

CALIFORNIA BUILDING STANDARDS COMMISSION

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



December 16, 2010

John Cheng, Assistant Community Development Director/ Building Official
Building Division
City of Burbank
275 East Olive Avenue
Burbank, California 91510-6459

John Cheng,

This is to acknowledge receipt of the City of Burbank submittal pertaining to Ordinance Nos. 3797 & 3799 with findings on November 12, 2010. As the law states, no local modification or change to the California Building Standards Code (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).

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.)

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

Sincerely,


Jane G. Taylor
Senior Architect

cc: Chron
Local Filings



CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT

275 East Olive Avenue, P.O. Box 6459, Burbank, California 91510-6459
www.ci.burbank.ca.us

November 8, 2010

Dave Walls
Executive Director
California Building Standards Commission
2525 Natomas Park Drive, Suite 130
Sacramento, CA 95833-2936

RE: Local Amendments to the 2010 California Building Standards Code

The City of Burbank has adopted local amendments to the 2010 California Building Standards Code, Title 24 of the California Code of Regulations. Enclosed is a copy of Ordinance No. 3797 and Ordinance No. 3799 passed and adopted by the City Council amending the Burbank Municipal Code to adopt the 2010 California Building Standards Code and the 2010 California Green Building Standards Code. A summary of the amendments with findings and reasons for the changes is enclosed.

Thank you,

John Cheng
Assistant Community Development Director/ Building Official
Building Division
City of Burbank

2010 NOV 12 A 11:29
CITY OF BURBANK
COMMUNITY DEVELOPMENT DEPARTMENT
BUILDING STANDARDS COMMISSION

City of Burbank: Summary of Local Amendments to 2010 California Building Standards Code in the Burbank Municipal Code (BMC)

BMC Section	Amended CBSC Section	BMC Section Title	Findings	Reason for Amendment
Part 2 – California Building Code				
9-1-1	n/a	Adoption of 2010 California Building Code	Administrative	Reference to code adoption
9-1-1-105.2	105.2	Work Exempt from Permit	Administrative	Inclusion of City standards
9-1-1-105.3.3	105.3	Fees for Copies	Administrative	Section title
9-1-1-105.3.3.1	105.3.3.1	Fees for File Copies of Plans	Administrative	Reference to Burbank Fee Schedule
9-1-1-105.3.3.2	105.3.3.2	Fees for Reproduction of File Copies of Plans	Administrative	Reference to Burbank Fee Schedule
9-1-1-105.3.4	105.3.4	To Whom a Permit May Be Issued	Administrative	Clarification of permit issuance requirements
9-1-1-105.6.1	105.6.1	Appeal of Revocation or Suspension	Administrative	Addition of City administrative procedures
9-1-1-105.8	105	Construction Hours	Administrative	Addition of City requirements
9-1-1-107.3.2	107.3.2	Previous Approvals	Administrative	Inclusion of City requirements
9-1-1-109.2	109.2.	Schedule of Fees	Administrative	Section title
9-1-1-109.2.1	109.2.1	Fees	Administrative	Reference to Burbank Fee Schedule
9-1-1-109.2.2	109.2.2	Exemption from Fees	Administrative	Reference to Burbank Fee Schedule
9-1-1-109.6	109.6	Refunds	Administrative	Establishment of refund policy
9-1-1-109.6.1	109.6	Plan Check Fees	Administrative	Establishment of refund policy
9-1-1-109.6.2	109.6	Permit Fees	Administrative	Establishment of refund policy
9-1-1-110.3.1.1	110.3.1	Setback Certification Required	Administrative	Addition of City Zoning requirements
9-1-1-111.3	111.3	Temporary Occupancy	Administrative	Section title
9-1-1-111.3.1	111.3	Temporary Use and Occupancy	Administrative	Addition of TCO policy
9-1-1-111.3.2	111.3	Application for Temporary Certificate of Occupancy	Administrative	Clarification of TCO application procedures
9-1-1-111.3.3	111.3	Fees and Bond	Administrative	Clarification of TCO procedure and reference to Burbank Fee Schedule
9-1-1-111.3.4	111.3	Time Limitation of Temporary Certificate of Occupancy	Administrative	Establishment of TCO time limit
9-1-1-112.4	113	Board of Building and Fire Code Appeals – Notice of Appeal	Administrative	Addresses City appeals procedure

City of Burbank: Summary of Local Amendments to 2010 California Building Standards Code in the Burbank Municipal Code (BMC)

BMC Section	Amended CBSC Section	BMC Section Title	Findings	Reason for Amendment
9-1-1-202	202	Definition of Building Official	Administrative	Expands the definition of Building Official to be consistent with City designation
9-1-1-310.4	310	Building Security	Administrative	Section title
9-1-1-310.4.1	310	General Requirements	Administrative	Addition of residential security requirements
9-1-1-310.4.2	310	Doors	Administrative	Addition of residential security requirements
9-1-1-310.4.3	310	Windows	Administrative	Addition of residential security requirements
9-1-1-310.4.4	310	Basement Hatchways	Administrative	Addition of residential security requirements
9-1-1-406.1.1.5	406.1.1	Clear Height – Private Garages and Carports	Administrative	Addition of City Zoning standards
9-1-1-406.1.6	406.1	Porte Cochere	Administrative	Clarification of fire-resistive requirements for porte cocheres as provided in the Burbank Zoning Code
9-1-1-701A.1.1	701A.1	Establishment of the Burbank Fire Hazard Severity Zone	Topographic/ Climatic	Establishment of the Burbank Fire Hazard Severity Zone
9-1-1-705.3.1	705.3	Building on Contiguous Lots	Administrative	Addition of City legal requirements
9-1-1-705A.2.1	705A.2	Class A Roof Covering	Topographic/ Climatic	Addition of City Fire Hazard Severity Zone requirements
9-1-1-705A.4.1	705A.4	Roof Gutters and Downspouts	Topographic/ Climatic	Addition of City Fire Hazard Severity Zone requirements
9-1-1-706A	706A	Vents	Topographic/ Climatic	Section title
9-1-1-706A.2	706A.2	Requirements	Topographic/ Climatic	Addition of City Fire Hazard Severity Zone Requirements
9-1-1-901.1.1	901.1	Fire Protection Systems – Burbank Municipal Code	Administrative	Reference to City Fire Code standards in the BMC
9-1-1-1207.1	1207.1	Purpose and Scope – Sound Transmission	Administrative	Section title
9-1-1-1207.11.5	1207.11	Alternate Sound Transmission Control Assemblies for New Single-Family Dwellings	Administrative	Addition of City land use standards
9-1-1-1404.3.3	1403.3	Wood Shake and Wood Shingle Exterior Wall Covering	Topographic/ Climatic	Section title

City of Burbank: Summary of Local Amendments to 2010 California Building Standards Code in the Burbank Municipal Code (BMC)

BMC Section	Amended CBSC Section	BMC Section Title	Findings	Reason for Amendment
9-1-1-1404.3.3.1	1403.3	Wood Shakes and Shingles Prohibited	Topographic/ Climatic	Addition of City fire safety requirements
9-1-1-1404.3.3.2	1403.3	Existing Wood Exterior Repairs	Topographic/ Climatic	Addition of City fire safety requirements
9-1-1-1410	1410	Sandblasting	Administrative	Section title
9-1-1-1410.1	1410	Dry Sandblasting	Administrative	Addition of City regulations
9-1-1-1410.2	1410	Use of Canvas	Administrative	Addition of City regulations
9-1-1-1410.3	1410	Stoppage of Work	Administrative	Addition of City regulations
9-1-1-1410.4	1410	Pollution and Discharge Runoff	Administrative	Addition of City regulations
9-1-1-1501.1.1	1501.1	Wood Roofs Prohibited	Topographic/ Climatic	Addition of City fire safety requirements
9-1-1-1507.8	1507.8	Wood Shingles	Topographic/ Climatic	Addition of City fire safety requirements
9-1-1-1507.9	1507.9	Wood Shakes	Topographic/ Climatic	Addition of City fire safety requirements
9-1-1-1510.3	1510.3	Recovery Versus Replacement	Topographic/ Climatic	Addition of City fire safety requirements
9-1-1-1510.4	1510.4	Roof Recovering	Topographic/ Climatic	Addition of City fire safety requirements
9-1-1-1612.3	1612.3	Establishment of Flood Hazard Areas	Administrative	Inclusion of City flood hazard area information
9-1-1-2703	2703	Public Safety UHF Radio Amplification System	Administrative	Addition of City requirements for public safety radio systems
9-1-1-2901.2	2901	Public Facilities at Gasoline Service Stations	Administrative	Addition of City Zoning Code requirements
9-1-1-3109.6	3109	Swimming Pools – Nearness to Electrical Wires	Administrative	Reference to additional City Utility requirements
9-1-1-3203	3203	Building on Public Easement Prohibited	Administrative	Addition of City legal requirements
9-1-1-3302.3	3302	Construction Fencing	Administrative	Inclusion of additional City safeguard requirements
9-1-1-3305	3305	Sanitary and Garbage Facilities	Administrative	Inclusion of additional City safeguard requirements
9-1-1-3305.1	3305	Facilities Required	Administrative	Inclusion of additional City sanitation requirements
9-1-1-3305.2	3305	Garbage Containers	Administrative	Inclusion of additional City

City of Burbank: Summary of Local Amendments to 2010 California Building Standards Code in the Burbank Municipal Code (BMC)

BMC Section	Amended CBSC Section	BMC Section Title	Findings	Reason for Amendment
				sanitation requirements
9-1-1-3410.2	3410	Permits for Moved Structures	Administrative	Inclusion of City procedures and requirements
9-1-1-3410.2.1	3410	Scope	Administrative	Inclusion of City procedures and requirements
9-1-1-3410.2.2	3410	Permit to Move Building	Administrative	Inclusion of City procedures and requirements
9-1-1-3410.2.3	3410	Application for Permit	Administrative	Reference to California Building Code Section 105.3
9-1-1-3410.2.4	3410	Construction Documents	Administrative	Reference to California Building Code Section 106
9-1-1-3410.2.5	3410	Fees and Bond	Administrative	Reference to Burbank Fee Schedule and City requirements
9-1-1-3410.2.6	3410	Inspections	Administrative	Reference to California Building Code Section 110
9-1-1-3410.2.7	3410	Board of Appeals	Administrative	Reference to BMC appeals requirements
9-1-1-3410.2.8	3410	Interference Unlawful	Administrative	Inclusion of City procedures
9-1-1-3410.2.9	3410	Redevelopment Project Areas	Administrative	Specification of City requirements
9-1-1-C105	C105	(Appendix C) Commercial Stables	Administrative/ Topographic/ Climatic	Addition of City fire safety and Zoning requirements for commercial stables
9-1-1-G101.5	G101	(Appendix G) Flood Resistant Construction – Warning and Disclaimer or Liability	Administrative	Inclusion of City legal requirements
9-1-1-G102.2	G102.2	(Appendix G) Establishment of Floor Hazard Area	Administrative	Reference to code effective date
9-1-1-G103.9	G103	(Appendix G) Duties and Responsibilities of the Floodplain Administrator	Administrative	Section title
9-1-1-G103.9.1	G103	(Appendix G) Definition – Floodplain Administrator	Administrative	Identifies Public Works Director as Floodplain Administrator
9-1-1-G103.9.2	G103	(Appendix G) Duties – Floodplain Administrator	Administrative	Expands definition of Floodplain Administrator
9-1-1-H101.1.1	H101.1	(Appendix H) Zoning Code Sign Regulations	Administrative	Adds reference to City Zoning requirements
9-1-1-H101.2	H101.2	(Appendix H) Signs Exempt from Permits	Administrative	Adds reference to City Zoning requirements

City of Burbank: Summary of Local Amendments to 2010 California Building Standards Code in the Burbank Municipal Code (BMC)

BMC Section	Amended CBSC Section	BMC Section Title	Findings	Reason for Amendment
9-1-1-J104.5	J104.5	(Appendix J) Fees, Bonds and Insurance – Excavation and Grading	Administrative	Reference to Burbank Fee Schedule and addition of City legal and procedural requirements
9-1-1-J105.3	J105	(Appendix J) Construction Site Maintenance – Excavation and Grading	Administrative	Reference to City construction site maintenance requirements in the BMC
9-1-1-J110.3	J110	(Appendix J) Maintenance of Protective Devices – Excavation and Grading	Administrative	Addition of City excavation and grading standards
Part 2.5 California Residential Code				
9-1-5		Adoption of the 2010 California Residential Code and Amendments	Administrative	Code adoption reference
9-1-R101.1	R101.1	Title	Administrative	Section title
9-1-R105.2	R105.2	Work Exempt from Permit	Administrative	Inclusion of City standards
9-1-R109.1.1.1	R109.1.1	Surveys	Administrative	Addition of City legal and Zoning requirement
9-1-R202	R202	Definition of Building Official	Administrative	Expands definition of Building Official to be consistent with BMC designation.
9-1-R301.2	R301.2	Climatic and Geographic Design Criteria	Administrative	Inclusion of required table with local design conditions
9-1-R309.1.1	R309.1	Clear Height – Private Garages and Carports	Administrative	Addition of City Zoning requirements
9-1-R327.6.2	R327.6.2	Vent Requirements	Topographic/Climatic	Addition of City fire safety requirements
9-1-R703.5	R703.5	Wood Shakes and Shingles	Topographic/Climatic	Addition of City fire safety requirements
9-1-R806.1.1	R806.1	Gabel End or Dormer Attic Vents	Topographic/Climatic	Addition of City fire safety requirements
9-1-R806.4	R806.4	Unvented Attic Assemblies	Topographic/Climatic	Inclusion of City fire safety requirements
9-1-R902.2	R902.2	Fire-Retardant-Treated Shingles and Shakes	Topographic/Climatic	Inclusion of City fire safety requirements
9-1-R905.7	R905.7	Wood Shingles	Topographic/Climatic	Inclusion of City fire safety requirements
9-1-R905.8	R905.8	Wood Shakes	Topographic/Climatic	Inclusion of City fire safety requirements

City of Burbank: Summary of Local Amendments to 2010 California Building Standards Code in the Burbank Municipal Code (BMC)

BMC Section	Amended CBSC Section	BMC Section Title	Findings	Reason for Amendment
			Climatic	requirements
9-1-R907.1	R907.1	Reroofing	Topographic/ Climatic	Inclusion of City fire safety requirements
9-1-R907.4	R907.4	Roof Recovering	Topographic/ Climatic	Inclusion of City fire safety requirements
Part 4 - California Mechanical Code				
9-1-4		Adoption of 2010 California Mechanical Code	Administrative	Code adoption reference
9-1-4-108	108.0	Powers and Duties of the Authority Having Jurisdiction	Administrative	Section title
9-1-4-108.1.1	108.1	General	Administrative	Designates Building Official as authority having jurisdiction and expands definition to include City classification
9-1-4-114	114.0	Permit Issuance	Administrative	Section title
9-1-4-114.1.1	114.1	Issuance to State Licensees	Administrative	Addition of City permit requirements
9-1-4-115	115.0	Fees	Administrative	Section title
9-1-4-115.1	115.1	General	Administrative	Reference to Burbank Fee Schedule
9-1-4-115.2	115.2	Permit Fees	Administrative	Reference to Burbank Fee Schedule
9-1-4-115.3	115.3	Plan Review Fees	Administrative	Reference to Burbank Fee Schedule
9-1-4-310.6	309	Other Plumbing Connections	Administrative	Add reference to California Plumbing Code requirements
Part 5 – California Electrical Code				
9-1-5		Adoption of the 2010 California Electrical Code and Disclaimer	Administrative	Code adoption reference
9-1-5-90.7.1	90.7	Listing of Equipment	Administrative	Clarifies listing requirement
9-1-5-300.5	300.5	Concrete Encasement of Secondary Feeders	Administrative	Addition of City electrical requirements
9-1-5-80.2	80.2 Annex H	Annex H Definitions (Authority Having Jurisdiction)	Administrative	Designates Building Official as authority having jurisdiction and refers to City classifications
9-1-5-80.15	80.15 Annex H	Annex H Board of Appeals	Administrative	Adds reference to appeal procedures

City of Burbank: Summary of Local Amendments to 2010 California Building Standards Code in the Burbank Municipal Code (BMC)

BMC Section	Amended CBSC Section	BMC Section Title	Findings	Reason for Amendment
9-1-5-80.19	80.19 Annex H	Annex H Permits and Approvals	Administrative	Clarifies permit requirements and refers to Burbank Fee Schedule
9-1-5-80.23	80.23 Annex H	Annex H Method of Service and Notice	Administrative	Clarifies code enforcement procedure
Part 6 – California Plumbing Code				
9-1-6		Adoption of 2010 California Plumbing Code	Administrative	Code adoption reference
9-1-6-1.1.3.3	1.1.3	Expanded Scope for CALGreen Requirements	Administrative	Additions of reference to CALGreen
9-1-6-102	102.0	Powers and Duties of the Authority Having Jurisdiction	Administrative	Section title
9-1-6-102.1.1	102.1	General	Administrative	Designates Building Official as authority having jurisdiction and refers to City classifications
9-1-6-103.1.3.1	103.1.3	Licensing	Administrative	Addition of City permit requirements
9-1-6-103.1.3.2	103.1.3	Qualifications of Plumbers	Administrative	Addition of City permit requirements
9-1-6-103.4	103.4	Fees	Administrative	Section title
9-1-6-103.4.1	103.4	Permit Fees	Administrative	Reference to Burbank Fee Schedule
9-1-6-103.4.2	103.4	Plan Review Fees	Administrative	Reference to Burbank Fee Schedule
9-1-6-308.1.1	308.1	Exposed Plumbing	Administrative	Inclusion of City standards
9-1-6-402.1	402.1	Water-Conserving Fixtures and Fittings	Administrative	Adds reference to CALGreen
9-1-6-402.7	402	Restroom Aerators	Environmental	Addition of local water conservation requirements
Part 10 – California Existing Building Code				
9-1-7-100		Adoption of Code (Title 24, Part 10, of the California Building Code, 2010 Edition)	Administrative/ Geologic	Code adoption reference for City seismic safety regulations
Part 11 – CALGreen				
9-1-10		Adoption of 2010 California Green Building Standards Code	Administrative	Code adoption reference
9-1-10-1010 through 1017	4.408, 5.408	Division 2: Diversion of Construction and Demolition Debris	Administrative/ Environmental	Carryover of existing City debris diversion ordinance

ORDINANCE NO. 3799

AN ORDINANCE OF THE COUNCIL OF THE CITY OF BURBANK AMENDING TITLE 9, CHAPTER 1, ARTICLE 10 OF THE BURBANK MUNICIPAL CODE TO ADOPT THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE.

City Attorney's Synopsis

The purpose of this ordinance is to adopt Title 24, Part 11 of the California Green Building Standards Code, 2010 Edition as required by the Health and Safety Code of the State of California. Additionally, the ordinance will make local amendments to the construction standards that are not less restrictive and are reasonably necessary due to climatic, geographical, or topographical conditions, or are administrative revisions to the State codes.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

- A. The Health and Safety Code of the State of California requires local jurisdictions to adopt building standards, rules and regulations adopted by the California Building Standards Commission.
- B. The California Building Standards Commission has adopted the 2010 California Green Building Standards Code.
- C. The Health and Safety Code allows local jurisdictions to make modifications and additions to the State-adopted codes, provided such amendments are not less restrictive and are reasonably necessary because of climatic, geographical, or topographical conditions, or are administrative revisions to the State codes.
- D. The City must adopt the new State-adopted codes by the State-specified effective date of January 1, 2011.
- E. This ordinance was determined not to be a project subject to the provisions of the California Environmental Quality Act, as the term project is defined in Section 15378 of the State CEQA Guidelines and/or is categorically exempt under Section 15061(b)(3) of the State CEQA Guidelines in that it can be seen with certainty that there is no possibility the proposed project would have a significant effect on the environment.

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

1. Title 9, Chapter 1, Article 10, Division 1, of the Burbank Municipal Code is hereby amended to read as follows:

ARTICLE 10. ENVIRONMENTAL REGULATIONS

DIVISION 1. GREEN BUILDING AND SUSTAINABLE ARCHITECTURE

9-1-10: ADOPTION OF 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE:

A. ADOPTION OF CODE.

Title 24, Part 11, California Green Building Standards Code (CALGreen), is hereby adopted by the City of Burbank and made a part of this Code. Copies of said code and standards filed with the City Clerk prior to adoption are now on file in the office of said Clerk and are available for public inspection.

B. DELETED FROM THE CODE.

The following provisions not adopted by the California Building Standards Commission and the Department of Housing and Community Development are hereby deleted from the California Green Building Standards Code (CALGreen), 2010 Edition: Sections 305 and 306 of Chapter 3; Sections A5.106.4, A5.106.4.1, A5.106.4.2, and A5.106.9.1 of Appendix A5, Division A5.1; Sections A5.203.2, A5.204.4, A5.205, A5.207, A5.209, A5.210, and A5.211.1.2, together with subsections and tables, of Appendix A5, Division A5.2; Sections A5.304.1.1 and A5.304.4.4 of Appendix A5, Division A5.3; Sections A5.402.1, A5.405.4, A5.405.4.2, A5.406.1.3, A5.407, A5.408.3.1, A5.408.5, A5.408.6, A5.408.7, A5.410.3, A5.410.4, A5.410.6, together with exceptions and subsections, of Appendix A5, Division A5.4; Sections A5.504.8, A5.504.9, A5.505, and A5.507.5, together with subsections and tables, of Appendix A5, Division A5.5.

2. This ordinance is not a project, subject to the provisions of the California Environmental Quality Act, as the term is defined in Section 15378 of the State CEQA Guidelines and/or is categorically exempt under Section 15061(b)(3) of the State CEQA Guidelines in that it can be seen with certainty that there is no possibility the proposed project would have a significant effect on the environment.

3. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

4. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation within fourteen (14) days of adoption, published and circulated in the City of Burbank, California.

5. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

PASSED AND ADOPTED this 2nd day of November, 2010.

s/Anja Reinke
Anja Reinke
Mayor of the City of Burbank

Attest:

s/Margarita Campos
Margarita Campos, CMC, City Clerk

Approved as to Form and Legal Content
Dennis A Barlow, City Attorney

By: s/Jina Oh
Jina Oh, Sr. Asst. City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Margarita Campos, CMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3799 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 2nd day of November, 2010, by the following vote:

- AYES: Council Members Bric, Golonski, Talamantes and Reinke.
- NOES: Council Member Gordon.
- ABSENT: Council Members None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 10th day of November, 2010.

s/Margarita Campos
Margarita Campos, CMC, City Clerk

ORDINANCE NO. 3797

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
BURBANK AMENDING TITLE 9 OF THE BURBANK
MUNICIPAL CODE TO ADOPT THE 2010 CALIFORNIA
BUILDING STANDARDS CODE AND RELATED CODES.

City Attorney's Synopsis

The purpose of this ordinance is to adopt the 2010 California Building Standards Code and related codes as required by the Health and Safety Code of the State of California. The ordinance will also make local amendments to the construction standards that are not less restrictive and are reasonably necessary due to climatic, geographical, or topographical conditions, or are administrative revisions to the State codes.

THE COUNCIL OF THE CITY OF BURBANK FINDS:

A. The Health and Safety Code of the State of California requires local jurisdictions to adopt building standards, rules and regulations adopted by California Building Standards Commission.

B. The California Building Standards Commission has adopted the 2010 California Building Code and related Codes

C. It is in the City's interest to adopt the construction-related provisions of the 2009 International Property Maintenance Code, the 2009 International Existing Building Code Chapters A3, A4 and A5, and the 2009 Uniform Solar Energy Code.

D. The Health and Safety Code allows local jurisdictions to make modifications and additions to the State-adopted codes, provided such amendments are not less restrictive and are reasonably necessary because of climatic, geographical, or topographical conditions, or are administrative revisions to the State codes.

E. The City must adopt the new State-adopted codes by the State-specified effective date of January 1, 2011.

F. This ordinance was determined not to be a project subject to the provisions of the California Environmental Quality Act, as the term "project" is defined in Section 15378 of the State CEQA Guidelines and/or is categorically exempt under Section 15061(b)(3) of the State CEQA Guidelines in that it can be seen with certainty that there is no possibility the proposed project would have a significant effect on the environment.

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

1. Title 9, Chapter 1, Articles 1 through 9 of the Burbank Municipal Code is hereby amended in its entirety to read as follows:

CHAPTER 1

BUILDING

SECTION:

ARTICLE 1. BUILDING REGULATIONS

DIVISION 1: CALIFORNIA BUILDING CODE AND AMENDMENTS

9-1-1: ADOPTION OF 2010 CALIFORNIA BUILDING CODE:

A. ADOPTION OF CODE.

Title 24, Parts 1, 2, 2.5, 6, 8, (*Part 10 adopted in seismic retrofit section*) and 12 of the California Building Code, 2010 Edition, together with the appendix thereof, as adopted by the California Building Standards Commission are hereby adopted by the City of Burbank and made a part of this Code. Copies of said code and standards filed with the City Clerk prior to adoption, are now on file in the office of said Clerk, and are available for public inspection.

B. SPECIAL CLIMATIC, GEOGRAPHICAL AND TOPOGRAPHICAL
CONDITIONS.

Certain areas in the City of Burbank are characterized by mountainous hillsides, heavy vegetation and narrow streets. These geographical and topographical conditions, combined with the City's climate, exacerbate the potential for fires and other hazards to persons and property. Additionally, the City lies within an earthquake zone and certain amendments are required to safeguard persons and structures from hazards from earthquakes. These amendments will provide a higher level of safety for the public during and immediately after a major earthquake. Specifically some of these amendments are designed to prevent fires, girder/roof collapse, collapse from excessive deflections, failure of sheer walls, chimney failure, and structural damage to design elements, diaphragms, and concrete footings. Certain other amendments related to building materials and specifications are required due to the fact that the City is highly urbanized, has dense residential areas and in some areas has very small residential lots. Furthermore, numerous residential areas are located in close proximity to non-residential uses, including manufacturing, media and airport uses, all of which present special and unique hazards. The density of the City and the proximity of residential uses to other uses require additional safeguards to protect life and property of the citizens, employees and visitors of the City. The Council hereby

finds that it is reasonably necessary to make certain changes or modifications in the requirements contained in the standards, rules, and regulations adopted by the Commission of Housing and Community Development for the State of California and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank. Such changes and modifications are herein more particularly set forth in this article.

C. SHORT TITLE.

In this Code and any ordinance or resolution of the City where the phrase "International Building Code" or "Building Code" appears, such phrase shall be construed to refer to the California Building Code, which is described in and adopted by this section.

D. DELETIONS FROM THE APPENDIX.

The following provisions are hereby deleted from the Appendix to the California Building Code, 2010 Edition: Appendix A, B, D, F, K and Sections 103 and 113 of Chapter 1.

E. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of Section 105.2 of the California Building Code.

F. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the California Building Code, the section, subsection, and paragraph numbers or designations of the California Building Code shall be retained in this article and shall be preceded by the prefix "9-1-1-". Such prefix refers to this article and chapter of the Burbank Municipal Code.

G. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. Submittal shall include, but is not limited to, payment of plan check fees.

H. WARNING AND DISCLAIMER.

The degree of structural protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not

imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

9-1-1-105.2: WORK EXEMPT FROM PERMIT:

A. Section 105.2, Numbers 1 and 2 under the "Building" subsection, of the 2010 California Building Code are amended to read:

(1) One-story, detached accessory building used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and is no more than 10 feet in height. The building shall not contain any heating, plumbing, or electrical installations or be used for the storage of any hazardous materials.

(2) Masonry or concrete fences not over 6 feet high and other fences not over 8 feet high. See Burbank Municipal Code Title 10 for maximum fence heights permitted by the zoning code.

B. Section 105.2 "Electrical" of the 2010 California Building Code is amended to read: See 2010 California Electrical Code for electrical work exempt from permit.

C. Section 105.2 "Gas" of the 2010 California Building Code is amended to read: See 2010 California Plumbing Code for gas piping work exempt from permit.

D. Section 105.2 "Mechanical" of the 2010 California Building Code is amended to read: See 2010 California Mechanical Code for mechanical work exempt from permit.

E. Section 105.2 "Plumbing" of the 2010 California Building Code is amended to read: See 2010 California Plumbing Code for plumbing work exempt from permit.

9-1-1-105.3.3: FEES FOR COPIES:

9-1-1-105.3.3.1: FEES FOR FILE COPIES OF PLANS:

At the time of issuance of permit, the applicant shall pay a fee, as set forth in the Burbank Fee Resolution, to the Building Official for digital copies of the approved construction documents, or other format approved by the Building Official, to serve as the official file copy of the corrected plans.

9-1-1-105.3.3.2: FEES FOR REPRODUCTION OF FILE COPIES OF PLANS:

The reproduction fee for file copies of official plans retained on microfilm shall be

as set forth in the Burbank Fee Resolution.

9-1-1-105.3.4: TO WHOM A PERMIT MAY BE ISSUED:

A. ISSUANCE TO STATE LICENSEES.

No permit shall be issued to any person doing any work regulated by the California Building Code except to a person holding a valid, unexpired and unrevoked State license to do such work.

B. ISSUANCE TO OWNERS.

Any permit required by this article may be issued to any person to do any construction or work regulated by the California Building Code in the event that such person is a bona fide owner of such property provided that the work is limited to:

1. A single-family dwelling of wood frame construction not more than two stories and basement in height.
2. Multiple dwellings containing no more than four dwelling units of wood frame construction not more than two stories in height. However, this shall not be construed as allowing an unlicensed person to construct multiple clusters of up to four dwelling units each to form apartment or condominium complexes where the total exceeds four units on any lawfully divided lot.
3. Garages or other structures appurtenant to buildings described under subdivision (1) of wood frame construction not more than two stories and basement in height.
4. Nonstructural or non-seismic alterations or additions.

9-1-1-105.6.1: APPEAL OF REVOCATION OR SUSPENSION:

The action of the Building Official may be appealed to the Board of Building and Fire Code Appeals within 60 days of date of mailing notice of such suspension or revocation.

9-1-1-105.8: CONSTRUCTION HOURS:

The following construction hours shall apply to all construction, alteration, movement, enlargement, replacement, repair, equipment, maintenance, removal and demolition work regulated by this code:

Construction Hours:

- Monday – Friday 7:00 a.m. to 7:00 p.m.
- Saturday 8:00 a.m. to 5:00 p.m.
- Sunday and City Holidays None

EXCEPTIONS:

1. Single-family residential owner-builder permits when work is performed solely by the owner and family members:

Monday – Friday 7:00 a.m. to 7:00 p.m.
Saturday 8:00 a.m. to 5:00 p.m.
Sunday and City Holidays 8:00 a.m. to 5:00 p.m.

2. Where work must be performed in an emergency situation, as defined in Section 9-3-204 of the Burbank Municipal Code.

3. The Community Development Director may grant exceptions wherever there are practical difficulties involved in carrying out the provisions of this section or other specific onsite activity warrants unique consideration.

4. The Planning Board or City Council may grant exceptions pursuant to land use entitlements.

9-1-1-107.3.2: PREVIOUS APPROVALS:

This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

ADDITIONAL TIME: This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which an application for a lawful permit has been submitted before the effective date of this code, and in which case, plan check may be extended as follows:

1. Where plan check approval is within 180 days after the effective date of this code, plan check may be extended up to four times for additional periods not exceeding 90 days each from the date of plan check approval. The extension shall be requested in writing and reasonable cause demonstrated.

2. Where plan check approval is not approved for construction within 180 days after the effective date of this code, plan check may be extended for no more than two times for additional periods not exceeding 90 days each, provided the plan check approval is issued within one year after the effective date of this code. The extension shall be requested in writing and reasonable cause demonstrated.

9-1-1-109.2: SCHEDULE OF FEES:

9-1-1-109.2.1: FEES:

Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

9-1-1-109.2.2: EXEMPTION FROM FEES:

The City, any department or office thereof acting on behalf of the City, any municipal utility wholly owned by the City, and the Burbank Unified School District, shall be exempt from the payment of all fees required by the Building Code. However, this fee waiver does not exempt any party from obtaining a permit for such work nor exempt such party from conforming to the procedures established by the City nor from compliance with all applicable City ordinances or State laws regulating such work.

9-1-1-109.6: REFUNDS:

9-1-1-109.6.1: PLAN CHECK FEES:

No portion of the plan check fee shall be refunded unless plan review has not been performed, in which case 80 percent of the plan check fee shall be refunded upon written application for refund submitted by the person who made original payment of such fee and with the written consent of the owner of the real property on which the work was proposed to be done. The Building Official shall determine, in such official's discretion, whether an applicant is qualified to receive a refund. After 180 days have elapsed from the date of the submittal for plan check, no plan check fees shall be refunded. In the event subsequent application for plan check is made by a person who has received a refund, the full amount of all required fees shall be paid as elsewhere provided in this chapter.

9-1-1-109.6.2: PERMIT FEES:

In the event any person shall have obtained a building permit and no portion of the work or construction covered by such permit shall have commenced, nor any inspection performed by any City employee, and notice of abandonment has been received from the owner of the real property on which such work would have been performed, the permittee, upon presentation to the Building Official of a written request for refund, shall be entitled to a refund in an amount equal to 80 percent of the building permit fee actually paid for such permit. The Building Official shall determine, in such official's discretion, whether an applicant is qualified to receive a refund. After 180 days have elapsed from the date of the issuance of the permit, no permit fees shall be refunded. In the event subsequent application for a permit is made by a person who has received a refund, the full amount of all required fees shall be paid as elsewhere provided in this chapter.

EXCEPTION:

1. If a permit has been issued for a project located in an area outside the jurisdiction of the City, 100 percent of the permit and plan checking fee may be refunded.
2. If a duplicate permit has been erroneously issued, 100 percent of the duplicated permit and plan checking fee may be refunded.

9-1-1-110.3.1.1: SETBACK CERTIFICATION REQUIRED:

A California State licensed surveyor is required to certify the location and setbacks of all new construction prior to the first foundation inspection. A copy of the certification shall be available to the Building Division inspector for the job file prior to the first inspection.

EXCEPTION: Wherever there are practical difficulties involved in carrying out the provisions of this section, the Building Official shall have the authority to grant modifications for individual cases.

9-1-1-111.3: TEMPORARY OCCUPANCY:

9-1-1-111.3.1: TEMPORARY USE AND OCCUPANCY:

If the Building Official finds no substantial hazard will result from the occupancy of any building, or portion thereof, or deficiencies that would impede accessibility to any building, or portion thereof, before the same is completed, the Building Official may issue a temporary certificate of occupancy for any building or portion thereof. Satisfactory evidence in the form of an application for temporary certificate of occupancy shall be submitted to the Building Official showing that the work cannot be completed prior to the time such occupancy is desired because of its magnitude or because of unusual construction difficulties.

9-1-1-111.3.2: APPLICATION FOR TEMPORARY CERTIFICATE OF OCCUPANCY:

After the Building Official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Building Division, the Building Official may issue a temporary certificate of occupancy. The application shall contain the following:

- A. The building permit number.
- B. The address of the structure.
- C. The name and address of the owner.
- D. A description of that portion of the structure for which the temporary certificate is issued.
- E. A statement that all work shall conform to the provisions of the Building, Electrical, Mechanical, Plumbing, and Fire Codes, as amended, and the applicable provisions of the Burbank Municipal Code.
- F. A statement that all work shall be completed within the time limitations granted by the temporary certificate of occupancy.
- G. The Building Official may require the applicant of a temporary certificate of occupancy to also apply for a temporary utilities release.

9-1-1-111.3.3: FEES AND BOND:

A. A bond in the amount of two percent of the valuation of the building permit shall be provided by the applicant before issuance of a temporary certificate of occupancy. The bond shall be released to the applicant upon issuance of the certificate of occupancy in accordance with Sec. 111 of the California Building Code. If the Building Official determines that less than two percent of the work is necessary for completion, the Building Official may reduce the amount of the bond proportional to the incomplete work.

B. The City shall collect a fee for each temporary certificate of occupancy and temporary utilities release. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

9-1-1-111.3.4: TIME LIMITATION OF TEMPORARY CERTIFICATE OF OCCUPANCY:

Such temporary certificate of occupancy and temporary utilities release shall be valid for a period not to exceed 180 days. Additional temporary certificates of occupancy may be issued, if the application is approved by the Building Official. Upon expiration of a temporary certificate of occupancy, the building or structure shall require a certificate of occupancy in accordance with other provisions in this code.

9-1-1-112.4: BOARD OF BUILDING AND FIRE CODE APPEALS- NOTICE OF APPEAL:

A notice of appeal shall be filed with the Building Official stating the grounds for appeal. The Building Official shall fix a time and place for hearing such appeal within 60 days from the date notice of appeal was filed and shall give not less than five days notice thereof to appellant and to each member of the Board. No notice of appeal shall be accepted unless the appellant first pays to the Building Official the fee as designated in the Burbank Fee Resolution for filing such appeal. The decision of the Board shall be final and conclusive. Within seven days thereafter, exclusive of Saturdays, Sundays, and holidays, the Building Official shall give notice of the decision to the appellant.

9-1-1-202: DEFINITION OF BUILDING OFFICIAL:

The officer or other designated authority charged with the administration and enforcement of this code, or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/Building Official" or "Building Director" of the City.

9-1-1-310.4: BUILDING SECURITY:

9-1-1-310.4.1: GENERAL REQUIREMENTS:

Doors, windows or hatchways for dwelling units, room units or housekeeping units, openings between attached garages and dwelling units, and openings in enclosed attached garages, other than vehicular access, shall be provided with devices designed to provide security for the occupants and property within.

9-1-1-310.4.2: DOORS:

Doors providing access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with a deadbolt lock designed to be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort and shall have a lock throw of not less than 1 inch. Such deadbolt locks shall be installed according to the manufacturer's specifications and maintained in good working order. For the purpose of this section, a sliding bolt shall not be considered an acceptable deadbolt lock.

9-1-1-310.4.3: WINDOWS:

A. Operable windows located in whole or in part within 6 feet above ground level or a walking surface below that provide access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with a window sash locking device.

B. Bars, grilles, grates or similar devices shall not be installed on any emergency or escape windows.

9-1-1-310.4.4: BASEMENT HATCHWAYS:

Basement hatchways that provide access to a dwelling unit, rooming unit or housekeeping unit shall be equipped with devices that secure the units from unauthorized entry.

9-1-1-406.1.1.5: CLEAR HEIGHT- PRIVATE GARAGES AND CARPORTS:

Garages in connection with Group R, Division 1 and 3 Occupancies shall have an unobstructed headroom clearance of not less than 7 feet above the finish floor to any ceiling, beam, pipe or similar construction.

EXCEPTION: Storage compartments may extend down to a point four feet, six inches above the finish floor of the garage and a maximum of two feet, ten inches horizontally from the garage wall where this does not restrict the parking.

9-1-1-406.1.6: PORTE COCHERE:

Porte Cocheres attached to Group R-3 Occupancies which extend into a side yard, as permitted in BMC Section 10-1211(f), shall have fire resistance and protection as set forth in Section 705 and Tables 601 and 602 of the California

Building Code. Firestopping and Draftstopping shall be provided in the attic space between the porte cochere and the dwelling as set forth in Section 717 of the California Building Code. The fire-resistive requirements shall apply to all elements of the structure, including, but not limited to, posts, columns, roof/ceiling assembly, projections, and other architectural elements. Distance shall be measured at right angles from the property line.

EXCEPTION: Porte cocheres complying with the minimum fire-resistive requirements permitted in Chapter 7A of the California Building Code and Sections 9-1-1-704A.1.1 through 9-1-1-706.A.2 of the Burbank Municipal Code.

9-1-1-701A.1.1: ESTABLISHMENT OF THE BURBANK FIRE HAZARD SEVERITY ZONE:

For the purpose of the Building Code, the Burbank Fire Hazard Severity Zone is hereby established. The boundaries of the Burbank Fire Hazard Severity Zone are shown on a map designated "Burbank Fire Hazard Severity Zone," consisting of one sheet on file in the Office of the Building Official, which map, together with any amendments thereto, is hereby adopted and made a part of the Building Code.

9-1-1-705.3.1: BUILDINGS ON CONTIGUOUS LOTS:

A. LOTS UNDER THE SAME OWNERSHIP OR OCCUPANCY.

In all cases involving contiguous lots owned or occupied by the same person, such lots, or portions of lots, may be considered as one lot for the purpose of enforcing Sections 705 and 715 of the Building Code, provided the owner and the tenant or lessee, if any, executes and records an agreement with the City to the satisfaction of the Building Official on a form approved by the City Attorney, assuring compliance with such provisions in the event the common ownership or occupancy of the lots is terminated. The Building Official is hereby authorized to execute such agreements on behalf of the City. An easement for right-of-way purposes shall constitute ownership or occupancy under this section.

9-1-1-705A.2.1: CLASS A ROOF COVERING:

Roofs shall have a Class A roof covering or a Class A roof assembly.

9-1-1-705A.4.1: ROOF GUTTERS AND DOWNSPOUTS:

Roof gutters and downspouts shall be constructed of noncombustible material.

9-1-1-706A VENTS

9-1-1-706A.2: REQUIREMENTS.

Section 706A.2 of the California Building Code shall be amended to include this

requirement:

4. Gable end or dormer vents shall be located at least 10 feet from property lines.

9-1-1-901.1.1: FIRE PROTECTION SYSTEMS - BURBANK MUNICIPAL CODE:

The codes and standards referenced in Title 9 Chapter 2 of the Burbank Municipal Code are considered part of the requirements of this code. Where in any specific case different sections of this code and Title 9 Chapter 2 of the Burbank Municipal Code specify different materials, methods or construction, or other requirements, the most restrictive shall govern.

9-1-1-1207.1: PURPOSE AND SCOPE - SOUND TRANSMISSION:

The purpose of this section is to establish uniform minimum noise insulation performance standards to protect persons within hotels, motels, dormitories, apartment houses and dwellings, including detached single-family dwellings, from the effects of excessive noise, including, but not limited to, hearing loss or impairment and interference with speech and sleep.

9-1-1-1207.11.5: ALTERNATE SOUND TRANSMISSION CONTROL ASSEMBLIES FOR NEW SINGLE-FAMILY DWELLINGS:

A. LDN CONTOUR 60-65.

1. Roof assemblies shall be constructed with fiberglass batt insulation with a minimum R-value of 38.
2. Wall assemblies shall be constructed with fiberglass batt insulation with a minimum R-value of 15.
3. For exterior walls parallel to the noise source, or at some angle less than perpendicular to the noise source, all windows shall have a minimum STC rating of 40. All sliding glass doors and French doors shall have a minimum STC rating of 35. All windows shall be weather-stripped in accordance with the California Energy Efficiency Standards for Low-Rise Residential Buildings.

EXCEPTION: Stained glass panels.

4. All exterior doors shall be 1-3/4" solid-core, wood-slab doors, or 18-gage insulated steel-slab doors, with compression seals all around, including the threshold. All door glazing shall be 3/4" double-pane insulating units with double-strength 1/8" glass.

EXCEPTIONS:

- a. Sliding glass and French doors. (See number 3 above)
 - b. Stained glass panels.
5. An acoustic acrylic mastic sealant (non-drying and non-hardening) shall be

used to seal and caulk all penetrations in accordance with the California Energy Efficiency Standards for Low-Rise Residential Buildings.

6. A secondary weather-resistive barrier, or housewrap, shall be installed.

B. LDN CONTOURS 65-70 dB and 70-75 dB.

1. Structures in LDN contours 65-70 dB and 70-75 dB shall conform to the requirements for LDN contour 60-65 dB.

2. All windows shall have a minimum STC rating of 40. All sliding glass doors and French doors shall have a minimum STC rating of 35. All windows shall be weather-stripped in accordance with the Energy Efficiency Standards for Low-Rise Residential Buildings.

EXCEPTION: Stained glass panels.

All exterior walls parallel to the noise source, or at some angle less than perpendicular to the noise source, shall be constructed, on the interior surface, with resilient channels 24" o.c. attached at right angles to the wood studs, with one layer of gypsum wallboard applied parallel to the channels. End joints of the wallboard shall be back-blocked with resilient channels.

C. LDN CONTOUR 75-80 dB. Dwellings located in a LDN contour of 75-80 dB or above shall meet the acoustical analysis requirements of Section 1207 of the California Building Code.

9-1-1-1404.3.3: WOOD SHAKE AND WOOD SHINGLE EXTERIOR WALL COVERING:

9-1-1-1404.3.3.1: WOOD SHAKES AND SHINGLES PROHIBITED:

No wood shakes or wood shingles shall be installed as an exterior wall covering on any new or existing building or structure. No wood board, hardboard, or engineered wood siding shall be installed as an exterior wall covering on any new or existing building or structure in the Burbank Fire Hazard Severity Zone. Pressure-treated wood, intumescent paints, and other protective coatings shall not be allowed in the Burbank Fire Hazard Severity Zone.

EXCEPTIONS: The following types of siding may be used:

1. Fiber-Cement siding with a Class A fire rating.
2. Vinyl siding with a Class A fire rating. Such vinyl siding shall be installed over one layer of Type X gypsum board with a minimum thickness of 1/2".
3. Alternate siding materials may be approved by the Building Official and Fire Chief in accordance with Section 104.11 of the California Building Code.

9-1-1-1404.3.3.2: EXISTING WOOD EXTERIOR REPAIRS:

A. Section 9-1-1-1404.3.3.1 shall not apply when an existing building or structure with a wood exterior wall covering is subject to wood shake or wood shingle installation, addition, repair, alteration or replacement of less than 25 percent of the existing building or structure's wood exterior wall covering area over the life of the building commencing on or after the effective date of this ordinance, as long as that existing building or structure with a wood exterior wall covering is located outside of the Burbank Fire Hazard Severity Zone . No exterior repairs or installations shall be allowed in the Burbank Fire Hazard Severity Zone.

B. Section 9-1-1-1404.3.3.1 shall not apply when an existing building or structure with a wood exterior wall covering is subject to wood shake or wood shingle installation, addition, repair, alteration or replacement of 25 percent or more of the existing building or structure's wood exterior wall covering area over the life of the building commencing on or after the effective date of this ordinance, as long as that existing building or structure with a wood exterior wall covering is located outside of the Burbank Fire Hazard Severity Zone . In such circumstances, if the building or structure is located in a commercial or industrial zone, pressure-treated wood shakes or pressure-treated wood shingles with a Class B rating shall be used with a one-hour wall and in all other areas of the City, pressure-treated wood shakes or pressure- treated wood shingles with a Class C rating shall be used with a one-hour wall. For the purposes of this ordinance, 25 percent of the area of wood exterior wall covering shall be calculated from the area of the wood exterior wall covering existing on the effective date of this ordinance. No wood exterior repairs or installations shall be allowed in the Burbank Fire Hazard Severity Zone.

9-1-1-1410: SANDBLASTING:

9-1-1-1410.1: DRY SANDBLASTING:

Dry sandblasting is prohibited unless authorized by special permission of the Building Official endorsed upon the permit. Permission for dry sandblasting shall be granted only when it is not possible to employ wet sandblasting. When dry sandblasting is permitted, the Building Official may impose such conditions as he may deem necessary for the protection of the public and adjacent property.

9-1-1-1410.2: USE OF CANVAS:

Sandblasting operations shall at all times be separated from adjacent property by canvas or other suitable barrier to prevent the splashing or blowing of water or sand thereupon.

9-1-1-1410.3: STOPPAGE OF WORK:

The Building Official may order the immediate stoppage of sandblasting for failure to comply with any provision of this article. Disobedience of such order shall constitute a misdemeanor.

9-1-1-1410.4: POLLUTION AND DISCHARGE RUNOFF:

Sandblasting operations shall comply with the requirements of Article 9, Standard Urban Storm Water and Urban Runoff Management Programs, of this code.

9-1-1-1501.1.1: WOOD ROOFS PROHIBITED:

A. All wood roofs located outside of the Burbank Fire Hazard Severity Zone. Notwithstanding any other requirement of the Burbank Municipal Code and the California Building Code, no wood roofs shall be permitted to remain on any building or structure 20 years after the effective date of Ordinance No. 3296 (effective date was August 14, 1992).

B. All wood roofs located inside the Burbank Fire Hazard Severity Zone. Notwithstanding any other requirement of the Burbank Municipal Code and the California Building Code, no wood roofs shall be permitted to remain on any building or structure after August 14, 2005.

9-1-1-1507.8: WOOD SHINGLES:

No wood roof covering shall be installed on any new or existing building or structure.

9-1-1-1507.9: WOOD SHAKES:

No wood roof covering shall be installed on any new or existing building or structure.

9-1-1-1510.3: RECOVERING VERSUS REPLACEMENT:

Section 1510.3(2) of the California Building Code is amended to read:

2. Where the existing roof covering is wood shake, wood shingle, slate, clay, cement or asbestos-cement tile.

9-1-1-1510.4: ROOF RECOVERING:

No roof covering shall be applied over existing wood shakes or wood shingles. When a roof has two or more layers of roof covering, any of which is wood shake or wood shingle, all layers shall be completely removed before applying a new roof covering.

9-1-1-1612.3: ESTABLISHMENT OF FLOOD HAZARD AREAS:

A. Insert: "City of Burbank" into [Name of Local Jurisdiction] field in Section 1612.3 of the California Building Code.

B. Insert: "January 20, 1999" into [Date of Issuance] field in Section 1612.3 of the California Building Code.

9-1-1-2703: PUBLIC SAFETY UHF RADIO AMPLIFICATION SYSTEM:

A. GENERAL.

Except as otherwise provided, no person shall maintain, own, erect, or construct, any building or structure or any part thereof, or cause the same to be done which fails to support adequate radio coverage for City emergency service workers, including but not limited to firefighters and police officers. For purposes of this section, adequate radio coverage shall include all of the following: 1) a minimum signal strength of one (1) microvolt available in 85 percent of the area of each floor of the building when transmitted from the City of Burbank Communications Systems; 2) a minimum signal strength of one (1) microvolt received at the City of Burbank Communications Systems when transmitted from 85 percent of the area of each floor of the building; 3) the frequency range which must be supported shall be 470.0 MHz to 473.5 MHz; and 4) a 90 percent reliability factor.

B. TESTING PROCEDURES.

1. Initial Tests.

Initial tests will be performed by City of Burbank employees. A Certificate of Occupancy shall not be issued to any structure if the building fails to comply with this section.

2. Annual Tests.

Annual tests will be conducted by the Burbank Fire Department in conjunction with inspection procedures.

C. AMPLIFICATION SYSTEMS ALLOWED.

Buildings and structures which cannot support the required level of radio coverage shall be equipped with any of the following in order to achieve the required adequate radio coverage: a radiating cable system or an internal multiple antenna system with or without FCC type accepted bi-directional UHF amplifiers as needed. If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operating on an independent battery and/or generator system for a period of at least 12 hours without external power input. The battery system shall automatically charge in the presence of an external power input.

9-1-1-2901.2: PUBLIC FACILITIES AT GASOLINE SERVICE STATIONS:

Each gasoline service stations, including a station where such service is provided by the customer only, shall provide and maintain for the use of customers of such

service station:

A. At least one water closet and appropriate hand-washing facility, in compliance with the standards set forth in Chapter 11B of the California Building Code. Access to the water closet compartment may be coin-operated at the option of the service station operator or owner.

B. At least one air pump with hose and valve suitable for filling tires to recommended pressures. Such pump facility may be coin-operated at the option of the service station operator or owner.

C. At least one water hose attached to a source of running water suitable and available for use in the radiators of the vehicles serviced at such stations.

The provisions of this section shall also apply to any existing gasoline service station which is reconstructed substantially following destruction from any cause, or which is substantially renovated or rehabilitated for any reason provided that the estimated cost of such reconstruction, renovation, or rehabilitation is equal to or greater than the valuation threshold established in Section 1134B.2.1, Exception 1, of the California Building Code.

9-1-1-3109.6: SWIMMING POOLS- NEARNESS TO ELECTRICAL WIRES:

Conductor clearances shall comply with the requirements of the California Electrical Code and the requirements of Burbank Water and Power/Electrical Division.

9-1-1-3203: BUILDING ON PUBLIC EASEMENT PROHIBITED:

No person shall erect, construct, alter, repair, raise, build or move any permanent building, structure, paving, or portion thereof, upon any easement or right-of-way, reserved by the original grantor of a lot or parcel of land or conveyed, granted or dedicated to the City for drainage or public utility purposes, including the construction and maintenance of pipes, conduits, open ditches, poles, wires or other facilities for conveying gas, electricity, power, water, telephone and telegraph service or sewerage to and from property within the City, without the written consent of the City or owner of the easement or right-of-way, as the case may be. The records of the County Recorder of the County shall be prima facie, but not conclusive, proof of the existence of such easement or right-of-way.

9-1-1-3302.3: CONSTRUCTION FENCING:

In addition to the requirements of Section 3306 of the California Building Code, Protection of Pedestrians, every construction site shall be enclosed by a barrier to prevent unauthorized access. The barrier shall extend the entire perimeter of the construction site. Openings shall be protected by gates that shall be kept

closed and locked during non-operational hours.

EXCEPTION:

1. Construction fencing may be removed during operational hours to permit access for construction activity. The construction fencing shall be replaced during non-operational hours. Construction fencing is not required to extend beyond existing site fencing provided the fencing is located solely upon the private property upon which such work is being done.

9-1-1-3305: SANITARY AND GARBAGE FACILITIES:

9-1-1-3305.1: FACILITIES REQUIRED:

Sanitary facilities shall be provided during construction, remodeling or demolition activities in accordance with the California Plumbing Code.

EXCEPTION:

In lieu of flush water closets, chemical toilets may be provided. Chemical toilets shall be located solely upon private the property upon which such work is being done. The toilets shall be located and maintained to prevent them from becoming a nuisance to the adjoining properties.

9-1-1-3305.2: GARBAGE CONTAINERS:

Garbage containers shall be provided during construction, remodeling or demolition activities. Garbage containers shall be located solely upon the private property upon which such work is being done. The containers shall be located and maintained to prevent them from becoming a nuisance to the adjoining properties.

EXCEPTION:

Garbage containers for which a valid encroachment permit has been issued by the Public Works Department.

9-1-1-3410.2: PERMITS FOR MOVED STRUCTURES:

9-1-1-3410.2.1: SCOPE:

The provisions of this section shall apply to the relocation of existing buildings.

9-1-1-3410.2.2: PERMIT TO MOVE BUILDING:

A. Any person who intends to move or cause to be moved any building or structure into, upon, across, along, or over the public streets, alleys, or highways in the City, or otherwise obstruct the free passage and use of such streets, alleys, or highways shall first make application to the Building Official and obtain

the required permit.

B. Except as otherwise provided in this section, the Building Official shall not issue a permit for any building or structure which, in the opinion of the Building Official, violates any of the laws, rules or regulations of this State or any agency thereof or of the City, or the intent and purposes thereof, or which:

- (1) Constitutes a public nuisance;
- (2) Is so constructed or in such condition as to be dangerous;
- (3) From visual inspection is infested with pests or is unsanitary;
- (4) If it be a dwelling or other building for human habitation, is unfit for such use;
- (5) Is in a dangerous or defective condition which cannot practicably and effectively be remedied;
- (6) Is of a type prohibited at the proposed location by this Code or by any other law;
- (7) Is of such age, size, design, or architectural treatment that it does not substantially conform to the general design, plan, and construction of the buildings in the neighborhood where the building or structure is to be relocated;
- (8) Would cause appreciable harm, or be materially detrimental to, property or improvements in the vicinity of the proposed site; or
- (9) Is prohibited by the zoning provisions of the Burbank Municipal Code.

9-1-1-3410.2.3: APPLICATION FOR PERMIT:

A. The application for a permit shall be in accordance with Section 105.3 of the California Building Code.

B. Time limitations of applications shall be in accordance with Section 105.3.2 of the California Building Code.

9-1-1-3410.2.4: CONSTRUCTION DOCUMENTS:

Construction documents shall be in accordance with Section 106 of the California Building Code.

9-1-1-3410.2.5: FEES AND BOND:

A. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

B. The Building Official shall not issue a permit unless the provisions of the Burbank Municipal Code, insofar as applicable, have been complied with and until the permittee or an authorized agent shall have first deposited with the Building Official a cash bond in an amount equal to the estimated cost plus 10 percent of the work required to be done in order to comply with all of the conditions under which the permit is issued. Every such deposit made pursuant

to this section shall be conditioned as follows:

(1) Each and all of the terms and conditions of the permit shall be complied with to the satisfaction of the Building Official.

(2) All of the work required to be done pursuant to the conditions of the permit shall be fully performed and completed within the time limit specified in the permit. If no time limit is specified, the work shall be completed within 90 days after the date of the issuance of the permit. The time limit herein specified in any permit issued under the provisions of this section may be extended for good and sufficient cause, either before or after said time period has expired, by written order of the Building Official.

(3) If the permittee fails to fully perform and complete the work required to be done in order to comply with all of the conditions under which the permit is issued, or, if an extension or extensions have been granted by the Building Official, within the time specified in such extensions, the Building Official shall give written notice to the permittee of such default. Such notice of default shall state the work to be done, the estimated cost thereof, and the period of time deemed by the Building Official to be reasonably necessary for the completion of such work. If compliance is not had within the time specified, the Building Official shall proceed without delay and without further notice or proceeding whatever to cause the required work to be done and deduct from the cash bond deposited the cost of the work plus 10 percent which shall be retained by the City to cover administrative costs.

(4) In lieu of completing the required work, the Building Official may demolish the building or structure and clear, clean, and restore the site and deduct from the cash bond deposited the cost of the work plus 10 percent thereof, which 10 percent shall be retained by the City to cover the administrative costs.

(5) Every permittee accepting a permit hereunder shall agree to be bound by the above provisions without recourse to the City or any officer or Board of the City.

C. DURATION OF BOND OR DEPOSIT.

The term of each cash bond deposited pursuant to this section shall begin upon the date of deposit and shall end upon completion, to the satisfaction of the Building Official, of the performance of all the terms and conditions of this section. Upon such completion, the Building Official shall return the cash deposit to the depositor or the depositor's successors or assigns, except any portion thereof which may have been used or deducted as provided in this section.

9-1-1-3410.2.6: INSPECTIONS:

A. Inspections shall be in accordance with Section 110 of the California Building Code.

B. Before granting any permit, the Building Official shall cause an inspection to be made of the building or structure to be moved. If the Building Official, after

consultation with the City Planner, finds that the building or structure can be practically and effectively repaired and rehabilitated so that it will substantially conform to the provisions of the Burbank Municipal Code, the Building Official may approve the application. In approving such application, the Building Official shall prescribe changes, alterations, additions, or repairs to be made upon such building or structure, or impose such other conditions as the Building Official deems reasonable and appropriate to assure that such building or structure in its proposed location will comply with the requirements of this Code and any other applicable laws and regulations pertaining thereto. Subsequent to such approval, the Building Official shall issue a permit, subject to any conditions which may be imposed.

C. All officers and employees of the City involved in processing an application for a permit or in enforcing compliance with its conditions shall have access to the premises described in the permit for the purpose of inspecting the site, the work, and its progress.

9-1-1-3410.2.7: BOARD OF APPEALS:

Appeals shall be in accordance with Section 9-1-1-112.4 of this code,

9-1-1-3410.2.8: INTERFERENCE UNLAWFUL:

In the event of any default in the performance of any term or condition of the permit, the Building Official may go upon the premises to complete the required work or to remove or demolish the building or structure. The owner, the owner's representative, successor or assign, or any other person who interferes with or obstructs the ingress or egress to or from any such premises, or any authorized representative or agent of the City engaged in the work of completing, demolishing, or removing any building or structure for which a permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor. The Building Official may waive the requirement of a bond or deposit when the owner of the property is a government agency.

9-1-1-3410.2.9: REDEVELOPMENT PROJECT AREAS:

The provisions of this section shall not apply to the moving of a building or structure by the Redevelopment Agency from one location to another within a redevelopment project area, provided that the Redevelopment Agency shall guarantee completion of the work to the satisfaction of the Building Official.

9-1-1-C105: (APPENDIX C) COMMERCIAL STABLES:

A. COMMERCIAL STABLE DEFINED.

As used in this section, "commercial stable" shall mean all enclosed structures

designed or used commercially to shelter horses. Enclosure shall be by means of permanent walls beneath the roof of the structure and shall be solid except for necessary ventilation and access opening.

B. AUTOMATIC FIRE-EXTINGUISHING SYSTEMS REQUIRED.

All commercial stables shall be equipped with automatic fire-extinguishing systems which comply with Section 903 of the California Building Code.

C. LIVING QUARTERS; SEPARATION AND FIRE-WALLS REQUIRED.

Living quarters in separate structures on the premises shall be separated from commercial stables by a 13 foot yard. Living quarters in commercial stables shall be separated from the stable area by a one-hour, unpierced occupancy separation wall.

D. EXCEPTIONS.

1. Automatic fire-extinguishing systems are not required in stables of Type IA construction.

2. Existing commercial stables may install fire-resistive separations and automatic fire-extinguishing systems providing minimum coverage and approved by the Building and Fire Departments in accordance with the following minimum standards:

(a) The automatic fire-extinguishing system shall be supplied through a separate meter by a two-inch line equipped with a water-flow-alarm system. Sprinkler heads shall be taken off the two-inch main line with a three-quarter inch line. One sprinkler head shall be installed in each stall; and in all other areas one sprinkler head shall be installed in each room division not exceeding one sprinkler head for each 100 square feet.

(b) Fire-resistive separations shall be one-hour unpierced fire-resistive separations installed in existing commercial stables in excess of 200 feet in length with separation every 400 square feet or every 40 lineal feet, whichever provides the greater number of separations.

9-1-1-G101.5: (APPENDIX G) FLOOD RESISTANT CONSTRUCTION-WARNING AND DISCLAIMER OR LIABILITY:

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights maybe increased by man-made or natural causes. This article does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the City, any officer or employee thereof for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

9-1-1-G102.2: (APPENDIX G) ESTABLISHMENT OF FLOOD HAZARD AREA:

Insert: "January 1, 2011" into the [Date] field in Section G102.2 of Appendix G of the California Building Code.

9-1-1-G103.9: (APPENDIX G) DUTIES AND RESPONSIBILITIES OF THE FLOODPLAIN ADMINISTRATOR:

9-1-1-G103.9.1: DEFINITION- FLOODPLAIN ADMINISTRATOR:

"FLOODPLAIN ADMINISTRATOR" means the Public Works Director or his designee.

9-1-1-G103.9.2: DUTIES- FLOODPLAIN ADMINISTRATOR:

The duties and responsibilities of the Floodplain Administrator shall include, but not be limited to:

A. PERMIT REVIEW.

1. Review all development permits to determine that the permit requirements of this article have been satisfied;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the City.

B. USE OF OTHER BASE FLOOD DATA.

When base flood elevation data has not been provided in accordance with Section 1612A of the California Building Code, the Floodplain Administrator shall determine the design flood elevations in accordance with Section G103.3, Appendix G, of the California Building Code. Any such information shall be submitted to the Council for adoption.

C. CHANGES IN WATERCOURSE. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;
2. Require that the flood carrying capacity of the altered or relocated portion of said watercourse is maintained.

D. PUBLIC INSPECTION.

Obtain and maintain for public inspection and make available as needed the

flood hazard documentation required in Section 1612A.5 of the California Building Code.

E. INTERPRETATIONS.

Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section G105, Appendix G of the California Building Code.

F. ENFORCEMENT.

Take action to remedy violations of this article as specified in Section 113, of the California Building Code.

9-1-1-H101.1.1: (APPENDIX H) ZONING CODE SIGN REGULATIONS:

See Article 10, Title 10, of the Burbank Municipal Code for zoning code requirements regulating sign height, area, location and definition of signs.

9-1-1-H101.2: (APPENDIX H) SIGNS EXEMPT FROM PERMITS:

See Section 10-1-1003, Article 10, Title 10, of the Burbank Municipal Code for sign permit exemptions.

9-1-1-J104.5: (APPENDIX J) FEES, BONDS AND INSURANCE - EXCAVATION AND GRADING:

A. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

B. The Building Official shall require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

(i) BOND REQUIREMENTS.

Whenever an application for a grading permit is filed for the excavation or fill of 250 cubic yards or more in the Hillside Area, as defined in Diagram 10-1-606(A) of the Burbank Municipal Code, or for the excavation or fill of 500 cubic yards or more in other areas, and the nature of the work is such that if left incomplete it will create a hazard to human life or endanger adjoining property, or property at a higher or lower level, or to any street or street improvement or any other public property, the Building Official shall, before issuing the grading permit, require the applicant to guarantee faithful performance and payment of labor and material in an amount determined by the Building Official, which shall be not less than 100 percent of the total estimated cost of the work, including corrective work

necessary to remove or eliminate geological hazards. An additional cash deposit may be required by the Building Official in the form of a cash bond sufficient to cover the cost of site cleanup and debris removal. Where grading is required on property adjacent to the grading site to complete a project satisfactorily, the owner of the adjacent property need not provide additional security if the original guarantee is of sufficient amount to include such additional grading. Each bond and agreement shall remain in effect until the work authorized by the grading permit is completed and approved by the Building Official.

(ii) TYPE OF BOND.

A guarantee of faithful performance and payment of labor and material, when required under the provisions of this section, shall be provided by one of the following methods:

(a) A bond executed by the applicant, as principal, and a corporate surety authorized to do business in the State of California, as surety, and in a form furnished by the Building Official and approved by the City Attorney.

(b) A cash deposit with the City.

(c) An instrument or instruments of credit from one or more financial institutions subject to regulation by the State or Federal government pledging that the funds necessary to meet the performance are on deposit and guaranteed for payment, and an agreement that the funds designated by the instrument shall become trust funds for the purpose of securing faithful performance and payment of labor and material. The instrument of credit and the agreement shall first be approved by the City Attorney.

(iii) PROCEDURE ON DEFAULT.

(a) Whenever the Building Official shall find that a default has occurred in the performance of any term or condition of any grading permit, written notice of the fact of default shall be given to the principal and to the corporate surety, financial institution or the depositor, stating the work to be done, and the period of time deemed by the Building Official to be reasonably necessary for the completion of such work. Thirty days after the receipt of such notice the principal or the surety shall perform or cause the required work to be performed by commencing and diligently prosecuting the work to its completion; but if they or either or both of them should fail to commence such work within 30 days, or having so commenced the work fail, neglect or refuse to proceed diligently to complete the same

within the time so specified in the notice, then the City may enter the premises and do the work, and the cost and expense of doing the work so specified shall be the obligation of the principal and the surety, and shall be a part of the terms of the performance bond in consideration of the issuance of the grading permit. The principal and surety of such bond, if any, shall upon completion of the work, be released from their obligation, after deducting and paying the City the cost of such work plus 10 percent of the total cost of such required work.

(b) If a cash bond has been posted, notice of default as provided by the preceding paragraph shall be given to the depositor, and if the depositor fails to cause the required work to be resumed as set forth in the notice within 30 days after receipt thereof, the Building Official shall proceed without delay and without

further notice or proceedings whatsoever to use the cash deposited, or any portion thereof, and cause the required work to be completed by such mode as the Building Official deems convenient. After deducting the cost of such work plus 10 percent of the total cost of such required work, the balance of such cash deposit, if any, shall, upon completion of the work, be returned to the depositor or the depositor's successor or assigns.

(c) If an instrument of credit is used to guarantee performance, notice of default shall be given, as provided in paragraph (i) hereof, to the principal and to the financial institution issuing the instrument of credit, and if the principal fails to cause the required work to be resumed as set forth in the notice within 30 days after the receipt thereof, the Building Official shall make a demand upon the financial institution for the payment of the estimated costs from the trust fund held by the financial institution pursuant to the agreement. Upon receipt of said sum, the Building Official shall proceed without delay and without further notice or proceedings whatsoever to use the sum, or any portion thereof, and cause the required work to be completed by such mode as the Building Official deems convenient. After deducting the cost of such work plus 10 percent of the total cost of such required work, the balance of such sum, if any, shall, upon the completion of the work, be returned to the financial institution, its successors or assigns; but if the financial institution fails or refuses to pay over said sum, then Building Official shall proceed as in paragraph (1) hereof and shall look to said institution for the costs and expenses of the work, and the contractual liability of such institution therefore shall be a term or condition of its agreement.

C. INSURANCE REQUIREMENTS.

(i) PUBLIC LIABILITY AND PROPERTY DAMAGE INSURANCE.

The contractor shall assume all responsibility for damages to property, including property of the City, or injuries to persons, including accidental death, which may be caused by the contractor's performance of work under any grading permit, whether such performance be by the contractor, his/her subcontractor or anyone directly or indirectly employed by the contractor and whether such damage shall accrue or be discovered before or after completion or termination of his/her contract. The contractor shall take out and maintain during the life of the grading permit a comprehensive liability policy, including contractual liability, as shall adequately protect the contractor and the City from claims for such damages, naming the City as an additional insured under the policy in an amount sufficient in the estimation of the Building Official to protect the City.

(ii) CERTIFICATE OF INSURANCE.

The contractor shall furnish a certificate of insurance countersigned by an authorized agent of the insurance carrier on a form of the insurance carrier setting forth the general provisions of the insurance coverage. The City shall be named as an additional insured on a separate endorsement attached to the certificate. The separate endorsement shall contain a statement of the obligation on the part of the insurance carrier to notify the City of any material change, cancellation, or termination of the coverage at least 30 days in advance of the effective date of any such material change, cancellation, or

termination. The required certificate of insurance and separate endorsement shall be furnished by the contractor prior to the issuance of the grading permit. No such certificate of insurance or separate endorsement shall qualify until it has been approved as to form by the City Attorney.

9-1-1-J105.3: (APPENDIX J) CONSTRUCTION SITE MAINTENANCE-
EXCAVATION AND GRADING:

Construction site maintenance, including fugitive dust control, hauling, roadway maintenance, watering, sweeping, erosion control, spillage, material and debris control, soil treatment, and environmental monitoring shall be in accordance with Article 9, Chapter 1 of Title 9 of the Burbank Municipal Code.

9-1-1-J110.3: (APPENDIX J) MAINTENANCE OF PROTECTIVE DEVICES -
EXCAVATION AND GRADING:

The owner of any property on which grading or an excavation or fill has been made pursuant to a grading permit granted hereunder, and any other person or agent in control of such property, shall maintain in good condition and repair all retaining walls, cribbing, drainage structures, and other protective devices, including planting, and irrigation systems, shown in the approved plans and specifications submitted with the application for a grading permit or subsequently required by the Building Official.

DIVISION 2: CALIFORNIA RESIDENTIAL CODE

9-1-R: ADOPTION OF THE 2010 CALIFORNIA RESIDENTIAL CODE AND AMENDMENTS

A. ADOPTION OF CODE.

Title 24, Part 2.5 of California Residential Code, 2010 Edition, together with Appendices H and K thereof, as adopted by the Department of Housing and Community Development (HCD) are hereby adopted by the City of Burbank and made a part of this Code. Copies of said code and standards filed with the City Clerk prior to adoption, are now on file in the office of said Clerk, and are available for public inspection.

B. SPECIAL CLIMATIC, GEOGRAPHICAL AND TOPOGRAPHICAL CONDITIONS.

Certain areas in the City of Burbank are characterized by mountainous hillsides, heavy vegetation and narrow streets. These geographical and topographical conditions, combined with the City's climate, exacerbate the potential for fires and other hazards to persons and property. Additionally, the City lies within an earthquake zone and certain amendments are required to safeguard persons and structures from hazards from earthquakes. These amendments will provide a higher level of safety for the public during and immediately after a major

earthquake. Specifically some of these amendments are designed to prevent fires, girder/roof collapse, collapse from excessive deflections, failure of sheer walls, chimney failure, and structural damage to design elements, diaphragms, and concrete footings. Certain other amendments related to building materials and specifications are required due to the fact that the City is highly urbanized, has dense residential areas and in some areas has very small residential lots. Furthermore, numerous residential areas are located in close proximity to non-residential uses, including manufacturing, media and airport uses, all of which present special and unique hazards. The density of the City and the proximity of residential uses to other uses require additional safeguards to protect life and property of the citizens, employees and visitors of the City. The Council hereby finds that it is reasonably necessary to make certain changes or modifications in the requirements contained in the standards, rules, and regulations adopted by the Commission of Housing and Community Development for the State of California and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank. Such changes and modifications are herein more particularly set forth in this article.

C. SHORT TITLE.

In this Code and any ordinance or resolution of the City where the phrase "International Residential Code" or "Residential Code" appears, such phrase shall be construed to refer to the California Residential Code, which is described in and adopted by this section. Where the phrase "International Building Code" appears, such phrased shall be construed to refer to the California Building Code.

D. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of Section R105.2 of the California Residential Code.

E. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the California Residential Code, the section, subsection, and paragraph numbers or designations of the California Residential Code shall be retained in this article and shall be preceded by the prefix "9-1-R". Such prefix refers to this article and chapter of the Burbank Municipal Code.

F. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the

time of the submittal. Submittal shall include, but is not limited to, payment of plan check fees.

G. WARNING AND DISCLAIMER.

The degree of structural protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

9-1-R101.1 TITLE

A. Insert: "City of Burbank" into [Name of Local Jurisdiction] field in Section R101.1 of the California Residential Code.

B. The provisions of Division II of Chapter 1 of the California Building Code will serve as replacement for Division II of Chapter 1 of the California Residential Code, except for sections directly adopted by the Department of Housing and Community Development.

9-1-R105.2 WORK EXEMPT FROM PERMIT

Section R105.2, Numbers 1 and 2 under the "Building" subsection, of the California Residential Code shall be amended to read:

(1) One-story, detached accessory building used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet and is no more than 10 feet in height. The building shall not contain any heating, plumbing, or electrical installations or be used for the storage of any hazardous materials.

(2) Masonry or concrete fences not over 6 feet high and other fences not over 8 feet high. See Burbank Municipal Code Title 10 for maximum fence heights permitted by the zoning code.

9-1-R109.1.1.1 SURVEYS

A California State licensed surveyor is required to certify the location and setbacks of all new construction prior to the first foundation inspection. A copy of the certification shall be available to the Building Division inspector for the job file prior to the first inspection.

EXCEPTION: Wherever there are practical difficulties involved in carrying out the provisions of this section, the Building Official shall have the authority to grant modifications for individual cases.

9-1-R202. DEFINITION OF BUILDING OFFICIAL:

The officer or other designated authority charged with the administration and

enforcement of this code, or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/Building Official" or "Building Director" of the City.

9-1-R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

Buildings shall be constructed in accordance with the provisions of this code and amended by the provisions of this section. Additional local jurisdiction criteria is set forth in Table R301.2(1) below.

**TABLE R301.2(1)
CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA**

GROUND SNOW LOAD	WIND DESIGN		SEISMIC DESIGN CATEGORY ^f	SUBJECT TO DAMAGE FROM		
	SPEED ^d (MPH)	TOPOGRAPHIC EFFECTS ^k		WEATHERING ^a	FROST LINE DEPTH ^b	TERMITE ^c
No	85	No	D ₀ , D ₁ , D ₂ & E	Negligible	No	Yes

WINTER DESIGN TEMP ^e	ICE BARRIER UNDERLAYMENT REQUIRED ^h	FLOOD HAZARDS ^g	AIR FREEZING INDEX ⁱ	MEAN ANNUAL TEMP ^j
42.3	No	a. Date of regular entry: Jan. 23, 1981 b. Date of Flood Insurance Study: Mar. 26, 1981 c. Community Number: 065018 Panel Numbers: 1328, 1329, 1330, 1335, 1337, 1339, 1345 Date of FIRM: Sept. 26, 2008	0	63.9

(For Notes a-k, see 2010 California Residential Code, Table R301.2(1))

9-1-R309.1.1 CLEAR HEIGHT - PRIVATE GARAGES AND CARPORTS

Garages in connection with Group R, Division 1 and 3 Occupancies shall have an unobstructed headroom clearance of not less than 7 feet above the finish floor to any ceiling, beam, pipe or similar construction.

EXCEPTION: Storage compartments may extend down to a point four feet, six inches above the finish floor of the garage and a maximum of two feet, ten inches

horizontally from the garage wall where this does not restrict the parking.

9-1-R327.6. VENTS

9-1-R327.6.2 Requirements

Section R327.6.2 of the California Residential Code shall be amended to include:

4. Gable end or dormer vents shall be located at least 10 feet from property lines.

9-1-R703.5 WOOD SHAKES AND SHINGLES

Section R703.5 of the California Residential Code shall be amended to read:

A. No wood shakes or wood shingles shall be installed as an exterior wall covering on any new or existing building or structure. No wood board, hardboard, or engineered wood siding shall be installed as an exterior wall covering on any new or existing building or structure in the Burbank Fire Hazard Severity Zone. Pressure-treated wood, intumescent paints, and other protective coatings shall not be allowed in the Burbank Fire Hazard Severity Zone.

EXCEPTIONS: The following types of siding may be used:

1. Fiber-Cement siding with a Class A fire rating.
2. Vinyl siding with a Class A fire rating. Such vinyl siding shall be installed over one layer of Type X gypsum board with a minimum thickness of 1/2".
3. Alternate siding materials may be approved by the Building Official and Fire Chief in accordance with Section 104.11 of the California Building Code.

B. EXISTING WOOD EXTERIOR REPAIRS. Section 9-1-R703.5(A) shall not apply

1. When an existing building or structure with a wood exterior wall covering is subject to wood shake or wood shingle installation, addition, repair, alteration or replacement of less than 25 percent of the existing building or structure's wood exterior wall covering area over the life of the building commencing on or after the effective date of this ordinance, as long as that existing building or structure with a wood exterior wall covering is located outside of the Burbank Fire Hazard Severity Zone . No exterior repairs or installations shall be allowed in the Burbank Fire Hazard Severity Zone.

2. When an existing building or structure with a wood exterior wall covering is subject to wood shake or wood shingle installation, addition, repair, alteration or replacement of 25 percent or more of the existing building or structure's wood exterior wall covering area over the life of the building commencing on or after the effective date of this ordinance, as long as that existing building or structure with a wood exterior wall covering is located outside of the Burbank Fire Hazard Severity Zone . In such circumstances, if the building or structure is located in a commercial or industrial zone, pressure-treated wood shakes or pressure-treated

wood shingles with a Class B rating shall be used with a one-hour wall and in all other areas of the City, pressure-treated wood shakes or pressure-treated wood shingles with a Class C rating shall be used with a one-hour wall. For the purposes of this ordinance, 25 percent of the area of wood exterior wall covering shall be calculated from the area of the wood exterior wall covering existing on the effective date of this ordinance. No wood exterior repairs or installations shall be allowed in the Burbank Fire Hazard Severity Zone.

9-1-R806.1.1 GABLE END OR DORMER ATTIC VENTS.

Gable end or dormer vents shall be located at least 10 feet from property lines.

9-1-R806.4 UNVENTED ATTIC ASSEMBLIES.

Section R806.4, Number 3, of the California Residential Code shall be amended to read:

3. No wood roof covering shall be installed on any new or existing building or structure.

9-1-R902.2 FIRE-RETARDANT-TREATED SHINGLES AND SHAKES

Section R902.2 of the California Residential Code shall be amended to read:
No wood roof covering shall be installed on any new or existing building or structure.

9-1-R905.7 WOOD SHINGLES

No wood roof covering shall be installed on any new or existing building or structure.

9-1-R905.8 WOOD SHAKES

No wood roof covering shall be installed on any new or existing building or structure.

9-1-R907.1 REROOFING

9-1-R907.3 RECOVERING VERSUS REPLACEMENT

Section R907.3, Number 2, of the California Residential Code shall be amended to read:

2. Where the existing roof covering is wood shake, wood shingle, slate, clay, cement or asbestos-cement tile.

9-1-R907.4 ROOF RECOVERING

Section R907.4 of the California Residential Code shall be amended to read:
No wood roof covering shall be installed on any new or existing building or structure.

ARTICLE 2. DANGEROUS OR SUBSTANDARD BUILDINGS

9-1-2: ADOPTION OF 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE:

A. ADOPTION OF CODE

The International Property Maintenance Code, 2009 Edition, together with the appendix thereof, with the exception of Sections 304.14, 404.5, 503.3 and 602.4, which provides requirements for the maintenance of existing structures and minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupant; and the occupancy of existing structures and premises is hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The International Property Maintenance Code, 2009 Edition, is on file and open to public inspection in the office of the City Clerk.

B. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of Section 9-1-1-105.2 of the Burbank Municipal Code and Section 105.2 of the California Building Code.

C. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the International Property Maintenance Code, the section, subsection, and paragraph numbers or designations of the California Property Maintenance Code shall be retained in this article and shall be preceded by the prefix "9-1-2-". Such prefix refers to this article and chapter of the Burbank Municipal Code.

D. WARNING AND DISCLAIMER.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

9-1-2-101.1: TITLE:

These regulations shall be known as the Property Maintenance Code of the City of Burbank, hereinafter referred to as "this code."

9-1-2-102.3: APPLICATION OF OTHER CODES:

Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the California Building Code, California Residential Code, California Energy Code, California Plumbing Code, California Electrical Code, California Mechanical Code and the Burbank Municipal Code.

9-1-2-103.1: AUTHORITY HAVING JURISDICTION:

The officer or other designated authority charged with the administration and enforcement of this code shall be the "Building Official" or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/Building Official" or "Building Director" or "Code Official" of the City.

9-1-2-103.5: FEES:

Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

9-1-2-106.1.1: DUTY TO REPORT VIOLATIONS:

The Fire Chief, City Planner, Public Works Director and all other department heads shall make reports in writing to the Building Official of any building or structure which is believed to be a dangerous or substandard building within the terms of this article whenever the facts thereof shall come to the attention of such officer.

9-1-2-107.1.1: EXTENSION OF TIME OF NOTICE AND ORDER:

The Building Official shall have discretionary power, upon receipt of an application from a person required to comply with a notice and order and a written agreement binding such person to comply with said order. The Building Official's authority to extend time is limited to the physical repair, rehabilitation, or demolition of the premises and will not in any way affect or extend the time to appeal any notice and order.

9-1-2-107.3.2: RECORDATION:

At the time the notice and order is served, the Building Official shall file in the

Office of the County Recorder a certificate legally describing the property and certifying that the building is a dangerous building and the owner has been so notified, or set aside, by the Board upon appeal, so that the building no longer exists as a dangerous building on the property described in the certificate, the Building Official shall file a new certificate with the County Recorder that the building has been demolished or removed or is no longer dangerous.

9-1-2-109.5.1: PROCEDURE FOR ASSESSMENT OF COST OF EMERGENCY REPAIRS:

A. FILING OF REPORT.

The Building Official shall keep an itemized account of the net expense involved in the repair or demolition of a building or structure. Upon the completion of the repair or demolition, the Building Official shall prepare and file with the City Clerk in duplicate a report specifying the work done.

B. REPORT TRANSMITTED TO COUNCIL AND SETTING FOR HEARING.

Upon receipt of the report, the City Clerk shall present it to the Council for consideration. The Council shall cause notice of the cost of the repair or demolition to be given in the manner and to the persons specified in Section 107 of the International Property Maintenance Code. Such notice shall specify the day, hour and place when the Council will hear and pass upon the report, together with any objections or protests which may be raised by any property owner liable to be assessed for the cost of such repair or demolition and any other interested persons. Notice of hearing provided by this subsection shall be published at least 10 days prior to the date of hearing by one insertion in a newspaper of general circulation published in the County of Los Angeles.

C. PROTESTS AND OBJECTIONS: HOW MADE.

Any person interested and affected by the proposed assessment may file written protests or objections with the City Clerk at any time prior to the time set for the hearing.

D. HEARING OF PROTESTS.

Upon the day and hour fixed for the hearing the Council shall hear and pass upon the report of the Building Official, together with any objections or protests which may be raised by any of the property owners liable to be assessed for the cost of the repair or demolition and any other interested persons.

E. ASSESSMENT TO BE TRANSMITTED TO BUILDING OFFICIAL.

Upon the confirmation of the assessment, the City Clerk shall transmit the report as modified to the Building Official.

F. RECORDATION OF ASSESSMENT.

The Building Official shall record the assessment as confirmed in a suitable book to be kept for that purpose in his office, and shall append thereto his certificate of

the date of such recording.

G. ASSESSMENT LIEN.

Immediately upon the recording of the assessment, the cost so assessed shall constitute a lien on the real property described in the report. Such lien shall for all purposes be on parity with the lien of state, county, and municipal taxes. All such assessments remaining unpaid for 30 days from the date of recording shall become delinquent and bear interest at the rate of one percent per month computed on the date of delinquency and on the first day of each month thereafter. The lien shall continue until the amount thereof and interest are paid or until it is discharged of record.

H. FILING OF LIEN: FORM AND CONTENTS.

The Building Official shall file in the Office of the County Recorder of Los Angeles County a certificate substantially in the following form, to wit:

NOTICE OF LIEN

Pursuant to the authority vested in the Building Official of the City of Burbank, California, by the provisions of Article 2, Title 9 Chapter 1 of the Burbank Municipal Code, said Building Official, on the ____ day of _____, 20__ , caused the building or structure on the real property hereinafter described to be repaired or demolished (as the case may be) in order to abate a nuisance on said real property, and the Council of the City of Burbank, on the ____ day of _____, 20__ , assessed the cost of such repair or demolition (as the case may be) upon the real property hereinafter described, and the same has not been paid nor any part thereof, and the City does hereby claim a lien on said real property for the net expense of the doing of said repairs or demolition (as the case may be) in the sum of \$ _____ , and the amount shall be alien upon said real property for the net expense of the doing of said repairs of demolition (as the case may be) in the sum of \$ _____ , and the amount shall be a lien upon said real property until the said sum, with interest at the rate of one percent per month computed upon the date of delinquency and on the first day of each month subsequent to the expiration of 30 days from the ____ day of _____ , (insert day of recording of assessment), has been paid in full and discharged of record. The real property upon which a lien is claimed is that certain parcel of land lying and being in the City of Burbank, County of Los Angeles, State of California, and particularly described as follows, to wit:
(DESCRIPTION)

Dated this ____ day _____ of , 20____,

BUILDING OFFICIAL

(ACKNOWLEDGEMENT)

I. FORECLOSURE.

If the sum assessed is not paid to the Building Official within 30 days after the date of the recording of the assessment, the Building Official shall report such nonpayment to the Council, and the Council may instruct the City Attorney to bring an action in the name of the City to foreclose the lien of the assessment.

9-1-2-110.3.1: PROCEDURE FOR ASSESSMENT OF COST OF DEMOLITION:

The procedure for assessment of cost of demolition shall comply with Section 109.5 of the California Building Code.

9-1-2-111: MEANS OF APPEAL:

9-1-2-111.1: APPLICATION FOR APPEAL:

Any person, directly affected by a decision of the Building Official or a Notice or Order shall have the right to appeal to the Board of Building and Fire Code Appeals in accordance with Section 9-1-1-112.4 of the Burbank Municipal Code.

9-1-2-111.2: MEMBERSHIP OF THE BOARD:

Membership of the Board of Building and Fire Code Appeals shall comply with Article 4, Title 2 Chapter 1 of the Burbank Municipal Code.

9-1-2-111.3: NOTICE OF MEETING:

The Board shall meet in accordance with the procedures defined in Section 9-1-1-112.4.

9-1-2-111.4.1.2: ADDITIONAL INSPECTIONS AND REPORTS:

Whenever in the course of any proceedings taken hereunder the Board shall have cause to require additional evidence, the Board may request that the same be inspected by any officer of the City who may provide information pertinent to the proceedings. The officer to which such request is directed shall cause the building or structure to be inspected and a report thereof in writing shall be transmitted to the Board.

9-1-2-111.9: DUTIES OF THE CITY ATTORNEY:

The City Attorney shall:

A. APPEARANCE AT BOARD MEETINGS.

Appear at the request of the Board at any hearing before that Board in regard to

dangerous buildings or substandard buildings.

B. TAKING LEGAL ACTION.

Take such legal action as is necessary to carry out the terms and provisions of this article.

9-1-2-112.4: FAILURE TO COMPLY. Any person who shall continue any work after having been served a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fee as set forth in the Burbank Fee Resolution.

9-1-2-201.3: TERMS DEFINED IN OTHER CODES:

Where terms are not defined in this code and are defined in the California Building Code, California Residential Code, California Energy Code, California Green Building Standards Code, California Plumbing Code, California Electrical Code or California Mechanical Code, such terms shall have the meanings ascribed to them as stated in those codes.

9-1-2-302.4: WEEDS:

See Article 3 for property maintenance requirements for weeds.

9-1-2-302.5: RODENT HARBORAGE:

See Section 4-1-401 of the Burbank Municipal Code for property maintenance requirements for rodent harborage.

9-1-2-302.7: ACCESSORY STRUCTURES:

All accessory structures, including detached garages, shall be maintained structurally sound and in good repair.

9-1-2-302.8: MOTOR VEHICLES:

See Article 3 for property maintenance requirements for motor vehicles.

9-1-2-302.9: DEFACEMENT OF PROPERTY:

See Article 3, Title 9 Chapter 3 of the Burbank Municipal Code for property maintenance requirements for defacement of property.

9-1-2-303: SWIMMING POOLS, SPAS AND HOT TUBS:

9-1-2-303.1: SWIMMING POOLS:

Swimming Pools shall be maintained in a clean and sanitary condition and in good repair.

9-1-2-303.2: ENCLOSURES AND SAFETY DEVICES:

Enclosures and safety devices shall comply with the provisions of the California Building Code. No existing pool, spa or hot tub enclosure or safety device shall be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

9-1-2-304.1.1 Unsafe conditions. The conditions listed in International Property Maintenance Code Section 304.1.1 shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or the California Residential Code as required for existing buildings.

9-1-2-304.14: INSECT SCREENS:

See Los Angeles County Public Health Code for requirements for insect screens, as adopted in Title 4 Chapter 1 of the Burbank Municipal Code.

9-1-2-305.1.1 Unsafe Conditions. The conditions listed in International Property Maintenance Code Section 305.1.1 shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or California Residential Code.

9-1-306.1.1 Unsafe conditions. Where any of the conditions listed in International Property Maintenance Code Section 306.1.1 cause the component or system to be beyond its limit state, the component or system shall be determined as unsafe and shall be repaired or replaced to comply with the California Building Code or California Residential Code as required for existing buildings.

9-1-2-308: RUBBISH AND GARBAGE:

See Article 3 for property maintenance requirements for rubbish and garbage.

9-1-2-309: EXTERMINATION:

See Article 4, Title 4 Chapter 1, of the Burbank Municipal Code for property maintenance requirements for extermination.

9-1-2-401.3: ALTERNATIVE DEVICES:

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

9-1-2-502.5 Public toilet facilities. Public toilet facilities shall be maintained in a safe sanitary and working condition in accordance with the California Plumbing Code. Except for periodic maintenance or cleaning, public access and use shall be provided to the toilet facilities at all time during occupancy of the premises.

9-1-2-505.1: GENERAL- WATER SYSTEM:

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

9-1-2-602.2: RESIDENTIAL OCCUPANCIES:

Dwellings shall be provided with heating facilities capable of maintaining a room temperature in accordance with the code in effect at the time of issuance of the construction permit.

9-1-2-602.3: HEAT SUPPLY:

Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a temperature in accordance with the code in effect at the time of issuance of the construction permit.

9-1-2-604 ELECTRICAL FACILITIES

9-1-2-604.2: SERVICE- ELECTRICAL FACILITIES. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the California Electrical Code. Dwelling units shall be served with an electrical service in accordance with the code in effect at the time of issuance of the construction permit.

9-1-2-604.3.1.1 ELECTRICAL EQUIPMENT. Electrical distribution equipment, motor circuits, power equipment, transformers, wire, cable, flexible, cords, wiring devices, ground fault circuit interrupters, surge protectors, molded case circuit breakers, low-voltage fuses, luminaires, ballasts, motors, and electronic control, signaling and communication equipment that have been exposed to water shall be replaced in accordance with the provisions of the California Building Code, California Residential Code, and the California Electrical Code with exceptions as listed in Section 604.3.1.1 of the International Property Maintenance Code.

9-1-2-604.3.2.1 ELECTRICAL EQUIPMENT. Electrical switches, receptacles and fixtures, including furnace, water heating, security system and power distribution

circuits, that have been exposed to fire, shall be replaced in accordance with the provisions of the California Building Code, California Residential Code, and the California Electrical Code with the exceptions as listed in Section 604.3.2.1 of the International Property Maintenance Code.

9-1-2-605: ELECTRICAL EQUIPMENT:

9-1-2-605.1: INSTALLATION:

All electrical equipment, wiring and appliances shall be properly installed and maintained in a safe and approved manner.

9-1-2-605.2: RECEPTACLES:

Every habitable space in a dwelling shall contain receptacle outlets in accordance with the code in effect at the time of issuance of the construction permit.

9-1-2-605.3: LUMINAIRES:

Every public hall, interior stairway, toilet room, kitchen, bathroom, laundry room, boiler room and furnace room shall contain luminaires in accordance with the code in effect at the time of issuance of the construction permit.

9-1-2-606: ELEVATORS, ESCALATORS, AND DUMBWAITERS:

9-1-2-606.2: ELEVATORS:

In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

EXCEPTION: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

9-1-2-702: MEANS OF EGRESS:

9-1-2-702.1: GENERAL:

A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public way. Means of egress shall be maintained in accordance with the code in effect at the time of issuance of the construction permit.

9-1-2-702.2: AISLES:

The required width of aisles shall be maintained in accordance with the code in

effect at the time of issuance of the construction permit.

9-1-2-702.3: LOCKED DOORS:

All means of egress doors shall be readily openable from the side from which egress is to be made without the need for keys, special knowledge or effort, and shall be maintained in accordance with the code in effect at the time of issuance of the construction permit.

9-1-2-704: FIRE PROTECTION SYSTEMS:

See Title 9 Chapter 2 of the Burbank Municipal Code for smoke alarm, power source, and interconnection requirements in existing Group R occupancies.

ARTICLE 3. PROPERTY MAINTENANCE

9-1-3-301: TITLE:

This article shall be known as the "City of Burbank Property Maintenance Ordinance."

9-1-3-302: FINDINGS:

The Council finds and determines as follows:

A. The City has a history and reputation for well-kept properties and the property values and the general welfare of the community are founded, in part, upon the appearance and maintenance of private properties.

B. There is a need for further emphasis on property maintenance and sanitation in that certain conditions, as described in this article, have been found from place to place throughout the City.

C. The existence of such conditions as described in this article, is injurious and inimical to the public health, safety, and welfare of the residents of the City and contributes substantially and increasingly to the deterioration of neighborhoods.

D. Unless corrective measures are undertaken to alleviate such existing conditions and assure the avoidance of future problems in this regard, the public health, safety, and general welfare, and specifically the social and economic standards of the community, will be depreciated.

E. The abatement of such conditions will improve the general welfare and image of the City.

F. The abatement procedures set forth in this article are reasonable and afford due process to all affected persons.

G. The uses and abuses of property as described in this article reasonably relate to the proper exercise of police power to protect the health, safety, and general welfare of the public.

9-1-3-303: DEFINITIONS:

The following words and phrases, whenever used in this article, shall be construed as defined in this section, unless from the context a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

ATTRACTIVE NUISANCE: Shall mean any condition, instrumentality, or machine which is unsafe and unprotected and thereby dangerous to young children by reason of their inability to appreciate the peril therein, and which may reasonably be expected to attract young children to the premises and risk injury by playing with, in, or on it.

LANDOWNER: Shall mean the person to whom land is assessed as shown on the last equalized assessment roll of the county.

PARKWAY: Shall mean that portion of a street right-of-way which lies between the property line and the outside edge of a gutter or gutter lip, including a driveway approach. Where no curb exists, "parkway" shall mean the area of property from the property line to the edge of the pavement.

PROPERTY: Shall mean any lot or parcel of land. For the purposes of this definition, "lot or parcel of land" shall include any alley, sidewalk, parkway, or unimproved public easement abutting such lot or parcel of land.

9-1-3-304: RESPONSIBILITY FOR ENFORCEMENT:

The Building Official shall be responsible for the administration and enforcement of this article. For purposes of declaring and abating fire hazards pursuant to the provisions of this article, the Building Official is also authorized to perform the duties imposed on the Fire Chief and Fire Marshall pursuant to the provisions of the California Fire Code as adopted and amended by this jurisdiction.

9-1-3-305: PROHIBITED ACTIVITIES:

A. RUBBISH AND VEGETATION.

It shall be unlawful for any landowner, and person leasing, occupying, or having charge or possession of any property in the City to keep, maintain, or deposit on such property any of the following:

1. Rubbish or junk, including, but not limited to, refuse, garbage, scrap metal or lumber, concrete, asphalt, tin cans, tires, and piles of earth.
2. Abandoned, discarded, or unused furniture, stoves, sinks, toilets, cabinets, or other fixtures or equipment which are not stored within an entirely enclosed space.
3. Combustible material likely to become easily ignited or debris resulting from any fire and which constitutes a fire hazard, as defined in the California Fire Code.
4. Inoperative, abandoned, or dismantled motor vehicles, trailers, campers, and boats which are not stored within an entirely enclosed space or carport.
5. Trash, garbage, or refuse cans, bins, boxes or other such containers stored in front or side yards visible from public streets.
6. The following weeds:
 - (i) Weeds which bear seeds of a downy or wingy nature.
 - (ii) Sagebrush, chaparral, and any brush or weeds which attain such large growth as to become, when dry, a menace to adjacent property.
 - (iii) Weeds which are otherwise noxious or dangerous.
 - (iv) Puncture vines and tumble weed.
 - (v) Poison oak and poison ivy when the conditions of growth are such as to constitute a menace to the public health.
7. Dry grass and grass likely to become dry; stubble; brush; litter; or other flammable material which endangers the public safety creating a fire hazard, as defined in the California Fire Code.
8. Dead, decayed, or hazardous trees or other vegetation; residue from a fire; or demolition such as concrete or brick foundations and flat work; and overgrown vegetation which is unsightly and likely to harbor rats or vermin, and which constitute an unsightly appearance, a fire hazard, or are dangerous to public health and welfare.

B. BUILDINGS.

It shall be unlawful for any landowner or person leasing, occupying, or having charge or possession of any property in the City to maintain on such property any of the following:

1. Buildings which are abandoned, partially destroyed, or partially constructed or incomplete after building permits have expired.
2. Buildings with deteriorating or peeling paint that allows the exterior building coverings to deteriorate or to permit the effects of sun and water penetration so as to encourage decay, dry rot, warping, cracking, or any other form of deterioration.
3. Broken windows, doors, attic vents, and under floor vents.
4. Building exteriors (walls, roofs, appendages, and other architectural and structural elements), and site improvements (walls, fences, driveways, or walkways, and other site elements) which are cracked, broken, defective, deteriorated, in disrepair, or defaced due to any writing, inscription, figure, scratches, or other markings commonly referred to as "graffiti."

9-1-3-306: PUBLIC NUISANCE:

It is hereby declared a public nuisance for any landowner or person leasing, occupying, directly controlling, or having possession of any property in this City to maintain any condition described in Section 9-1-3-305 of this Code or to maintain any attractive nuisance.

9-1-3-307: ENFORCEMENT:

Enforcement of this article may be accomplished by the Building Official in any manner authorized by law. The procedures set forth in this article shall not be exclusive and shall not in any manner limit or restrict the City from enforcing other City ordinances or abating public nuisances in any other manner provided by law.

9-1-3-308: PROCEDURES FOR ABATEMENT OF UNLAWFUL CONDITIONS:

A. NOTICE AND ORDER OF BUILDING OFFICIAL.

Whenever the Building Official has inspected or caused to be inspected any property and has found and determined that conditions constituting a public nuisance exist thereon, the Building Official may use the procedures set forth in this section for the abatement of such nuisance.

1. The Building Official shall issue a notice and order and mail a copy of such notice and order to the landowner and the person, if other than the landowner, occupying or otherwise in real or apparent charge and control of the property. The notice and order shall contain:

(i) The street address and a legal description sufficient for identification of the property on which the condition exists.

(ii) A statement that the Building Official has determined that a public nuisance is being maintained on the property with a brief description of the conditions which render the property a public nuisance.

(iii) An order to secure all appropriate permits and to physically commence, within ten (10) days from the date of service of the notice and order, and to complete within thirty (30) days from such date, the abatement of the described conditions.

(iv) A statement advising that the disposal of material involved in public nuisances shall be carried forth in a legal manner.

(v) A statement advising that if the required work is not commenced within the time specified, the Building Official will proceed to cause the work to be done, and bill the persons named in the notice for the abatement costs and/or assess the costs against the property.

(vi) A statement advising that any person having any interest or record title in the property may appeal from the notice and order or any action of the Building Official within ten (10) days from the date of service of the notice and order.

(vii) A statement advising that the notice and order will be recorded against the property in the Office of the County Recorder.

2. The notice and order, and any amended notice and order, shall be mailed by first class mail, postage prepaid, to each person as required pursuant to the provisions of Subsection (a) of this section at the address as it appears on the last equalized assessment roll of the County or as known to the Building Official. The address of owners shown on the assessment roll shall be conclusively deemed to be the proper address for the purpose of mailing such notice. The failure of the Building Official to make or attempt service on any person required in this section to be served shall not invalidate any proceedings hereunder as to any other person duly served. Service by mail in the manner herein provided shall be effective on the date of mailing. The failure of any person entitled to receive such notice shall not affect the validity of any proceedings taken under this article.

3. Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made.

4. At the time the notice and order is served, the Building Official shall file in the Office of the County Recorder a certificate legally describing the property and certifying that a public nuisance exists on the property and the owner has been so notified. The Building Official shall file a new certificate with the County Recorder that the nuisance has been abated whenever the corrections ordered shall have been completed so that there no longer exists a public nuisance on the property described in the certificate; or the notice and order is rescinded by the Board of Building and Fire Code Appeals upon appeal; or whenever the City abates the nuisance and the abatement costs have been paid.

B. EXTENSION OF TIME TO PERFORM WORK.

Upon receipt of a written request from any person required to comply with the order, the Building Official may grant an extension of time within which to complete said abatement, if the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property. The Building Official shall have the authority to place reasonable conditions on any such extensions.

C. APPEAL.

Any person aggrieved by the action of the Building Official in issuing a notice and order pursuant to the provisions of this article may appeal to the Board of Building and Fire Code Appeals in accordance with the provisions of Article 2 of this chapter. If no appeal is filed within the time prescribed, the action of the Building Official shall be final.

9-1-3-309: PERFORMANCE OF ABATEMENT:

Abatement of the nuisance may in the discretion of the Building Official be performed by City forces or by a contractor retained pursuant to the provisions of this Code.

9-1-3-310: ENTRY ON PRIVATE PROPERTY:

The Building Official may enter upon private property to abate the nuisance pursuant to the provisions of this article. No person shall obstruct, impede, or interfere with any officer, employee, contractor or authorized representative of the City whenever such person is engaged in the work of abatement, pursuant to the provisions of this article, or in performing any necessary act preliminary to or incidental to such work as authorized or directed pursuant to this article.

9-1-3-311: ADDITIONAL PROCEEDINGS FOR ABATEMENT OF IMMINENTLY DANGEROUS PUBLIC NUISANCES:

Whenever the Building Official determines that a public nuisance is so imminently dangerous to life or adjacent property that such condition must be immediately corrected, or isolated, the Building Official may institute the following procedures.

A. NOTICE.

The Building Official shall attempt to make contact through a personal interview, or by telephone with the landowner or the person, if any, occupying or otherwise in real or apparent charge and control thereof. In the event contact is made, the Building Official shall notify such person, or persons, of the danger involved and require that such condition be immediately removed, repaired or isolated so as to preclude harm to any person or property.

B. ABATEMENT.

In the event the Building Official is unable to make contact as hereinabove noted, or if the appropriate persons, after notification by the Building Official, do not take action as specified by such official, within seventy-two (72) hours, then the Building Official may, with the approval of the City Manager, take all steps deemed necessary to remove or isolate such dangerous condition, or conditions, with the use of City forces or a contractor retained pursuant to the provisions of this Code.

C. COST.

The Building Official shall keep an itemized account of the costs incurred by the City in removing or isolating such condition, or conditions. Such costs may be recovered in the same manner that abatement costs are recovered pursuant to this article.

9-1-3-312: ACCOUNT OF ABATEMENT COSTS:

The Building Official shall keep an itemized account of the costs incurred by the City in the abatement of any public nuisance under this article. Upon completion of the abatement work, the Building Official shall prepare a report specifying the work done, the itemized costs of the work for each property, including direct and indirect costs, a description of the real property, and the names and addresses of

the persons entitled to service pursuant to Section 9-1-3-308. Any such report may include costs on any number of properties, whether or not contiguous to each other. Each person named in the notice shall be jointly and severally liable for such abatement costs and the amount of such costs shall be a debt owed to the City.

9-1-3-313: PROCEDURE FOR SPECIAL ASSESSMENT:

A. CITY CLERK.

When any charges levied pursuant to this article remain unpaid for a period of sixty (60) days or more after the date on which they were billed, the Building Official, in his discretion, may forward the abatement costs report described in Section 9-1-3-308 to the City Clerk.

B. HEARING NOTICE.

Upon receipt of the abatement costs report, the Clerk shall fix a time and place for hearing and passing upon the report. The Clerk shall cause notice of the amount of the proposed assessment, shown in this report, to be given in the manner and to the persons specified in Section 9-1-3-308. Such notice shall contain a description of the property sufficient to enable the persons served to identify it, and shall specify the day, hour, and place when the Council will hear and pass upon the report, together with any objections or protests which may be raised by any landowner liable to be assessed for the costs of such abatement. Notice of the hearing shall be given not less than fifteen days prior to the time fixed by the Clerk for the hearing, and shall also be published once, at least fifteen (15) days prior to the date of the hearing, in a newspaper of general circulation published in the County of Los Angeles.

C. PROTEST.

Any interested person may file a written protest with the City Clerk at any time prior to the time set for the hearing on the report of the Building Official. Each such protest shall contain a description of the property in which the person signing the protest is interested and the grounds of such protest. The City Clerk shall endorse on every such protest the date and time of filing, and shall present such protest to the Council at the time set for hearing.

9-1-3-314: HEARING ON PROPOSED ASSESSMENT:

Upon the day and hour fixed for the hearing the Council shall consider the report of the Building Official, together with any protests which have been filed with the City Clerk. The Council may make such revision, correction, or modification in the report as it may deem just, and when the Council is satisfied with the correctness of the assessment, the report, and proposed assessment, as submitted or as revised, corrected, or modified, shall be confirmed. The decision of the Council on the report and the assessment and on all protests shall be final and conclusive. The Council may adjourn the hearing from time to time.

9-1-3-315: CONTEST OF ASSESSMENT:

The validity of any assessment levied under the provisions of this article shall not be contested in any action or proceeding unless such action or proceeding is commenced within thirty (30) days after the assessment is confirmed by the Council.

9-1-3-316: NOTICE OF LIEN: FORM AND CONTENTS:

A. NOTICE OF LIEN.

Immediately upon the confirmation of the assessment by the Council, the Building Official shall execute and file in the Office of the County Recorder a certificate in substantially the following form:

NOTICE OF LIEN

Pursuant to the authority vested in the Building Official by the provisions of Article 3, Title 9 Chapter 1 of the Burbank Municipal Code, said Building Official on or about the ____ day _____ of , 20____, caused the abatement of a nuisance on real property, and the Council for the City of Burbank, on the ____ day _____ of, 20____, assessed the cost of such abatement upon said real property and the same has not been paid nor any part thereof, and the City of Burbank does hereby claim a lien on said real property for the net expense of the doing of said abatement in the amount of \$_____, and this amount shall be a lien upon said real property until the sum has been paid in full and discharged of record. The real property hereinbefore mentioned, and upon which a lien is claimed, is that certain parcel of land in the City of Burbank, County of Los Angeles, State of California, and particularly described as follows:

(DESCRIPTION)

Dated: This ____ day _____ of , 20____.

BUILDING OFFICIAL OF THE CITY OF BURBANK

(ACKNOWLEDGEMENT)

B. RECORDATION:

Immediately upon the recording of the notice of lien the assessment shall constitute a lien on the real property assessed. Such lien shall, for all purposes, be upon a parity with the lien of state and local taxes.

9-1-3-317: COLLECTION WITH REGULAR TAXES PROCEDURE:

A. ASSESSMENT BOOK.

The notice of lien, after recording, shall be delivered to the Auditor of Los Angeles County, who shall enter the amount on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the Auditor before the date fixed by law for the delivery of the assessment book to the County Board of Equalization.

B. COLLECTION.

Thereafter the amount set forth in the notice of lien shall be collected at the same time and in the same manner as ordinary City taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary City taxes. All laws applicable to the levy, collection and enforcement of City taxes are hereby made applicable to such assessment.

C. REFUNDS.

The Council may order a refund of all or part of a tax paid pursuant to this article if it finds that all or part of the tax has been erroneously levied. A tax or part thereof shall not be refunded unless a claim is filed with the City Clerk on or before November 1 after the tax became due and payable. The claim shall be verified by the person who paid the tax, or the legal representative of such person.

9-1-3-318: REMEDIES OF PRIVATE PARTIES:

The provisions of this article shall in no way adversely affect the right of the owner, lessee, or occupant of any such lot to recover all costs and expenses required by this article from any person causing such nuisance.

ARTICLE 4. HEATING, VENTILATING, COMFORT COOLING AND REFRIGERATION REGULATIONS

9-1-4: ADOPTION OF 2010 CALIFORNIA MECHANICAL CODE:

A. ADOPTION OF CODE

Title 24, Part 4, California Mechanical Code, 2010 Edition, which provides requirements for the installation and maintenance of heating, ventilating, exhaust, comfort cooling and refrigeration systems and incinerators and miscellaneous heat-producing appliances is, with all its appendices and tables, hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of

the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article The California Mechanical Code, 2010 Edition, is on file and open to public inspection in the office of the City Clerk.

B. SHORT TITLE

Wherever the phrase "Uniform Mechanical Code" appears in this Code or any ordinance of the City, such phrase shall be deemed and construed to refer and apply to the California Mechanical Code as adopted and amended by this article.

C. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of Section 9-1-1-105.2 of this Code.

D. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the California Mechanical Code, the section, subsection, and paragraph numbers or designations of the California Mechanical Code shall be retained in this article and shall be preceded by the prefix "9-1-4-". Such prefix refers to this article and chapter of the Burbank Municipal Code.

E. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. "Submittal" shall include, but is not limited to, payment of plan check fees, submittal for development review.

F. WARNING AND DISCLAIMER.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

9-1-4-108: POWERS AND DUTIES OF THE AUTHORITY HAVING JURISDICTION:

9-1-4-108.1.1: GENERAL:

The officer or other designated authority charged with the administration and

enforcement of this code shall be the "Building Official" or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/ Building Official" or "Building Director" of the City.

9-1-4-114: PERMIT ISSUANCE:

9-1-4-114.1.1: ISSUANCE TO STATE LICENSEES:

No permit shall be issued to any person doing any work regulated by the California Mechanical Code except to a person holding a valid, unexpired and unrevoked State license to do such work.

EXCEPTION: Any permit required by this Code may be issued to any person to do any construction or work regulated by this Code in a dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings in the event that any such person is a bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied by or designed to be occupied by said owner.

9-1-4-115: FEES:

9-1-4-115.1: GENERAL:

Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

9-1-4-115.2: PERMIT FEES:

The fee for each permit shall be as set forth in the Burbank Fee Resolution.

9-1-4-115.3: PLAN REVIEW FEES:

When plans or other data are required to be submitted by California Mechanical Code Section 113.2, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be determined and adopted by this jurisdiction.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 9-1-4-115.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Burbank Fee Resolution.

9-1-4-310.6: OTHER PLUMBING CONNECTIONS:

All mechanical equipment piping connected by direct or indirect means to piping or fixtures governed by the California Plumbing Code shall be of materials approved by the California Plumbing Code.

ARTICLE 5. ELECTRICAL REGULATIONS

DIVISION 1. GENERAL PROVISIONS

9-1-5: ADOPTION OF 2010 CALIFORNIA ELECTRICAL CODE AND DISCLAIMER:

A. ADOPTION OF THE CODE.

Title 24, Part 3, California Electrical Code, 2010 Edition, which regulates the installation, alteration, repair, removal, conversion, use and maintenance of electrical equipment, and materials, fixtures, appliance and tests utilized in connection therewith, as amended by this article, is, with all its appendices, annexes, and tables, hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The California Electrical Code, 2010 Edition, is on file and open to public inspection in the Office of the City Clerk.

B. SHORT TITLE.

Where the phrase "National Electrical Code" or "Electrical Code" is used in this Code or in any other ordinance of the City, such phrase shall be deemed and considered to refer and apply to the California Electrical Code which is described and referred to in the preceding section, as the same is amended by this article.

C. DELETIONS FROM THE ANNEX.

The following provisions are hereby deleted from Annex H: Administration and Enforcement, 2010 Edition: Sections 80.15 and 80.27.

D. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of Section 9-1-1-105.2 of the Burbank Municipal Code, and Section 105.2, of the California Building Code.

E. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the California Electrical Code, the section, subsection, and paragraph numbers or designations of the California Electrical Code shall be retained in this article and shall be preceded by the prefix "9-1-5-". Such prefix refers to this article and chapter of the Burbank Municipal Code.

F. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. "Submittal" shall include, but is not limited to, payment of plan check fees, submittal for development review.

G. WARNING AND DISCLAIMER.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

9-1-5-90.7.1: LISTING OF EQUIPMENT:

No person shall install any electrical appliance, material or equipment of whatsoever kind or nature, made for or intended to be used in or as part of, or connected to, the electrical circuit of any house, building or other structure, unless such appliance, material, equipment or other electrical component has been approved, listed and labeled as defined in Article 100 of the California Electrical Code.

9-1-5-300.5: CONCRETE ENCASUREMENT OF SECONDARY FEEDERS:

(L) All secondary feeders over 200A shall be encased in red-colored concrete, with a minimum of two inches of cover on all sides. The top of the encasement shall be a minimum of 24 inches below finish grade. Each encased secondary shall be marked with identification tape installed on the top of the encasement.

9-1-5-80.2: (ANNEX H) DEFINITIONS:

AUTHORITY HAVING JURISDICTION.

The officer or other designated authority charged with the administration and enforcement of this code shall be the "Building Official" or a duly authorized

representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/ Building Official" or "Building Director" of the City.

9-1-5-80.15: (ANNEX H) BOARD OF APPEALS:

Any person, firm or corporation may register an appeal with the Board of Building and Fire Code Appeals in accordance with Section 9-1-1-112.4 of this code.

9-1-5-80.19: (ANNEX H) PERMITS AND APPROVALS:

A. Section 80.19, Annex H, of the 2010 California Electrical Code, is amended in part to read:

Permits and approvals shall conform to (A) through (I).

B. Section 80.19(C), Annex H, of the 2010 California Electrical Code, is amended to include.

(3) Issuance to State Licensees.

No permit shall be issued to any person doing any work regulated by the California Plumbing Code except to a person holding a valid, unexpired and unrevoked State license to do such work.

EXCEPTION:

1. Any permit required by this Code may be issued to a person identified as a "Qualified Installer" as defined in this article.

C. Section 80.19(E), Annex H, of the 2010 California Electrical Code, is amended to read:

(E) Fees. Any political subdivision that has been provided for electrical inspection in accordance with the provisions of Article 80 may establish fees that shall be paid by the applicant for a permit before the permit is issued. Fees shall be assessed as set forth in the Burbank Fee Resolution.

D. Section 80.19(H)(1), Annex H, of the 2010 California Electrical Code, is amended to include the following subsection:

(a) Duration of Extensions.

Every permit issued by the Building Official under the provisions of this article shall expire by limitation, and become null and void, if the work authorized by such permit is not commenced within one hundred-eighty (180) days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days.

E. Section 80.19 Annex H, of the 2010 California Electrical Code, is amended to include the following subsection:

(I) Licensing And Qualifications Of Electricians.

(1) Issuance To Licensed Contractors.

No permit shall be issued to any person doing any work regulated by the California Electrical Code except to a person holding a valid, unexpired and unrevoked State license to do such work.

EXCEPTION:

1. Any permit required by this Code may be issued to a person identified as a "Qualified Installer", as defined in this article.

(2) Persons Authorized To Perform Electrical Work.

No person except a Qualified Installer as defined in this article, or a person in the employ of and performing such work under the supervision of a Qualified Installer, shall install, alter, construct, or repair any plumbing regulated by the California Electrical Code.

(3) Qualified Installer: Means

(a) A person who holds a valid State contractor's license in the proper classification for plumbing work regulated by the California Electrical Code.

(b) A person who is the owner of a single family dwelling used exclusively for living purposes and has demonstrated to the satisfaction of the Building Official his or her qualifications to satisfactorily perform electrical work in the dwelling, which is or is intended to be occupied by him or her and the buildings accessory thereto.

(c) A person who is employed by a governmental agency required to comply with the provisions of the California Electrical Code and who is qualified, as determined by the Building Official, to supervise, control or perform any work regulated by said code.

(d) A person who is permanently employed by a firm or corporation, and for whom a fee has been paid as defined in Section 9-1-5-80.19(I)(d) Annex H,, who installs, alters, constructs, repairs, services or maintains plumbing as defined in the California Electrical Code, solely on the property of his or her employer.

(4) Fees.

Every firm or corporation employing a Qualified Installer as defined in Section 9-1-5-80.19(I)(c)4, Annex H, shall pay to the Building Division an annual fee for each Qualified Installer in their employ as set forth in the Burbank Fee Resolution.

9-1-5-80.23: (ANNEX H) METHOD OF SERVICE OF NOTICE:

Section 80.23 (A), Annex H, of the California Electrical Code is amended to include the following subsection:

(3) Proof of service of the notice and order shall be documented at the time of service by a declaration under penalty of perjury executed by the person effecting service, declaring the time and manner in which service was made. The declaration shall be affixed to the copy of the notice and order retained by the Building Official.

ARTICLE 6. PLUMBING REGULATIONS

9-1-6: ADOPTION OF 2010 CALIFORNIA PLUMBING CODE:

A. ADOPTION OF THE CODE.

Title 24, Part 5, 2010 California Plumbing Code, which regulates the installation, plumbing, water, fuel gas, drainage, sewage disposal systems, and materials, fixtures, appliances and tests utilized in connection therewith, is, with all its appendices and tables, hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The California Plumbing Code, 2010 Edition, is on file and open to public inspection in the Office of the City Clerk.

B. SHORT TITLE.

Where the phrase "Uniform Plumbing Code" or "Plumbing Code" is used in this Code or in any other ordinance of the City, such phrase shall be deemed and considered to refer and apply to the California Plumbing Code which is described and referred to in the preceding section, as the same is amended by this article.

C. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of Section 9-1-1-105.2 of the Burbank Municipal Code and Section 105.2 of the California Building Code.

D. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the California Electrical Code, the section, subsection, and paragraph numbers or designations of the California Electrical Code shall be retained in this article and shall be preceded by the prefix "9-1-6-". Such prefix refers to this article and chapter of the Burbank Municipal Code.

E. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE

AMENDMENTS. The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. "Submittal" shall include, but is not limited to, payment of plan check fees, submittal for development review.

F. WARNING AND DISCLAIMER.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

9-1-6-1.1.3.3 EXPANDED SCOPE FOR CALGREEN REQUIREMENTS

In addition to requirements of California Plumbing Code Section 402.0, Water-Conserving Fixtures and Fittings, all affected projects shall comply with the indoor water use requirements of CALGreen Section 4.303 for residential projects and Section 5.303 for nonresidential projects. Affected projects includes new construction, and alterations, remodels and additions of 100 square feet and above in area.

9-1-6-102: POWERS AND DUTIES OF THE AUTHORITY HAVING JURISDICTION:

9-1-6-102.1.1: GENERAL:

The officer or other designated authority charged with the administration and enforcement of this code shall be the "Building Official" or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/Building Official" or "Building Director" of the City.

9-1-6-103.1.3.1: LICENSING:

No permit shall be issued to any person doing any work regulated by the California Plumbing Code except to a person holding a valid, unexpired and unrevoked State license to do such work.

EXCEPTION:

1. Any permit required by this Code may be issued to a person identified as a "Qualified Installer" as defined in this article.

9-1-6-103.1.3.2: QUALIFICATIONS OF PLUMBERS:

A. PERSONS AUTHORIZED TO PERFORM PLUMBING WORK.

No person except a Qualified Installer as defined in this article, or a person in the employ of and performing such work under the supervision of a Qualified Installer, shall install, alter, construct, or repair any plumbing regulated by the California Plumbing Code.

B. DEFINITIONS.

QUALIFIED INSTALLER: Means:

1. A person who holds a valid State contractor's license in the proper classification for plumbing work regulated by the California Plumbing Code.
2. A person who is the owner of a single family dwelling used exclusively for living purposes and has demonstrated to the satisfaction of the Building Official his or her qualifications to satisfactorily perform plumbing work in the dwelling, which is or is intended to be occupied by him or her and the buildings accessory thereto.
3. A person who is employed by a governmental agency required to comply with the provisions of the California Plumbing Code and who is qualified, as determined by the Building Official, to supervise, control or perform any work regulated by said code.
4. A person who is permanently employed by a firm or corporation, and for whom a fee has been paid as defined in Section 9-1-6-103.1.3.2(c), who installs, alters, constructs, repairs, services or maintains plumbing as defined in the California Plumbing Code, solely on the property of his or her employer.

C. FEES.

Every firm or corporation employing a Qualified Installer as defined in Section 9-1-6-103.1.3.2(b)4 shall pay to the Building Division an annual fee for each Qualified Installer in their employ as set forth in the Burbank Fee Resolution.

9-1-6-103.4: FEES:

9-1-6-103.4.1: PERMIT FEES:

Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

9-1-6-103.4.2: PLAN REVIEW FEES:

When a plan or other data are required to be submitted by California Plumbing Code Section 103.2.2, a plan review fee shall be paid at the time of submitting plans and specifications for review.

The plan review fees specified in this subsection are separate fees from the permit fees specified in this section and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Burbank Fee Resolution.

9-1-6-308.1.1: EXPOSED PLUMBING:

Exposed rough plumbing or piping or soil, vent or waste pipe, on the outside of any building or structure, will not be permitted, except with the permission of the Administrative Authority.

9-1-6-402.1 WATER-CONSERVING FIXTURES AND FITTINGS:

In addition to requirements of California Plumbing Code Section 402.0, Water-Conserving Fixtures and Fittings, all residential and nonresidential new construction, and alterations, remodels and additions of 100 square feet or more in area shall comply with the indoor water use requirements of CALGreen Section 4.303 for residential projects and Section 5.303 for nonresidential projects.

9-1-6-402.7 RESTROOM AERATORS.

Except as otherwise provided in this Code, a 1.0 gallon per minute (gpm) faucet aerator shall be installed and maintained in all toilet rooms that are not located in within a dwelling or home occupation.

Exemptions:

1. Metered faucets, such as those with spring or infrared actuators; and
2. A permitted, previously installed approved faucet that does not allow the addition of an aerator accessory due to physical characteristics of the faucet.

Failure to either receive notice or failure to obtain a business tax license on the part of the business or property owner does not exempt that business or property from the requirements of this section. Whenever the Building Official has found and determined that the subject business or property has failed to comply with the requirements of this section, the Building Official may use the procedures set forth in Section 9-1-3-308 "Procedures for Abatement of Unlawful Conditions" of this code for the abatement of such condition.

ARTICLE 7. SEISMIC RETROFIT REGULATIONS

DIVISION 1. UNREINFORCED MASONRY ORDINANCE

9-1-7-100: ADOPTION OF CODE:

Title 24, Part 10, of the California Building Code, 2010 Edition, is hereby adopted by the City of Burbank and made a part of this Code for promoting public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.

DIVISION 2. EARTHQUAKE HAZARD REDUCTION IN EXISTING
REINFORCED CONCRETE WALL AND/OR REINFORCED MASONRY WALL
BUILDINGS WITH FLEXIBLE DIAPHRAGMS

9-1-7-200: EARTHQUAKE HAZARD REDUCTION IN EXISTING REINFORCED
CONCRETE WALL AND/OR REINFORCED MASONRY WALL BUILDINGS
WITH FLEXIBLE DIAPHRAGMS:

9-1-7-200.1: PURPOSE:

The City of Burbank is within California Building Code Seismic Zone 4. This is the highest risk for damaging earthquakes. Approximately 30 percent of the City of Burbank is categorized as an "Active Fault Near-Source Zone" (ICBO, California Department of Conservation-Division of Mines and Geology). The Near-Source Zone is an area within two kilometers of an active fault (Class A or B) capable of producing a major earthquake. The Verdugo Fault and the Hollywood Fault are the near-source influences for the City (both are Class B faults). A Near-Source Zone is subject to the largest and most damaging ground acceleration and velocity produced in a seismic event. The resulting structural damage in a near-source zone is generally severe.

The 1994 Northridge Earthquake caused considerable damage to buildings and structures located in the City of Burbank. Experts expect a massive earthquake on one of the faults under the City within the next 30 years and several earthquakes similar in intensity to the Northridge Earthquake during that same period.

The damage to buildings could expose occupants of these buildings to a potential life-safety risk in future earthquakes, and the City of Burbank must protect its population and property and enforce the Building Code so as to provide effective protection to all its citizens.

Recent earthquakes, including the 1994 Northridge event, have demonstrated the deficiencies in the structural performance of reinforced concrete wall and/or reinforced masonry wall buildings with flexible diaphragms. The 1997 California Building Code contained revisions to the seismic requirements for new construction, but it did not address the existing "legal nonconforming" buildings.

Pre-1976 UBC reinforced concrete wall and/or reinforced masonry wall buildings with flexible diaphragms are considered potentially hazardous and prone to significant damage, including possible roof collapse, in moderate to major earthquakes. These buildings may lack adequate strength in the anchorage system of the wall to the roof and floor diaphragms.

The purpose of this section is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on

reinforced concrete wall and/or reinforced masonry wall buildings with flexible diaphragms designed under the building codes in effect prior to the adoption of the 1976 UBC. Such buildings have been categorized, based on past earthquakes, as being potentially hazardous and prone to significant damage, including possible collapse, in a moderate to major earthquake.

The provisions of this section are minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury on both subject and adjacent properties and will not necessarily prevent loss of life or injury or prevent earthquake damage to an existing building which complies with these standards. The requirement for compliance with these standards does not preclude the utilization, at the building owner's option, of more extensive strengthening method that might further prevent or limit loss of life or injury or building damage. This section shall not require existing electrical, plumbing, mechanical or fire-safety systems to be altered unless they constitute a hazard to life or property.

This section provides for the identification and classification of reinforced concrete wall and/or reinforced masonry wall buildings with flexible diaphragms based on the current use of the building. Priorities, time periods, and standards are also established under which these buildings are required to be structurally analyzed and strengthened for seismic resistance. Where the analysis determines structural deficiencies, this section requires the building to be strengthened.

9-1-7-200.2: SCOPE:

The provisions of this section shall apply to all buildings designed under building codes in effect prior to February 14, 1977, which, on the effective date of this section have reinforced concrete walls and/or reinforced masonry walls with flexible diaphragms as defined herein.

Any such buildings with seismic strengthening in place prior to the effective date of this ordinance shall be within the scope of this Section and shall, therefore, be evaluated according to the provisions of this Section and modified to comply with this Section if deficient.

9-1-7-200.3: DEFINITIONS:

ANCHORAGE SYSTEM: Is the system of all structural elements and connections which support the concrete or masonry wall in the lateral direction, including diaphragms and sub-diaphragms, wall anchorage and continuity or cross tie connectors in sub-diaphragms and main diaphragms.

COMMENCED CONSTRUCTION: Construction pursuant to a valid building

permit has progressed to the point that one of the called inspections as required by the City has been made and the work for which the inspection has been called has been judged by the City to be substantial and has been approved by the Building Official.

FLEXIBLE DIAPHRAGM: Is any diaphragm constructed of wood structural panel, diagonal or straight wood sheathing, metal decking without a structural concrete topping, or horizontal rod bracing.

REINFORCED CONCRETE WALL: Is a concrete wall that has 50 percent or more of the reinforcing steel required for reinforced concrete in the Uniform Building Code.

REINFORCED MASONRY WALL: Is a masonry wall that has 50 percent or more of the reinforcing steel required by 1976 Uniform Building Code Section 2106.1.12.4

TILT-UP CONCRETE WALL: Is a form of precast concrete panel construction either cast in the horizontal position at the site and after curing, lifted into place in a vertical position, or cast off-site in a fabricator's shop.

9-1-7-200.4: RATING CLASSIFICATIONS:

The rating classifications as shown in Table No. 9-1-7-200-A are hereby established and each building within the scope of this section shall be placed in one such rating classification by the Building Official. The total occupant load as determined by CBC Chapter 10 for the entire building plus the occupant load of any adjacent building which interconnects with the subject building or uses the subject building for exiting purposes shall be used to determine the rating classification.

9-1-7-200.5: INSPECTION AND RETROFIT REQUIRED; SIGN REQUIRED:

A. The owner of each building within the scope of the section shall cause an investigation of the existing construction and a structural analysis to be made of the building by a civil or structural engineer or architect licensed by the State of California, and if the building does not meet the minimum standards specified in this Section, the owner shall cause the building to be structurally altered to conform to such standards or cause the building to be demolished. The owner of a building within the scope of this section shall submit to the Building Official within 275 days after the service of the compliance order the following for review:

1. A structural analysis, subject to approval by the Building Official within the 275-day time period, which demonstrates that the building meets the minimum requirements of this Section, or
2. A structural analysis and plans for the proposed structural alterations of the building necessary to comply with the minimum requirements of this Section,

or (3) Plans for the demolition of the building.

After plans are submitted and approved by the Building Official, the owner shall obtain a building permit, commence and complete the required construction or demolition within the time limits set forth in Table No. 9-1-7-200-B. These time limits shall begin to run from the date the compliance order is served.

B. Unless exempt pursuant to 9-1-7-200.5(c) below, the owner or person in charge or control of a building within the scope of this section shall, within 275 days after the service of a compliance order, post in a conspicuous place at the entrance of the building, on a sign not less than 8-1/2" x 11", the following statement, printed in not less than 30 point bold type: "This is a reinforced concrete wall or reinforced masonry wall building with a flexible diaphragm built prior to February 14, 1977. The City of Burbank has ordered the owner of this building to bring the building into compliance with the provisions of Burbank Municipal Code Section 9-1-7-200, which relate to earthquake safety."

C. The sign shall remain posted until the structural alterations bringing the building into compliance with the provisions of Section 9-1-7-200 are completed and approved by the Building Official. If an owner of a building within the scope of this section has submitted to the Building official a structural analysis that demonstrates that the building meets the minimum requirements of Section 9-1-7-200 and the Building Official approves such structural analysis, the sign requirements in 9-1-7-200.5(b) shall no longer be applicable to such building.

9-1-7-200.6: COMPLIANCE ORDER:

A. The Building Official shall issue a written compliance order to the record owner of each building within the scope of this Section 9-1-7-200 directing the owner to comply with this section and shall also mail a copy to the person, if any, occupying or otherwise in real or apparent charge and control of the building.

B. The order shall be served either personally or by mail and shall contain:

1. The street address and legal description sufficient for identification of the building.
2. A statement that the Building Official has found the building to be within the scope of Section 9-1-7-200.
3. An order to prepare and submit to the Building Official a structural analysis and plans pursuant to Section 9-1-7-200.5.
4. A statement specifying the appeal rights of the owner as contained in Section 9-1-7-200.7.

C. The order shall be served and contents recorded in accordance with the provisions of Article 2 of this Code.

9-1-7-200.7: APPEAL FROM ORDER:

A. The owner of the building may appeal the Building Official's determination that the building is within the scope of this section to the Board of Building and Fire Code Appeals. Such appeal shall be filed with the Board within 60 days of the service date of the order described in Section 9-1-7-200.6. Such appeal shall be made in writing upon appropriate forms provided therefore by the Building Division, and the grounds thereof shall be stated clearly and concisely. Any materials that the appellant wishes considered by the Board shall be submitted to the Board at least 14 calendar days before the hearing. Each appeal shall be accompanied by a filing fee as set forth in the Burbank Fee Resolution. If no appeal is filed within 60 days of the service of the compliance order, the building shall be considered to be within the scope of this Section 9-1-7-200.

B. Appeals or requests for modification from any other determinations, orders, or actions of the Building Official pursuant to this Section shall be made in accordance with the procedures established in Section 9-1-1-112.4 of this Code.

9-1-7-200.8: TIME EXTENSIONS:

An owner of a building may apply to the Board of Building and Fire Code Appeals for an extension of time limits to submit a plan for retrofit of the building, to obtain necessary permits and/or to complete the retrofit to the building. The Board may grant an applicant an extension of up to 12 months additional time to comply with these requirements provided the applicant has demonstrated a good faith effort to meet the requirements of this Section 9-1-7-200. A maximum of two such extensions may be granted for a total extension of up to two years. In no case, shall the time for completion of retrofit exceed five years from the time of service of the compliance order.

9-1-7-200.9: NO ALTERATIONS PERMITTED UNTIL BUILDING RETROFIT IS COMPLETE:

Once a compliance order has been served, buildings within the scope of this Section 9-1-7-200 may not be structurally altered, remodeled or added to, without first complying with the provisions of this Section 9-1-7-200 unless the Building Official determines that the alteration is minor in nature.

9-1-7-200.10: ENFORCEMENT:

If the owner of the subject building fails to comply with any order issued by the Building Official pursuant to this section within any of the time limits set forth in Section 9-1-7-200.5, or within any additional time limits as may have been granted by the Board, the Building Official may order that the building be vacated until the building is in compliance.

9-1-7-200.11: ANALYSIS AND DESIGN:

The owner of a building subject to this Section shall cause the structure to comply with the following provisions.

9-1-7-200.11.1: WALL PANEL ANCHORAGE:

Concrete and masonry walls shall be anchored to all floors and roofs which provide lateral support for the wall. The anchorage shall provide a positive direct connection between the wall and floor or roof construction capable of resisting a horizontal force equal to 30 percent of the tributary wall weight for all buildings, and 45 percent of the tributary wall weight for essential buildings, or a minimum force of 250 pounds per linear foot of wall, whichever is greater. The required anchorage shall be based on the tributary wall panel assuming simple supports at floors and roof.

EXCEPTION: Alternate design may be approved by the Building Division when justified by well-established principles of mechanics.

9-1-7-200.11.2: SPECIAL REQUIREMENTS FOR WALL ANCHORS AND CONTINUITY TIES:

The steel elements of the wall anchorage systems and continuity ties shall be designed by the allowable stress design method using a load factor of 1.7. The 1/3 stress increase permitted by 1976 UBC Section 1603.5 shall not be permitted for materials using allowable stress design methods. The strength design specified in 1994 UBC Section 1925.2, using a load factor of 2.0 in lieu of 1.4 for earthquake loading, shall be used for design of embedments in concrete. Wall anchors shall be provided to resist out-of-plane forces, independent of existing shear anchors.

EXCEPTION: Existing cast-in-place shear anchors may be used as wall anchors if the tie element can be readily attached to the anchors and if the engineer or architect can establish tension values for the existing anchors through the use of approved as-built plans or testing, and through analysis showing that the bolts are capable of resisting the total shear load while being acted upon by the maximum tension force due to earthquake. Criteria for analysis and testing shall be determined by the Building Division.

Expansion anchors are not allowed without special approval of the Building Division. Attaching the edge of plywood sheathing to steel ledgers is not considered as complying with the positive anchoring requirements of this Section; and attaching the edge of steel decks to steel ledgers is not considered as providing the positive anchorage of this Section unless testing and analysis are performed that establish shear values for the attachment perpendicular to the edge of the deck.

9-1-7-200.11.3: DEVELOPMENT OF ANCHOR LOADS INTO THE DIAPHRAGM:

Development of anchor loads into roof and floor diaphragms shall comply with 1994 UBC Section 1631.2.9.3.

EXCEPTION: If continuously tied girders are present, then the maximum spacing of the continuity ties is the greater of the girder spacing or 24 feet. In wood diaphragms, anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal, nor shall wood ledgers, top plates or framing be used in cross-grain bending or cross-grain tension. The continuous ties required by 1976 UBC Section 1633.2.9.4 shall be in addition to the diaphragm sheathing.

Lengths of development of anchor loads in wood diaphragms shall be based on existing field nailing of the sheathing unless existing edge nailing is positively identified on the original construction plans or at the site.

At reentrant corners, continuity collectors may be required for existing return walls not designed as shear walls, to develop into the diaphragm a force equal to the lesser of the rocking or shear capacity of the return wall, to the tributary shear by not exceeding the capacity of the diaphragm. Shear anchors for the return shall be commensurate with the collector force. If a truss or beam other than rafters or purlins is supported by the return wall or by a column integral with the return wall, an independent secondary column is required to support the roof or floor members whenever rocking or shear capacity of the return wall is governing.

The design for the seismic deflection of return walls, and fins/canopies at entrances, shall insure deflection compatibility with the diaphragm by either seismically isolating the element or attaching the element and integrating its load into the diaphragm.

9-1-7-200.11.4: ANCHORAGE AT PILASTERS:

Anchorage of pilasters shall be designed for the tributary wall anchoring load pursuant to Section 9-1-7-200.11.1, considering the wall as a two-way slab. The pilasters or the walls immediately adjacent to the pilasters shall be anchored directly to the roof framing such that the existing vertical anchor bolts at the top of the pilasters are by-passed without causing tension or shear failure at the top of the pilasters.

EXCEPTION: If existing vertical anchor bolts at the top of the pilasters are used for the anchorage, then additional exterior confinement shall be provided.

The minimum anchorage at a floor or roof between the pilasters shall be that specified in Section 9-1-7-200.11.1 of this Section.

9-1-7-200.11.5: SYMMETRY:

Symmetry of connectors in the anchorage system is required. Eccentricity may be allowed when it can be shown that all components of forces are positively resisted and justified by calculations or tests.

9-17-7-200.11.6: MINIMUM ROOF MEMBER SIZE:

Wood members used to develop anchorage forces to the diaphragm must be at least 3x for new construction and replacement. All such members must be checked for gravity and earthquake as part of the wall anchorage system. For existing buildings, the member check shall be without the 1/3 stress increase pursuant to Section 9-1-7-200.11.2.

9-1-7-200.11.7: COMBINATION OF ANCHOR TYPES:

To repair and retrofit existing buildings, a combination of different anchor types of different behavior or stiffness shall not be permitted. The capacity of the new and existing connectors cannot be added.

9-1-7-200.11.8: PROHIBITED ANCHORS:

Usage of connectors that were bent and/or stretched from the intended use shall be prohibited.

9-1-7-200.11.9: CRACK AND DAMAGE REPAIRS, EVALUATION OF EXISTING STRUCTURAL ALTERATIONS:

The engineer shall report any observed structural conditions and structural damage that have imminent life safety effects on the buildings and recommend repairs. Evaluations and repairs shall be reviewed and approved by the Building Division. The engineer shall also evaluate the effects of alterations such as openings cut in existing wall panels without a permit that may present immediate life safety hazard, and correct when necessary.

9-1-7-200.11.10: MISCELLANEOUS:

Existing mezzanines relying on the tilt-up walls for vertical and/or lateral support shall be anchored to the walls for the tributary mezzanine load. Walls depending on the mezzanine for lateral support shall be anchored per Sections 9-1-7-200.11.1, 9-1-7-200.11.2 and 9-1-7-200.11.3.

EXCEPTION: Existing mezzanines that have independent lateral and vertical support need not be anchored to the walls. Existing interior masonry or concrete walls not designed as shear walls, that extend to the floor above or to the roof diaphragm shall also be anchored for out-of-plane forces per Sections 9-1-7-

200.11.1, 9-1-7-200.11.2 and 9-1-7-200.11.3 of this Code. In the in-plane direction, the walls may be isolated or shall be developed into the diaphragm for a lateral force equal to the lesser of the rocking or shear capacity of the wall, or the tributary shear but not exceeding the diaphragm capacity.

9-1-7-200.12: MATERIALS OF CONSTRUCTION:

All materials permitted by this Code, including their appropriate allowable stresses and those existing configurations of materials specified in this Code, may be utilized to meet the requirements of this Section.

9-1-7-200.13: INFORMATION REQUIRED ON PLANS:

The plans shall accurately reflect the results of the engineering investigation and design and show all pertinent dimensions and sizes for plan review and construction. In addition to the seismic analysis required elsewhere in this Section, the licensed engineer or architect responsible for the seismic analysis of the building shall record the following on the approved plans:

A. Floor plans and roof plans shall show existing framing construction, diaphragm construction, proposed wall anchors, cross-ties and collectors. Existing nailing, anchors, ties and collectors shall also be shown on the plans if these are part of the design, and these structural elements need to be verified in the field.

B. At elevations where there are alterations or damage, details shall show roof and floor heights, dimensions of openings, location and extent of existing damage, and proposed repair.

C. Typical wall panel sections with panel thickness, height, location of anchors shall be provided.

D. Details shall include existing and new anchors and the method of development of anchor forces into the diaphragm framing; existing and/or new cross-ties; existing and/or new or improved support of roof and floor girders at pilasters or walls.

TABLE NO. 9-1-7-200-A RATING CLASSIFICATIONS
Classification/Occupant Load

Group I 300 or more Group II 30 to 299 Group III less than 30

TABLE NO. 9-1-7-200-B TIME LIMITS FOR COMPLIANCE

Obtain Building Permit Within 365 days	Commence Construction 545 days	Complete Construction Three years
--	--	---

TABLE NO. 9-1-7-200-C SERVICE PRIORITIES
Rating/Minimum Time Period

Classification Before Service of Compliance Order

Group I 30 days	Group II 1 year	Group III 2 years
-----------------	-----------------	-------------------

DIVISION 3. VOLUNTARY PRESCRIPTIVE PROVISIONS FOR SEISMIC STRENGTHENING OF CRIPPLE WALLS AND SILL PLATE ANCHORAGE OF LIGHT, WOOD-FRAME RESIDENTIAL BUILDINGS

9-1-7-A300: ADOPTION OF CODE:

Chapter A3 of the 2009 International Existing Building Code is hereby adopted by the City of Burbank and made a part of this Code for promoting public welfare and safety by reducing the risk of earthquake-induced damage to existing wood-frame residential buildings.

DIVISION 4. VOLUNTARY EARTHQUAKE HAZARD REDUCTION IN EXISTING WOOD FRAME RESIDENTIAL BUILDINGS WITH SOFT, WEAK OR OPEN FRONT WALLS

9-1-7-A400: ADOPTION OF CHAPTER A4 OF THE 2006 INTERNATIONAL EXISTING BUILDING CODE:

Chapter A4 of the 2009 International Existing Building Code is hereby adopted by the City of Burbank and made a part of this Code for promoting public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing wood-frame, multiunit residential buildings.

DIVISION 5. VOLUNTARY EARTHQUAKE HAZARD REDUCTION IN
EXISTING CONCRETE BUILDINGS AND CONCRETE WITH
MASONRY INFILL BUILDINGS

9-1-A500: ADOPTION OF CODE:

Chapter A5 of the 2009 International Existing Building Code is hereby adopted by the City of Burbank and made a part of this Code for promoting public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing concrete buildings and concrete frame buildings with masonry infill.

DIVISION 6. EARTHQUAKE DAMAGE REPAIR OF WELDED STEEL
MOMENT FRAME BUILDINGS

9-1-7-600: EARTHQUAKE DAMAGE REPAIR OF WELDED STEEL MOMENT
FRAME BUILDINGS:

9-1-7-600.1: PURPOSE:

The City of Burbank is within CBC Seismic Zone 4. This zone is the highest risk for damaging earthquakes. Approximately 30 percent of the City is categorized as an "Active Fault Near Source Zone" (ICBO, California Department of Conservation-Division of Mines and Geology). The Near-Source Zone is an area within two kilometers of an active fault (Class A or B) capable of producing a major earthquake. The Verdugo Fault and the Hollywood Fault are the near-source influences for the City (both are Class B faults). A Near-Source Zone is subject to the largest and most damaging ground acceleration and velocity produced in a seismic event. The resulting structural damage in a near-source zone is generally severe.

The 1994 Northridge Earthquake caused considerable damage to buildings and structures located in the City of Burbank. Experts expect a massive earthquake on one of the faults under the City within the next 30 years and several earthquakes similar in intensity to the Northridge Earthquake during that same period.

Studies have been conducted on the earthquake damage by structural engineers from numerous state and city agencies and the Structural Engineers Association of Southern California (SEAOSC). These engineers have determined that welded steel moment frame buildings located in earthquake-damaged areas were severely impacted by the Northridge Earthquake and its aftershocks.

Section 9-1-7-600 is in response to the discovery of unexpected and

unprecedented damage to welded steel moment frame (WSMF) structures in the Northridge Earthquake. This serious damage was revealed only after detailed structural inspections were performed. In many cases, buildings with significant structural damage showed no outward signs of distress. Given the lack of visual and superficial clues, such as a permanent drift or damaged architectural elements, property owners and building occupants are unaware of the risk to safety and the serious consequences of hidden damage to welded steel moment frames.

Inspection of the WSMF building stock in the City of Los Angeles revealed significant and widespread damage due to the Northridge Earthquake of 1994, when evaluated in accordance with SAC/FENIA guidelines. Sixty percent, or 150, of the buildings within the scope of the City of Los Angeles Repair Ordinance had significant WSMF structural damage requiring repairs. The buildings in Burbank were subjected to a similar earthquake forces and ground motions as these damaged buildings in Los Angeles. A building with a damaged WSMF has little or no capacity to resist further earthquake forces.

The Building Code does not allow a welded steel moment frame building to be maintained with damaged connections. It is necessary to insure that repairs to these welded steel moment frame buildings are performed in an expeditious manner.

The damage to these welded steel moment frame buildings could expose occupants of these buildings to potential life-safety risks in future earthquakes, and the City of Burbank must protect its population and property and enforce the Building Code so as to provide effective protection to all its citizens.

Thus, the purpose of this ordinance is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on welded steel moment frame buildings.

9-1-7-600.2: SCOPE.

Section 9-1-7-600 shall be applicable to buildings of more than one story of welded steel moment frame design if construction of the building began before January 17, 1994, provided, however, that the following buildings are exempt from the requirements of this Section 9-1-7-600:

- A. Any single family dwelling (CBC R-3 occupancy),
- B. Detached one- or two-story dwellings of CBC R-1 occupancy, and
- C. Detached apartment houses containing fewer than five dwelling units and used solely for residential purpose.

9-1-7-600.3: DEFINITIONS:

CONNECTION: Combination of joints used to transmit forces between two or more members categorized by the amount and type of force transferred (moment, shear, end reaction).

NON-DESTRUCTIVE TESTING: An approved in-situ procedure for examining material continuity, including but not limited to: Liquid Dye Penetrant Test, Magnetic Particle Test, Radiographic Test, Ultrasonic Test.

STRUCTURAL ENGINEER: A person authorized to use the title of structural engineer under Chapter 7 (commencing with Section 6700) of Division 3 of the Business and Professions Code.

WELDED STEEL MOMENT FRAME: A plane (or nearly so) frame structure deriving lateral load stability from rigid interconnection of the beams and columns. Rigid connections may consist either of fully welded connections or connections which are partially welded and bolted. This includes both ordinary moment-resisting frames and special moment-resisting frames as defined by the California Building Code.

9-1-7-600.4: INSPECTION AND REPAIR REQUIRED:

A. Structural Analysis and Inspection Report.

The owner of each building within the scope of this Section 9-1-7-600 shall, upon service of an inspection order, cause a structural analysis and inspection report of the building to be prepared by a structural engineer.

The structural analysis and inspection report shall contain the results of an analytical or numerical analysis of the building with the number and location of connections identified as requiring inspection based on the results of such analysis. The number and location of connections to be inspected shall be selected by the structural engineer and approved by the Building Official prior to inspection.

Inspection and test procedures shall follow guidelines established by the Federal Emergency Management Agency (FEMA), Applied Technology Council (ATC), and SAC Steel Project. The Building Official shall verify the analysis and inspection procedures comply with these guidelines.

The final structural analysis and inspection report shall include the result of any nondestructive tests and the results of other approved methods of testing connections, shall state whether or not the building has damage to these connections, and shall identify the damaged connections.

If no repairs are indicated in the structural analysis and inspection report, the

report shall demonstrate that the building's welded steel moment frame structural elements are without damage that may reduce the moment resisting capacity of the structural elements below the building's original minimum design requirements.

If the structural analysis and inspection report indicate that the welded steel moment frame structure of the building is damaged, the report shall include plans and procedures prepared by a structural engineer for the repair of such damage. The repair plans shall indicate the repairs necessary for the structure to meet the standards for strength under which the building was originally designed.

The structural analysis and inspection report must be submitted to the Building Official within 12 months after the service of an inspection order. The structural analysis inspection report is subject to approval by the Building Official.

B. Repair of Damage.

If the structural analysis and inspection report indicates that the welded steel moment frame structure of the building is damaged, the owner of such building shall cause the structure to be repaired to the standards for strength under which the building was originally designed. After repair plans are submitted and approved by the Building Official, the owner shall, within 18 months of the service of the inspection order, obtain a building permit for the necessary repairs. The repairs shall be completed within 24 months after the service of the inspection order.

9-1-7-600.5: TYPES OF DAMAGE:

Types of damage which may reduce the moment resisting capacity of welded steel moment frame structures below minimum design safety criteria include but are not limited to:

A. Column to beam connection weld discontinuities detectable by visual inspection or non-destructive testing that are not termed defects per the criteria given in the Welding Code. Weld defects resulting in discontinuity and loss of connection strength below design criteria. Cracked or damaged shear tab or weld.

B. Panel zone damage such as fracture, buckle, or yield of continuity plate, yield or ductile deformation of web, full or partial depth fracture in web or doubler plate, severed column.

C. Incipient flange crack, flange tearout or divot, lamellar flange tearing, column splice failure, buckled flange, full or partial flange crack in or outside of heat affected zone.

9-1-7-600.6: NO ALTERATIONS PERMITTED UNTIL BUILDING REPAIRED:

Once an inspection order has been served, buildings within the scope of this Section 9-1-7-600 may not be structurally altered, remodeled or added to without first complying with the provisions of this Section 9-1-7-600, unless the Building Official determines that the alteration is minor in nature.

9-1-7-600.7: INSPECTION ORDER:

A. The Building Official shall issue a written inspection order to the record owner of each building within the scope of this Section 9-1-7-600 and shall also mail a copy to the person, if any, occupying or otherwise in real or apparent charge and control of the building.

B. The order shall be served either personally or by mail and shall contain:

1. The street address and legal description sufficient for identification of the building.

2. A statement that the Building Official has found the building to be within the scope of Section 9-1-7-600.

3. An order to prepare and submit to the Building Official a structural analysis and inspection report as required pursuant to Section 9-1-7-600.4.

4. A statement specifying the appeal rights of the owner as contained in Section 9-1-7-600.9.

C. The order shall be served and contents recorded in accordance with the provisions of Subsections (c), (d), (e), and (f) of Article 2 of this Code.

9-1-7-600.8: REPAIR ORDER:

A. The Building Official shall issue a written repair order to the record owner of a damaged building directing the owner to repair any damage to the Welded Steel Moment Frame based on the structural analysis and nondestructive testing recommendations approved by the Building Official and shall mail a copy of such repair order to the person, if any, occupying or otherwise in real or apparent charge and control of the building.

B. The repair order shall be served either personally or by mail and shall contain:

1. The street address and legal description sufficient for identification of the building.

2. A statement that the Building Official has found the building to be within the scope of Section 9-1-7-600.9.

3. An order to secure permits, physically commence, and to complete all work necessary to meet the repair recommendations proposed in the approved structural analysis and inspection report.

4. A statement specifying the appeal rights of the owner as contained in Section 9-1-7-600.9.

C. The order shall be served and contents recorded in accordance with the provisions of Article 2 of this Code.

9-1-7-600.9: APPEAL FROM ORDERS:

A. The owner may request that the Building Official reconsider the Building Official's determination that the building is within the scope of this Section 9-1-7-600 by submitting building plans to the Building Official that clearly establish that the building's structural systems and connections are not of welded steel moment frame design. Further, the owner may appeal the Building Official's determination that the building is within the scope of this Section 9-1-7-600 to the Board of Building and Fire Code Appeals. Reasons for a building's exemption from this Section 9-1-7-600 shall be limited to:

1. the building is not of welded steel moment frame design; or
2. construction of the building began after January 17, 1994.

Such appeal shall be filed within 60 calendar days from the service of the inspection order and shall clearly and concisely state the grounds for such appeal. Any materials that the appellant wishes considered by the Board shall be submitted to the Board 14 calendar days before the hearing. If no request for reconsideration and no appeal are filed within 30 days of the service of the inspection order, the building shall be considered to be within the scope of this Section 9-1-7-600.

B. Appeals or requests for modification from any other determinations, orders, or actions of the Building Official pursuant to this section shall be made in accordance with the procedures established in Section 9-1-1-112.4 of this Code.

9-1-7-600.10: TIME EXTENSIONS:

An owner of a building may apply to the Board of Building and Fire Code Appeals for an extension of the time limits to submit a plan for repair to the building and obtain the necessary permits and the time limit to complete the repairs to the building. The Board may grant an applicant an extension of up to 12 months additional time to comply with these requirements provided the applicant has demonstrated a good faith effort to meet the requirements of this Section 9-1-7-600. A maximum of three such extensions may be granted for a total extension of up to three years. In no case, shall the time for completion of repairs exceed five years from the service of the inspection order.

9-1-7-600.11: ENFORCEMENT:

If an owner of a building subject to this Section 9-1-7-600 does not comply with any order issued by the Building Official pursuant to this section within any time limits set forth in this section, the Building Official may order the entire building

vacated and that the building remain vacated until such order has been complied with.

ARTICLE 8. SOLAR ENERGY REGULATION

9-1-8: ADOPTION OF 2009 UNIFORM SOLAR ENERGY CODE:

A. ADOPTION OF CODE

The Uniform Solar Energy Code, 2009 Edition, of the International Association of Plumbing and Mechanical Officials, which regulates the erection, installation, alteration, addition, repair, relocation, replacement, addition to, maintenance or use of solar energy systems is, with all its appendices and tables, except Table 1-1 and Chapter 10, hereby adopted and by this reference made a part of this Code with the same force and effect as though set out herein in full and that such changes and modifications are reasonably necessary because of climatic, geographical, and topographical conditions which pertain to the City of Burbank as stated in Section 9-1-1(b) of the Burbank Municipal Code. Such changes and modifications are herein more particularly set forth in this article. The Uniform Solar Energy Code, 2009 Edition, is on file and open to public inspection in the office of the City Clerk.

B. SHORT TITLE

Where the phrase "Uniform Solar Energy Code" or "Solar Energy Code" is used in this Code or in any other ordinance of the City such phrase shall be deemed and considered to refer and apply to the Uniform Solar Energy Code which is described and referred to in the preceding section, as the same is amended by this article.

C. APPLICABILITY TO GOVERNMENT BUILDINGS.

The provisions of this article shall apply to all buildings, structures, or land owned, operated, or controlled by any governmental entity or political subdivision, agency, or district thereof, but shall not apply to buildings, structures, or land exempted by the provisions of this Code.

D. NUMBERING OF CODE.

In order to provide consistency between this article and the provisions of the Uniform Solar Energy Code, the section, subsection, and paragraph numbers or designations of the Uniform Solar Energy Code shall be retained in this article and shall be preceded by the prefix "9-1-8-". Such prefix refers to this article and chapter of the Burbank Municipal Code.

E. SUBMITTAL OF PLANS PRIOR TO ADOPTION OF CODE AMENDMENTS.

The provisions of this article shall not apply to submittals for building permits received prior to the adoption of the amendments to this Article. Submittals

received prior to adoption shall conform to the applicable codes in effect at the time of the submittal. "Submittal" shall include, but is not limited to, payment of plan check fees, submittal for development review.

F. WARNING AND DISCLAIMER.

The degree of protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Accidents and disasters can and will occur on rare occasions. Risks may be increased by man-made or natural causes. This article does not imply that work done pursuant to this article or occupations permitted by this article will be free from damages. This article shall not create liability on the part of the City, any officer or employee thereof, for any damages that result from reliance on this article or any administrative decision lawfully made thereunder.

9-1-8-101.4.1.5: APPLICATION OF OTHER CODES:

Where the reference "UPC" or "Uniform Plumbing Code" is referenced in the Uniform Solar Energy Code such reference shall be deemed and considered to refer and apply to the California Plumbing Code. Where the reference "UMC" or "Uniform Mechanical Code" is referenced in the Uniform Solar Energy Code such reference shall be deemed and considered to refer and apply to the California Mechanical Code. Where the reference "NEC" or "National Electrical Code" is referenced in the Uniform Solar Energy Code such reference shall be deemed and considered to refer and apply to the California Electrical Code.

9-1-8-102.1: AUTHORITY HAVING JURISDICTION:

The officer or other designated authority charged with the administration and enforcement of this code shall be the "Building Official" or a duly authorized representative. "Building Official" shall be synonymous with the term "Assistant Community Development Director/Building Official" or "Building Director" or "Code Official" of the City.

9-1-8-102.4: MODIFICATIONS:

Wherever there are practical difficulties involved in carrying out the provisions of this code, the Building Official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the Building Official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code.

9-1-8-103.3.1.1: TO WHOM PERMITS MAY BE ISSUED:

A. ISSUANCE TO STATE LICENSEES.

No permit shall be issued to any person doing any solar energy piping or

equipment work regulated by the Uniform Solar Energy Code unless that person holds a valid, unexpired and unrevoked State license to do such work.

EXCEPTION:

Any permit required by this Code may be issued to any person to do any construction or work regulated by this Code in a dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, in the event that any such person is a bona fide owner of any such dwelling and accessory buildings and quarters, and that the same are occupied by or designed to be occupied by said owner.

9-1-8-103.4.1: PERMIT FEES:

Fees shall be assessed in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

9-1-8-103.4.2: PLAN REVIEW FEES:

When plans or other data are required to be submitted by the Uniform Solar Energy Code a plan review fee shall be paid at the time of submitting plans and specifications for review.

The plan review fees specified in this subsection are separate fees from the permit fees specified in this subsection and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Burbank Fee Resolution.

9-1-8-103.4.5: FEE REFUNDS:

Fee refunds shall be in accordance with the provisions of Section 9-1-1-109.6.2 of the Burbank Municipal Code.

9-1-8-103.5.6: REINSPECTIONS:

Section 103.5.6 of the Uniform Solar Code is amended to read:

A reinspection fee shall be permitted to be assessed for each inspection or reinspection when such portion of work for which inspection is called is not complete or when required corrections have not been made.

This provision is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for

inspection or reinspection.

Reinspection fees shall be permitted to be assessed when the approved plans are not readily available to the inspector, for failure to provide access on the date for which the inspection is requested, or for deviating from plans requiring approval of the Authority Having Jurisdiction.

To obtain reinspection, the applicant shall file an application therefore in writing upon a form furnished for that purpose and pay the reinspection fee in accordance with the provisions of this section and as set forth in the Burbank Fee Resolution.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid.

9-1-8-406.5.3: ALTERNATE MATERIALS, DESIGN, TESTS AND METHODS OF CONSTRUCTION:

PEX is approved for use as an alternate material pursuant to California Plumbing Code Section 108.7.

ARTICLE 9. STANDARD URBAN STORM WATER AND URBAN RUNOFF MANAGEMENT PROGRAMS

9-1-9-901: PURPOSE:

Storm water runoff may contain pollutants that are suspended in, or dissolved in, urban and storm water discharges. The sources of the pollutants include most developed properties with the concentrations and types of pollutants varying with land use activities. The aggregate contribution of these individual pollutant discharges can result in significant impairment to the water bodies, oceans, and harbors in Los Angeles County.

To address these storm water pollution issues in development and construction projects, the municipal storm water National Pollutant Discharge Elimination System (NPDES) permit was issued to Los Angeles County and 85 cities by the Los Angeles Regional Water Quality Control Board on July 15, 1996. The requirement for the program was based on Section 402(p) of the Clean Water Act, Section 6217 of the Coastal Zone Act Reauthorization Amendments of 1990 (CZARA) and the California Water Code. Storm water discharges from construction activities under the NPDES program are regulated by the Clean Water Act amendments of 1987. The primary objectives established under this program are to:

- A. Effectively prohibit non-storm water discharges, and

B. Reduce the discharge of pollutants from storm water conveyance systems to the Maximum Extent Practicable (MEP statutory standard).

The purpose of this ordinance is to implement certain provisions in Title 8 Chapter 1, Article 10, pertaining to the implementation of storm water and runoff control through the building and grading permit issuance process.

9-1-9-902: APPLICABILITY:

Unless otherwise designated as an Exempt Project, all projects in conjunction with the issuance of any permits shall meet the minimum storm water discharge requirements established by the United States Environmental Protection Agency, the California State Water Resources Control Board and the California Regional Water Quality Control Board, Los Angeles Region, as set forth in this article.

9-1-9-903: GENERAL CONSTRUCTION PERMIT:

A. General Construction Permit Required. A *California General Permit for Storm Water Discharges Associated with Construction Activity* (hereinafter referred to as the "General Construction Permit") shall be required prior to issuance of a building or grading permit for all construction projects where one acre or more of soil is disturbed, or where the project results in the disturbance of less than one acre, but is part of a larger common development that exceeds one acre.

B. Requirements for building or grading permit. As part of a building or grading permit application, the applicant shall first present to the Building Official:

1. A copy of a NPDES permit or a copy of the Notice of Intent for the State Construction Activities Storm Water General Permit filed with the State Water Resources Control Board (SWRCB), and

2. The Waste Discharge Identification (WDID) number issued by the State Water Resources Control Board (SWRCB) or a copy of the NPDES permit, and

3. A copy of the Storm Water Pollution Prevention Plan (SWPPP) and the Storm Water Monitoring Plan as required by the State Construction Activities Storm Water General Permit.

C. Permit availability on site. All persons engaged in construction activity within the City requiring a State General Construction Activities Storm Water permit shall have at the site at all times and available for review during regular business hours copies of the required General Construction Permit submittal documents.

D. Transfer of Ownership. When transfer of ownership takes place for the entire development or portions of the common plan of development where construction activities are still ongoing, proof of an NOI and a copy of the SWPPP shall be submitted to the Building Official.

9-1-9-904: CONSTRUCTION PRIORITY PROJECTS:

A. Definition of Construction Priority Project. A Construction Priority Project is defined as a (1) project disturbing greater than one acre; (2) project in or adjacent to an environmentally sensitive area; or (3) project located in a hillside area.

B. Requirements for building or grading permit. As part of the building or grading permit application, the applicant shall first present to the Building Official:

1. A local Storm Water Pollution Prevention Plan (SWPPP) covering construction materials and waste management control. Every such SWPPP shall include:

a. The name, location, period of construction and a brief description of the project;

b. The contact information for the owner and contractor;

c. The name, location and description of any environmentally sensitive areas located in or adjacent to the project.

d. The major construction materials, wastes, and activities at the project site.

e. The best management practices (BMPs) to be used to control pollutant discharges from major construction materials, wastes, and activities.

f. A site plan indicating the selection of BMPs and their locations.

g. A signed certification statement.

2. An Owner's Certification Statement for Minimum Requirements.

3. A Developer/Contractor Self-Inspection Form.

4. A Wet Weather Erosion Control Plan (WWECP) when construction is to commence not later than 30 days prior to and/or will continue into the rainy season (November 1 through April 15, shall be prepared in addition to the SWPPP. Every such WWERC shall be available 30 days prior to the commencement of construction and shall include:

a. The name, location, period of construction, and a brief description of the project.

b. The contact information for the owner and contractor.

c. A site plan indicating the selection of BMPs and their locations.

d. A signed certification statement.

e. An Owner's Certification Statement for Minimum Requirements.

f. A Developer/Contractor Self-Inspection Form.

5. For projects requiring coverage under a statewide general construction storm water permit, proof of a Waste Discharger Identification (WDID) Number for filing a Notice of Intent (NOI) for permit coverage and a certification that a SWPPP has been prepared by the project developer. A local SWPPP may substitute for the State SWPPP if approved by the Building Official.

9-1-9-905: OTHER CONSTRUCTION PROJECTS:

To obtain a grading or building permit for all other projects, not otherwise designated as a General Construction Permit, a Construction Priority Project, or an Exempt Project, the permit application shall be accompanied by an *Owner's Certification Statement for Minimum Requirements*. The submittal of such statement shall not exempt any person from complying with all other provisions of this ordinance nor relieve such person from applying the appropriate Best Management Practices as specified in Section 9-1-9-107 during the construction of such project.

9-1-9-906: EXEMPT PROJECTS:

Storm water construction control measures including the minimum BMP requirements shall not be required for the following:

- A. Routine maintenance to maintain original line and grade, hydraulic capacity or original purpose of facility;
- B. Emergency construction activities required to immediately protect public health and safety;
- C. Interior remodeling with no outside exposure of construction materials or construction waste to storm water;
- D. Mechanical permit work;
- E. Electrical permit work;
- F. Sign permit work;
- G. The Building Official may designate other development construction projects exempt provided that there is:
 - 1. No significant soil disturbing activity, and
 - 2. No outside storage or exposure to storm water of construction materials or construction wastes, and
 - 3. No activity that poses greater than a minimal risk of storm water pollution.

9-1-9-907: BEST MANAGEMENT PRACTICES (BMPS):

Best Management Practices shall apply to all construction projects and shall be required from the time of land clearing, demolition or commencement of construction until receipt of a certificate of occupancy. The Best Management Practices selected for each development construction project, not otherwise designated as a project subject to the General Construction Permit, or an Exempt Project, shall be as set forth in the City's Municipal Storm Water and Urban Runoff Discharges Manual.

Construction Priority Project SWPPP and WVECP shall include, at a minimum, the following BMPs:

- A. Sediment Control:
 - 1. At site perimeters,
 - 2. Below significant slopes (1 vertical to 5 horizontal or greater)

3. At interior storm drain inlets

B. Erosion Control (soil stabilization) on completed disturbed surfaces.

C. General Site Management, and Materials and Waste Management BMPs for all applicable specific construction operations.

9-1-9-908: PERMIT ISSUANCE:

Prior to obtaining a building or grading permit for a Construction Priority Project, the Building Official shall endorse in writing or stamp the applicable Best Management Practices submitted with the permit application APPROVED. Such approved BMPs shall not be changed, modified, or altered without authorizations from the Building Official. All work regulated by this ordinance shall be done in accordance with the approved plans.

9-1-9-909: RETENTION OF DOCUMENTS:

One copy of the approved SWPPP, WWERC, Owner's Certification, and Self-Inspection form shall be kept on the site of the building or work at all times during which the work is in progress. The documents shall be made available to the Building Official to allow verification of compliance with the required Best Management Practices (BMPs).

9-1-9-910: INSPECTIONS:

A. INSPECTIONS BY CITY. Construction or work, not otherwise designated as an Exempt Project, shall be subject to inspection by the Building Official to assess whether the minimum requirements for Construction Development are being achieved and applicable BMPs are being implemented.

Approval as a result of an inspection shall not be construed to be an approval of a violation of this ordinance or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this ordinance or of other ordinances of the jurisdiction shall not be valid.

B. INSPECTORS TO NOTIFY BOARD OF VIOLATIONS. The Regional Water Quality Control Board shall be responsible for verifying and enforcing the requirements of the General Construction Permit. When local inspections are conducted at sites covered by the General Construction Permit, the inspector shall document observations of potential violations and provide notification to the Regional Water Quality Control Board of the possible violations and the location of the construction site within two business days of the observed violation.

Construction or work for which a General Construction Permit has been issued by the State Water Resources Control Board (SWRCB) shall be subject to

inspection by the Building Official at least once during the rainy season.

C. CONSTRUCTION PRIORITY PROJECTS. Inspections shall be conducted by the Building Official to ensure that appropriate controls are in place to reduce pollutants from entering the storm drainage system. Any portions which do not comply with the requirements of this ordinance shall be corrected and follow-up inspections shall confirm that compliance is attained.

Construction or work for which a SWPPP OR WVECP has been submitted to the Building Division shall be subject to inspection by the Building Official at least once during the rainy season.

D. DEVELOPER/ CONTRACTOR SELF-INSPECTIONS. Developer/ Contractor Self-Inspections shall be required for all projects subject to the local SWPPP/ WVECP (also referred to as the Construction Priority Permit) requirements. Self-inspections shall be performed according to the following schedule:

1. Before every rainfall event that is predicted to produce observable runoff.
2. After every rainfall event that produces observable runoff.
3. At 24-hour intervals during extended rainfall events, except weekends and holidays when there is no ongoing site activity.

Every such self-inspection document shall be kept on the site of the building or work at all times during which the work is in progress, and shall include:

1. The self-inspection checklist.
2. The date, time and conditions of the inspection.

When work is to be conducted during the rainy season or where site conditions may require additional BMP maintenance, additional self-inspections may be required by the Building Official.

9-1-9-911: ENFORCEMENT:

A. GENERAL

In addition to other provisions of the Code, the Building Official is hereby authorized and directed to enforce all the provisions of this ordinance and shall have the power to render interpretations of this ordinance and to adopt and enforce rules and regulations supplemental to this ordinance as may be deemed necessary to clarify the application of the provisions of this ordinance.

B. STOP WORK ORDERS

When work is being done contrary to the provisions of this ordinance, the Building Official may order the work to be corrected or stopped by:

1. A Verbal Warning, including:
 - a. A description of the violation.

- b. A specific time frame for correcting the problem.
- c. A follow-up inspection date.
- 2. A Written Warning if the noted efficiency has not been corrected. If the violation has been corrected, a written document of compliance shall be attached to the inspection file. The Written Warning shall include:
 - a. The name and location of the project.
 - b. The name and address of the owner and contractor
 - c. A description of the violation.
 - d. A specific time frame for correcting the problem.
 - e. A follow-up inspection date.
- 3. A Stop Work Order if a notice of violation has not been addressed or if the developer has not complied with the permit requirements, or if a significant threat to water quality is observed. A Stop Work Order shall prohibit further construction activity until the violation is resolved and authorization to proceed with the work has been granted by the Building Official. The Stop Work Order shall include:
 - a. The name and location of the project.
 - b. The name and address of the owner and contractor.
 - c. A description of the violation.
 - d. A description of the corrective action.

9-1-9-912: FEES:

The City may adopt a fee to defray the costs of implementing this ordinance. Such fee, if adopted, shall be specified in the Burbank Fee Resolution. Whenever any work for which a SWPPP or WVECP is required is being done contrary to the provisions of this ordinance and reinspections are required, an investigation fee shall be paid. The investigation fee shall be in the amount set forth in the Burbank Fee Resolution. The payment of such investigation fee shall not exempt any person from complying with all other provisions of this ordinance nor relieve such person from any penalty prescribed by law.

9-1-9-913: ADOPTION OF THE "STANDARD URBAN STORM WATER MITIGATION PLAN FOR LOS ANGELES COUNTY AND CITIES IN LOS ANGELES" ISSUED BY THE REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION ON MARCH 8, 2000:

The "Standard Urban Storm Water Mitigation Plan" ("SUSMP") for Los Angeles County and Cities in Los Angeles, and as amended, issued by the Regional Water Quality Control Board, Los Angeles Region on March 8, 2000, has been incorporated by reference into Section 8-1-1006. The SUSMP is on file with the City Clerk's Office. No grading or building permit shall be issued for a project subject to the SUSMP requirements until the Building Official approves a storm water mitigation plan that complies with the SUSMP.

ARTICLE 10. ENVIRONMENTAL REGULATIONS

DIVISION 2. DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS

9-1-10-1010: PURPOSE:

The purpose of this Division, known as the Diversion of Construction and Demolition Debris Ordinance, is to reduce the amount of construction and demolition debris deposited into landfills by implementing source reduction, diversion, and recycling goals for certain applicable construction and demolition projects.

9-1-10-1011: DEFINITIONS:

For the purposes of this Article, the following definitions shall apply. Words and phrases not ascribed a meaning by this Division shall have the meaning ascribed by Public Resources Code Sections 40000, *et seq.*, the regulations of the California Integrated Waste Management Board, if defined therein, as such may be amended from time to time, and in the Resource Conservation and Recovery Act (RCRA) 42 USC §§ 6901, *et seq.*, and the regulations implementing RCRA, as they may be amended from time to time.

APPLICANT: Means any person, firm, limited liability company, association, partnership, political subdivision, governmental agency, municipality, industry, public or private corporation, or any other entity whatsoever required to apply to the Building Department for an applicable permit to undertake construction, renovation, remodeling, repair, deconstruction, or demolition operations.

APPLICABLE PROJECT: Means a project for which a building, demolition, or other similar permit is required by this Code, and not otherwise exempt in this Division.

CONSTRUCTION AND DEMOLITION DEBRIS or C&D DEBRIS: Means used or discarded materials removed from property of an Applicable Project during construction, remodeling, repair, renovation, demolition or deconstruction resulting from construction, renovation, remodeling, repair, deconstruction, or demolition operations on any house, commercial building or other structure. Construction and Demolition Debris includes, but is not limited to, concrete, asphalt, brick, lumber, tile, carpeting, plastic, aluminum, glass, metals, gypsum wallboard, roofing materials, carpeting, wood, remnants of new materials, including paper, plastic, carpet scraps, wood scraps, scrap metal, building materials, packaging and rubble resulting from construction, remodeling, renovation, repair and demolition operations on pavements, houses, commercial buildings and other structures.

CONSTRUCTION AND DEMOLITION DEBRIS DIVERSION REFERENCE MANUAL or MANUAL: Means a manual prepared by the Building Division of the Community Development Department to assist in implementation of this Division. A copy of the Manual shall be available at all times at the Building Division public counter.

CONSTRUCTION AND DEMOLITION DIVERSION SECURITY DEPOSIT or DIVERSION SECURITY DEPOSIT: Means any performance bond, surety bond, money order, letter of credit, certified check, cash, certificate of deposit or similar type of security, in a form acceptable to the City, and submitted to the City pursuant to Section 9-1-10-1012 of this Division.

ESTIMATED DEBRIS GENERATION RATE: Means the rate set forth in the standardized Estimated Debris Generation Rate Table approved by the City for use in estimating the volume or weight of materials identified in a Waste Management Plan. The approved conversion rate shall be set forth in the Manual.

DIVERT OR DIVERSION: Means activities which reduce or eliminate the amount of C&D Material from disposal in a landfill or transformation facility.

DIVERSION REQUIREMENT: Means the diversion of at least 50 percent of the total Construction and Demolition Debris generated by an Applicable Project by reuse or recycling, unless the permit applicant has been granted an exemption pursuant to Section 9-1-10-1016.

EXEMPT PROJECT: Shall have the meaning set forth in Section 9-1-10-1016 of this Division.

PROJECT: Means any activity for which a permit for a building, demolition or other permit is required.

RECYCLING SUMMARY REPORT and RSR: Means a completed Recycling Summary Report form approved by the City and which is the report that shows compliance with the Waste Management Plan.

REUSE: Means the recovery or reapplication of a product or material in a manner. For example, the reuse of products such as light fixtures, doors or used brick is considered source reduction, not recycling.

WASTE MANAGEMENT PLAN and WMP: Means a completed Waste Management Plan form, approved by the City for the purpose of compliance with this Division, submitted by the permit applicant for all Applicable Projects.

9-1-10-1012: DIVERSION OF CONSTRUCTION AND DEMOLITION DEBRIS AND SUBMISSION OF WASTE MANAGEMENT PLAN:

A. DIVERSION REQUIREMENT AND WASTE MANAGEMENT PLAN SUBMISSION. Except as otherwise provided in this Division, each Applicant for a permit required by this Code for an Applicable Project shall complete and submit a Waste Management Plan ("WMP") as part of the application packet for the building permit, unless the project is exempt, as defined below, certifying that the Diversion Requirement will be met. On or after July 1, 2007, no building or demolition permit shall be issued by the Building Department unless the Applicant for a construction or demolition permit for an Applicable Project has submitted to the Building Department an approved Waste Management Plan. The Building Official shall approve the WMP if it complies with the following provision.

B. FORM OF THE WMP. The completed WMP must be signed by the Applicant and shall indicate all of the following:

1. The site address;
2. The names, addresses, and phone numbers of the property owner and the general contractor;
3. The existing square footage, the proposed square footage, the percentage of increase in project size, or the square footage of the structure to be demolished;
4. The estimated volume or weight of construction and demolition debris, by material type, to be generated on the project site;
5. The estimated volume or weight of construction and demolition debris, by material type, to be diverted to recycling, reuse or salvage;
6. The vendor or facility that the applicant proposes to use to collect or receive that material;
7. The estimated volume or weight of the construction and demolition materials that will be landfilled;
8. Certification that the minimum Diversion Requirement will be met;
9. Such other data and information as may be required by the Building Official;
10. Other information Applicant believes is relevant to determining its efforts to comply with this Division.

C. CALCULATING VOLUME AND WEIGHT OF MATERIAL. In estimating the volume or weight of materials identified in the WMP, the applicant shall use the Estimated Debris Generation rates approved by the City for this purpose and as indicated in the Construction and Demolition Debris Diversion Manual.

D. CONSTRUCTION AND DEMOLITION DIVERSION SECURITY DEPOSIT. A refundable deposit shall be paid by the Applicant prior to the approval of any WMP, in an amount specified in the Fee Resolution. The deposit may be refunded without interest, in total, upon proof of satisfaction by the Building Official that no less than the Diversion Requirement generated by the Applicable Project has been diverted from disposal and has been recycled or reused or

stored for later reuse or recycling in accordance with Section 9-1-10-1013. The deposit shall be forfeited entirely if Applicant fails to comply with the requirements of this Division. The deposit will not be refunded to any project that began work before obtaining all required permits as determined by the Building Official. The deposit shall be returned no later than 30 days after approval of the RSR.

E. ADMINISTRATIVE FEE. A non-refundable administrative fee will be collected with the deposit as specified in the Fee Schedule.

9-1-10-1013: REPORTING COMPLIANCE WITH WMP:

A. Documentation. No later than 30 days after the Final Inspection is approved by the City, which date may be extended if City provides Applicant with a letter confirming the extension, the Applicant shall submit to the Building Official documentation that it has met the Diversion Requirement for the project in the form of the Recycling Summary Report (RSR). The Diversion Requirement shall be that the applicant has diverted at least 50 percent of the total construction and demolition debris generated by the project via reuse or recycling. This RSR shall be approved by the Building Official if it includes all of the following:

1. Receipts from a licensed vendor or facility that 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;
3. Any additional information the Applicant believes is relevant to determining its efforts to comply with this Division.

B. WEIGHING OF WASTES. Applicant shall make reasonable efforts to ensure that all construction and demolition material is measured and recorded using the most accurate method of measurement available. To the extent practical, all construction and demolition material shall be weighed by measurement on scales in compliance with all regulatory requirements for accuracy and maintenance. For materials 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 Building Official for this purpose.

9-1-10-1014: WMP MUST BE KEPT ON SITE:

A copy of the WMP shall be kept on the site of the building or work at all times during which the work is in progress and must be made available to the Building Official to allow verification of the provisions of this Division.

9-1-10-1015: VIOLATION OF DIVISION:

If the Applicant fails to comply with the requirements of this Division, the Construction and Demolition Diversion Security shall be retained by the City,

and, in addition, the City shall have the right to pursue either criminal prosecution or the appropriate civil action to enforce the requirements of this Code.

9-1-10-1016: EXEMPT PROJECTS:

No Construction and Demolition Debris Security Deposit or a Waste Management Plan shall be required for any of the following:

A. Work for which a building permit or demolition permit is not required by this Code.

B. Additions and /or alterations less than 500 square feet in area.

C. Projects for which only a plumbing permit, electrical permit, or mechanical permit is required.

D. Demolition or construction required to protect public health or safety in an emergency.

E. Projects which may technically fall within this Division, but due to special circumstances, Construction and Demolition debris are minimized as determined by the Building Official.

9-1-10-1017: BUILDING OFFICIAL INTERPRETATIONS:

The Building Official may interpret this Division as needed, publishing any interpretations at the Building Counter, or in the Construction and Demolition Debris Diversion Manual from time to time.

2. Title 9, Chapter 1, Article 10, Division 1, of the Burbank Municipal Code related to Environmental Regulations is deleted in its entirety.

3. Title 9, Chapter 3, Section 9-3-209 of the Burbank Municipal Code related to Construction in Residential Areas is hereby deleted in its entirety.

4. Title 9, Chapter 4 of the Burbank Municipal Code related to Other Regulations is hereby added in its entirety to read as follows:

**CHAPTER 4
OTHER REGULATIONS
ARTICLE 1. PARK FACILITY DEVELOPMENT FEE**

9-4-1-1101: PURPOSE:

The continued increase in the development of single family and multi-family dwelling units in the City has created a need for the installation of additional park and recreational facilities and the renovation and replacement of existing facilities to serve such dwelling units.

The purpose of this article is to provide for the acquisition, development, renovation, and replacement of park and recreation sites and facilities to serve the future inhabitants of the City by imposing a fee on the construction of all new residential dwelling units within the City.

This ordinance assists in implementing the open space and conservation elements of the City's General Plan by providing additional and renovated recreational facilities and preserving open space.

9-4-1-1102: DEFINITIONS:

As used in this article unless the context otherwise clearly indicates:

APARTMENT HOUSE: Means a multiple family dwelling where the dwelling units within the dwelling are primarily leased or rented to non-owner occupants.

BEDROOM: Means any room that is designed or intended to be used or is capable of being used as sleeping quarters in whole or in part.

CONDOMINIUM: Means an estate in real property consisting of an undivided interest in common in a portion of a parcel of real property together with a separate interest in space in a residential building constructed originally on such real property as an apartment for occupancy by a tenant or tenants pursuant to a rental or lease agreement. Such estate may, with respect to the duration of its enjoyment, be (1) an estate of inheritance or perpetual estate, (2) an estate for life, or (3) an estate for years, such as leasehold or a subleasehold.

DWELLING, MULTIPLE FAMILY: Means a building or portion thereof designed and used for occupancy by two or more families, all living independently of each other and having separate kitchen and toilet facilities for each family.

DWELLING, SINGLE FAMILY: Means a detached building designed or used exclusively for the occupancy of one family, and having kitchen and toilet facilities for only one family.

DWELLING UNIT: Means one or more rooms in a building designed for use by one family for living, cooking and sleeping purposes.

9-4-1-1103: PARK FACILITY DEVELOPMENT FEE:

A. FEE REQUIREMENT.

There is hereby imposed a parks facility development fee upon each new single family or multi-family dwelling unit constructed in the City of Burbank. The fee shall be imposed regardless of whether a new unit is created by new construction or by the modification of an existing structure if the modification results in the creation of an additional dwelling unit or units on the premises. The fee shall also be imposed on apartment houses for which a park facility development fee has not been paid and which are converted to condominiums on or after November 1, 1986. The development, modification, or conversion of any of above described structures will be permitted within the City only upon payment by the developer of the appropriate park facility development fee.

B. BUILDING PERMIT.

No building permit shall be issued unless in connection therewith the park facility development fee has been paid in accordance with the provisions of this article.

C. BURBANK FEE RESOLUTION.

The Council shall designate in the Burbank Fee Resolution the amount of the Park Facility Development Fee. The fee shall be calculated on the basis of the number of bedrooms included in each dwelling unit.

9-4-1-1104: PARK FACILITY FUND:

All fees collected pursuant to this article shall be deposited and held in an appropriate trust account in the Park, Recreation and Community Services Facilities Fund and shall be used exclusively for the acquisition, improvement, expansion, renovation, and replacement of public park, playground and/or recreation facilities, machinery, and other capital-type improvements and for administration, inspection, and engineering costs of the City directly related thereto.

9-4-1-1105: WHEN PAYABLE:

The fees imposed by this article shall be due and payable prior to the issuance of a building permit.

9-4-1-1106: APPLICATION:

The provisions of this article shall not be applicable to subdivisions for which tentative maps were applied for and accepted for processing prior to November 1, 1986.

**ARTICLE 2
PROCEDURE AND REGULATIONS FOR PLACING OVERHEAD
UTILITY FACILITIES UNDERGROUND**

9-4-2-1201: DEFINITIONS:

The following words and phrases whenever used in this chapter, unless the context otherwise clearly indicates, shall be construed as defined herein:

AFFECTED PROPERTY: Shall mean a parcel of real property to which utility service is provided from poles, overhead wires and associated overhead structures within a district.

CITY MANAGER: Shall mean the City Manager of the City of Burbank, or his or her designee.

COMMUNICATION: Shall include without limitation telephone, telegraph, cable television, data transmission, and wireless telephone.

POLES, OVERHEAD WIRES AND ASSOCIATED OVERHEAD STRUCTURES: Shall mean poles, towers, supports, wires, conductors, guys, stubs, platforms, cross arms, braces, transformers, insulators, cutouts, switches, communication circuits, appliances, attachments and appurtenances located aboveground within

a district and used or useful in supplying electric, communication or similar or associated service.

PUBLIC WAY: Includes all public highways, roads, streets, avenues, boulevards, alleys, parkways and other rights-of-way of the public or any portion thereof in the City.

UNDERGROUND UTILITY DISTRICT or DISTRICT: Shall mean that area in the City within which poles, overhead wires, and associated overhead structures are prohibited as such area is described in an ordinance adopted pursuant to the provisions of Section 9-4-2-1214 of this article.

UTILITY: Shall include all persons or entities supplying electric, communication, or similar or associated service by means of electrical materials or devices.

9-4-2-1202: AUTHORITY TO CREATE UNDERGROUND UTILITY DISTRICT:
Whenever the public necessity, health, safety or welfare requires the removal of poles, overhead wires and associated overhead structures within any area of the City and their placement underground, the Council may order the creation and formation of an underground utility district consisting of a defined and designated area of the City.

9-4-2-1203: DISTRICT MUST BE ENTIRELY WITHIN CITY:
Any number of public ways may be included in one district, but the district, the public ways and the utilities must lie entirely within the City limits.

9-4-2-1204: REPORT OF CITY MANAGER; CONTENTS:
A proceeding to create an underground utility district may be initiated by the City Manager, who shall prepare and submit to the City Council a map or plat of the district and a report containing substantially the following matters:

A. A statement of the public ways or portions thereof to be included in the district.

B. A general description of the utilities which will be affected.

C. A statement of the estimated cost connected with placing the overhead utilities underground, including, but not limited to, the associated costs for removal of poles and the opening and closing of the public ways.

9-4-2-1205: APPROVAL OF MAP AND REPORT; FILING:
Upon presentation of the map and report, the Council may modify either or both at any time prior to approval. Upon approval, the map and report shall be filed with the City Clerk.

9-4-2-1206: RESOLUTION OF INTENTION:
Upon approval of the map and report, the Council may adopt a resolution of intention to create and form an underground utility district.

9-4-2-1207: CONTENTS OF RESOLUTION OF INTENTION:
The resolution of intention shall contain the following:
A. A statement of the public ways to be included in the district.

- B. A general description of the utility systems which will be affected.
- C. A statement of the estimated costs and associated costs of placing the utilities underground.
- D. A general description of the boundaries of the district.
- E. The designation of a time when and a place where all persons having any interest in the utilities or in the lands within the district that would be affected by the order to place the utilities underground may be heard and any of said persons may present any objections they may have by written protest filed with the City Clerk at or before the time set for the hearing.

9-4-2-1208: DESCRIPTION BY REFERENCE:

The resolution shall refer to the map or plat on file with the City Clerk for the boundaries of the district and public ways affected and the approximate location of the utilities thereon.

9-4-2-1209: PUBLICATION OF RESOLUTION OF INTENTION:

After adoption of the resolution of intention the City Clerk shall cause it to be published once in a newspaper of general circulation, not less than five (5) days prior to the date of public hearing stated in said resolution.

9-4-2-1210: POSTING OF NOTICES:

Copies of a notice headed "Notice of Public Hearing on Formation of Underground Utility District" in letters not less than one inch in height, shall be posted by the City Manager not more than 300 feet in distance apart, and not less than three in all, along all open streets within the district. The notice shall include information about the date, time and place of the public hearing, its purpose, and the opportunity for filing written objections to formation of the District with the City Clerk. The first posting shall be at least five days prior to the date of public hearing stated in said resolution. Notice shall also be posted at all locations where the City customarily posts notices of public hearings.

9-4-2-1211: FILING OF PROTESTS:

Any time not later than the hour set for hearing of objections to the formation of the proposed underground utility district any interested party liable to be affected by the formation of the proposed underground utility district may make written protest against its formation.

9-4-2-1212: HEARING; ADJOURNMENTS; MODIFICATION OF BOUNDARIES:

At the time and place fixed for the hearing of the protests or at any time to which the hearing is adjourned, the council shall hear the evidence introduced in support of the protests. At the hearing, the Council may modify the boundaries of the district, but any land not within the district as described in the resolution of intention may not be included therein.

9-4-2-1213: FORMATION OF DISTRICT AND ORDERING THE WORK:

If no protests or objections in writing have been delivered to the City Clerk up to the hour set for the hearing thereon, or if protests have been found by the Council to be insufficient, or have been overruled, or if modification of proposed boundaries has been made and all objections or protests thereto have been heard and denied, and the Council finds and determines by no less than three affirmative votes, that the public interest, convenience and necessity require the creation of the proposed underground utility district, the Council may, by ordinance, order the district formed.

9-4-2-1214: ORDINANCE ORDERING FORMATION OF DISTRICT:

The ordinance ordering formation of the district shall contain the following:

- A. Description of the boundaries of the district as finally established.
- B. Description of the public ways to be included in the district.
- C. Description of the utility systems which will be affected.
- D. List of the estimated costs connected with placing the overhead utilities underground, including, but not limited to, the associated costs for removal of poles and the opening and closing of the public ways.
- E. Order that proposed work be done and directing the City Manager to do the work in accordance with the provisions of this Code and the City Charter.
- F. A proposed schedule of the work to be done.

9-4-2-1215: REASONABLE TIME FOR REMOVAL OF OVERHEAD UTILITIES:

The Council shall allow a reasonable time for the removal of the poles, overhead wires and associated overhead structures, having due regard for the availability of labor, materials and equipment.

9-4-2-1216: OVERHEAD UTILITIES UNLAWFUL WHEN NOT REMOVED AS ORDERED:

Whenever the Council creates an underground utility district and orders the removal of poles, overhead wires and associated overhead structures, it shall be unlawful, except as permitted in this article, for any person or utility to erect, construct, place, keep, maintain, continue, employ or operate poles, overhead wires and associated overhead structures in the district after the date when said overhead facilities are required to be removed; provided, however, that overhead facilities may be maintained insofar as necessary to provide utility service to affected property owners during the undergrounding of such facilities, and provided further that an owner or occupant shall be given a reasonable time to remove overhead facilities for which he is responsible.

9-4-2-1217: EMERGENCY SITUATIONS AND UNUSUAL CIRCUMSTANCES:

In emergency situations, overhead facilities may be installed for 90 days by any person or utility, and in cases of unusual circumstances the City Manager may grant permission to any person or utility to erect, construct, install, maintain, use or operate poles, overhead wires and associated overhead structures for more than 90 days.

9-4-2-1218: EXCLUSIONS:

This article shall not apply to the following:

A. Municipal facilities or equipment installed under the supervision and to the satisfaction of the City Manager.

B. Poles or electroliers used exclusively for street lighting.

C. Overhead wires, exclusive of supporting structures, crossing any portion of a district or connecting to buildings on the perimeter of a district, when such wires originate in an area from which poles, overhead wires and associated overhead structures are not prohibited.

D. Poles, overhead wires and associated overhead structures used for the transmission of electric energy at nominal voltages in excess of 100,000 volts.

E. Overhead wires attached to the exterior surface of a building by means of a bracket or other fixture and extending from one location on the building to another location on the same building or to an adjacent building without crossing any public street.

F. Antennae, associated equipment and supporting structures, used by a utility for furnishing communication services.

G. Equipment appurtenant to underground facilities, such as surface-mounted transformers, pedestal-mounted terminal boxes and meter cabinets and concealed ducts.

H. Temporary poles, overhead wires and associated overhead structures used or to be used in conjunction with construction projects.

9-4-2-1219: NOTICE TO PROPERTY OWNERS AND UTILITIES:

Within thirty (30) days after the adoption of the ordinance ordering the formation of an underground utility district and removal of poles, overhead wires and associated overhead structures, the City Clerk shall notify all affected utilities and all persons owning real property within the district of the action taken by the Council. Such notice shall be given by mailing a copy of the ordinance, together with a copy of this article, to the affected utilities and the affected property owners as they are shown on the last equalized assessment roll.

9-4-2-1220: RESPONSIBILITY OF UTILITY COMPANIES:

If underground construction is necessary to provide utility service within an underground utility district, the supplying utility shall furnish that portion of the conduits, conductors and associated equipment required to be furnished by it under rules, regulations and tariffs applicable to it.

**9-4-2-1221: RESPONSIBILITY OF PROPERTY OWNERS AND OCCUPANTS;
NOTICE TO PROVIDE UNDERGROUND FACILITIES:**

Every person owning, operating, leasing, occupying or renting a building or structure within a district shall construct and provide that portion of the service connection on his property between the facilities furnished by the supplying utility and termination facility on or within the building or structure being served, all in accordance with the applicable rules, regulations and tariffs of the respective utility or utilities. If this is not accomplished within

the time provided for in the ordinance ordering the formation of the underground utility district, the City Manager shall give notice in writing to the owner thereof as shown on the last equalized assessment roll, to provide the required underground facilities within 10 days after the receipt of the notice.

9-4-2-1222: MANNER OF SERVING NOTICE TO PROVIDE UNDERGROUND FACILITIES:

The notice to property owners and occupants to provide the required underground facilities may be given either by personal service or by mail. In case of service by mail, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person in possession of the premises at such premises, and the notice must also be addressed to the owner thereof as such owner's name and last known address appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Burbank. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it has been sent within 48 hours after the mailing thereof.

9-4-2-1223: WHEN POSTING OF NOTICE REQUIRED:

If notice to provide underground facilities is given by mail to either the owner or occupant of the premises, the City Manager shall, within 48 hours after the notice is mailed, cause a copy thereof, printed on a card not less than eight inches by 10 inches in size, to be posted in a conspicuous place on such premises.

9-4-2-1224: CONTENTS OF NOTICE:

The notice given by the City Manager to provide the required underground facilities shall specify the work required to be done and shall state that if the work is not completed within 30 days after receipt of the notice, the City Manager will provide the required underground facilities, and that the cost and expense thereof will be assessed against the property benefited and become a lien upon such property.

9-4-2-1225: AUTHORITY OF CITY MANAGER TO PERFORM THE WORK:

If upon the expiration of the 30-day period the required underground facilities have not been provided, the City Manager shall proceed to do the work. If the premises are unoccupied and not receiving electric or communications services, however, the City Manager shall, in lieu of providing the required underground facilities, have the authority to authorize the disconnection and removal of any and all overhead service wires and associated facilities supplying utility service to said property.

9-4-2-1226: COMPLETION OF WORK AND ASSESSMENT OF PROPERTY AFTER HEARING:

Upon completion of the work, the City Manager shall file a written report with the Council setting forth the fact that the required underground facilities have been provided and the cost thereof, together with a legal description of the property

against which the cost is to be assessed. The Council shall then fix a time and place for hearing protests against the assessment of the cost of the work upon the premises, which said time shall not be less than 15 days thereafter.

9-4-2-1227: NOTICE OF HEARING:

Notice of the time and place of the hearing shall be served on the owner and occupant of the premises in writing by personal service or by mail. Said notice shall contain a legal description of the premises and shall set forth the amount of the assessment and shall be served at least five days before the date of the hearing. In the case of service by mail, the notice must be deposited in the United States mail in a sealed envelope with postage prepaid, addressed to the person occupying the premises at such premises, and the notice must also be addressed to the owner thereof as such owner's name and last known address appears on the last equalized assessment roll, and when no address appears, to General Delivery, City of Burbank. If notice is given by mail, such notice shall be deemed to have been received by the person to whom it was sent within 48 hours after the mailing thereof.

9-4-2-1228: RECORDING OF NOTICE:

A copy of the notice of hearing shall be filed with the Los Angeles County Recorder and shall constitute due notice to anyone claiming title to the premises from that date forward.

9-4-2-1229: HEARING:

Upon the date and hour set for the hearing of protests, the Council shall hear and consider the report and all protests, if there be any, and then proceed to affirm, modify or reject the assessment.

9-4-2-1230: ASSESSMENT TO BECOME LIEN ON PROPERTY:

If any assessment is not paid within five days after its confirmation by the Council, the amount of the assessment shall become a lien upon the property against which the assessment is made, and the City Manager is directed to turn over to the Assessor and Tax Collector a notice of lien on each of the properties on which the assessment has not been paid, and the Assessor and Tax Collector shall add the amount of said assessment to the next regular bill for taxes levied against the premises upon which said assessment was not paid. Said assessment shall be due and payable at the same time as said property taxes are due and payable, and if not paid when due and payable, shall bear interest at the rate of seven percent per annum.

9-4-2-1231: RESPONSIBILITY:

City shall remove at its own expense all City-owned equipment from all poles required to be removed pursuant to proceedings under this article in ample time to enable the owner or user of such poles to remove the same within the time specified in the ordinance enacted pursuant to this article.

9-4-2-1232: EXTENSION OF TIME:

In the event that any act required by this article or by an ordinance or a resolution adopted pursuant to this article cannot be performed within the time schedule provided on account of shortage of materials, war, restraint by public authorities, strikes, labor disturbances, civil disobedience, or any other circumstances beyond the control of the responsible utility or person, then the time schedule within which such act will be accomplished shall be extended for a period equivalent to the delay occasioned by the restraining factor.

9-4-2-1233: AUTHORITY OF CITY MANAGER TO EXECUTE AGREEMENTS, CONVEYANCES AND OTHER INSTRUMENTS.

The City Manager shall have authority to execute agreements, conveyances and other instruments necessary to establish the rights and duties of the City and affected utilities and affected property owners with respect to the funding, construction, ownership, use and maintenance of equipment and facilities placed underground pursuant to this article, on such terms and conditions as the City Manager may determine are in the best interests of the City.

4. This ordinance is not a project, subject to the provisions of the California Environmental Quality Act, as the term is defined in Section 15378 of the State CEQA Guidelines and/or is categorically exempt under Section 15061(b)(3) of the State CEQA Guidelines in that it can be seen with certainty that there is no possibility the proposed project would have a significant effect on the environment.

5. If any provision of this Ordinance or its application is held invalid by a court of competent jurisdiction, such invalidity shall not affect other provisions, sections, or applications of the Ordinance which can be given effect without the invalid provision or application, and to this end each phrase, section, sentence, or word is declared to be severable.

6. The City Clerk shall certify to the passage of this Ordinance and cause the City Attorney Synopsis of this Ordinance to be published once in a newspaper of general circulation within fourteen (14) days of adoption, published and circulated in the City of Burbank, California.

7. This Ordinance shall become effective at 12:01 a.m. on the thirty-first (31st) day after the date of adoption.

PASSED AND ADOPTED this 2nd day of November, 2010.

s/Anja Reinke
Anja Reinke
Mayor of the City of Burbank

Attest:

s/Margarita Campos
Margarita Campos, CMC, City Clerk

Approved as to Form and Legal Content
Dennis A Barlow, City Attorney

By: s/Jina Oh
Jina Oh, Sr. Asst. City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF BURBANK)

I, Margarita Campos, CMC, City Clerk of the City of Burbank, do hereby certify that the foregoing Ordinance No. 3797 was duly and regularly passed and adopted by the Council of the City of Burbank at its regular meeting held on the 2nd day of November, 2010, by the following vote:

- AYES: Council Members Bric, Golonski, Gordon, Talamantes and Reinke.
- NOES: Council Members None.
- ABSENT: Council Members None.

I further certify that said Synopsis was published as required by law in a newspaper of general circulation in the City of Burbank, California on the 10th day of November, 2010.

s/Margarita Campos
Margarita Campos, CMC, City Clerk