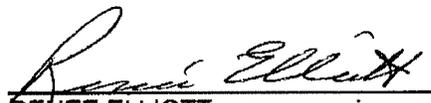
- AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
- NOES: None
- ABSENT: None
- ABSTAIN: None

APPROVED:



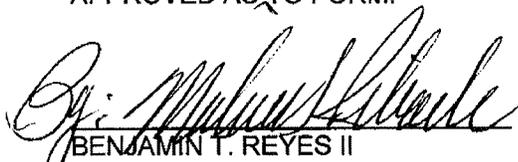
 MARK GREEN
 Mayor

ATTEST:



 RENEE ELLIOTT
 City Clerk

APPROVED AS TO FORM:



 BENJAMIN T. REYES II
 City Attorney

Dated: 12-8-10

EXHIBIT A

15.60.010 Adoption by Reference.

A. The Uniform Housing Code with State of California amendments, 1997 Edition, published by the International Conference of Building Officials (ICBO), Whittier, California, are hereby adopted by reference as the Housing Code of the City of Union City, regulating space and occupancy standards; structural, mechanical, exiting and other residential requirements; providing for the repair, rehabilitation or demolition of substandard residential buildings and prescribing penalties for the violation of said Code within the City of Union City. Where conflicts exist between the Uniform Housing Code and the state department of Housing and Community Development (HCD) regulations, the HCD regulations shall apply.

B. One copy of said Code has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copy thereof, not less than one in number, shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.60.020 Title. This Ordinance may be cited and shall be known as the "Housing Code of the City of Union City."

15.60.030. Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.

B. "Building Official" shall mean the Chief Building Official of the City of Union City.

C. "City" shall mean the "City of Union City."

D. "City Council" shall mean the City Council of the City of Union City.

E. "Code Enforcement Division" shall mean the Building Inspection Division.

F. "Mayor" shall mean the Mayor of the City of Union City.

15.60.040 Violation an Infraction. A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City

is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation infraction	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.60.050 Violation a Nuisance. It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private, wherein said nuisance exists and summarily abate same.

15.60.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

15.60.070 Fees. Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.60.080 Board of Appeals (UHC Section 203.3). The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

This space for filling stamp only

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

CNS #: 1996179

ORDINANCE NO. 748-10

AN ORDINANCE ESTABLISHING A HOUSING CODE FOR THE CITY OF UNION CITY; 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 BY THE AMENDMENT OF CHAPTER 15.60 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 695-07 AS AMENDED, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1. The 1997 Uniform Housing Code (with State amendments) is adopted herein by reference and hereby amended by the additions, deletions, and amendments set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the Uniform Housing Code (UHC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows:
Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 748-10

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature



* A 0 0 0 0 0 1 9 5 4 2 3 5 *

into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other numerous potentially active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. Topography. Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing and placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current statewide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 695-07 is hereby repealed.

SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:
/s/ Mark Green
MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1996179#

ORDINANCE NO. 749-10

AN ORDINANCE ESTABLISHING A DANGEROUS BUILDING ABATEMENT CODE FOR THE CITY OF UNION CITY, ESTABLISHING REQUIREMENTS FOR THE REPAIR OR ABATEMENT OF BUILDINGS DETERMINED TO BE SUBSTANDARD AND A DANGER TO THE HEALTH AND SAFETY OF RESIDENTS OF UNION CITY, PRESCRIBING PENALTIES AND THE PROCEDURE FOR THE REPAIR OR ABATEMENT OF SAME, BY THE AMENDMENT OF CHAPTER 15.56 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 693-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

SECTION 1. The Uniform Code for the Abatement of Dangerous Buildings is adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the Uniform Code for the Abatement of Dangerous Buildings (UCADB) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. **Climate.** The typical late summer and autumn combination of little or no precipitation, low humidity, high temperatures, and prevailing winds, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. **Geography.** The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near numerous potentially active faults. The Association of Bay Area Governments (ABAG) estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along the Hayward fault will vary from moderate to extreme, depending on the location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop the younger alluvial deposits that surround the Bay Area. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud,

which varies in thickness from a few feet to as much as thirty (30) feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 693-07 is hereby repealed.

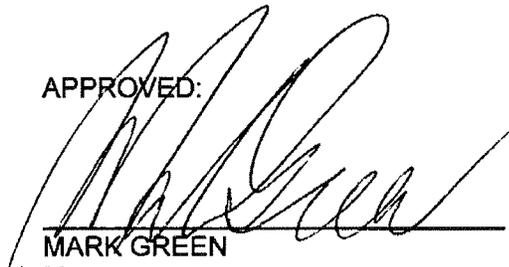
SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

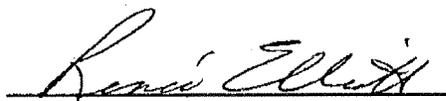
- AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
- NOES: None
- ABSENT: None
- ABSTAIN: None

APPROVED:



 MARK GREEN
 Mayor

ATTEST:



 RENEE ELLIOTT
 City Clerk

APPROVED AS TO FORM:



 BENJAMIN T. REYES II
 City Attorney

Dated: 12-8-10

EXHIBIT A

15.56.010 Adoption by Reference.

A. The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, published by the International Conference of Building Officials (ICBO), Whittier, California, are hereby adopted by reference as the Dangerous Building Abatement Code of the City of Union City, regulating the requirements to repair, vacate or demolish dangerous buildings and structures within the City of Union City.

B. One copy of said Code has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copy thereof, not less than one in number, shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.56.020 Title. This Ordinance may be cited and shall be known as the "Dangerous Building Abatement Code of the City of Union City."

15.56.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section. .

- A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.
- B. "Building Official" shall mean the Chief Building Official of the City of Union City.
- C. "City" shall mean the "City of Union City."
- D. "City Council" shall mean the City Council of the City of Union City.
- E. "Code Enforcement Division" shall mean the Building Inspection Division.
- F. "Mayor" shall mean the Mayor of the City of Union City.

15.56.040 Violation an Infraction. A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation misdemeanor	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.56.050 Violation a Nuisance. It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

15.56.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

15.56.070 Board of Appeals (UCADB Section 205.3). The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

This space for filing stamp only

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

CNS#: 1996182

ORDINANCE NO. 749-10

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 749-10

AN ORDINANCE ESTABLISHING A DANGEROUS BUILDING ABATEMENT CODE FOR THE CITY OF UNION CITY, ESTABLISHING REQUIREMENTS FOR THE REPAIR OR ABATEMENT OF BUILDINGS DETERMINED TO BE SUBSTANDARD AND A DANGER TO THE HEALTH AND SAFETY OF RESIDENTS OF UNION CITY, PRESCRIBING PENALTIES AND THE PROCEDURE FOR THE REPAIR OR ABATEMENT OF SAME, BY THE AMENDMENT OF CHAPTER 15.56 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 693-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith

SECTION 1. The Uniform Code for the Abatement of Dangerous Buildings is adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the Uniform Code for the Abatement of Dangerous Buildings (UCADB) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical late summer and autumn combination of little or no precipitation, low humidity, high temperatures, and prevailing winds, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Elyse Johnson

Signature



the Hayward Fault and is very near numerous potentially active faults. The Association of Bay Area Governments (ABAG) estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along the Hayward fault will vary from moderate to extreme, depending on the location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop the younger alluvial deposits that surround the Bay Area. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also affects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

SECTION 3 . Ordinance No. 693-07 is hereby repealed.

SECTION 4, The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5, Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vemaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

/s/ Mark Green
MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1996182#

ORDINANCE NO. 750-10

AN ORDINANCE ESTABLISHING A BUILDING SECURITY CODE FOR THE CITY OF UNION CITY, REGULATING THE INSTALLATION, MAINTENANCE, ISSUANCE OF PERMITS, THE COLLECTION OF FEES, PROVIDING PENALTIES FOR VIOLATING AND ESTABLISHING MINIMUM STANDARDS FOR THE RESISTANCE OF UNLAWFUL ENTRY TO RESIDENTIAL BUILDINGS BY THE AMENDMENT OF CHAPTER 15.64 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 689-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1. The Uniform Building Security Code is adopted herein by reference and hereby amended by the additions, deletions and amendments thereto as set forth in Exhibit A, attached hereto and made part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the Uniform Security Code (UBSC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever jurisdiction adopts regulations which are more restrictive than state model codes (California Building Codes), as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content that tends to corrode underground metallic pipes.

A. **Climate.** The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. **Geography.** The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near other numerous active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are

extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state-wide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 689-07 is hereby repealed.

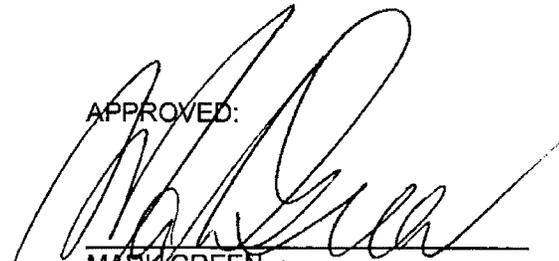
SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES:	Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES:	None
ABSENT:	None
ABSTAIN:	None

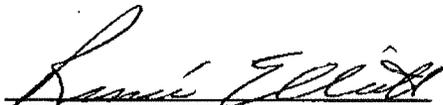
APPROVED:



 MARK GREEN
 Mayor

ATTEST:

APPROVED AS TO FORM:



 REMEE ELLIOTT
 City Clerk



 BENJAMIN T. REYES II
 City Attorney

Dated: 12-8-10

EXHIBIT A

15.64.010 Adoption by Reference.

A. The Uniform Security Code, 1997 Edition, and standards thereto, published by the International Conference of Building Officials, Whittier, California, are hereby adopted by reference as the Security Code of the City of Union City, regulating the installation, maintenance and standards for security in order to resist unlawful entry to buildings.

B. One copy of said code has been filed for use and examination by the public in the Office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copies thereof, not less than one in number, shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.64.020 Title. This Ordinance may be cited and shall be known as the "Uniform Building Security Code of the City of Union City".

15.64.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.

B. "Building Official" shall mean the Chief Building Official of the City of Union City.

C. "City" shall mean the "City of Union City."

D. "City Council" shall mean the City Council of the City of Union City.

E. "Code Enforcement Division" shall mean the Building Inspection Division.

F. "Mayor" shall mean the Mayor of the City of Union City.

15.64.040 Violation an Infraction. A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation infraction	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.64.050 Violation of Nuisance. It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said' premises, public or private wherein said nuisance exists and summarily abate same.

15.64.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

15.64.070 Fees. Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.64.080 Security for Commercial and Industrial Buildings (USC Section 1024). Security requirements for commercial and industrial buildings are evaluated on an individual basis and conditioned at the time of site review through the Community Development Department. Input for such requirements are jointly submitted by the Police and Code Enforcement Department.

15.64.090 Entry Vision (USC Section 1028). In addition to other requirements, no window or clear vision panel may be located within thirty-six inches (36") of an entry door locking device unless the glazing material is rated impact (burglary) resistant.

15.64.100 Deadbolt Throw (USC Section 1029.5). Exterior Key-operated dead bolts shall have a minimum throw of one inch (1 ").

15.64.110 Sliding Door Locks (USC Section 1030.1). All sliding door locks shall be equipped with secondary locks and anti-lifting devices in addition to the primary lock.

15.64.120 Window Locks (USC Section 1031.1). All windows shall be equipped with a secondary lock and anti-lift devices in addition to the primary locking device.

15.64.130 Board of Appeals (UBSC Section 1019.1) The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

This space for filing stamp only

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

CNS #: 1996187

ORDINANCE NO. 750-10

AN ORDINANCE ESTABLISHING A BUILDING SECURITY CODE FOR THE CITY OF UNION CITY, REGULATING THE INSTALLATION, MAINTENANCE, ISSUANCE OF PERMITS, THE COLLECTION OF FEES, PROVIDING PENALTIES FOR VIOLATING AND ESTABLISHING MINIMUM STANDARDS FOR THE RESISTANCE OF UNLAWFUL ENTRY TO RESIDENTIAL BUILDINGS BY THE AMENDMENT OF CHAPTER 15.64 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 689-07 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

SECTION 1. The Uniform Building Security Code is adopted herein by reference and hereby amended by the additions, deletions and amendments thereto as set forth in Exhibit A, attached hereto and made part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the Uniform Security Code (UBSC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever jurisdiction adopts regulations which are more restrictive than state model codes (California Building Codes), as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content that tends to corrode underground metallic pipes.

A. Climate. The typical combination of little or no precipitation, low humidity, high temperatures, and prevailing winds during late summer and autumn months create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 750-10

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature



the Hayward Fault and is very near other numerous active faults. The Association of Bay Area Governments (ABAG) roughly estimates the probability of a serious earthquake along the Hayward Fault as one-in-four in the next 30 years. Furthermore, ABAG projects that damage along this fault will vary from moderate to extreme depending on location of structures and earthquake magnitude.

C. Topography. Union City is built atop alluvial deposits that surround the margins of San Francisco Bay. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud which varies in thickness from a few feet to as much as thirty feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also affects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state-wide model codes be modified to mitigate effects of these local conditions.

SECTION 3. Ordinance No. 669-07 is hereby repealed.

SECTION 4. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 5. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vemaci, Fernandez, and Navarro, Vice Mayor Valio, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

/s/ Mark Green
MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1998187#

ORDINANCE NO. 751-10

AN ORDINANCE ESTABLISHING A RESIDENTIAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF RESIDENTIAL STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE ADDITION OF CHAPTER 15.80 OF THE UNION CITY MUNICIPAL CODE

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

SECTION 1. The 2010 California Residential Code and Appendix H, J, and K, thereto are adopted herein by reference and hereby amended by the additions, deletions, and amendments there to as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers are taken from said Union City Municipal Code and the 2010 California Residential Code (CRC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. **Climate.** The typical late summer and autumn combination of little or no precipitation, low humidity, high temperatures, and prevailing winds, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect that exacerbates "natural" ventilation.

B. **Geography.** The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near numerous potentially active faults. The Association of Bay Area Governments (ABAG) estimates the probability of a serious earthquake along the Hayward Fault as one-in-four within the next 30 years. Furthermore, ABAG projects that damage along the Hayward fault will vary from moderate to extreme, depending on the location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop the younger alluvial deposits that surround the Bay Area. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

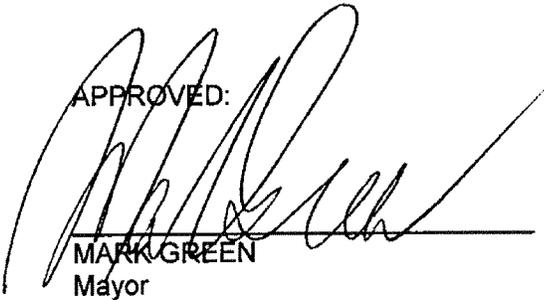
Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

SECTION 3. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 4. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:

MARK GREEN
Mayor

ATTEST:

RENEE ELLIOTT
City Clerk

APPROVED AS TO FORM:

BENJAMIN T. REYES II
City Attorney

Dated: 12-8-10

EXHIBIT A

15.80.010 Adoption by Reference.

A. The 2010 California Residential Code and State of California Amendments, (Based on the 2009 International Residential Code) and Appendix H, J, and K, thereto, published by the International Code Council, and all revisions and amendments heretofore and here after adopted by the International Code Council, are hereby adopted by reference as the Residential Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of residential buildings within the City of Union City.

B. One copy of said Code and appendices thereto has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copy thereof, not less than one in number shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.80.020 Title. This Ordinance may be cited and shall be known as the "Residential Code of the City of Union City".

15.80.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.

B. "Building Official" shall mean the Chief Building Official of the City of Union City.

C. "City" shall mean the "City of Union City."

D. "City Council" shall mean the City Council of the City of Union City.

E. "Code Enforcement Division" shall mean the Building Inspection Division.

F. "Mayor" shall mean the Mayor of the City of Union City.

15.80.040 Violation an Infraction (CRC Chapter 1, Section R113). A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation misdemeanor	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.80.050 Violation a Nuisance (CRC Chapter 1, Section 1.8.8). It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner hereinabove provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

15.80.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

15.80.070 Fees (CRC Chapter 1, Section 1.8.3.2). Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.80.080 Board of Appeals (CRC Chapter 1, Section 1.8.7) The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

15.80.090 Structure Moving Permits (CRC Chapter 1, Section 1.8.9.2). In addition to other permits required by this Code, no person, firm or corporation shall move or cause to be moved any building or structure from any location, lot, piece, or parcel of land located within or without the corporate limits of the City of Union City to any other lot, piece or parcel of land located within the incorporated territory of the City of Union City without first having obtained a separate structure moving permit for each building or structure to be moved, pursuant to Chapter 15.70 of the Union City Municipal Code.

15.80.160 Automatic Fire Sprinkler Systems (CRC Section R313). Where Required. An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in the Uniform Fire Code, as amended by the City of Union City.

15.80.200 Prohibit use of Gypsum Board and Limit Plaster Bracing (CRC Section R602.10.2.1 and Table R602.10.1.2(2)). Add a new footnote “d” to the end of CRC Table R602.10.1.2(2), to read:

d. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the “d” footnote notation in the title of Table R602.10.1.2(2) after the three footnotes currently shown, to read:

TABLE R602.10.1.2(2)^{a,b,c,d}

Add a new subsection R602.10.2.1.1, to read:

R602.10.2.1.1 Limits on methods GB and PCP. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

15.80.205 Prohibit use of Unreinforced Concrete Footings, (CRC Section R403.1.3)

Concrete footings located in Seismic Design Categories D₀, D₁ and D₂, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D₀, D₁ and D₂ where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D₀, D₁ and D₂ where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D₀, D₁ and D₂ masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family *dwellings* which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

WHATS HAPPENINGS TRI CITY VOICE

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

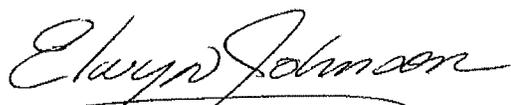
Ad Description: Ord 751-10

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.



Signature

This space for filing stamp only

CNS #: 1996190

ORDINANCE NO. 751-10

AN ORDINANCE ESTABLISHING A RESIDENTIAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF RESIDENTIAL STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE ADDITION OF CHAPTER 15.80 OF THE UNION CITY MUNICIPAL CODE

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

SECTION 1. The 2010 California Residential Code and Appendix H, J, and K, thereto are adopted herein by reference and hereby amended by the additions, deletions, and amendments there to as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers are taken from said Union City Municipal Code and the 2010 California Residential Code (CRC) respectively, where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17956.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical late summer and autumn combination of little or no precipitation, low humidity, high temperatures, and prevailing winds, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect that exacerbates "natural" ventilation.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near numerous potentially active faults. The Association of Bay Area Governments (ABAG) estimates the



probability of a serious earthquake along the Hayward Fault as one-in-four within the next 30 years. Furthermore, ABAG projects that damage along the Hayward fault will vary from moderate to extreme, depending on the location of structures and earthquake magnitude.

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1096190#

C. Topography. Union City is built atop the younger alluvial deposits that surround the Bay Area. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

SECTION 3. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 4. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vemaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:
/s/ Mark Green
MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

ORDINANCE NO. 752-10

AN ORDINANCE ESTABLISHING GREEN BUILDING STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE ADDITION OF CHAPTER 15.84 OF THE UNION CITY MUNICIPAL CODE

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

SECTION 1. The California Green Building Standards Code, 2010 Edition, is adopted by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Green Building Standards Code respectively where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows: Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical late summer and autumn combination of little or no precipitation, low humidity, high temperatures, and prevailing winds, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect that exacerbates "natural" ventilation.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near numerous potentially active faults. The Association of Bay Area Governments (ABAG) estimates the probability of a serious earthquake along the Hayward Fault as one-in-four within the next 30 years. Furthermore, ABAG projects that damage along the Hayward fault will vary from moderate to extreme, depending on the location of structures and earthquake magnitude.

C. Topography. Union City is built atop the younger alluvial deposits that surround the Bay Area. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

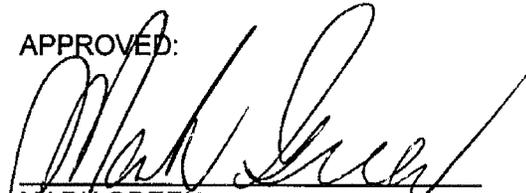
SECTION 3. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 4. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

- AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
- NOES: None
- ABSENT: None
- ABSTAIN: None

APPROVED:



MARK GREEN
Mayor

ATTEST:



RENEE ELLIOTT
City Clerk

APPROVED AS TO FORM:



BENJAMIN T. REYES II
City Attorney

Dated: 12-8-10

EXHIBIT A

15.84.010 Adoption by Reference.

A. The 2010 California Green Building Standards Code and State of California Amendments, published by the California Building Standards Commission, and all revisions and amendments heretofore and here after adopted by the California Building Standards Commission, are hereby adopted by reference as the Green Building Standards Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation, replacement, addition to, use or maintenance of buildings within the City of Union City.

B. One copy of said Code and appendices thereto has been filed for use and examination by the public in the office of the City Clerk of the City of Union City at 34009 Alvarado-Niles Road, Union City, California, and the same or identical copy thereof, not less than one in number shall at all times be kept on file for similar use.

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2011.

15.84.020 Title. This Ordinance may be cited and shall be known as the "Green Building Standards Code of the City of Union City."

15.84.030 Definitions. Whenever any of the names or terms defined in this section are in the Ordinances or Codes adopted herein by reference, each such term or name shall have the meaning ascribed to it in this Section.

A. "Administrative Authority" shall mean the Building Inspection Division, Economic and Community Development Department.

B. "Building Official" shall mean the Chief Building Official of the City of Union City.

C. "City" shall mean the "City of Union City."

D. "City Council" shall mean the City Council of the City of Union City.

E. "Code Enforcement Division" shall mean the Building Inspection Division.

F. "Mayor" shall mean the Mayor of the City of Union City.

15.84.040 Violation an Infraction. (CGBCA Section 101) A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

First citation infraction	\$150.00
Second citation infraction	\$300.00
Third citation misdemeanor	\$600.00

Court costs may also be imposed in addition to the infractions and/or misdemeanor fines. Individuals cited are not entitled to legal representation for the first or second citation infraction. Upon the third citation/misdemeanor individuals cited may be represented by legal counsel in a court of law.

15.84.050 Violation a Nuisance. (CGBCA Section 101) It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner hereinabove provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

15.84.060 Unconstitutionality. If any section, subsection, sentence, clause, or phrase of this Code is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Code. The Legislative Body hereby declares that it would have passed this Code, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

15.84.070 Fees. (CGBCA Section 101) Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

15.84.080 Board of Appeals. (CGBCA Section 101) The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

This space for filing stamp only

39737 PASEO PADRE PKWY, FREMONT, CA 94538
Telephone (510) 494-1999 / Fax (510) 796-2462

Regina McEvoy
UNION CITY/CITY CLERK
34009 ALVARADO-NILES ROAD
UNION CITY, CA - 94587-4497

CNS#: 1996195

ORDINANCE NO. 752-10

AN ORDINANCE ESTABLISHING GREEN BUILDING STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE ADDITION OF CHAPTER 16.84 OF THE UNION CITY MUNICIPAL CODE

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

SECTION 1. The California Green Building Standards Code, 2010 Edition, is adopted by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Green Building Standards Code respectively where applicable.

SECTION 2. The City Council of the City of Union City finds and declares as follows:
Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The City of Union City has unique climatic, geographic, and topographical characteristics that have an adverse effect on prevention of life and property loss due to fire, and seismic motion. Local soils have a relatively high acidic content which tends to corrode underground metallic pipes.

A. Climate. The typical late summer and autumn combination of little or no precipitation, low humidity, high temperatures, and prevailing winds, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blowtorch effect that exacerbates "natural" ventilation.

B. Geography. The relatively young geographical processes that created the San Francisco Bay Area are still active today. Union City sits astride the Hayward Fault and is very near numerous potentially active faults. The Association of Bay Area Governments (ABAG) estimates the probability of a serious earthquake along the

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California)
County of ALAMEDA) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description: Ord 752-10

I am a citizen of the United States and a resident of the State of California; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of the printer and publisher of the WHATS HAPPENINGS TRI CITY VOICE - UNION CITY, a newspaper published in the English language in the cities of UNION CITY and FREMONT, and adjudged a newspaper of general circulation as defined by the laws of the State of California by the Superior Court of the County of ALAMEDA, State of California, under date of 05/02/2008, Case No. FG08374520. That the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to-wit:

11/30/2010

Executed on: 11/30/2010
At Los Angeles, California

I certify (or declare) under penalty of perjury that the foregoing is true and correct.

Signature



* A 0 0 0 0 0 1 9 5 4 2 3 9 *

Hayward Fault as one-in-four within the next 30 years. Furthermore, ABAG projects that damage along the Hayward fault will vary from moderate to extreme, depending on the location of structures and earthquake magnitude.

C. **Topography.** Union City is built atop the younger alluvial deposits that surround the Bay Area. Areas near the Bay are overlain by unconsolidated fine silty clay known as Bay Mud, which varies in thickness from a few feet to as much as thirty (30) feet. This alluvium can and is expected to amplify the effects of future earthquakes.

Alluvial deposits underlying Union City and other adjacent jurisdictions are, in some locations, high in acidity content or pH balance and considered as "hot soils" by engineers. Such "hot" soils are extremely corrosive to all types of metal and cast iron plumbing placed in the ground without cathodic and/or other expensive protection.

Local climatic, geographic, and topographic conditions impact fire prevention efforts and potential damage to structures from seismic forces and likely subsequent fires. Soil composition also effects performance of buildings in earthquakes and contributes to failure of plumbing systems in the ground. Therefore, it is reasonable and prudent that current state model codes be modified to mitigate effects of these local conditions.

SECTION 3. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 4. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vemaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:
/s/ Mark Green
MARK GREEN, Mayor

ATTEST:
/s/ Renee Elliott
RENEE ELLIOTT, City Clerk

APPROVED AS TO FORM:
/s/ Benjamin T. Reyes II
BENJAMIN T. REYES II, City Attorney
11/30/10

CNS-1996195#

BUILDING STANDARDS COMMISSION

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



April 6, 2011

Kevin Reese, Chief Building Official
City of Union City
34009 Alvarado-Niles Road
Union City, CA 94587

Dear Mr. Reese:

This letter is to acknowledge receipt on January 27, 2011, of the City of Union City submittal pertaining to Ordinance No. 753-10 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



34009 ALVARADO-NILES ROAD
UNION CITY, CALIFORNIA 94587
(510) 471-3232

January 3, 2011

Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833

Re: Local Amendment – Ordinance No. 753-10

Please find attached a copy of City Council Ordinance No. 753-10, adopted on November 23, 2010. Ordinance No. 753-10 amends Municipal Code Chapter 15.75, *Construction and Demolition Debris Recycling*, and Chapter 15.76, *Green Building and Landscaping*, to reflect the requirements of the 2010 California Green Building Code. The standards in Chapter 15.75 and 15.76 are more restrictive standards than those contained in the California Building Standards Code and 2010 California Green Building Code. Section 2 of the attached Ordinance makes findings in accordance with Health and Safety Code Sections 17958.5 and 17958.7.

Please feel free to contact me at kevinr@unioncity.org or (510) 675-5314 with any questions you may have.

Sincerely,

Kevin Reese,
Chief Building Official
City of Union City

Attachment: City Council Ordinance No. 753-10

2011 JAN 27 AM 11:04
BY ARIEL DION
CITY OF UNION CITY
BUILDING STANDARDS COMMISSION

ORDINANCE NO. 753-10

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF UNION CITY AMENDING CHAPTER 15.75, CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING, AND CHAPTER 15.76, GREEN BUILDING AND LANDSCAPING PRACTICES, OF THE MUNICIPAL CODE FOR CONSISTENCY WITH THE 2010 CALIFORNIA GREEN BUILDING CODE

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

SECTION 1. This Ordinance including Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file in the office of the City Clerk, will modify Chapters 15.75 and 15.76 of the Municipal Code for compliance with the 2010 California Green Building Code (Title 24, Part 11).

SECTION 2. The City Council of the City of Union City finds and declares as follows:

Pursuant to California Health and Safety Code Sections 17958.5 and 17958.7, whenever a jurisdiction adopts regulations which are more restrictive than the Uniform Building Code, as it pertains to the regulation of buildings used for human habitation, certain findings of fact must be made, and a copy of those findings must be filed with the State of California, Department of Housing and Community Development, Division of Codes and Standards. Those findings must be factually based on local conditions of climatic, geographic, and topographic conditions.

GENERAL FINDINGS OF LOCAL CONDITIONS:

The proposed Municipal Code Amendment is reasonably necessary because of local climatic, geological, or topographical conditions in accordance with Health and Safety Code Sections 17958.5 and 17958.7:

- A. The City is located in Climate Zone 3, which is characterized by periods of extremely hot, dry weather during the summer and fall months. In addition, during the winter, the City frequently experiences cold days with temperature inversions that trap certain air pollutants near the ground and exacerbate conditions leading to respiratory disease and other health risks. Average temperatures in Union City range from a low of 41.7 degrees in December to a high of 78.6 degrees in August. Topography ranges from approximately one foot above sea level at the Bay edge to over 1,500 feet above sea level in the eastern hills portion of the City. Union City has a relatively high potential for air quality impacts during the summer and fall. When high pressure dominates, low mixing depths, and bay and ocean wind patterns can concentrate and carry pollutants from other cities to Union City, adding to the locally emitted pollutant mix. In winter and spring the air pollution potential in Union City is moderate. These local features contribute to the Bay Area's status as a "nonattainment area" under the federal Clean Air Act for ozone and particulate matter.

- B. In June 2006, ICLEI – Local Governments for Sustainability in partnership with the Alameda County Waste Management Authority & Recycling Board (StopWaste.Org) and the Alameda County Conference of Mayors launched the Alameda County Climate Protection Project. Union City committed to the project and embarked on an ongoing, coordinated effort to reduce the emissions that cause global warming, improve air quality, reduce waste, cut energy use, and save money. The City of Union City is committed to reducing community-wide greenhouse gas emissions by 30% below our 2005 levels by 2020. While climate change is a global problem influenced by an array of interrelated factors, climate change is also a local problem with serious impacts foreseen for California, the Bay Area, and Union City. Local impacts include:
- i. *Sea level rise:* According to the Union of Concerned Scientists, the sea level in the State of California is expected to rise up to 12 inches in the next hundred years. The Pew Center on Climate Change has reported that this would result in the erosion of beaches, bay shores and river deltas, marshes, and wetlands and increased salinity of estuaries, marshes, rivers and aquifers. This increased salinity has the potential to damage or destroy crops in low-lying farmlands. Infrastructure at or near sea level, such as harbors, bridges, roads and even the San Francisco International and Oakland International Airports are at risk of damage and destruction. The San Francisco Bay Area Conservation Commission has modeled the impact of a sea level rise of 3 feet (approx 1 meter) on the San Francisco Bay Area. Areas such as the Oakland Airport would be under water as well parts of Alameda, San Leandro, Hayward, Union City, Fremont, and Newark, including sections of Interstate 880. Under this scenario, large portions of the 511 Area west of Union City Boulevard could be under water.
 - ii. *Impacts on water:* Water quality and quantity are at risk as a result of changing temperatures. With warmer average temperatures, more winter precipitation will fall in the form of rain instead of snow, shortening the winter snowfall season and accelerating the rate at which the snowpack melts in the spring. Not only does such snow melt increase the threat for spring flooding, it will decrease the Sierras' capacity as a natural water tower, resulting in decreased water availability for agricultural irrigation, hydroelectric generation and the general needs of a growing population. The Sierra snowpack is the origin of the Mokelumne River, the primary source of water for the jurisdictions within Alameda County.
 - iii. *Natural disasters:* Climate models predict a 4°F temperature increase in the next 20 to 40 years, with an increase in the number of long dry spells, as well as a 20-30% increase in precipitation in the spring and fall. More frequent and heavier precipitation cause flooding and mudslides, which would incur considerable costs in damages to property, infrastructure, and even human life. In

addition, the increase of wildfires due to continued dry periods and high temperatures is another expected impact of continued climate change. In these conditions, fires burn hotter and spread faster.

- iv. *Public health impact:* Warming temperatures and increased precipitation can also encourage mosquito-breeding, thus engendering diseases that come with mosquitoes, such as the West Nile Virus, a disease of growing concern in Union City and the surrounding region. Heat waves are also expected to have a major impact on public health and be a determinant factor of mortality. Increased temperatures also pose a risk to human health when coupled with high concentrations of ground-level ozone and other air pollutants, which may lead to increased rates of asthma and other pulmonary diseases. The incidence of bad air days in California's urban areas has increased, mostly in hot summer days. In the summer of 2006, the Bay Area Air Quality Management District (BAAQMD) registered 11 Spare the Air days for the region and exceeded the California 1-hour standard for ozone (set at 90 ppb) 18 times.
 - v. *Impacts on plants and vegetation:* Native plants and animals are also at risk as temperatures rise. Scientists are reporting more species moving to higher elevations or more northerly latitudes in response. Increased temperatures also provide a foothold for invasive species of weeds, insects and other threats to native species. The increased flow and salinity of water resources could also seriously affect the food web and mating conditions for fish that are of both economic and recreational interest to residents. In addition, the natural cycle of plant's flowering and pollination, as well as the temperature conditions necessary for thriving locally adapted agriculture could be affected, with perennial crops such as grapes taking years to recover.
- C. Pursuant to the California Integrated Waste Management Act of 1989, the Alameda County Waste Management Authority has adopted a Countywide Integrated Waste Management Plan, which sets a Goal to reduce waste generated within the County by 75 percent over 1990 levels. The Alameda County Waste Reduction and Recycling Initiative (also known as Measure D) sets a similar 75 percent waste reduction goal.
- D. Union City's local climatic, topographic, and geological conditions exacerbate the impacts of global climate change in several ways to make the adoption of green building requirements, including construction and demolition debris diversion requirements, reasonable and necessary:
- i. Increasing summer temperatures increase the need for air conditioning, thereby increasing average load demand and peak load demand for energy within Union City. This heightened demand increases the risk of power outages and power shortages, with
-

associated adverse public safety and economic impacts. Increased energy demand and usage also increases local and regional air pollution impacts. Decreasing energy consumption through energy efficiency and other green building techniques reduces each of these impacts.

- ii. Increasing summer and year-round temperatures also adversely affect the city's water supply, which is already subject to periodic drought conditions and potential water cutback. Decreasing water usage through conservation, sustainable landscaping (such as Bay-Friendly Landscaping), use of drought-tolerant and native plants, and other green building techniques reduces these adverse impacts.
- iii. Alameda County has limited landfill capacity. Union City's topographic and geological conditions make it difficult, if not impossible, to site new landfills within Union City. Other jurisdictions within Alameda County face similar constraints. Moreover, landfills disposing of C&D debris and other solid waste poses the potential for surface and groundwater contamination, due in part to the particular climatic, topographical, and geological conditions of Alameda County's existing landfills including underlying soil types, potential for liquefaction during earthquakes, proximity to seismic faults, and annual periods of prolonged rainfall.

- E. The City finds that the design, construction, and maintenance of buildings and landscapes within the city can have a significant impact on the city's environmental sustainability, resource usage and efficiency, waste management, and the health and productivity of residents, workers, and visitors to the city.
- F. Green buildings play a significant role in reducing the amount of waste sent to landfills. Construction and demolition debris comprise up to 30% of all materials disposed of in California's landfills, and over 21% of materials disposed of in Alameda County. Many of these materials have green house gas implications once landfilled – from both the process of organic materials breaking down in the landfill and producing methane and other green house gasses, and the energy needed to produce more building materials from raw materials.
- G. These Green Building and Construction and Demolition Debris Ordinances, as amended, further Union City's efforts to enhance the community's social, economic, and environmental well-being and to mitigate the efforts of global warming on the city's weather, water supply, physical infrastructure, ecological diversity, human health and economy.

SECTION 3. A red-lined copy of the proposed amendments to Chapters 15.75 and 15.76, labeled Exhibit B, is attached hereto and made a part hereof by this reference; a copy of which is on file in the office of the City Clerk.

SECTION 4. The proposed standards are cost effective and will require the diminution of energy consumption levels permitted by the 2008 Statewide energy efficiency standards, based upon the findings of the January 21, 2009, study entitled "Energy Cost Effectiveness Case Studies Using the 2008 Title 24 Building Energy Efficiency Standards," adopted by the Stopwaste.Org Board on April 22, 2009, and made a part hereof by this reference, a copy of which is available in the Economic & Community Development Department.

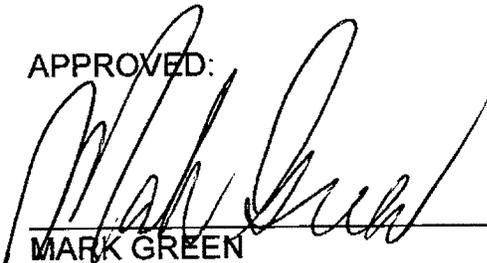
SECTION 5. The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

SECTION 6. Within fifteen (15) days from and after adoption, this Ordinance shall be published once in the Tri-City Voice, a newspaper of general circulation printed and published in Alameda County and circulated in the City of Union City, in accordance with California Government Code Section 36933. This Ordinance shall take effect and be enforced thirty (30) days after its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 23, 2010, by the following vote:

AYES: Councilmembers Dutra-Vernaci, Fernandez, and Navarro, Vice Mayor Valle, Mayor Green
NOES: None
ABSENT: None
ABSTAIN: None

APPROVED:



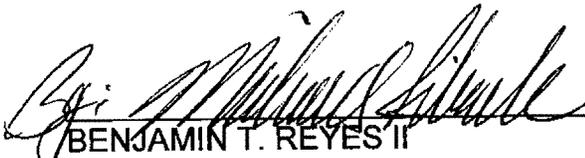
MARK GREEN
Mayor

ATTEST:

APPROVED AS TO FORM:



RENEE ELLIOTT
City Clerk



BENJAMIN T. REYES II
City Attorney

Dated: 12-8-10

EXHIBIT A

Chapter 15.75 CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

15.75.010 Purposes.

It is the purpose of this chapter to regulate the disposal of debris from construction and demolition projects within the city and to divert such debris from landfill. This chapter establishes a requirement for submitting a Waste Management Plan when applying for building or demolition permits when the construction or demolition projects meets the requirements of this chapter. (Ord. 576-01 Ex. A (part), 2001)

15.75.020 Authority for adoption.

This chapter is adopted under the authority of California Waste Management Act of 1989, (Assembly Bill 939) and Alameda County Waste Reduction and Recycling Act of 1990 (Measure D). (Ord. 576-01 Ex. A (part), 2001)

15.75.030 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City.
- B. "Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.
- C. "Construction and Demolition Debris" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations on any pavement, house, commercial building, or other structure.
- D. "Conversion Rate" means the rate set forth in the standardized Conversion Rate Table approved by the City pursuant to this chapter for use in estimating the volume or weight of materials identified in a Waste Management Plan.
- E. "Covered Project" shall have the meaning set forth in 15.75.040 of this chapter.
- F. "Deconstruction" means the process for dismantling a building or structure in order to salvage components for reuse and recycling.
- G. "Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.
- H. "Divert" means to use material for any purpose other than disposal in a landfill or transformation facility or use of landfill as alternative daily cover.

I. "Diversion requirement" means the diversion of 100 percent of all Portland cement, concrete, asphalt concrete, non contaminated soils, land-clearing debris and plant debris and at least fifty (50) percent of the local construction and demolition debris generated by a project via reuse or recycling, unless the applicant has been granted an Infeasibility Exemption pursuant to Section 15.75.090 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the Waste Management Plan Compliance Official for the project.

J. "Non-covered project" shall have the meaning set forth in 15.75.040 of this chapter.

K. "Performance Security" means any performance bond, surety bond, money order, letter of credit, or certificate of deposit submitted to the City pursuant to Section 15.75.060 of this chapter.

L. "Project" means any activity which requires an application for a building or demolition permit or any similar permit from the city.

M. "Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

N. "Renovation" means any change, addition or modification in an existing structure.

O. "Reuse" means further or repeated use of construction or demolition debris.

P. "Salvage" means the controlled removal of construction and demolition debris from a permitted building or demolition site for the purpose of recycling reuse, or storage for later recycling or reuse.

Q. "Waste Management Plan" means a completed Waste Management Plan form, approved by the City for the purpose of compliance with this chapter, submitted by the applicant for any covered or Non-covered Project.

R. "Waste Management Plan Compliance Official" means the designated staff person(s) authorized and responsible for implementing this Chapter. (Ord. 576-01 Ex. A (part), 2001)

15.75.040 Threshold for covered projects.

A. Covered Projects. The following projects shall be considered "Covered Projects," subject to the requirements of this Chapter: (1) all new construction projects; (2) all non-residential renovation projects where the total costs are, or projected to be, greater than or equal to \$50,000 in year 2010 dollars (subject to inflation adjustments); and (3) all demolition projects where the total costs are, or projected to be, greater than or equal to \$25,000 in year 2010 dollars (subject to inflation adjustments). Failure to comply with any of the terms of this chapter shall subject the project applicant to the full range of enforcement mechanisms in Section 15.75.110 set forth below.

B. Non-covered Projects. Applicants for Non-covered Projects shall be encouraged to divert at least fifty percent of all project-related construction and demolition debris.

C. **City-Sponsored Projects.** All City-sponsored Covered Projects shall submit a Waste Management Plan to the WMP Compliance Official prior to beginning any construction or demolition activities and shall be subject to all applicable provisions of the chapter.

D. **Compliance as a Condition of Approval.** Compliance with the provisions of this chapter shall be listed as a condition of approval for any Covered Project. (Ord. 576-01 Ex. A (part), 2001)

15.75.050 Submission of waste management plan.

A. **Waste Management Plan Forms.** Applicants for building or demolition permits involving any Covered Project shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the City for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate the following: (1) C&D materials to be generated on job site, identified by material type; and (2) The vendor or facility that the applicant proposes to use to collect, receive or reuse each material.

B. **Deconstruction.** In preparing the WMP, applicants for building or demolition permits involving the removal of all or part of an existing structure shall consider deconstruction, to the maximum extent feasible, and shall make the materials generated thereby available for salvage prior to land filling. (Ord. 576-01 Ex. A (part), 2001)

15.75.060 Performance security and permit fee.

The applicant for any Covered Project shall submit with the Waste Management Plan (WMP) a Performance Security and Permit Fee. The amount of the Performance Security shall be calculated as the lesser of three (3) percent of total project cost or ten thousand dollars. Acceptable forms of Performance Security include the following: performance bonds; surety bonds; money orders; letters of credit; and certificates of deposit. The WMP Compliance Official may waive the Performance Security if the total security required pursuant to this section would be fifty dollars or less. The amount of the permit fee shall be set by the City Council in the Master Fee Schedule. (Ord. 576-01 Ex. A (part), 2001)

15.75.070 Review of waste management plan.

A. **Approval.** Notwithstanding any other provision of this code, no building or demolition permit shall be issued for any Covered Project unless and until the Waste Management Plan (WMP) Compliance Official has approved the WMP. Approval shall not be required, however, where an emergency demolition is required to protect public health or safety the WMP Compliance Official shall only approve a WMP if he or she first determines that all of the following conditions have been met: (1) the WMP provides all of the information set forth in 15.75.050 of this chapter; (2) the WMP indicates that one hundred (100) percent of the portland cement concrete, asphalt concrete, land-clearing and soils, and plant debris and at least fifty (50) percent of all remaining C&D debris generated by the project will be diverted; and (3) the applicant has submitted an appropriate Performance Security in compliance with Section 15.75.060 of this chapter.

If the WMP Compliance Official determines that these three conditions have been met, he or she shall mark the WMP "Approved," return a copy of the WMP to the applicant, and notify the Building Department that the WMP has been approved.

B. **Nonapproval.** If the WMP Compliance Official determines that the WMP is incomplete or fails to indicate that one hundred (100) percent of the portland cement concrete, asphalt concrete, land-clearing

and soils, and plant debris, and at least fifty percent of all remaining C&D debris generated by the project will be reused or recycled, he or she shall either: (1) Return the WMP to the applicant marked "Denied," including a statement of reasons, and so notify the Building Department, which shall then immediately stop processing the building or demolition permit application; or (2) Return the WMP to the applicant marked "Further Explanation Required." (Ord. 576-01 Ex. A (part), 2001)

15.75.080 Compliance with waste management plan.

A. Documentation. Within thirty days after the completion of any Covered Project, the applicant shall submit to the Waste Management Plan (WMP) Compliance Official documentation that it has met the diversion requirement for the project. The diversion requirement shall be that the applicant has diverted at least fifty percent of the total C&D debris generated by the project via reuse or recycling, unless the applicant has been granted an Infeasibility Exemption pursuant to 15.75.090 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the WMP Compliance Official for the project. This documentation shall include all of the following: (1) Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material; (2) A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted and landfilled; and (3) Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.

B. Weighing of Wastes. Applicants shall make reasonable efforts to ensure that all C&D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C&D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C&D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the City for this purpose.

C. Determination of Compliance and Release of Performance Security. The WMP Compliance Official shall review the information submitted under subsection (a) of this section and determine whether the applicant has complied with the diversion requirement as follows:

1. Full Compliance. If the WMP Compliance Official determines that the applicant has fully complied with the diversion requirement applicable to the project, he or she shall cause the full Performance Security to be released to the applicant.

2. Good Faith Effort to Comply. If the WMP Compliance Official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this chapter. In asking this determination, the WMP Compliance Official shall consider the availability of markets for the C&D debris landfill, the size of the project, and the documented efforts of the applicant to divert C&D debris. If the WMP Compliance Official determines that the applicant has made a good faith effort to comply with this chapter, he or she shall release the Performance Security, or a portion thereof, to the applicant. Any portion of the Performance Security released to the applicant shall be forfeited to the City, and shall be used for the purposes of promoting recycling within the city.

3. Noncompliance. If the WMP Compliance Official determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant fails to submit the documentation required by subsection (a) of this section within the required time period, then the Performance Security shall be

forfeited to the City. All forfeited Performance Securities shall be used for the purposes of promoting recycling within the city. (Ord. 576-01 Ex. A (part), 2001)

15.75.090 Infeasibility exemption.

A. Application. If an applicant for a Covered Project experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he or she submits the Waste Management Plan (WMP) required under Section 15.75.050 of this chapter. The applicant shall indicate on the WMP the maximum rate of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the diversion requirement.

B. Meeting with WMP Compliance Official. The WMP Compliance Official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. Upon request of the jurisdiction, the WMP Compliance Official may request that staff from the Alameda County Waste Management Authority attend this meeting or may require the applicant to request a separate meeting with Alameda County Waste Management Authority staff. Based on the information supplied by the applicant and, if applicable, Alameda County Waste Management Authority staff, the WMP Compliance Official shall determine whether it is possible for the applicant to meet the diversion requirement.

C. Granting of Exemption. If the WMP Compliance Official determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the WMP submitted by the applicant. The WMP Compliance Official shall return a copy of the WMP to the applicant marked "Approved for Infeasible Exemption" and shall notify the Community Development Department that the WMP has been approved.

D. Denial of Exemption. If the WMP Compliance Official determines that it is possible for the applicant to meet the diversion requirement, he or she shall so inform the applicant in writing. The applicant shall have thirty days to resubmit a WMP form in full compliance with Section 15.75.050 of this chapter. If the applicant fails to resubmit the WMP, or if the resubmitted WMP does not comply with Section 15.75.070 of this chapter, the WMP Compliance Official shall deny the WMP in accordance with Section 15.75.070 of this chapter. (Ord. 576-01 Ex. A (part), 2001)

15.75.100 Appeal.

Any person aggrieved by any decision of the Waste Management Plan Compliance may appeal to the City Council by filing a notice of appeal with the Clerk of the City Council within ten days of the notice of the decision by the compliance official. Such appeal shall be heard by the Council which may affirm, amend or reverse the order, or take other action deemed appropriate. The City Clerk shall give written notice of the time and place of the hearing to the applicant. (Ord. 576-01 Ex. A (part), 2001)

15.75.110 Enforcement.

A. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

B. Violation of any provision of this chapter shall constitute an infraction punishable by a fine not to exceed one hundred dollars for the first violation, a fine not to exceed two hundred dollars for the second violation within one year, and a fine not to exceed five hundred dollars for each additional violation within one year. There shall be a separate infraction for each day on which a violation occurs. Where the violation is the failure to achieve the diversion requirement applicable to the project and the C&D materials from the project have been already landfilled, the violation shall be deemed to have ceased after a period of ten days. The City shall recover costs and attorneys' fees incurred in connection with enforcement of this chapter.

C. Enforcement pursuant to this section shall be undertaken by the City through the Economic and Community Development Department and City Manager's Department. (Ord. 576-01 Ex. A (part), 2001)

Chapter 15.76 GREEN BUILDING AND LANDSCAPING PRACTICES

15.76.010 Purpose.

The purpose of this chapter is to create a more environmentally and economically sustainable community by incorporating green measures into the design, construction, demolition, renovation, operation, and maintenance of buildings and landscaping within the City. This chapter establishes requirements for green building and landscaping practices to be used in City-sponsored, public partnership, and privately funded development projects. The green building and landscaping practices referenced in this chapter are designed to reduce landfill waste, conserve natural resources, increase energy efficiency, lower costs associated with operations and maintenance, improve indoor air quality, and minimize impacts on the natural environment. (Ord. 729-10 § 2, 2010)

15.76.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

A. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities who applies to the City for permits to undertake any construction or renovation for a building and/or landscaping project.

B. "Bay-Friendly Landscape Guidelines" means the most recent version of guidelines developed by StopWaste.Org for use in the design, construction, and maintenance of landscapes.

C. "Bay-Friendly Landscape Scorecard" means the most recent version of the scorecard developed by StopWaste.Org for the Bay-Friendly Landscape Program.

D. "Bay-Friendly Landscaping" means a whole systems approach to the design, construction, and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed.

E. "Board of Appeals" means a body comprised of one or more hearing officers appointed by the City Council who are qualified by experience and training to pass upon matters pertaining to building construction and are not employees of the jurisdiction.

F. "Build It Green" is a non-profit membership organization that developed the GreenPoint Rating Systems for residential and mixed-use projects in order to promote sustainable buildings.

G. "Building Official" means the Chief Building Official of the City of Union City.

H. "City-sponsored project" means any new construction, renovation, or landscaping project funded by the City or Redevelopment Agency and conducted on City- or Redevelopment Agency-owned property.

I. "Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.

J. "Covered project" shall have the meaning set forth in this chapter.

K. "Green building" means a whole systems approach to the design, construction, operation and maintenance of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.

L. "Green Building in Alameda County" is a program developed by Stopwaste.Org that serves Alameda County Waste Management Authority's seventeen member agencies, design and building industry professionals, and residents of Alameda County.

M. "GreenPoint Rated" is a third party rating system for homes based on a set of green building measures incorporated from Build It Green's Green Building Guidelines and used to evaluate a home's environmental performance.

N. "GreenPoint Rated Checklist" means the most recent version of the checklists developed by Build It Green for the GreenPoint Rated system.

O. "Historical" means any building or site deemed of importance to the history, architecture or culture of an area by an appropriate local, State or Federal governmental jurisdiction, including historical buildings or properties on, or determined eligible for, national, State or local historical registers or inventories, such as the National Register of Historic Places, California Register of Historical Resources, State Historical Landmarks, State Points of Historical Interest, and City or county registers, inventories or surveys of historical or architecturally significant sites, places, or landmarks as regulated by the California Historic Building Code (Title 24, Part 8).

P. "LEED™" means the Leadership in Energy and Environmental Design rating system used by the United States Green Building Council.

Q. "LEED™ checklist" means the most recent version of the checklists used by the United States Green Building Council for the LEED™ rating system.

R. "LEED™ Accredited Professional" means an individual who has passed the LEED™ accreditation exam administered by the U.S. Green Building Council.

S. "Mixed-use" means a building with residential and nonresidential uses.

T. "Multifamily dwelling" means a building or portion thereof designed or used as a residence for two or more families living independently of each other and doing their own cooking in the building. This definition includes two-family houses, three-family houses, four-family houses, apartment houses and apartment hotels but does not include automobile courts, trailer parks and tourist camps.

U. "Public partnership project" means any new construction or renovation project constructed on City- or Redevelopment Agency-owned land, and/or that includes funding by the City or the Redevelopment Agency, and/or is built under a development agreement or disposition and development agreement with the Redevelopment Agency.

V. "Public works projects" mean construction projects such as pump stations, flood control improvements, roads, bridges, as well as traffic lights, sidewalks, bike paths, bus stops, street median projects, and associated infrastructure on City-owned and maintained property but does not include landscaping projects greater than five thousand square feet.

W. "Remodel" means any change or modification to an existing building or structure, including, but not limited to, tenant improvements.

X. "Secondary dwelling" means an additional dwelling unit on a single-family lot which has kitchen, sleeping and full bathroom facilities, and a separate external access.

Y. "Single-family dwelling" means a detached building designed for or occupied by one family.

Z. "Small Commercial Green Building Checklist" is a green building checklist for nonresidential new construction, additions, and remodels developed by Green Building in Alameda County.

AA. "Stopwaste.Org" is the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board operating as one public agency. The Alameda County Waste Management Authority is a public joint-powers agency comprised of the County of Alameda, each of the fourteen cities within the County, and two sanitary districts that provide refuse collection services. Stopwaste.Org offers many programs in the areas of public education, green building, recycled product procurement, waste reduction, and market development. (Ord. 729-10 § 2, 2010)

15.76.030 Applicability.

- A. The following shall be considered covered projects for the purposes of this chapter:
1. City-Sponsored and Public Partnership Projects. City-sponsored and public partnership building projects initiated on or after the final adoption of the ordinance codified in this chapter, except as otherwise provided herein, whose estimated cost of construction is equal to or greater than three million dollars (to be adjusted annually according to the Building Cost Index published in Engineering News-Record Magazine using 2006 as a base year) and City-sponsored and public partnership landscape projects greater than five thousand square feet.
 2. Privately Funded Projects. Privately funded construction projects, except as otherwise provided herein, for which an application for a building permit is received after January 10, 2010, or after the date the California Energy Commission and California Building Standards Commission approve the green building standards required by this chapter, whichever date is later, consisting of:
 - a. Residential. New construction, additions greater than five hundred square feet, and remodels greater than five hundred square feet;
 - b. Nonresidential. New construction, additions, and remodels.
- B. The Building Official shall make the final determination as to whether any initiated project qualifies as a covered project. (Ord. 729-10 § 2, 2010).

C. Covered Projects shall only be subject to the 2010 California Green Building Standards Code (Title 24, Part 11) as required by State law. This Chapter does not amend or broaden the types of projects subject to the 2010 California Green Building Standards Code (Title 24, Part 11) requirements.

15.76.040 Exemptions.

The provisions of this chapter apply to covered projects, with the following exemptions, however, all projects must comply with the 2008 California Energy Efficiency Building Standards (Title 24, Part 6) and the 2010 California Green Building Standards Code (Title 24, Part 11) as applicable under State law regardless of the exemptions provided herein.

A. City-Sponsored and Public Partnership Projects.

1. Historical buildings, as defined by this chapter;
2. Permits issued exclusively for foundation repair, re-roofing, repair of fire damage, work required by termite reports, upgrades for accessibility, or other items of building or structural maintenance, as determined by the Building Official;
3. Public works projects, as defined by this chapter;
4. Projects where it can be demonstrated that complete compliance is not possible due to unusual building circumstances, subject to approval by the City Council;
5. Projects where it can be demonstrated that compliance with this chapter is not financially feasible by either the City or the Redevelopment Agency, and that the proposed building will provide an overriding benefit to the community, subject to approval by the City Council.

B. Privately Funded Projects.

1. Historical buildings, as defined by this chapter;
2. Permits issued exclusively for foundation repair, re-roofing, repair of fire damage, work required by termite reports, upgrades for accessibility, or other items of building or structural maintenance, as determined by the Building Official;
3. Projects that received site development review or administrative site development review approval prior to the effective date of the ordinance codified in this chapter. (Ord. 729-10 § 2, 2010)

15.76.050 Standards for compliance.

For projects that require site development review or administrative site development review, the applicable standards used to demonstrate compliance with this chapter are those in effect at the time the application is approved. For all other covered projects, the applicable standards used to demonstrate compliance with this chapter are those in effect at the time a building permit application is filed. All covered projects must demonstrate compliance with 2008 California Energy Efficiency Building Standards (Title 24, Part 6) and the 2010 California Green Building Standards Code (Title 24, Part 11) as applicable under State law by submitting all required forms and calculations for review and approval by the Building Official.

A. City-Sponsored and Public Partnership Projects.

1. City-sponsored and public partnership buildings that are covered projects shall meet a minimum LEED™ Silver rating and be so certified by the U.S. Green Building Council. These projects shall also have a LEED-Accredited Professional as a principal member of the design team. The LEED™ rating option to be used shall be the one most appropriate for the project, subject to review and approval by the Building Official.
2. City-sponsored and public partnership landscapes that are covered projects shall meet the most recent minimum Bay Friendly Landscape Scorecard points recommended by StopWaste.Org.

3. The Director of Public Works Department or designee shall regularly review the project specifications used in bidding public works projects to include the best green building/environmental practices applicable.

4. City-sponsored and public partnership projects that are not considered covered projects are encouraged to:

- a. Incorporate as many green building measures as feasible from the green building rating system most appropriate for the project, if applicable;
- b. Meet as many Bay-Friendly Landscape Scorecard points as feasible, taking into account available resources and design objectives, if applicable;
- c. Provide documentation demonstrating level of compliance.

B. Privately Funded Covered Projects.

1. Residential.

a. **Multifamily Residential and Mixed-Use Buildings.** Applicants for new multifamily residential and mixed-use covered projects shall submit the GreenPoint Rated Checklist with their building permit application. Prior to final approval, applicants for new multifamily residential and mixed-use covered projects shall submit documentation demonstrating the building(s) has/have been certified through Build It Green. New landscapes shall comply with the requirements of Chapter 18.112.

b. **New Single-Family Dwellings and Secondary Dwellings.** Applicants for new single-family and secondary dwelling covered projects shall submit a GreenPoint Rated Checklist with their building permit application. Prior to final approval, applicants shall submit documentation demonstrating the building(s) has/have been certified through Build It Green. New landscapes shall comply with the requirements of Chapter 18.112.

c. **Residential Additions, or Remodels Over Five Hundred Square Feet.** Prior to building permit submittal, applicants for residential covered projects, consisting of remodels and/or additions greater than five hundred square feet to existing single-family or multifamily dwellings, shall consult with City staff to consider the incorporation of green building measures into the project and submit a completed GreenPoint Rated Checklist with the building permit application. New landscapes shall comply with the requirements of Chapter 18.112.

2. Nonresidential.

a. **New Construction, Additions, or Remodels Over One Thousand Square Feet.** Applicants for nonresidential covered projects shall submit the Green Building in Alameda County Small Commercial Green Building Checklist with their building permit application. Plans submitted for building permits shall clearly show where each applicable measure has been incorporated into the project. The plan review shall verify the incorporation of applicable checklist items into the plans. The building inspection process shall verify the inclusion of these items in the construction. Final approval shall not be granted until the incorporation of applicable checklist items is verified. New landscapes shall comply with the requirements of Chapter 18.112.

b. **New Construction, Additions, or Remodels Less Than One Thousand Square Feet.** Prior to building permit submittal, applicants for nonresidential covered projects, consisting of remodels and/or additions less than one thousand square feet, shall consult with City staff to consider the incorporation of green building measures into the project and submit a completed Small Commercial Green Building Checklist with the building permit application.

3. **Public Landscaping Installed by Private Development.** Landscaping within private development projects to be dedicated to the City for long-term maintenance by the City shall meet the most recent minimum Bay-Friendly Landscape Scorecard points and provide documentation demonstrating level of compliance prior to acceptance.

C. Determination of Compliance. The Building Official shall make the final determination as to whether a project has complied with the 2008 California Energy Efficiency Building Standards

(Title 24, Part 6), the 2010 California Green Building Standards Code (Title 24, Part 11), and the requirements of this chapter.

D. **Alternative Green Building Requirements.** A comparable equivalent rating system may be used if the Building Official finds the proposed alternate method is satisfactory and complies with the 2008 California Energy Efficiency Building Standards (Title 24, Part 6), the 2010 California Green Building Standards Code (Title 24, Part 11), and the intent of this chapter. The applicable systems are those in effect at the time a building permit application is filed.

E. **Nothing in this chapter shall require the applicant to use covered products, as defined in the Federal Energy Policy and Conservation Act (42 U.S.C. § 6201 et seq.), that exceed any applicable Federal energy conservation standards for such products. (Ord. 729-10 § 2, 2010)**

15.76.060 Appeal.

Any person affected by a decision of the Building Official regarding compliance with this chapter may appeal the decision to the Board of Appeals by filing a notice of appeal with the City Clerk. The Board of Appeals shall be comprised of one or more hearing officers appointed by the City Council. The City Clerk shall give written notice of the time and place of the hearing to the applicant. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions. No action by the Appeals Board or the City Council shall allow the permitting of a building that does not comply with the 2008 California Energy Efficiency Building Standards (Title 24, Part 6) and the 2010 California Green Building Standards Code (Title 24, Part 11). (Ord. 729-10 § 2, 2010)

EXHIBIT B
Redlined Amendments

Chapter 15.75 CONSTRUCTION AND DEMOLITION DEBRIS RECYCLING

15.75.010 Purposes.

It is the purpose of this chapter to regulate the disposal of debris from construction and demolition projects within the city and to divert such debris from landfill. This chapter establishes a requirement for submitting a Waste Management Plan when applying for building or demolition permits when the construction or demolition projects meets the requirements of this chapter. (Ord. 576-01 Ex. A (part), 2001)

15.75.020 Authority for adoption.

This chapter is adopted under the authority of California Waste Management Act of 1989, (Assembly Bill 939) and Alameda County Waste Reduction and Recycling Act of 1990 (Measure D). (Ord. 576-01 Ex. A (part), 2001)

15.75.030 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition, or renovation project within the City.
- B. "Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.
- C. "Construction and Demolition Debris" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, or demolition operations on any pavement, house, commercial building, or other structure.
- D. "Conversion Rate" means the rate set forth in the standardized Conversion Rate Table approved by the City pursuant to this chapter for use in estimating the volume or weight of materials identified in a Waste Management Plan.
- E. "Covered Project" shall have the meaning set forth in 15.75.040 of this chapter.
- F. "Deconstruction" means the process for dismantling a building or structure in order to salvage components for reuse and recycling.

F-G “Demolition” means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

GH. “Divert” means to use material for any purpose other than disposal in a landfill or transformation facility or use of landfill as alternative daily cover.

HI. “Diversion requirement” means the diversion of 100 percent of all Portland cement, concrete, asphalt concrete, non contaminated soils, land-clearing debris and plant debris and at least fifty (50) percent of the local construction and demolition debris generated by a project via reuse or recycling, unless the applicant has been granted an Infeasibility Exemption pursuant to Section 15.75.090 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the Waste Management Plan Compliance Official for the project.

IJ. “Non-covered project” shall have the meaning set forth in 15.75.040 of this chapter.

JK. “Performance Security” means any performance bond, surety bond, money order, letter of credit, or certificate of deposit submitted to the City pursuant to Section 15.75.060 of this chapter.

KL. “Project” means any activity which requires an application for a building or demolition permit or any similar permit from the city.

LM. “Recycling” means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

MN. “Renovation” means any change, addition or modification in an existing structure.

NO. “Reuse” means further or repeated use of construction or demolition debris.

OP. “Salvage” means the controlled removal of construction and demolition debris from a permitted building or demolition site for the purpose of recycling reuse, or storage for later recycling or reuse.

PQ. “Waste Management Plan” means a completed Waste Management Plan form, approved by the City for the purpose of compliance with this chapter, submitted by the applicant for any covered or ~~Non-~~covered ~~p~~Project.

QR. “Waste Management Plan Compliance Official” means the designated staff person(s) authorized and responsible for implementing this ~~Article~~Chapter. (Ord. 576-01 Ex. A (part), 2001)

15.75.040 Threshold for covered projects.

A. Covered Projects. The following projects shall be considered “Covered Projects,” subject to the requirements of this Chapter: (1) all new construction projects; (2) all non-residential renovation projects where the total costs are, or projected to be, greater than or equal to \$50,000 in year 2010 dollars (subject to inflation adjustments); and (3) all demolition projects where the total costs are, or projected to be, greater than or equal to \$25,000 in year 2010 dollars (subject to inflation adjustments). ~~All construction, demolition, and renovation projects within the City the total costs of which are, or are projected to be, greater than or equal to one hundred thousand dollars shall comply with this chapter. For residential remodels, projects which increase the square footage of the building by fifty percent or more shall also comply with this chapter. Failure to comply with any of the terms of this chapter shall subject the project applicant to the full range of enforcement mechanisms in Section 15.75.110 set forth below.~~

B. ~~Non-covered Projects.~~ Applicants for ~~construction, demolition, and renovation projects within the City whose total costs are less than one hundred thousand dollars (“Non-covered Projects”)~~ shall be encouraged to divert at least fifty percent of all project-related construction and demolition debris.

C. ~~City-Sponsored Projects.~~ All City-sponsored ~~construction, demolition, and renovation projects, whose total costs are equal to or greater than one hundred thousand dollars, shall be considered “Covered Projects” for the purposes of this chapter and shall submit a Waste Management Plan to the WMP Compliance Official prior to beginning any construction or demolition activities and shall be subject to all applicable provisions of the chapter.~~

D. ~~Compliance as a Condition of Approval.~~ Compliance with the provisions of this chapter shall be listed as a condition of approval ~~on any building or demolition permit issued for any Covered Project.~~ (Ord. 576-01 Ex. A (part), 2001)

15.75.050 Submission of waste management plan.

A. ~~Waste Management Plan Forms.~~ Applicants for building or demolition permits involving any ~~e~~Covered pProject shall complete and submit a Waste Management Plan (WMP), on a WMP form approved by the City for this purpose as part of the application packet for the building or demolition permit. The completed WMP shall indicate ~~all of the following:~~ (1) C&D materials to be generated on job site, identified by material type; and (2) The vendor or facility that the applicant proposes to use to collect, receive or reuse each material. ~~the estimated volume or weight of project C & D debris, by material type, to be generated; (2) the maximum volume or weight of such materials that can feasibly be diverted via reuse or recycling; (3) the vendors or facilities that the applicant proposes to use to collect or receive that material; and (4) the estimated volume or weight of C & D C&D materials that will be landfilled.~~

~~B. Calculating Volume and Weight of Debris.~~ In estimating the volume of weight of materials identified in the WMP, ~~the applicant shall use the standardized Conversion Rates approved by the City for this purpose.~~

B. Deconstruction. In preparing the WMP, applicants for building or demolition permits involving the removal of all or part of an existing structure shall consider deconstruction, to the maximum extent feasible, and shall make the materials generated thereby available for salvage prior to land filling. (Ord. 576-01 Ex. A (part), 2001)

15.75.060 Performance security and permit fee.

The applicant for any eCovered pProject shall submit with the Waste Management Plan (WMP) a Performance Security and Permit Fee. The amount of the Performance Security shall be calculated as the lesser of three (3) percent of total project cost or ten thousand dollars. Acceptable forms of Performance Security include the following: performance bonds; surety bonds; money orders; letters of credit; and certificates of deposit. The WMP Compliance Official may waive the Performance Security if the total security required pursuant to this section would be fifty dollars or less. The amount of the permit fee shall be set by the City Council in the Master Fee Schedule. (Ord. 576-01 Ex. A (part), 2001)

15.75.070 Review of waste management plan.

A. Approval. Notwithstanding any other provision of this code, no building or demolition permit shall be issued for any eCovered pProject unless and until the Waste Management Plan (WMP) Compliance Official has approved the WMP. Approval shall not be required, however, where an emergency demolition is required to protect public health or safety the WMP Compliance Official shall only approve a WMP if he or she first determines that all of the following conditions have been met: (1) the WMP provides all of the information set forth in 15.75.050 of this chapter; (2) the WMP indicates that one hundred (100) percent of the portland cement concrete, asphalt concrete, land-clearing and soils, and plant debris and the WMP indicates that at least fifty (50) percent of all remaining C-&-D debris generated by the project will be diverted; and (3) the applicant has submitted an appropriate Performance Security in compliance with Section 15.75.060 of this chapter.

If the WMP Compliance Official determines that these three conditions have been met, he or she shall mark the WMP "Approved," return a copy of the WMP to the applicant, and notify the Building Department that the WMP has been approved.

B. Nonapproval. If the WMP Compliance Official determines that the WMP is incomplete or fails to indicate that one hundred (100) percent of the portland cement concrete, asphalt concrete, land-clearing and soils, and plant debris, and at least fifty percent of all remaining C-&-D debris generated by the project will be reused or recycled, he or she shall either: (1) Return the WMP to the applicant marked "Denied," including a statement of reasons, and so notify the Building Department, which shall then immediately stop processing the building or demolition permit application; or (2) Return the WMP to the applicant marked "Further Explanation Required." (Ord. 576-01 Ex. A (part), 2001)

15.75.080 Compliance with waste management plan.

A. Documentation. Within thirty days after the completion of any eCovered pProject, the applicant shall submit to the Waste Management Plan (WMP) Compliance Official documentation that it has met the diversion requirement for the project. The diversion requirement shall be that the applicant has diverted at least fifty percent of the total C-&-D debris generated by the project via reuse or recycling, unless the applicant has been granted an Infeasibility Exemption pursuant to 15.75.090 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the WMP Compliance Official for the project. This documentation shall include all of the following: (1) Receipts from the vendor or facility which collected or received each material showing the actual weight or volume of that material; (2) A copy of the previously approved WMP for the project adding the actual volume or weight of each material diverted and landfilled; and (3) Any additional information the applicant believes is relevant to determining its efforts to comply in good faith with this chapter.

B. Weighing of Wastes. Applicants shall make reasonable efforts to ensure that all C-&-D debris diverted or landfilled are measured and recorded using the most accurate method of measurement available. To the extent practical, all C-&-D debris shall be weighed by measurement on scales. Such scales shall be in compliance with all regulatory requirements for accuracy and maintenance. For C-&-D debris for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the City for this purpose.

C. Determination of Compliance and Release of Performance Security. The WMP Compliance Official shall review the information submitted under subsection (a) of this section and determine whether the applicant has complied with the diversion requirement as follows:

1. Full Compliance. If the WMP Compliance Official determines that the applicant has fully complied with the diversion requirement applicable to the project, he or she shall cause the full Performance Security to be released to the applicant.

2. Good Faith Effort to Comply. If the WMP Compliance Official determines that the diversion requirement has not been achieved, he or she shall determine on a case-by-case basis whether the applicant has made a good faith effort to comply with this chapter. In asking this determination, the WMP Compliance Official shall consider the availability of markets for the C-&-D debris landfill, the size of the project, and the documented efforts of the applicant to divert C-&-D debris. If the WMP Compliance Official determines that the applicant has made a good faith effort to comply with this chapter, he or she shall release the Performance Security, or a portion thereof, to the applicant. Any portion of the Performance Security released to the applicant shall be forfeited to the City, and shall be used for the purposes of promoting recycling within the city.

3. Noncompliance. If the WMP Compliance Official determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant fails to submit the documentation required by subsection (a) of this section within the required time period, then the Performance Security shall be forfeited to the City. All forfeited Performance Securities shall be used for the purposes of promoting recycling within the city. (Ord. 576-01 Ex. A (part), 2001)

15.75.090 Infeasibility exemption.

A. Application. If an applicant for a eCovered pProject experiences unique circumstances that the applicant believes make it infeasible to comply with the diversion requirement, the applicant may apply for an exemption at the time that he or she submits the Waste Management Plan (WMP) required under Section 15.75.050 of this chapter. The applicant shall indicate on the WMP the maximum rate of diversion he or she believes is feasible for each material and the specific circumstances that he or she believes make it infeasible to comply with the diversion requirement.

B. Meeting with WMP Compliance Official. The WMP Compliance Official shall review the information supplied by the applicant and may meet with the applicant to discuss possible ways of meeting the diversion requirement. Upon request of the jurisdiction, the WMP Compliance Official may request that staff from the Alameda County. Waste Management Authority attend this meeting or may require the applicant to request a separate meeting with Alameda County Waste Management Authority staff. Based on the information supplied by the applicant and, if applicable, Alameda County Waste Management Authority staff, the WMP Compliance Official shall determine whether it is possible for the applicant to meet the diversion requirement.

C. Granting of Exemption. If the WMP Compliance Official determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall indicate this rate on the WMP submitted by the applicant. The WMP Compliance Official shall return a copy of the WMP to the applicant marked "Approved for Infeasible Exemption" and shall notify the Community Development Department that the WMP has been approved.

D. Denial of Exemption. If the WMP Compliance Official determines that it is possible for the applicant to meet the diversion requirement, he or she shall so inform the applicant in writing. The applicant shall have thirty days to resubmit a WMP form in full compliance with Section 15.75.050 of this chapter. If the applicant fails to resubmit the WMP, or if the resubmitted WMP does not comply with Section 15.75.070 of this chapter, the WMP Compliance Official shall deny the WMP in accordance with Section 15.75.070 of this chapter. (Ord. 576-01 Ex. A (part), 2001)

15.75.100 Appeal.

Any person aggrieved by any decision of the Waste Management Plan Compliance may appeal to the City Council by filing a notice of appeal with the Clerk of the City Council within ten days of the notice of the decision by the compliance official. Such appeal shall be heard by the Council which may affirm, amend or reverse the order, or take other action deemed appropriate. The City Clerk shall give written notice of the time and place of the hearing to the applicant. (Ord. 576-01 Ex. A (part), 2001)

15.75.110 Enforcement.

A. Violation of any provision of this chapter may be enforced by civil action including an action for injunctive relief. In any civil enforcement action, administrative or judicial, the City shall be entitled to recover its attorneys' fees and costs from a person who is determined by a court of competent jurisdiction to have violated this chapter.

B. Violation of any provision of this chapter shall constitute an infraction punishable by a fine not to exceed one hundred dollars for the first violation, a fine not to exceed two hundred dollars for the second violation within one year, and a fine not to exceed five hundred dollars for each additional violation within one year. There shall be a separate infraction for each day on which a violation occurs. Where the violation is the failure to achieve the diversion requirement applicable to the project and the C-&-D materials from the project have been already landfilled, the violation shall be deemed to have ceased after a period of ten days. The City shall recover costs and attorneys' fees incurred in connection with enforcement of this chapter.

C. Enforcement pursuant to this section shall be undertaken by the City through ~~its~~ the Economic and Community Development Department and City Manager's Department ~~Community Development Director and the City Attorney.~~ (Ord. 576-01 Ex. A (part), 2001)

Chapter 15.76 GREEN BUILDING AND LANDSCAPING PRACTICES

15.76.010 Purpose.

The purpose of this chapter is to create a more environmentally and economically sustainable community by incorporating green measures into the design, construction, demolition, renovation, operation, and maintenance of buildings and landscaping within the City. This chapter establishes requirements for green building and landscaping practices to be used in City-sponsored, public partnership, and privately funded development projects. The green building and landscaping practices referenced in this chapter are designed to reduce landfill waste, conserve natural resources, increase energy efficiency, lower costs associated with operations and maintenance, improve indoor air quality, and minimize impacts on the natural environment. (Ord. 729-10 § 2, 2010)

15.76.020 Definitions.

For the purposes of this chapter, the following definitions shall apply:

- A. "Applicant" means any person, firm, partnership, association, joint venture, corporation, or any entity or combination of entities who applies to the City for permits to undertake any construction or renovation for a building and/or landscaping project.
- B. "Bay-Friendly Landscape Guidelines" means the most recent version of guidelines developed by StopWaste.Org for use in the design, construction, and maintenance of landscapes.
- C. "Bay-Friendly Landscape Scorecard" means the most recent version of the scorecard developed by StopWaste.Org for the Bay-Friendly Landscape Program.
- D. "Bay-Friendly Landscaping" means a whole systems approach to the design, construction, and maintenance of the landscape in order to support the integrity of the San Francisco Bay watershed.
- E. "Board of Appeals" means a body comprised of one or more hearing officers appointed by the City Council who are qualified by experience and training to pass upon matters pertaining to building construction and are not employees of the jurisdiction.
- F. "Build It Green" is a non-profit membership organization that developed the GreenPoint Rating Systems for residential and mixed-use projects in order to promote sustainable buildings.
- G. "Building Official" means the Chief Building Official of the City of Union City.
- H. "City-sponsored project" means any new construction, renovation, or landscaping project funded by the City or Redevelopment Agency and conducted on City- or Redevelopment Agency-owned property.
- I. "Construction" means the building of any facility or structure or any portion thereof including any tenant improvements to an existing facility or structure.
- J. "Covered project" shall have the meaning set forth in this chapter.
- K. "Green building" means a whole systems approach to the design, construction, operation and maintenance of buildings and structures that helps mitigate the environmental, economic, and social impacts of construction, demolition, and renovation. Green building practices recognize the relationship between natural and built environments and seek to minimize the use of energy, water, and other natural resources and provide a healthy, productive indoor environment.
- L. "Green Building in Alameda County" is a program developed by Stopwaste.Org that serves Alameda County Waste Management Authority's seventeen member agencies, design and building industry professionals, and residents of Alameda County.
- M. "GreenPoint Rated" is a third party rating system for homes based on a set of green building measures incorporated from Build It Green's Green Building Guidelines and used to evaluate a home's environmental performance.

N. "GreenPoint Rated Checklist" means the most recent version of the checklists developed by Build It Green for the GreenPoint Rated system.

O. "Historical" means any building or site deemed of importance to the history, architecture or culture of an area by an appropriate local, State or Federal governmental jurisdiction, including historical buildings or properties on, or determined eligible for, national, State or local historical registers or inventories, such as the National Register of Historic Places, California Register of Historical Resources, State Historical Landmarks, State Points of Historical Interest, and City or county registers, inventories or surveys of historical or architecturally significant sites, places, or landmarks as regulated by the California Historic Building Code (Title 24, Part 8).

P. "LEED™" means the Leadership in Energy and Environmental Design rating system used by the United States Green Building Council.

Q. "LEED™ checklist" means the most recent version of the checklists used by the United States Green Building Council for the LEED™ rating system.

R. "LEED™ Accredited Professional" means an individual who has passed the LEED™ accreditation exam administered by the U.S. Green Building Council.

S. "Mixed-use" means a building with residential and nonresidential uses.

T. "Multifamily dwelling" means a building or portion thereof designed or used as a residence for two or more families living independently of each other and doing their own cooking in the building. This definition includes two-family houses, three-family houses, four-family houses, apartment houses and apartment hotels but does not include automobile courts, trailer parks and tourist camps.

U. "Public partnership project" means any new construction or renovation project constructed on City- or Redevelopment Agency-owned land, and/or that includes funding by the City or the Redevelopment Agency, and/or is built under a development agreement or disposition and development agreement with the Redevelopment Agency.

V. "Public works projects" mean construction projects such as pump stations, flood control improvements, roads, bridges, as well as traffic lights, sidewalks, bike paths, bus stops, street median projects, and associated infrastructure on City-owned and maintained property but does not include landscaping projects greater than five thousand square feet.

W. "Remodel" means any change or modification to an existing building or structure, including, but not limited to, tenant improvements.

X. "Secondary dwelling" means an additional dwelling unit on a single-family lot which has kitchen, sleeping and full bathroom facilities, and a separate external access.

Y. "Single-family dwelling" means a detached building designed for or occupied by one family.

Z. "Small Commercial Green Building Checklist" is a green building checklist for nonresidential new construction, additions, and remodels developed by Green Building in Alameda County.

AA. "Stopwaste.Org" is the Alameda County Waste Management Authority and the Alameda County Source Reduction and Recycling Board operating as one public agency. The Alameda County Waste Management Authority is a public joint-powers agency comprised of the County of Alameda, each of the fourteen cities within the County, and two sanitary districts that provide refuse collection services. Stopwaste.Org offers many programs in the areas of public education, green building, recycled product procurement, waste reduction, and market development. (Ord. 729-10 § 2, 2010)

15.76.030 Applicability.

A. The following shall be considered covered projects for the purposes of this chapter:

1. City-Sponsored and Public Partnership Projects. City-sponsored and public partnership building projects initiated on or after the final adoption of the ordinance codified in this chapter, except as otherwise provided herein, whose estimated cost of construction is equal to or greater than three million

dollars (to be adjusted annually according to the Building Cost Index published in Engineering News-Record Magazine using 2006 as a base year) and City-sponsored and public partnership landscape projects greater than five thousand square feet.

2. Privately Funded Projects. Privately funded construction projects, except as otherwise provided herein, for which an application for a building permit is received after January 10, 2010, or after the date the California Energy Commission and California Building Standards Commission approve the green building standards required by this chapter, whichever date is later, consisting of:

a. Residential. New construction, additions greater than five hundred square feet, and remodels greater than five hundred square feet;

b. Nonresidential. New construction, additions, and remodels.

B. The Building Official shall make the final determination as to whether any initiated project qualifies as a covered project. (Ord. 729-10 § 2, 2010).

C. Covered Projects shall only be subject to the 2010 California Green Building Standards Code (Title 24, Part 11) as required by State law. This Chapter does not amend or broaden the types of projects subject to the 2010 California Green Building Standards Code (Title 24, Part 11) requirements.

15.76.040 Exemptions.

The provisions of this chapter apply to covered projects, with the following exemptions, however, all projects must comply with the 2008 California Energy Efficiency Building Standards (Title 24, Part 6) and the 2010 California Green Building Standards Code (Title 24, Part 11) as applicable under State law regardless of the exemptions provided herein.

A. City-Sponsored and Public Partnership Projects.

1. Historical buildings, as defined by this chapter;

2. Permits issued exclusively for foundation repair, re-roofing, repair of fire damage, work required by termite reports, upgrades for accessibility, or other items of building or structural maintenance, as determined by the Building Official;

3. Public works projects, as defined by this chapter;

4. Projects where it can be demonstrated that complete compliance is not possible due to unusual building circumstances, subject to approval by the City Council;

5. Projects where it can be demonstrated that compliance with this chapter is not financially feasible by either the City or the Redevelopment Agency, and that the proposed building will provide an overriding benefit to the community, subject to approval by the City Council.

B. Privately Funded Projects.

1. Historical buildings, as defined by this chapter;

2. Permits issued exclusively for foundation repair, re-roofing, repair of fire damage, work required by termite reports, upgrades for accessibility, or other items of building or structural maintenance, as determined by the Building Official;

3. Projects that received site development review or administrative site development review approval prior to the effective date of the ordinance codified in this chapter. (Ord. 729-10 § 2, 2010)

15.76.050 Standards for compliance.

For projects that require site development review or administrative site development review, the applicable standards used to demonstrate compliance with this chapter are those in effect at the time the application is approved. For all other covered projects, the applicable standards used to demonstrate compliance with this chapter are those in effect at the time a building permit application is filed. All covered projects must demonstrate compliance with 2008 California Energy Efficiency Building Standards (Title 24, Part 6) and the 2010 California Green Building Standards Code (Title 24, Part 11) as

applicable under State law by submitting all required forms and calculations for review and approval by the Building Official.

- A. City-Sponsored and Public Partnership Projects.
 1. City-sponsored and public partnership buildings that are covered projects shall meet a minimum LEED™ Silver rating and be so certified by the U.S. Green Building Council. These projects shall also have a LEED-Accredited Professional as a principal member of the design team. The LEED™ rating option to be used shall be the one most appropriate for the project, subject to review and approval by the Building Official.
 2. City-sponsored and public partnership landscapes that are covered projects shall meet the most recent minimum Bay Friendly Landscape Scorecard points recommended by StopWaste.Org.
 3. The Director of Public Works Department or designee shall regularly review the project specifications used in bidding public works projects to include the best green building/environmental practices applicable.
 4. City-sponsored and public partnership projects that are not considered covered projects are encouraged to:
 - a. Incorporate as many green building measures as feasible from the green building rating system most appropriate for the project, if applicable;
 - b. Meet as many Bay-Friendly Landscape Scorecard points as feasible, taking into account available resources and design objectives, if applicable;
 - c. Provide documentation demonstrating level of compliance.
- B. Privately Funded Covered Projects.
 1. Residential.
 - a. Multifamily Residential and Mixed-Use Buildings. Applicants for new multifamily residential and mixed-use covered projects shall submit the GreenPoint Rated Checklist with their building permit application. Prior to final approval, applicants for new multifamily residential and mixed-use covered projects shall submit documentation demonstrating the building(s) has/have been certified through Build It Green. New landscapes shall comply with the requirements of Chapter 18.112.
 - b. New Single-Family Dwellings and Secondary Dwellings. Applicants for new single-family and secondary dwelling covered projects shall submit a GreenPoint Rated Checklist with their building permit application. Prior to final approval, applicants shall submit documentation demonstrating the building(s) has/have been certified through Build It Green. New landscapes shall comply with the requirements of Chapter 18.112.
 - c. Residential Additions, or Remodels Over Five Hundred Square Feet. Prior to building permit submittal, applicants for residential covered projects, consisting of remodels and/or additions greater than five hundred square feet to existing single-family or multifamily dwellings, shall consult with City staff to consider the incorporation of green building measures into the project and submit a completed GreenPoint Rated Checklist with the building permit application. New landscapes shall comply with the requirements of Chapter 18.112.
 2. Nonresidential.
 - a. New Construction, Additions, or Remodels Over One Thousand Square Feet. Applicants for nonresidential covered projects shall submit the Green Building in Alameda County Small Commercial Green Building Checklist with their building permit application. Plans submitted for building permits shall clearly show where each applicable measure has been incorporated into the project. The plan review shall verify the incorporation of applicable checklist items into the plans. The building inspection process shall verify the inclusion of these items in the construction. Final approval shall not be granted until the incorporation of applicable checklist items is verified. New landscapes shall comply with the requirements of Chapter 18.112.
 - b. New Construction, Additions, or Remodels Less Than One Thousand Square Feet. Prior to building permit submittal, applicants for nonresidential covered projects, consisting of remodels and/or additions less than one thousand square feet, shall consult with City staff to consider the incorporation of

green building measures into the project and submit a completed Small Commercial Green Building Checklist with the building permit application.

3. Public Landscaping Installed by Private Development. Landscaping within private development projects to be dedicated to the City for long-term maintenance by the City shall meet the most recent minimum Bay-Friendly Landscape Scorecard points and provide documentation demonstrating level of compliance prior to acceptance.

C. Determination of Compliance. The Building Official shall make the final determination as to whether a project has complied with the 2008 California Energy Efficiency Building Standards (Title 24, Part 6), the 2010 California Green Building Standards Code (Title 24, Part 11), and the requirements of this chapter.

D. Alternative Green Building Requirements. A comparable equivalent rating system may be used if the Building Official finds the proposed alternate method is satisfactory and complies with the 2008 California Energy Efficiency Building Standards (Title 24, Part 6), the 2010 California Green Building Standards Code (Title 24, Part 11), and the intent of this chapter. The applicable systems are those in effect at the time a building permit application is filed.

E. Nothing in this chapter shall require the applicant to use covered products, as defined in the Federal Energy Policy and Conservation Act (42 U.S.C. § 6201 et seq.), that exceed any applicable Federal energy conservation standards for such products. (Ord. 729-10 § 2, 2010)

15.76.060 Appeal.

Any person affected by a decision of the Building Official regarding compliance with this chapter may appeal the decision to the Board of Appeals by filing a notice of appeal with the City Clerk. The Board of Appeals shall be comprised of one or more hearing officers appointed by the City Council. The City Clerk shall give written notice of the time and place of the hearing to the applicant. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions. No action by the Appeals Board or the City Council shall allow the permitting of a building that does not comply with the 2008 California Energy Efficiency Building Standards (Title 24, Part 6) and the 2010 California Green Building Standards Code (Title 24, Part 11). (Ord. 729-10 § 2, 2010)