

**BUILDING STANDARDS COMMISSION**

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



January 7, 2014

Ray Collier  
Chief Building Official  
City of Newark  
37101 Newark Blvd  
Newark, CA 94560

RE: Ordinance #471

Dear Mr. Collier:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on November 25, 2013.

Our review finds the submittal to contain one ordinance modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modification is accepted for filing and is enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code 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.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

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

Sincerely,

A handwritten signature in blue ink, appearing to read "Enrique M. Rodriguez", written over a horizontal line.

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



November 20, 2013

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

RE: FINDINGS FOR AMENDMENTS TO 2013 CONSTRUCTION CODES  
CITY OF NEWARK

On November 14, 2013, the City Council of the City of Newark formally adopted the California 2013 editions of the Building Code, Mechanical Code, Electrical code, Plumbing Code, Residential Code, Referenced Standards Code, Historical Building Code, Green Building Standards Code, Energy Code and Fire Code. Some of these codes were amended by local ordinance.

As required by Health and Safety Code Section 17958, the city is herein submitting Attachment "A", which is the findings supporting those local amendments. Also attached is a certified copy of the ordinance which amended the State Codes.

Sincerely,



RAY COLLIER  
Chief Building Official/City Architect

Attachments

## Attachment "A"

### STATEMENT OF FINDINGS LOCAL AMENDMENTS TO 2013 STATE CONSTRUCTION CODES CITY OF NEWARK October 24, 2013

#### California Building Code

1. Deletion of Section 1.8.4, Permits, Fees, Applications, and Inspections  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various State Construction Code precluding the need for a finding.
2. Deletion of Section 1.8.8, Appeals Board  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various State Construction Code precluding the need for a finding.
3. Deletion of Section 101.4, Referenced Codes  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various State Construction Code precluding the need for a finding.
4. Deletion of Section 104.10.1, Flood Hazard Areas  
Finding: The City has developed its own flood hazard ordinance which is in compliance with Federal standards precluding the need for a finding.
- 5.) Deletion of Section 105.3.2, Time Limitation of Application  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various State Construction Code precluding the need for a finding.
5. Deletion of Section 501.2, Address Identification  
Finding: The City has its own security code which covers address identification precluding the need for a finding.
6. Amendment to Sections 901.7 and 903.2, Automatic Sprinkler Systems  
The City of Newark has developed a Fire Sprinkler Ordinance that requires the installation of automatic fire sprinklers in most all new construction over 1,000 square feet.  
Finding: To provide modified standards to better serve the public interest by reducing the risk to life and property of the citizens of the City of Newark resulting from the following conditions:

The City of Newark is traversed by railroad tracks across the major arterials: Thornton Avenue, Central Avenue, Jarvis Avenue, Cedar Boulevard, Cherry Street, and Sycamore Street. Entrance to the City is limited by the 880 overpass and the traffic coming from Highway 84, the Dumbarton Bridge. This configuration effectively divides the City in such a manner that a major accident on any one of these streets at any one time will prevent access to fire service within a reasonable response time. Present response time is often in excess of five minutes due to traffic conditions. Traffic throughout the City is channeled into several major thoroughfares that must ultimately cross railroad tracks and freeways by means of bridges and overpasses, creating a significant barrier to fire and emergency equipment responding in less than five minutes. In the event of an accident or other emergency at one of the key points of intersection between a highway and the railroad tracks or a freeway entrance to the City, the City could be isolated and the response time would be sufficiently slowed so as to increase the risk of substantial injury or damage.

The City of Newark is directly impacted by earthquakes from the Hayward Fault and is subjected to fault activity from the San Andreas and Calaveras faults, among others. The largest recorded earthquakes in the Newark area occurred during a sequence of earthquakes in January and February 1980. They reached magnitudes that ranged between 5.5 and 5.9 on the Richter scale. In August 1989 a trembler was recorded with a magnitude in excess of 5.0 on the Richter scale. These potential earthquakes influence fire protection planning in several ways. First, a major seismic event would create a citywide demand on fire protection service that would be beyond response capability of the Fire Department without sprinklerization. This potential problem could be mitigated by requiring the initial fire control be provided throughout the City by the installation of automatic fire sprinkler protection systems. Structural damage to overpasses connecting cities of various areas will seriously delay emergency vehicle access through the City. At present the City is not able to reach all existing areas within five minutes or less due to traffic congestion during peak hours. Fire Station #1 is blocked by railroad tracks leaving the Newark Boulevard overpass as the only way to get through in the event trains are on the track. Based on the following general findings, the amendments herein contained providing a modified standard for fire extinguishing systems are necessary to serve the public interest by reducing risk of life and property of the citizens of the City of Newark. The following are the general findings:

- A. Nationwide and local experience and records have proven that early warning and detection and built-in fire protection are essential in saving lives and reducing property loss from fire.
- B. There are fire problems reflected in the records of the Fire Department.
- C. The growth patterns of the City indicate a high level of need for protection.
- D. There are limitations of Fire Department manpower and equipment.
- E. Legislative economic restraints adversely affect the ability of the Fire Department to greatly expand its manpower and equipment.
- F. Early detection, warning, and built-in fire protection will greatly assist the Fire Department in saving lives and property.

7. **The addition of Section 1510.7, Spark Arrestors**  
The City requires the installation of spark arrestors on solid wood burning fire place chimneys on new construction and reroofs.  
Finding: The City is not within a state wild land fire hazard zone and is not covered by wild land fire regulations, but still has a high number of wood roofs. See Item 6 above for additional findings relating to the ability of the City Fire Department to adequately suppress large and numerous fires.
8. **Amendments to Section 1805.5, Rodent Proofing**  
Finding: Minor modification that merely clarifies the existing code requirements precluding the need for a finding.

### **California Fire Code**

1. **Amendments to Section 903, Automatic Fire Sprinkler Systems**  
Finding: Requirements for automatic fire sprinkler systems have been relocated to the building code. Please refer to item #6 under California Building Code.

### **California Mechanical Code**

1. **Deletion of Sections 1.8.4, 108, 112, and 114, Permits, Fees, Applications, and Inspections**  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various state construction codes precluding the need for a finding.

### **California Plumbing Code**

1. **Deletion of Sections 1.8.4, 103.3.3, and 103.4, Permits, Fees, Applications, and Inspections**  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various state construction codes precluding the need for a finding.
2. **Amendments to Sections 422.2.2 and 422.2.3, Plumbing Fixtures**  
Finding: Minor modification that merely clarifies the existing code requirements precluding the need for a finding.
3. **Amendment to Section 713, Sewer Required**  
Finding: The entire City is adjacent to the San Francisco Bay and has a high water table which makes private septic systems inappropriate.

### **California Residential Code**

1. **Deletion of Section 1.8.4, Permits, Fees and Inspections**  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various state construction codes precluding the need for a finding.
2. **Delete Section 1.8.8, Appeals Board**  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various state construction codes precluding the need for a finding.
3. **Delete Section R105.3.1.1, Flood Hazard Areas**  
Finding: The City has developed its own flood hazard ordinance which is in compliance with Federal standards precluding the need for a finding.
4. **Delete Section R112, Appeals Board**  
Finding: The City has developed its own consolidated administrative standards covering all the construction codes. The City standards are similar to those found in the administrative chapters of the various state construction codes precluding the need for a finding.
5. **Modify Section 301.1.3.2, Design Professional Required**  
Finding: Change in code merely declares a practice allowed by state law precluding the need for a finding.
6. **Modify Section R313, Automatic Fire Extinguishing Systems**  
Findings: Standards were changed to require an automatic fire extinguishing system in some remodels and/or additions. For description of finding refer to Item #6 under California Building Code.

### **California Referenced Standards Code**

No local amendments.

### **California Electrical Code**

1. **Article 89.108.10.2, Moved buildings**  
Finding: Minor modification that merely clarifies the existing code requirements precluding the need for a finding.

3. Article 310.106(B), Conductor material  
Finding: Modification prohibits the use of aluminum conductors except for service entrance conductors. The connections of aluminum wire have a high rate of failure in the Bay Area atmosphere.

**California Energy Code**

No local amendments.

**California Historical Code**

No local amendments.

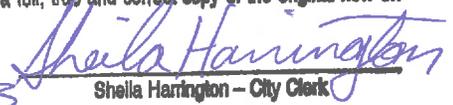
**California Green Building Standards Code**

No local amendments.

I, Sheila Harrington, City Clerk of the City of Newark, State of California, hereby certify under penalty of perjury the foregoing instrument to be a full, true and correct copy of the original now on file in my office.

Date:

11/20/2013

  
Sheila Harrington - City Clerk

ORDINANCE NO. 471

By: \_\_\_\_\_  
Deputy City Clerk

ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWARK AMENDING THE NEWARK MUNICIPAL CODE TITLE 15 (BUILDINGS AND CONSTRUCTION), ARTICLE I (BUILDING REGULATIONS), CHAPTERS 15.04 (GENERAL PROVISIONS), 15.08 (BUILDING CODE), 15.09 (RESIDENTIAL CODE), 15.10 (MECHANICAL CODE), 15.12 (ELECTRICAL CODE), 15.16 (PLUMBING CODE), 15.18 (CALIFORNIA REFERENCED STANDARDS CODE), 15.20 (CALIFORNIA HISTORICAL BUILDING CODE), 15.22 (CALIFORNIA ENERGY CODE), 15.23 (CALIFORNIA GREEN BUILDING STANDARDS CODE); ARTICLE II (MISCELLANEOUS REGULATIONS), CHAPTER 15.32 (FIRE PREVENTION CODE)

The City Council of the City of Newark does ordain as follows:

Section 1: That the following are amended as attached and will become effective on January 1, 2014:

Title 15 (Buildings and Construction), Article I (Building Regulations)

Chapter 15.04 (General Provisions)

Chapter 15.08 (Building Code)

Chapter 15.09 (Residential Code)

Chapter 15.10 (Mechanical Code)

Chapter 15.12 (Electrical Code)

Chapter 15.16 (Plumbing Code)

Chapter 15.18 (California Referenced Standards Code)

Chapter 15.20 (California Historical Building Code)

Chapter 15.22 (California Energy Code)

Chapter 15.23 (California Green Building Standards Code)

Title 15 (Buildings and Construction), Article II (Miscellaneous Regulations)

Chapter 15.32 (Fire Prevention Code)

Section 2: Effective date. This ordinance shall take effect thirty (30) days from the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance shall be published in The Argus, a newspaper of general circulation published and printed in the County of Alameda and circulated in the City of Newark.

The foregoing ordinance was introduced and read before the City Council of the City of Newark by Council Member Freitas at the regular meeting of the City Council of the City of Newark held on October 24, 2013.

This ordinance was read at the regular meeting of the City Council held November 14, 2013. Council Member Freitas moved that it be adopted and passed, which motion was duly seconded, and said ordinance was passed and adopted.

AYES: Council Members Collazo, Freitas, Marshall, Vice Mayor Apodaca and Mayor Nagy

NOES: None

ABSENT: None

SECONDED: Council Member Collazo

APPROVED:



s/ALAN L. NAGY

Mayor

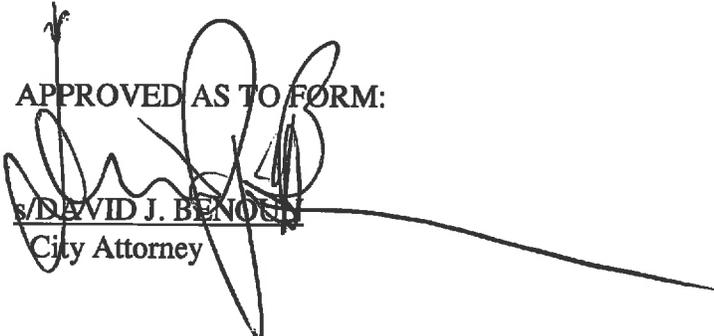
ATTEST:



s/SHEILA HARRINGTON

City Clerk

APPROVED AS TO FORM:



s/DAVID J. BENOIT

City Attorney

## Article I. Building Regulations

### Chapter 15.04

#### GENERAL PROVISIONS

##### Sections

15.04.010	Short title.
15.04.020	Definitions.
15.04.030	Interpretation of the uniform codes and board of appeals.
15.04.040	Enforcement authority – Right of entry.
15.04.050	Liability.
15.04.060	Permits.
15.04.070	Inspections.
15.04.080	Certificate of occupancy.
15.04.090	Service utilities.
15.04.100	Stop work order.
15.04.110	Determination of construction valuation.
15.04.120	Construction documents.
15.04.130	Permit fees.
15.04.140	Plan review fees.
15.04.150	Fee refunds.
15.04.160	Reinspections.
15.04.170	Additional fees – Working without permit.
15.04.180	Expiration of plan review.
15.04.190	Expiration of permits.
15.04.200	Findings.
15.04.210	Conflict in codes.
15.04.220	Article application to public corporations or bodies.
15.04.230	Authority to inspect, post, and enforce posting during an emergency.
15.04.240	Retention of plans.

##### **15.04.010 Short title.**

Chapters 15.04 through 15.28 of this title shall be known as the “city of Newark building regulations ordinance,” may be cited as such, and will be referred to herein as this article. (Ord. 124 § 1.1, 1971)

##### **15.04.020 Definitions.**

Whenever any of the names or terms defined in this section are used in this article or the codes adopted in this article by reference, each such term or name shall have the meaning ascribed to it in this section:

A. “Administrative authority” used in reference to all the construction codes except the California Fire Code means the city building official. The “Administrative Authority” used in reference to the California Fire Code means the Alameda County Fire Department fire marshal.

B. “City” means the city of Newark.

C. "Director of emergency services" means the city manager, or successor, during a declared local emergency, who manages and coordinates emergency operations.

D. "Construction codes" means the California Building Code, California Electrical Code, California Residential Code, and California Fire Code, published by the International Code Council and amended and adopted by the state of California; California Referenced Standards Code, California Historical Code, California Energy Code, California Green Building Standards Code, and California Building Standards Code, published by the State of California; California Plumbing Code and California Mechanical Code published by the International Association of Plumbing and Mechanical Officials and amended and adopted by the state of California.

E. All other names or terms shall apply to the appropriate officer, board or body of the city. (Ord. 381 (part), 2002; Ord. 352 § 1 (part), 1999; Ord. 252 § 1(A), 1989; Ord. 232 § 1(A), 1987; Ord. 185 § 1, 1983; Ord. 124 § 1.2 (part), 1971)

#### **15.04.030 Interpretation of the uniform codes and board of appeals.**

The building official shall have the power to render interpretations of all construction codes, except for the California Fire Code, and to adopt and enforce rules and supplemental regulations to clarify the applications of their provisions. The fire marshal shall have the power to render interpretations of the California Fire Code and to adopt and enforce rules and supplemental regulations to clarify the application of its provisions. Such interpretations, rules and regulations shall be in conformance with the intent and purpose of the construction codes.

In order to hear and decide appeals of orders, decisions or determinations made by the building official or fire marshal relative to the application and interpretation of the construction codes, there shall be and is hereby created a board of appeals consisting of five members who are qualified by experience and training to pass on matters pertaining to building construction and/or fire safety and who are not employees of the jurisdiction. The building official and the fire marshal shall be ex-officio members of and shall act as secretaries to said board but shall have no vote on any matter before the board. The board of appeals shall be appointed by the city council and shall hold offices at its pleasure. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with duplicate copies to the building official and fire marshal.

The board of appeals shall have no authority relative to interpretation of the administrative provisions of the construction codes nor shall the board be empowered to waive requirements of the construction codes. (Ord. 381 (part), 2002; Ord. 283 § 1(A), 1992; Ord. 252 § 1(B), 1989)

#### **15.04.040 Enforcement authority – Right of entry.**

A. The administrative authority is authorized and directed to enforce all the provisions of this article. For such purpose he or she shall have the powers of a police officer. The determinations of value or valuation under any of the provisions of this article shall be made by the administrative authority.

B. In accordance with Chapter 2.28 of the Newark Municipal Code, and with the approval of the chief appointing authority, the administrative authority may deputize such employees as may be authorized to carry out the provisions of this article.

C. Upon presentation of proper credentials, the administrative authority or his or her authorized representatives may enter at reasonable times any building, structure, or other

premises in the city to perform any duty imposed upon him or her by this article. (Ord. 124 § 1.2 (part), 1971)

**15.04.050 Liability.**

A. The administrative authority, member of the board of appeals, or employee charged with the enforcement of the construction codes, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by the construction codes or other pertinent law or ordinance, shall be hereby rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provision of the construction codes shall be defended by legal representative of the City until the final termination of the proceedings. The administrative authority or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of the construction codes.

B. This article imposes no liability or responsibility upon the city for damages resulting from defective construction or work, nor shall the city or any official or employee thereof be held as assuming any liability or responsibility by reason of the duties carried out in enforcing the provisions of this article.

**15.04.060 Permits.**

A. Permits Required: Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert, or replace any electrical, gas, mechanical, or plumbing system, the installation of which is regulated by the construction codes, or to cause any such work to be done, shall first make application to the administrative authority and obtain the required permit.

B. Work exempt from permit: Exemptions from permit requirements of the construction codes shall not be deemed to grant authorization for any work to be done in any manner in violation of the provision of the construction codes or any other laws or ordinances of City. Permits shall not be required as delineated in the various adopted construction codes as work exempt from permits.

**15.04.070 Inspections.**

A. General: Construction or work for which a permit is required shall be subject to inspection by the administrative authority and such construction or work shall remain accessible and exposed for inspection purposes until approved. If ladders, stairs, or other access features are needed for the administrative authority to gain access to construction in order to conduct inspections, they shall be provided by the permit applicant. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of construction codes or of other ordinances of the City. Inspections presuming to give authority to violate or cancel the provisions of the construction codes or of other ordinances of the City shall not be valid. It shall be the duty of the permit applicant to request inspections and to cause the work to remain accessible and exposed for inspection purposes. Neither the administrative authority nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspections.

**15.04.080 Certificate of occupancy.**

A. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made until the administrative authority has issued a certificate of occupancy. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the construction codes or City ordinance.

B. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permits, provided that such portion or portions shall be occupied safely and all fees due at time of the issuance of a certificate of occupancy are paid.

C. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of the construction codes wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of the construction codes.

**15.04.090 Service utilities.**

A. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the construction codes for which a permit is required, until released by the building official.

B. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel, or power.

C. The building official shall have the authority to authorize disconnection of utility service to the building, structure, or system regulated by the construction codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure, or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure, or service system shall be notified in writing, as soon as practical thereafter.

**15.04.100 Stop work order.**

A. Whenever the building official finds any work regulated by the construction codes being performed in a manner either contrary to the provisions of the construction codes or dangerous or unsafe, the building official is authorized to issue a stop work order.

B. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.

C. Any person who shall continue any work after having been serviced with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to Chapter 15.28 of this ordinance.

**15.04.110 Determination of construction valuation.**

The determination of construction value or valuation under any of the provisions of the construction codes shall be made by the administrative authority. The value to be used in computing permit and plan review fees shall be the total of all construction work for which the permit is issued as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems, and any other permanent equipment.

**15.04.120 Construction documents.**

Submitted documents: Construction documents, statement of special inspections, and other data shall be submitted in two or more sets with each permit application. Construction documents shall be drawn upon suitable material and be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of the construction codes and relevant laws, ordinances, rules, and regulations, as determined by the administrative authority. The administrative authority may waive the requirement of submitting construction documents for minor and/or simple projects.

**15.04.130 Permit fees.**

The fees for permits authorizing work in accordance with the construction codes as adopted in this article shall be established by resolution of the city council and shall be paid prior to the issuance of such permits. (Ord. 283 § 1(B), 1992; Ord. 232 § 1(B), 1987)

**15.04.140 Plan review fees.**

When a plan or other data are required to be submitted in accordance with the provisions of the construction codes as adopted in this article, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fee is separate from and in addition to the permit fee. Said plan review fee shall be as established by resolution of the city council. (Ord. 232 § 1(C), 1987)

**15.04.150 Fee refunds.**

A. The administrative authority may authorize the refunding of certain fees paid under this article which are erroneously paid or collected.

B. The administrative authority may authorize the refunding of not more than eighty percent of the permit fee paid when no work has been done under a permit issued in accordance with the uniform codes as adopted in this article.

C. The administrative authority may authorize the refunding of not more than eighty percent of the plan review fee when the application for a permit, for which a plan review has been paid, is withdrawn or canceled before any plan review has begun.

D. The administrative authority shall not authorize the refunding of any fee paid, except upon written request filed by the original permittee not later than one hundred eighty days after the date of payment of the fee.

E. The application fee, document retention fee, Building Standards Commission fee, records automation fee, and strong motion fee are nonrefundable. (Ord. 381 (part), 2002; Ord. 352 § 1 (part), 1999; Ord. 283 § 1(C), (D), 1992; Ord. 232 § 1(D), 1987)

**15.04.160 Reinspections.**

A. A reinspection fee may be assessed for each inspection or reinspection when the portion of work for which the inspection is scheduled is not complete or when required corrections have not been completed. This is not to be construed as requiring payment of a reinspection fee for the first time work is rejected for failure to comply with the requirements of this code, but as controlling the practice of requesting an inspection before the work is ready for such inspection.

B. Reinspection fees may be assessed when the permit card is not properly posted or made conveniently available on the work site, 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 the approved plans.

C. To obtain a reinspection, the applicant shall pay the reinspection fee as established by resolution of the city council and shall request a reinspection in the same manner as for a regular inspection.

D. In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required fees have been paid. (Ord. 283 § 1(E), 1992; Ord. 232 § 1(E), 1987)

**15.04.170 Additional fees – Working without permit.**

Whenever any work for which a permit is required by the construction codes as adopted in this article has been commenced without first obtaining said permit, the permit fee shall be double the amount set forth in the fee schedule resolution. This provision shall not apply to emergency work when the administrative authority determines that such work was urgently necessary and that it was not practical to obtain a permit therefore prior to the commencement of such work. In such cases, a permit shall be obtained as soon as it is practical to do so; and if there is an unreasonable delay in obtaining such permit, a double fee as provided in this section shall be charged. (Ord. 232 § 1(F), 1987)

**15.04.180 Expiration of plan review.**

Applications for which no permit is issued within one hundred eighty days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the administrative authority. The administrative authority may extend the time for action by the applicant for a period not exceeding an additional one hundred eighty days upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. The administrative authority may deny an extension if any of the construction codes have been revised subsequent to the original date of application. The fee for extending the plan review period shall be fifteen percent of the initial plan review fee. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a full new plan review fee. (Ord. 232 § 1(G), 1987)

**15.04.190 Expiration of permits.**

A. Every permit issued by the administrative authority under the provisions of the construction codes as adopted in this article shall expire by limitation and become null and void if one or more of the following conditions occur:

1. The work authorized by such permit is not begun within one hundred eighty days from the date of issuance of such permit; or

2. The work authorized by such permit is suspended or abandoned for a period of one hundred eighty days at any time after the work has begun; or

3. A period of one hundred eighty days has elapsed since the most recent satisfactory inspection approval for the work authorized by such permit; or

4. The work authorized by such permit has not been completed and has not received final inspection approval within two years from the date of permit issuance.

B. Before such work can begin again, either the permit shall first be renewed or a new permit shall first be obtained. The permit may be renewed; provided, no changes have been made or will be made to the original plans and specifications for such work; and provided further, that such suspension or abandonment or lapse of time since the most recent satisfactory inspection approval has not exceeded one year. A permittee may request renewal of a permit by submitting the request in writing (a) stating the reasons for the delay, (b) describing the circumstances beyond the control of the permittee which prevented the completion of the work, and (c) describing the relief being sought. The fee to renew a permit shall be one-half the construction fee amount for the work based on the fee schedule in effect at the time of renewal of the permit or the minimum permit fee amount, whichever is greater. The permit may be renewed only one time and for a period not to exceed 180 days from the date of renewal of the permit and not to exceed two and one-half years from the date of original permit issuance.

C. If the suspension or abandonment or lapse of time since the most recent satisfactory inspection approval exceeds one year, then a new permit shall first be obtained before commencing work. The permittee shall resubmit plans and supporting documents as for an original project submittal and shall pay new, full permit fees based on the fee schedule in effect at the time of issuance of the new permit. If construction codes were adopted subsequent to the application for the original permit, the building official shall require all new construction to meet current construction codes and may require previously completed construction to be modified to meet current construction codes.

D. A permittee holding an unexpired permit may request an extension of time to complete the work authorized by that permit by submitting the request in writing (1) stating the reasons for the delay, (2) describing the circumstances beyond the control of the permittee which prevented the completion of the work, and (3) describing the relief being sought. The fee to extend the permit shall be fifteen percent of the construction fee amount for the work, based on the fee schedule in effect at the time of extending the permit. The permit may be extended only one time and for a period not exceeding one hundred eighty days and not to exceed two and one-half years from the date of original permit issuance. (Ord. 352 § 1 (part), 1999; Ord. 283 § 1(F), 1992; Ord. 252 § 1(C), (D), 1989; Ord. 232 § 1(H), 1987)

#### **15.04.200 Findings.**

The city council pursuant to Section 17958.7 of the state Health and Safety Code makes an express finding that the modifications and changes to the construction codes, as adopted in this article are necessary for the protection of the health, safety and general welfare of the residents of the city due to local climate or geological or topographical conditions. (Ord. 381 (part), 2002; Ord. 232 § 1(I), 1987; Ord. 124 § 6.3, 1971)

**15.04.210 Conflict in codes.**

In case of conflict between the construction codes as amended and adopted in this article and those amended and adopted by the state, the more restrictive requirement shall apply. (Ord. 232 § 1(J), 1987)

**15.04.220 Article applicable to public corporations or bodies.**

The provisions of this article are specifically declared to govern and control the use and maintenance of any building or structure owned or controlled by any public, quasi-public, or political corporation or body. (Ord. 124 § 6.2, 1971)

**15.04.230 Authority to inspect, post and enforce postings during an emergency.**

During a declared local emergency precipitated by a natural or man-made disaster which may have resulted in physical damage to structures the director of emergency services, or his deputies, is given the authority enter onto private property, conduct inspections and post such property as "Inspected," "Limited Entry," or "Unsafe" and to enforce any conditions so stated on such posting. (Ord. 352 § 1 (part), 1999)

**15.04.240 Retention of plans.**

The administrative authority shall maintain an official copy of the plans of every building or structure, during the life of the building or structure, for which a permit was issued. Fees to cover the cost of reproduction shall be set by resolution by the City Council.

## Chapter 15.08

### BUILDING CODE

#### Sections

- 15.08.010** California Building Code adopted by reference.
- 15.08.020** Amendments.
- 15.08.042** Licensed professional.
- 15.08.060** Drainage disposal.

#### **15.08.010 California Building Code adopted by reference.**

A certain document, entitled "2013 California Building Code, Volumes 1 and 2," including Appendix Chapter I, relating to Patio Covers, and Appendix Chapter A-1 relating to unreinforced masonry buildings, published by the International Code Council and amended and adopted by the state of California as the 2013 edition California Building Code, is adopted by reference as the building code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.08.020 Amendments.**

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

- A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04, General Provisions, of the Newark Municipal Code.
- B. Section 1.8.8 dealing with appeals board is deleted. Refer to Chapter 15.04.030, Interpretation of the Uniform Codes and Board of Appeals, of the Newark Municipal Code.
- C. Section 101.4 dealing with referenced codes is deleted.
- D. Section 104.10.1 dealing with flood hazard areas is deleted. Refer to Chapter 15.40, Construction In Flood Hazard Areas, of the Newark Municipal Code.
- E. Sections 105.3.2 dealing with time limitation of applications and Section 105.5 dealing with expiration of permits are deleted. Refer to Chapter 15.04.180, Expiration of Plan Review, and Chapter 15.04.190, Expiration of Permits, of the Newark Municipal Code.
- F. Section 501.2, which deals with address identification, is amended in its entirety to read as follows:

501.2 Address identification. All buildings shall be identified with address numbers assigned by the City and as required in Chapter 15.06.110 of the Newark Municipal Code.

- G. Section 901.7, which deals with dividing a building into separate fire areas to preclude the installation of fire sprinkler systems, is deleted. Refer to Chapter 15.04.08.020G for the City's fire sprinkler ordinance.

- H. Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection [F]903.2 in its entirety with the following:

903.2 Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

903.2.1 All new construction, except one and two family dwellings and townhouses and H occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

903.2.2 All existing buildings except one and two family dwellings and townhouses when there is a change in the occupancy group, except for H occupancies, as defined by

Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

903.2.3 All existing buildings and additions to existing buildings, except for one and two family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

903.2.4 Existing buildings except one and two family dwellings and townhouses and not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group H occupancy or any division within a Group H occupancy.

903.2.5 Newly constructed and existing one and two family dwellings and townhouses and detached structures accessory to one and two family dwellings and townhouses shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

903.2.6 Additions to existing buildings except one and two family dwellings and townhouses, currently equipped with an automatic fire extinguishing system.

903.2.7 Areas of modifications to existing buildings, except one and two family dwellings and townhouses, currently equipped with an automatic fire extinguishing system. The extent of the modifications to the existing automatic fire extinguishing system shall be determined by the building official based upon the extent of the modifications to the existing structure. Modifications to the structure can include a change in the fire load.

903.2.8 Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

903.2.9 An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D where any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, when the construction value of which exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

H. Section 1510 dealing with reroofing is amended by adding the following:

1510.7 Spark Arrestors. Whenever a roof covering is applied to an existing roof, spark arrestors complying with section 2113.9.2 shall be installed on all existing chimneys serving a solid fuel burning appliance or fireplace.

I. Section 1805 dealing with foundation damproofing and waterproofing is amended by adding the following:

1805.5 Rodent Proofing. Buildings intended for human habitation and not provided with a continuous foundation shall be provided with protection against entry to the under floor area by rodents.

**15.08.042 Licensed professional.**

While the nature of the work applied for affects the safety of a building or its occupants, design documents shall be prepared by an engineer or architect licensed by the state to practice as such as required by State of California Business and Professions Code Sections 5500 and 6700. In other buildings the Building Official may require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such.

## Chapter 15.09

### RESIDENTIAL CODE

#### Sections

- 15.09.010 California Residential Code adopted by reference.**  
**15.09.020 Amendments.**

#### **15.09.010 California Residential Code adopted by reference.**

A certain document, entitled 2013 California Residential Code published by the International Code Council and amended and adopted by the state of California as the 2013 edition California Residential Code, is adopted by reference as the residential code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.09.020 Amendments.**

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04, General Provisions, of the Newark Municipal Code.

B. Section 1.8.8 dealing with appeals board is deleted. Refer to Chapter 15.04.030, Interpretation of the Uniform Codes and Board of Appeals, of the Newark Municipal Code.

C. Section R105.3.1.1 dealing with determining substantial improvements in flood hazard zones is deleted. Refer to Chapter 15.40, Construction in Flood Hazard Areas, of the Newark Municipal Code.

D. Section R112 dealing with appeals board is deleted. Refer to Chapter 15.04.030, Interpretation of the Uniform Codes and Board of Appeals, of the Newark Municipal Code.

E. Section R301.1.3.2 is amended by replacing it in its entirety with the following;  
R301.1.3.2 Woodframe structures two or more stories in height. The building official is authorized to require the structural portions of construction documents to be prepared, stamped and signed by a California licensed architect, civil engineer, or structural engineer for all dwellings with two or more stories.

F. Section R313 dealing with automatic fire sprinkler systems is amended by replacing Sections R313.1 and R313.2 in their entirety with the following;

R313.1 Where required in new construction. Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 or NFPA 13D.

R313.2 Where required in existing construction. An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

- G. Section R322 dealing with flood resistant construction is deleted. Refer to Chapter 15.40, Construction in Flood Hazard Areas, of the Newark Municipal Code.
- H. Appendix H, Patio Covers, is adopted.
- I. Appendix K, Sound Transmission, is adopted.

## Chapter 15.10

### MECHANICAL CODE

#### Sections:

- 15.10.010 California Mechanical Code adopted by reference.**
- 15.10.020 Amendments.**
- 15.10.030 Temporary connection of natural gas utilities.**

#### **15.10.010 California Mechanical Code adopted by reference.**

A certain document entitled, "2013 California Mechanical Code," including Appendix B and C, published by the International Association of Plumbing and Mechanical Officials and amended and adopted by the state of California as the 2013 edition California Mechanical Code, is adopted by reference as the Mechanical Code of the City pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.10.020 Amendments – General.**

The California Mechanical Code, adopted by reference in this chapter, is amended by the following additions, deletions, and amendments thereto set forth in this chapter.

- A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted.
- B. Section 108 dealing with board of appeals is deleted.
- C. Section 114 dealing with fees is deleted.

#### **15.10.030 Temporary connection of natural gas utilities.**

The Building Official may authorize temporary connection of natural gas utilities for a construction project prior to final inspection approval and issuance of the Certificate of Occupancy. The request for such connection shall be in writing on a form provided by the City. The request shall include the reason the temporary connection is necessary, the length of time the connection is needed, and a statement, signed by the property owner and tenant of the premises, authorizing the City to disconnect the natural gas utilities if final inspection approval and Certificate of Occupancy have not been issued by the expiration date of the request.

## Chapter 15.12

### ELECTRICAL CODE

#### Sections:

- 15.12.010** California Electrical Code adopted by reference.
- 15.12.020** Amendments.
- 15.12.090** Temporary connection of electric utilities.
- 15.12.120** Building official authority.
- 15.12.140** Maintenance Permit.
- 15.12.190** Connection to installation.

#### **15.12.010 California Electrical Code adopted by reference.**

A certain document, entitled "2013 California Electrical Code," published by the National Fire Protection Association amended and adopted by the state of California as the 2013 edition California Electrical Code, is adopted by reference as the electrical code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.12.020 Amendments.**

The California Electrical Code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Article 89.108.10.2 is amended by adding the following paragraph:  
"Except for apartment houses and dwellings, as allowed for in Section 17958.9 of the California Health and Safety Code, all electrical work existing in buildings moved into or within the city shall be made to comply with the requirements of this chapter."

B. Article 310.106(B) Conductor Material, is amended by replacing the first paragraph in its entirety with the following:

(B) Conductor Material. Except for service entrance conductors, all conductors shall be copper. Service entrance conductors shall be of copper, aluminum, or copper-clad aluminum.

C. Article 89.108.4.3.1 dealing with retention of plans is amended by deleting all four exemptions.

#### **15.12.090 Temporary connection of electric utilities.**

The building official may authorize temporary connection of electric utilities for a construction project prior to final inspection approval and issuance of the certificate of occupancy. The request for such connection shall be in writing on a form provided by the city. The request shall include the reason the temporary connection is necessary, the length of time the connection is needed and a statement, signed by the property owner, tenant of the premises, or contractor, authorizing the city to disconnect the electric utilities if final inspection approval and certificate of occupancy have not been issued by the expiration date of the request.

#### **15.12.120 Building official authority.**

A. The building official is authorized to disconnect or order discontinuance of electrical service to any electric wiring, devices, appliances or equipment found to be in violation of this chapter under any of the following conditions:

1. Failure of the owner or his agent to secure the required electrical permit;
2. Hazardous electrical work found to be dangerous to life or property due to defective wiring, devices, appliances or equipment;
3. Electrical work connected to service without the approval of the building official.

B. Any order issued pursuant to this section may be made either to the person using and maintaining the condition or to the person responsible for its use and maintenance, and shall specify the date or time for compliance with its terms.

#### **15.12.140 Maintenance Permit.**

In lieu of an individual permit for each installation or alteration, an annual permit shall, upon application therefore, be issued to any person, firm, or corporation regularly employing one or more employees for the installation and maintenance of electric wiring, devices, appliances and equipment upon premises owned or occupied by the applicant for the permit. The application shall be made on forms furnished by the building official. Within not more than fifteen days following the end of annual permit period, the person, firm or corporation to which a maintenance permit is issued, shall transmit to the building official, a report of all the electrical work done under the maintenance permit during the preceding annual period. The building official shall visit all premises where work has been done under an annual permit and shall inspect all electric wiring, devices, appliances and equipment installed under such a permit since the date of his last previous inspection, and shall issue a certificate of approval for such work as is found to be in conformity with the provisions of this article. (Ord. 410 § 1 (part), 2005)

#### **15.12.190 Connection to installation.**

A. Except where work is done under an annual permit, it is unlawful for any person, firm or corporation to make connection from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment for the installation of which a permit is required, unless such person, firm or corporation has obtained a certificate of approval issued by the building official.

B. It is unlawful for any person, firm or corporation to make connections from a source of electrical energy or to supply electric service to any electric wiring, devices, appliances or equipment which has been disconnected or ordered to be disconnected by the building official or the use of which has been ordered by the building official to be discontinued until a certificate of approval has been issued by authorizing the reconnection and use of such wiring, devices, appliances or equipment. The building official shall notify the serving utility of the order to discontinue use.

C. When electrical service to a commercial occupancy or place of employment is de-energized for any reason, approval of the building official must be secured by the serving utility prior to re-energizing of said service. "Commercial occupancy" or "place of employment," for the purposes of this chapter, shall include dwellings used as model homes and/or tract offices.

D. Any order issued pursuant to this section shall be in writing and shall be made to the

person, firm or corporation using and maintaining the condition or to the person, firm or corporation responsible for its use and maintenance, and to the utility company providing the service. Delivery of the order shall be accomplished upon deposit in the United States mail or written notice directed to the person, firm or corporation using, maintaining or responsible for the use and maintenance of the condition at the last known address of the person, firm or corporation. Failure to comply with the order of the building official, as set out above, is a misdemeanor subject to the penalties as set out in Chapter 15.28 of this title.

## Chapter 15.16

### PLUMBING CODE

#### Sections:

- 15.16.010** Uniform Plumbing Code adopted by reference.
- 15.16.020** Amendments.

#### **15.16.010** Uniform Plumbing Code adopted by reference.

A certain document entitled, "2013 California Plumbing Code," including all Appendix Chapters published by the International Association of Plumbing and Mechanical Officials and adopted by the state of California as the 2013 edition California Plumbing Code, is adopted by reference as the Plumbing Code of the City pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.16.020** Amendments.

The California Plumbing Code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

B. Section 103.3.3 dealing with expiration of permits is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

C. Section 103.4 dealing with fees is deleted. Refer to Chapter 15.04 of the Newark Municipal Code.

D. Section 422.2 dealing with separate toilet facilities is amended by adding the following.

422.2.2 In public multiple accommodation toilet rooms water closets shall be enclosed by a screening partition with an operable door. The bottom of the screen and door shall not be more than 12 inches above finish floor and the top shall not be less than 69 inches above finish floor. Screens and doors shall be constructed of materials in compliance with Section 1210 of the California Building Code.

Exception: When approved by the building official screens may be omitted from toilet rooms used only by children attending a day care center when state licensing requires full time supervision of children.

422.2.3 In public multiple accommodation toilet rooms urinals shall be located so the urinal and the person using the urinal can not be viewed from outside the toilet room.

E. Section 713.0 dealing with access to public sewers is replaced in its entirety with the following:

713.0 Where Required. All plumbing fixtures that have a waste connection, such as toilets, water closets, urinals, sinks, lavatories, drinking fountains and industrial equipment shall have their waste lines connected to the public sewer system.

## Chapter 15.09

### RESIDENTIAL CODE

#### Sections

**15.09.010 California Residential Code adopted by reference.**

**15.09.020 Amendments.**

#### **15.09.010 California Residential Code adopted by reference.**

A certain document, entitled 2013 California Residential Code published by the International Code Council and amended and adopted by the state of California as the 2013 edition California Residential Code, is adopted by reference as the residential code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.09.020 Amendments.**

The construction code adopted by reference in this chapter is amended by the following additions, deletions and amendments thereto set forth in this chapter.

A. Section 1.8.4 dealing with permits, fees, applications, and inspections is deleted. Refer to Chapter 15.04, General Provisions, of the Newark Municipal Code.

B. Section 1.8.8 dealing with appeals board is deleted. Refer to Chapter 15.04.030, Interpretation of the Uniform Codes and Board of Appeals, of the Newark Municipal Code.

C. Section R105.3.1.1 dealing with determining substantial improvements in flood hazard zones is deleted. Refer to Chapter 15.40, Construction in Flood Hazard Areas, of the Newark Municipal Code.

D. Section R112 dealing with appeals board is deleted. Refer to Chapter 15.04.030, Interpretation of the Uniform Codes and Board of Appeals, of the Newark Municipal Code.

E. Section R301.1.3.2 is amended by replacing it in its entirety with the following:  
R301.1.3.2 Woodframe structures two or more stories in height. The building official is authorized to require the structural portions of construction documents to be prepared, stamped and signed by a California licensed architect, civil engineer, or structural engineer for all dwellings with two or more stories.

F. Section R313 dealing with automatic fire sprinkler systems is amended by replacing Sections R313.1 and R313.2 in their entirety with the following;

R313.1 Where required in new construction. Automatic residential fire sprinkler systems shall be installed in new one and two family dwellings and townhouses in accordance with Section R313.3 or NFPA 13D.

R313.2 Where required in existing construction. An automatic residential fire sprinkler system shall be installed in existing one and two family dwellings and townhouses in accordance with Section R313.3 or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

- G. Section R322 dealing with flood resistant construction is deleted. Refer to Chapter 15.40, Construction in Flood Hazard Areas, of the Newark Municipal Code.
- H. Appendix H, Patio Covers, is adopted.
- I. Appendix K, Sound Transmission, is adopted.

## **Chapter 15.18**

### **CALIFORNIA REFERENCED STANDARDS CODE**

#### **Sections:**

**15.18.010 California Referenced Standards Code adopted by reference.**

**15.18.010 California Referenced Standards Code adopted by reference.**

A certain document entitled, "2013 California Referenced Standards Code," published by the International Code Council is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., State of California.

## Chapter 15.20

### CALIFORNIA HISTORICAL BUILDING CODE

**Section:**

**15.20.010 California Historical Building Code adopted by reference.**

**15.20.010 California Historical Building Code adopted by reference.**

A certain document entitled, "2013 California Historical Building Code," published and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

## Chapter 15.22

### CALIFORNIA ENERGY CODE

**Section:**

**15.22.010 California Energy Code adopted by reference.**

**15.22.010 California Energy Code adopted by reference.**

A certain document entitled, "2013 California Energy Code," published and adopted by the state of California is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

## Chapter 15.23

### CALIFORNIA GREEN BUILDING STANDARDS CODE

#### Sections

**15.22.010 California Green Building Standards Code adopted by reference.**

**15.22.010 California Green Building Standards Code adopted by reference.**

A certain document, entitled "2013 California Green Building Standards Code", published and adopted by the state of California, is adopted by reference pursuant to the provisions of Government Code Section 50020 et seq., state of California.

## Title 15

### FIRE PREVENTION

#### Chapter

#### Sections

<b>15.32.010</b>	<b>California Fire Code adopted by reference.</b>
<b>15.32.020</b>	<b>Fire Department duties – Fire Prevention Bureau established.</b>
<b>15.32.030</b>	<b>Definitions.</b>
<b>15.32.040</b>	<b>Chapter 9 amended – Fire protection systems.</b>
<b>15.32.050</b>	<b>Chapter 56 amended – Explosives and fireworks.</b>
<b>15.32.060</b>	<b>Appendix D amended – Fire apparatus access roads.</b>
<b>15.32.142</b>	<b>Fireworks other than safe and sane fireworks prohibited.</b>
<b>15.32.190</b>	<b>Permit fees.</b>
<b>15.32.200</b>	<b>Violation deemed infraction.</b>

#### **15.32.010 California Fire Code adopted by reference.**

A certain document, entitled “2013 California Fire Code” including Appendix Chapter B relating to fire-flow requirements of buildings, Appendix Chapter C relating to fire hydrant locations and distribution, Appendix Chapter D relating to fire apparatus access roads, and Appendix Chapter K dealing with temporary haunted houses, ghost walks, and similar amusement uses, published by the International Code Council and amended and adopted by the state of California as the 2013 edition California Fire Code, is adopted by reference as the fire code of the city pursuant to the provisions of Government Code Section 50020 et seq., state of California, except as modified in this chapter.

#### **15.32.020 Fire department duties - Fire prevention bureau established.**

A. The California Fire Code shall be enforced by the fire department of the city or a duly authorized outside fire prevention agency and shall be operated under the supervision and direction of the fire chief.

B. The officer in charge of the fire prevention bureau and activities of the fire department shall be known as the fire marshal and shall be appointed by the Fire Code Official.

C. The Fire Code Official may detail such members of the fire department to fire prevention activities as the fire chief deems necessary. (Ord. 381 [part], 2002: Ord. 340 § 1 [part], 1998)

#### **15.32.030 Definitions.**

Whenever the following words are used in the code adopted by reference in this chapter they shall have the meanings ascribed to them as follows:

A. “Fire Department” means the City of Newark Fire Department or a duly authorized fire prevention agency.

B. All reference to the International Fire Code means the current adopted edition of the California Fire Code.

C. "Zoning ordinance" means the ordinance as defined in Title 17, Zoning, of the Newark Municipal Code. (Ord. 381 [part], 2002; Ord. 352 § 8 [part], 1998; Ord. 340 § 1 [part], 1998)

(Ord. 381 [part], 2002)

**15.32. 040 Chapter 9 amended—Fire protection systems.**

Chapter 9, Section 901 of the California Fire Code is amended by addition of Section 901.2.2 Plans, as follows:

901.2.2 Plans. Complete plans and specifications for fire, smoke, and hazardous materials alarm systems; fire-extinguishing systems, including automatic sprinklers, wet and dry standpipes; halon systems and other special types of automatic fire-extinguishing systems; basement pipe inlets; and other fire protection systems and appurtenances thereto shall be submitted to the fire department for review and approval prior to system installation. Plans and specifications for fire, smoke, and hazardous materials alarm systems shall include, but not be limited to, a floor plan; location of all alarm initiating and alarm signaling devices, alarm control and trouble signaling equipment; annunciation; power connection; battery calculations; and manufacturer, model numbers, and listing information for all equipment, devices, and materials.

Chapter 9, Section 903 is amended by replacing section 903.2 with the following:

Section 903.2 is deleted in its entirety. Refer to Section 903.2 of the California Building Code as amended by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code which reads as follows:

Section 903 dealing with the requirement for fire sprinkler systems is amended by replacing subsection 903.2 in its entirety with the following:

[B]903.2 Where required. Approved automatic fire sprinkler systems shall be installed in buildings under the following conditions:

[B]903.2.1 All new construction, except one- and two-family dwellings and townhouses and H occupancies, which exceeds 1,000 square feet in floor area, or if exterior walls are not present, then 1,000 square feet of projected roof area.

[B]903.2.2 All existing buildings except one- and two-family dwellings and townhouses and when there is a change in the occupancy group, except for H occupancies, as defined by Chapter 3 when such change in occupancy group exceeds 50 percent of the total building area in square feet or 12,000 square feet, whichever is the lesser, in any five year period.

[B]903.2.3 All existing buildings and additions to existing buildings, except for one- and two-family dwellings and townhouses and H occupancies, when such additions are more than 50 percent of the existing building measured in square feet of floor area, or if exterior walls are not present, then measured in square feet of projected roof area, or 12,000 square feet of additional floor area, whichever is the lesser, provided that there is no occupancy group change. Such added area shall be the accumulated square foot of floor area occurring over any five year period.

[B]903.2.4 Existing buildings except one- and two-family dwellings and townhouses and not currently equipped with an automatic fire extinguishing system in which a change in occupancy resulting in the creation of a Group H occupancy or any division within a Group H occupancy.

[B]903.2.5 Newly constructed and existing one- and two-family dwellings and townhouses and detached structures accessory to one- and two-family dwellings and townhouses shall be equipped with an automatic fire sprinkler system as required in Section R309.6 of the California Residential Code modified by the Newark Municipal Code.

[B]903.2.6 Additions to existing buildings except one- and two-family dwellings and townhouses, currently equipped with an automatic fire extinguishing system.

[B]903.2.7 Areas of modifications to existing buildings, except one- and two-family dwellings and townhouses, currently equipped with an automatic fire extinguishing system. The extent of the modifications to the existing automatic fire extinguishing system shall be determined by the Building Official based upon the extent of the modifications to the existing structure. Modifications to the structure can include a change in the fire load.

[B]903.2.8 Automatic residential fire sprinkler systems shall be installed in new one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D.

[B]903.2.9 An automatic residential fire sprinkler system shall be installed in existing one- and two-family dwellings and townhouses in accordance with Section R313.3 of the California Residential Code or NFPA 13D when the construction value of any repair, reconstruction, addition, alteration, or improvement, or any combination thereof, exceeds 80 percent of the market value of the dwelling structure either before the improvement or repair is started, or, if the dwelling has been damaged and is being restored, before the damage occurred. Construction value shall include all permitted improvements which have occurred within the five previous years of the most recently issued building permit. Damage includes damage resulting from fire, flood, earthquake, or demolition.

Section 903.6 dealing with the requirement for fire sprinkler systems in existing buildings and structures is amended by replacing subsection 903.6 in its entirety with the following:

903.6 Where Required. An automatic sprinkler system shall be provided in existing buildings and structures where required by Chapters 15.08.020 and 15.09.020 of the Newark Municipal Code.

Section 907 Fire Alarm and Detection Systems is amended by adding the following:

907.1.6 Definitions

**ALARM/ALARM SYSTEM** means any device or system designated to signal the activation of a fire suppression system, fire, smoke, or hazardous materials detection system, or manual fire alarm system by emitting a signal which can be perceived on the premises and outside of the protected premises and/or at a remote location with subsequent notification of such signal to which the Fire Department is dispatched on an emergency response.

**ALARM USER** means any person on whose premises an alarm system is maintained within the City.

**FALSE ALARM** means the activation of an alarm system through mechanical failure; malfunction; improper installation, maintenance or operation; or the negligence of the owner, lessee, or their employees or agents. Such terminology does not include, for example, alarm activation caused by earthquakes, violent storms, power fluctuations, or other violent uncontrollable acts of nature.

Section 907 Fire Alarm and Detection Systems is amended by adding the following:

907.10 False Alarms

907.10.1. Malfunctions of any sprinkler alarm, or other fire protection or emergency alarm system resulting in an alarm and emergency dispatch of the Fire Department will be subject to a "false alarm" fee as established by resolution of the City Council.

907.10.2. During the thirty days following any new alarm installation, the Fire Code Official shall determine if the false alarms emanating from such new installation are excessive.

907.10.3. After the initial thirty day period following a new alarm installation, more than three false alarms within a calendar year are excessive and will be charged as false alarms. (Ord. 381 [part], 2002: Ord. 352 § 8 [part], 1999: Ord. 340 § 1 [part], 1998)

**15.32.050 Chapter 56 amended - Explosives and fireworks.**

Chapter 56 is amended by replacing it in its entirety with the following:

**SECTION 5601 - GENERAL**

5601.1 Scope. For explosives requirements see California Code of Regulations, Title 19, Division 1, Chapter 10. For fireworks requirements see California Code of Regulations, Title 19, Division 1, Chapter 6.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
5. Items preempted by federal regulations.

5601.1.1 Explosives. The possession, manufacture, storage, sale handling, and use of explosives are prohibited

EXCEPTION: Possession, storage, handling, and use of explosives for test and research purposes are allowed when approved by the fire code official.

**5602 Fireworks**

5602.1 Definitions. For the purpose of this Chapter the phrases "fireworks," "dangerous fireworks," and "safe and sane fireworks" shall have the meanings ascribed to them in Sections 12511, 12505, and 12529 of the Health and Safety Code of the state of California.

**5602.2 Storage of safe and sane fireworks:**

5602.2.1 Safe and sane fireworks in excess of five pounds shall not be stored at any one location in the City of Newark.

EXCEPTIONS:

1. A maximum of one day's sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Article.
2. If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.

3. Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.
4. The Fire Code Official shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not harmonious with, or are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

### 5602.3 Prohibition

5602.3.1 The manufacture, sale, or discharge of safe and sane fireworks within the jurisdictional area is prohibited except under special permits as are required by local and state regulations.

#### EXCEPTIONS

1. A permit is not required for the discharge of safe and sane fireworks as described in Section 12529 of the Health and Safety Code.
2. Nothing in this section shall be construed to prohibit the discharge of safe and sane fireworks by railroads or other transportation agencies for signal purposes of illumination, or discharge of blank cartridges for a show or theater, or for use by military organizations.

### 5602.4 Sale of safe and sane fireworks

5602.4.1 Annual permit required: any organization desiring to sell or to offer for sale safe and sane fireworks shall annually make application to the Fire Code Official for a permit to sell safe and sane fireworks.

#### 3302.4.2 Application for Permit:

1. Shall be made in writing at the office of the Fire Marshal of the City of Newark, accompanied by the permit fee.
2. Shall be made during regular office hours, between the fifteenth day of April and the fifteenth day of May of each year.
3. Shall set forth the proposed location of the safe and sane fireworks stand applied for.
4. Shall be accompanied by an assurance that if the permit is issued to the applicant, applicant shall, at the time of receipt of such permit, deliver to the Fire Code Official a general liability insurance policy or endorsement adding or specifying the City, its officers, employees, and volunteers as "insureds" and within the scope and limits as set by the Fire Chief.

5602.5 Annual Permit. An annual permit shall only be issued to any organization meeting the following requirements:

5602.5.1 Nonprofit organization organized primarily for veteran, patriotic, welfare, youth activity, civic betterment, or charitable purpose within the City of Newark.

5602.5.2 The organization shall have its principal place of business and permanent meeting place within the City limits of the City of Newark.

5602.5.3 The organization shall have been organized for a minimum of one (1) year continuously preceding the filing of the application for the permit.

5602.5.4 The organization shall have at least twenty (20) regular and active participants, volunteers, or members with a minimum of fifty percent (50%) of those regular and

active participants, volunteers, or members being bona fide residents of the City of Newark. For purposes of this section, a "member" need not be a "member" as defined by California Corporations Code Section 5056.

5602.5.5 The organization shall obtain a business license from the City of Newark.

#### 5602.6 Operation of Stand

5602.6.1 No person other than the permittee organization shall operate the stand for which the permit is issued, or share or otherwise participate in the profits of the operation of such stand.

5602.6.2 No person other than individuals who are members, regular and active participants, volunteers, or other persons supportive of the activities of the permittee organizations, or a spouse or adult child of such a person, shall sell or otherwise participate in the sale of safe and sane fireworks at such stand.

5602.6.3 No person shall be paid any money or other consideration for selling or otherwise participating in the sale of safe and sane fireworks at such stand.

5602.6.4 All retail sales of safe and sane fireworks shall be permitted only from within a temporary safe and sane fireworks stand. The sale from any other building or structure is hereby prohibited.

#### 5602.7 Temporary Safe and Sane fireworks Stands

5602.7.1 No safe and sane fireworks stand shall be located within 25 feet of another building or within 100 feet of any flammable liquid or gas storage or dispensing unit.

5602.7.2 All safe and sane fireworks stands shall be erected in a manner approved by the Fire Marshal in order to reasonably ensure the safety of attendants and patrons.

5607.3 No stand shall have a floor area in excess of 300 square feet.

5602.7.4 Each stand shall have at least two remote exits three feet in width and not less than six feet eight inches in height. All doors shall swing out.

5602.7.5 Each stand shall be provided with two 2-A rated fire extinguishers bearing a valid inspection tag and in good working order. Extinguishers shall be easily accessible for use in case of fire.

5602.7.6 "No smoking" signs shall be conspicuously posted at the stand.

5602.7.7 Merchandise shall be displayed in such a manner that it cannot be handled by patrons reaching over the selling counter or through other openings in the stand.

5602.7.8 All electrical wiring will require a permit from the City Building Inspection Division prior to any installation.

5602.7.9 Decorative material, canvas tops, screening, etc., shall be flame retardant or rendered to the satisfaction of the Fire Code Official.

5602.7.10 All weeds and combustible material shall be cleared from within a 25 foot minimum area surrounding the stand.

5602.7.11 Each stand shall be located only at those locations in compliance with the City Zoning Ordinance.

5602.7.12 A maximum of one day's sales supplies of safe and sane fireworks, per stand, may be stored in a safe and sane fireworks stand for which a permit has been issued, or in a tamper resistant metal container approved by the Fire Code Official, pursuant to this Chapter.

5602.7.13 If the stand closes at any time, the safe and sane fireworks, in excess of five pounds, may be stored in the booth with an adult guard, 18 years or older on the premises at all times.

5602.7.14 Safe and sane fireworks stands shall not be located in areas zoned residential or General Industrial.

5602.7.15 The Fire Code Official shall determine that the locations of the safe and sane fireworks stands do not have unsightly, undesirable, or obnoxious qualities that are not harmonious with, or are not properly related to their sites, surroundings and traffic circulation in the vicinity, or which would not meet the specific intent of the Zoning Code.

#### 5602.8 General Requirements

5602.8.1 The sale of safe and sane fireworks shall be from 12:00 noon to 9:00 p.m. on the 28th day of June and 8:00 a.m. to 9:00 p.m. June 29 through July 4. The use of safe and sane fireworks shall be from midnight June 30 to midnight July 4.

5602.8.2 All unsold stock and accompanying litter shall be removed from the location by 12 Noon on the sixth day of July.

5602.8.3 The safe and sane fireworks stand shall be removed from the location by the twelfth of July.

5602.8.4 The sale of safe and sane fireworks shall not be made to any person or persons under the age of 18.

5602.8.5 Prior to the sale, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), the permittee shall require the prospective purchaser to show proof of age by displaying a motor vehicle operator's license, a registration certificate issued by the Federal Selective Service Act, an identification card issued to a member of the Armed Forces, or a similar document bearing the picture or likeness of the purchaser. Any permittee that sells safe and sane fireworks to any person under the age of 18 or, in the event that a prospective purchaser appears or would appear to a reasonable person to be under the age of thirty (30), fails to require the prospective purchaser to show proof of age as required herein, shall be guilty of an infraction. Pursuant to Title 7 of the Newark Municipal Code, an Administrative Citation may be issued for the violation. Each sale to any person under the age of 18 shall be deemed a separate violation. In addition the sale of safe and sane fireworks to any person under the age of 18 is declared a public nuisance subject to abatement pursuant to Title 7 of this Code subjecting the permittee to administrative penalties up to \$1,000 per day per violation to a maximum of \$100,000, and to recovery of all costs of abatement and enforcement as provided in Title 7.

5602.8.6 In addition to the foregoing, in the event of multiple violations or other evidence of a course of conduct in conscious or reckless disregard of the requirements of this section, the permittee may be deemed ineligible for a safe and sane fireworks booth permit in subsequent years. The Fire Code Official shall make the decision of ineligibility. The permittee may appeal that decision by requesting an administrative hearing to be held by the City Manager's designated Hearing Officer. The hearing shall be conducted pursuant to the rules of procedure set forth in Chapter 7.22 of the Newark Municipal Code. The Hearing Officer's decision shall be the final decision of the City of Newark. (Ord. 403 § 1, 2004; Ord. 388 § 1, 2003; Ord 384 § 1, 2003; Ord. 381 [part], 2002; Ord. 340 § 1 [part], 1998)

#### SECTION 5608 – FIREWORKS DISPLAY

5608.1 General. Outdoor fireworks displays, use of pyrotechnics before a proximate audience and pyrotechnic special effects in theatrical and group entertainment productions shall comply with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

5608.1.1 Scope. Fireworks and temporary storage, use, and handling of pyrotechnic special effects material used in motion pictures, television, and theatrical and group entertainment productions shall be in accordance with California Code of Regulations, Title 19, Division 1, Chapter 6 Fireworks.

5608.2 Permits Required. The permittee shall furnish a general liability insurance policy of endorsement adding the City, its officers, employees, and volunteers as "insureds" and within the scope and limits as set by the Fire Code Official. Said policy is to cover payments for all damages, which may be caused to a person or persons or to property by reason of the permitted display and arising from any acts of the permittee, his agents, employees, or subcontractors.

**15.32.060 Appendix D amended – Fire apparatus access roads.**

Appendix D, Figure D103.1 dealing with dead-end fire apparatus access road turnarounds is amended by changing the 60 foot dimensions on the 60' "Y" and 120' Hammerhead diagrams to 70 feet and changing the 70 foot dimension on the "Acceptable Alternative" diagram to 80 feet.

**15.32.142 Fireworks other than safe and sane fireworks prohibited.**

Except as provided in this section, it is unlawful for any person, corporation, or entity to possess, store, offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode any fireworks except "safe and sane fireworks" as described in Section 12529 of the Health and Safety Code. Violation of this section is punishable as an infraction. (Ord. 370 § 1, 2001)

**15.32.190 Permit fees.**

Whenever a permit is required pursuant to the California Fire Code as adopted by this chapter or any amendment thereto, the city council may establish fees for the issuance of the required permit by resolution. (Ord. 340 § 1 [part], 1998)

**15.32. 200 Violation deemed infraction.**

Violation or failure to comply with any provision of this chapter constitutes an infraction. (Ord. 340 § 1 [part], 1998)