

**BUILDING STANDARDS COMMISSION**

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



February 18, 2015

Michael Cully  
Building Official  
Town of Colma  
1188 El Camino Real  
Colma, CA 94014

RE: Ordinance # 738 and 569

Dear Mr. Cully:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on February 17, 2015.

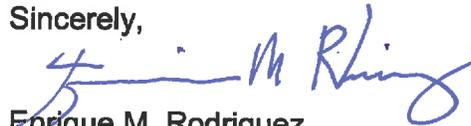
Our review finds the submittal to contain two ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are 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 town 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,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



## TOWN OF COLMA – BUILDING DEPARTMENT

1188 El Camino Real, Colma, CA 94014 Phone: 650-757-8888 Fax: 650-757-8890 email: [building@colma.ca.gov](mailto:building@colma.ca.gov)

February 10, 2015

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

Re: Amendments to 2013 Building Codes

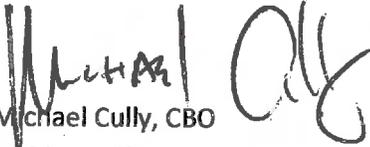
To Whom it Concerns;

Please see the attached copies of the Town of Colma's adopted and amended building codes. Both the Findings of Fact and the Amendments are highlighted for your convenience. The Town has also amended portions of the CalGreen Code as we have had a long-standing local ordinance regarding the recycling of construction debris. Included is a copy which you will find is much more restrictive and was a model for a number of cities here on the Peninsula.

As this adoption includes amendments to the California Fire Code a copy has also been sent to HCD. These amendments mirror the same as the adoption by the local fire authority. (Colma Fire Protection District)

We look forward to your response.

Respectfully submitted,

  
Michael Cully, CBO  
Building Official

RECEIVED  
2015 FEB 13 P 1:42  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

**ORDINANCE NO. 738  
OF THE CITY COUNCIL OF THE TOWN OF COLMA**

**AN ORDINANCE AMENDING CHAPTER 5, SUBCHAPTER 4 OF THE TOWN OF COLMA MUNICIPAL CODE AND OTHER RELATED ORDINANCES, ADOPTING BY REFERENCE THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODE (CALIFORNIA CODE OF REGULATIONS, TITLE 24), CONSISTING OF THE 2013 CALIFORNIA BUILDING CODE, (INCORPORATING AND AMENDING THE 2012 INTERNATIONAL BUILDING CODE), THE 2013 CALIFORNIA RESIDENTIAL CODE, (INCORPORATING AND AMENDING THE 2012 INTERNATIONAL RESIDENTIAL CODE), THE 2013 CALIFORNIA ELECTRICAL CODE (INCORPORATING THE 2011 NATIONAL ELECTRICAL CODE), THE 2013 CALIFORNIA MECHANICAL CODE (INCORPORATING THE 2012 UNIFORM MECHANICAL CODE), THE 2013 CALIFORNIA PLUMBING CODE (INCORPORATING THE 2012 UNIFORM PLUMBING CODE), THE 2013 CALIFORNIA FIRE CODE (INCORPORATING THE 2012 INTERNATIONAL FIRE CODE), THE 2013 CALIFORNIA ENERGY CODE, THE 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE, THE 2013 CALIFORNIA HISTORICAL BUILDING CODE, THE 2013 CALIFORNIA EXISTING BUILDING CODE, THE 2013 CALIFORNIA REFERENCED STANDARDS CODE; THE 1997 EDITION OF THE UNIFORM HOUSING CODE; AND THE 1997 EDITION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, TOGETHER WITH CERTAIN ADDITIONS, INSERTIONS, DELETIONS AND CHANGES THERETO**

The City Council of the Town of Colma does ordain as follows:

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**ARTICLE 1. FINDINGS, PURPOSE AND AUTHORITY**

The City Council of the Town of Colma finds as follows.

(a) Pursuant to Government Code Section 50022.1 et seq. the Town may adopt by reference the California Building Standards Code, 2013 Edition as provided in Title 24 of the California Code of Regulations, and other codes, including, without limitation, the Uniform Housing Code and the Uniform Code for the Abatement of Dangerous Buildings.

(b) The California Building Standards Commission ("Commission") recently adopted the 2013 Edition of the California Building Standards Code.

(c) California Health and Safety Code Section 17958.7 and 18941.5 authorize cities to adopt the California Building Standards Code with modifications determined to be reasonably necessary because of local climatic, geological or topographical conditions; It is necessary and appropriate to adopt and provide for the administration of a Building Code, Electrical Code, Mechanical Code, Plumbing Code, Energy & Environmental Code, Fire Prevention Code, Existing Buildings Code, Reference Standards Code, Historic Buildings Code, Housing Code, and Dangerous Buildings Code for the Town of Colma, and further finds that such codes should be codified in the Town of Colma Municipal Code as hereinafter set forth.

(d) Title 25, section 52 of the California Code of Regulations empowers the Town to use its own abatement procedures so long as these procedures are equivalent to the procedures contained in Title 25 sections 48 through 70 of the California Code of Regulations, and provided such procedures provide an efficient and effective procedure for the abatement of substandard conditions with fairness to both owners and residents.

(e) The Uniform Code for the Abatement of Dangerous Buildings provides efficient and effective procedures for the abatement of substandard buildings, structures and nuisances that are fair and equitable to both owners and residents and are equivalent to the procedures contained in Title 25 of the California Code of Regulations to serve the purpose intended therein.

(f) The City Council desires to adopt the California Building Standards Code, consisting of the 2013 California Building Code, (incorporating and amending the 2012 International Building Code), the 2013 California Residential Code, (incorporating and amending the 2012 International Residential Code), the 2013 California Electrical Code (incorporating the 2011 National Electrical Code), the 2013 California Mechanical Code (incorporating the 2012 Uniform Mechanical Code), the 2013 California Plumbing Code (incorporating the 2012 Uniform Plumbing Code), the 2013 California Fire Code (incorporating the 2012 International Fire Code), the 2013 California Energy Code, the 2013 California Green Building Standards Code, the 2013 California Historical Building Code, the 2013 California Existing Building Code, the 2013 California Referenced Standards Code; the 1997 Edition of the Uniform Housing Code; and the 1997 Edition of the Uniform Code For The Abatement Of Dangerous Buildings, for safety, health and welfare relating to property maintenance within the Town of Colma, (collectively, the "Codes"); together with the necessary amendments to assure the Codes are tailored to the particular safety needs of the Town as required by its unique climatic, geological and topographical conditions;

(g) Local climatic, geographic or topographical conditions make it necessary to amend section 600.6 of the Electrical Code, *Within Sight of the Sign*, because Colma is subject to frequent periods of heavy fog, limiting visibility for emergency responders. The coastal fog, because of its proximity to the Pacific Ocean, brings salt vapor which causes premature rust and oxidation of exposed metals, especially electrical cabinets. For this reason, an amendment requiring separate disconnect switches is warranted.

(h) The following local climatic, geographic or topographical conditions make it necessary to amend the Fire Code:

(1) *Topography.* A large portion of the residential community is built on hills, with roadways less than the required width which tend to slow response times for fire apparatus, and this same terrain complicates firefighter access to those buildings. Numerous areas are heavily treed with thick vegetative undergrowth, creating increased fuel loading during the summer months.

(2) *Geography.* Colma is located in seismic zone 4 and within 2 miles of the San Andreas fault and is spread out over opposing sides of a major freeway restricting access to those areas by only two available over-crossings within the jurisdiction.

(3) *Climate.* Colma is subject to frequent periods of heavy fog, limiting visibility.

(i) The Building Official has recommended that changes and modifications be made to the Codes, which are necessary for administrative clarification and to establish administrative

standards for the effective enforcement of the building standards of the Town of Colma and do not modify a building standard pursuant to California Health & Safety Code Section 17958, 17958.7, and/or 18941.5; and

(j) The Town published notice of a public hearing pursuant to California Government Code Section 6066 on \_\_\_\_\_, and \_\_\_\_\_.

(k) The Town held a public hearing on January 14, 2015, at which time all interested persons had the opportunity to appear and be heard on the matter of adopting the Codes as amended herein.

(l) At least one copy of each of the Codes adopted by reference by this ordinance were available for public inspection at the office of the City Clerk fifteen days preceding the public hearing pursuant to Government Code Section 50022.6.

(m) Any and all other legal prerequisites relating to the adoption of this ordinance have occurred.

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## **ARTICLE 2. SUBCHAPTER 5.04 AMENDED**

Subchapter 5.04 of the Colma Municipal Code is amended and restated in its entirety to read as provided herein.

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## **ARTICLE 3. SUBCHAPTER 5.04, DIVISION 1 - GENERAL**

The following sections are added to subchapter 5.04, Building and Construction, of the Colma Municipal Code as "Division 1 – General."

### **Subchapter 5.04 - Building and Construction Regulations**

#### ***Division 1: General***

#### **5.04.010 Application**

(a) The provisions of this subchapter shall hereafter apply to the construction, alteration, moving, repair and use or maintenance of any building or structure, site, and the equipment therein, within the Town of Colma.

(b) This Code shall be the primary source of regulations for the construction, addition to, alteration, repairs, relocations, or reconstruction of any building or any portion thereof including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building, and for the maintenance of existing buildings. It shall be unlawful for any person to perform any of the above in conflict with the provisions of this subchapter and the codes referred to in herein.

#### **5.04.020 Conflicts with Other Laws, Rules, etc.**

In the event of any conflict between the Colma Building Codes and any law, rule or regulation of the State of California, that requirement – which establishes the higher standard of safety – shall

govern. Failure to comply with such standard of safety shall be a violation of the Colma Building Code.

**5.04.030 Titles**

The term, "Colma Building Codes," means the collection of laws and regulations described in this subchapter, while the term, "Colma Building Code," refers to the particular code adopted by section 5.04.050 of this subchapter.

**5.04.040 [Reserved]**

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**ARTICLE 4. SUBCHAPTER 5.04, DIVISION 2 – COLMA BUILDING CODE**

The following sections are added to subchapter 5.04 of the Colma Municipal Code as "Division 2 – Colma Building Codes."

***Division 2: Colma Building Codes***

**5.04.050 Colma Building Code Adopted**

The 2013 Edition of the California Building Code contained in Part 2 of Title 24 of the California Code of Regulations, including Chapter 1, which incorporates and amends the 2012 Edition of the International Building Code published by the International Code Council, with the changes, additions, and deletions set forth in the following section, is adopted by reference as the Colma Building Code.

**5.04.060 Administration of Colma Building Codes**

The following provisions of Chapter 1 of the California Building Code are hereby amended to read as follows:

(a) *Section 101.1 Amended.*

Section 101.1 is amended to state as follows: "These regulations shall be known as the Colma Building Code, hereinafter referred as 'this code'."

(b) *Section 103 Amended.*

All references in section 103 to "Department of Building Safety" shall be deemed to refer to the Building Department of the Town of Colma.

(c) *Section 103.1 Amended.*

All references in section 103.1 to "Department of Building Safety" shall be deemed to refer to the Building Department of the Town of Colma.

(d) *Section 103.2 Amended.*

Section 103.2 is amended to state as follows: "The Building Official shall be appointed by the City Manager."

(e) *Section 105.5 Amended.*

Section 105.5, "Expiration," is amended to state as follows:

105.5 Expiration.

(a) Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if:

(1) the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit;

(2) the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days; or

(3) the building or work authorized by such permit is not completed within two (2) calendar years from the issuance date of the permit.

(b) The permit holder shall adequately demonstrate to the Building Official that work has not been suspended or abandoned for a period of 180 days, or greater, by requesting and obtaining an inspection of any of those items identified in, and required by Section 109. Before such work can be recommenced, a new permit, or a renewed permit as specified below, shall be first obtained. No permit shall be renewed more than once.

(c) For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid.

(d) For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

(e) For permits where construction activities have exceeded two (2) years beyond the issuance date or any extension thereof, a renewed permit is required. The renewed permit shall not be issued unless the permittee signs an agreement committing to complete the building, or at a minimum to complete all exterior work including but not limited to painting and landscaping, within a reasonable period of time as determined by the Building Official. The permittee shall post a completion bond in the estimated amount of the work remaining to be done.

(f) Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he was unable to complete the work within the time required by this Section. The Building Official may extend the time for completion by the permittee for a period not exceeding six (6) calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the construction the work. No permit shall be extended more than once. The Building Official may require the permittee to sign an agreement committing to complete the work within a reasonable period of time as determined by the Building Official and to post a completion bond in the estimated amount of the work remaining to be done.

(g) If the permittee fails to complete the work of construction within the time required, the permittee is subject to a civil penalty in addition to any other legal or equitable remedy available to the Town. The Building Official is authorized to abate any unsafe condition or nuisance created by such incomplete work. The amount of the civil penalty shall not to exceed fifty dollars (\$50.00) per day for the first sixty (60) days, seventy-five dollars (\$75.00) per day for the next sixty (60) days, and one hundred dollars (\$100.00) per day thereafter. In setting the amount of the civil penalty, the following factors shall be considered: 1) whether the delay was beyond the control of the permittee, 2) any other justifiable reason for the delay, 3) the degree to which the construction site reduces property values, 4) the appearance of the construction site, 5) the estimated cost of the remaining work and the overall project cost, 6) any other reasonable factor that bears on the appropriateness of the amount of the civil penalty. Any permittee may appeal the imposition of a civil penalty to the City Council. The Council shall hold a public hearing and determine whether there is a justifiable reason for all or a part of the delay and whether the amount of the civil fine is reasonable.

(f) *Section 109.2 Amended.*

Section 109.2, "Schedule of Permit Fees," is amended to state as follows:

For any work on buildings or structures which requires a permit and/or plan review, fees shall be paid in accordance with Resolutions and Ordinances that are established by action of the City Council of the Town of Colma, including Resolution 93-12.

The determination of value or valuation under any of the provisions of this Code shall be made by the Building Official. The value to be used in computing the building permit and building plan review fees shall be the total value 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.

(g) *Section 109.4 Amended.*

Section 109.4, "Work Commencing Before Permit Issuance," is amended by adding thereto the following:

That fee, for commencing work prior to permit issuance, may be equal to up to ten times the permit fee to a maximum amount of \$ 5,000.00 as determined by the Building Official. This fee is in addition to the permit costs and any additional investigative fees.

(h) *Section 110.1 Amended.*

Section 110.1, "General," is amended by adding thereto the following:

Survey Stakes shall be provided prior to first inspection, and maintained so they are clearly visible until after the Certificate of Occupancy has been issued, except for repair or remodeling work which does not relate to setback requirements.

(i) *Appendix C Adopted.*

Appendix C, "Group U Agricultural Buildings," is adopted as part of the Colma Building Code.

(j) *Appendix H Adopted.*

Appendix H, "Signs," is adopted as part of the Colma Building Code.

(k) *Appendix I Adopted.*

Appendix I, "Patio Covers," is adopted as part of the Colma Building Code.

**5.04.070 Colma Residential Code adopted**

The 2013 Edition of the California Residential Code contained in Part 2.5 of Title 24 of the California Code of Regulations, including Chapter 1, which incorporates and amends the 2012 Edition of the International Residential Code published by the International Code Council, with the

following changes, additions, and deletions set forth in the following section, is adopted by reference as the Colma Residential Code

#### **5.04.080 Administration of Colma Residential Code**

The following provisions of Chapter 1 of the California Building Code are hereby amended to read as follows:

*(a) Section R103 Amended.*

Section R103, "Department of Building Safety," is amended by replacing the phrase, "Department of Building Safety", with the phrase "Building Department of the Town of Colma."

*(b) Section R103.2 Amended.*

Section R103.2 is amended to state as follows: "The Building Official shall be appointed by the City Manager."

*(c) Section R105.5 Amended.*

Section R105.5, "Expiration," is amended to state as follows:

**105.5 Expiration.**

(a) Every permit issued by the Building Official under the provisions of this Code shall expire by limitation and become null and void if:

(1) the building or work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit;

(2) the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days; or

(3) the building or work authorized by such permit is not completed within two (2) calendar years from the issuance date of the permit.

(b) The permit holder shall adequately demonstrate to the Building Official that work has not been suspended or abandoned for a period of 180 days, or greater, by requesting and obtaining an inspection of any of those items identified in, and required by Section 109. Before such work can be recommenced, a new permit, or a renewed permit as specified below, shall be first obtained. No permit shall be renewed more than once.

(c) For permits where work has not commenced, a renewed permit may be obtained provided that: (1) no changes have been

made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid.

(d) For permits where work had commenced and was subsequently suspended or abandoned, a renewed permit may be obtained provided that: (1) No changes have been made or will be required in the original plans and specifications for such work; (2) the expiration has not exceeded two (2) years from the original issuance date; and (3) a fee equal to one half the amount required for a new permit is paid, except that where construction has progressed and has been approved to the point whereby only a final inspection is required, a fee equal to one quarter the amount required for a new permit shall be paid.

(e) For permits where construction activities have exceeded two (2) years beyond the issuance date or any extension thereof, a renewed permit is required. The renewed permit shall not be issued unless the permittee signs an agreement committing to complete the building, or at a minimum to complete all exterior work including but not limited to painting and landscaping, within a reasonable period of time as determined by the Building Official. The permittee shall post a completion bond in the estimated amount of the work remaining to be done.

(f) Any permittee holding an unexpired permit may apply for an extension of the time within which work under that permit may be continued when, for good and satisfactory reasons, he was unable to complete the work within the time required by this Section. The Building Official may extend the time for completion by the permittee for a period not exceeding six (6) calendar months upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented completion of the construction the work. No permit shall be extended more than once. The Building Official may require the permittee to sign an agreement committing to complete the work within a reasonable period of time as determined by the Building Official and to post a completion bond in the estimated amount of the work remaining to be done.

(g) If the permittee fails to complete the work of construction within the time required, the permittee is subject to a civil penalty in addition to any other legal or equitable remedy available to the Town. The Building Official is authorized to abate any unsafe condition or nuisance created by such incomplete work. The amount of the civil penalty shall not to exceed fifty dollars (\$50.00) per day for the first sixty (60) days, seventy-five dollars (\$75.00) per day for the next sixty (60) days, and one hundred dollars (\$100.00) per day thereafter. In setting the amount of the civil penalty, the following

factors shall be considered: 1) whether the delay was beyond the control of the permittee, 2) any other justifiable reason for the delay, 3) the degree to which the construction site reduces property values, 4) the appearance of the construction site, 5) the estimated cost of the remaining work and the overall project cost, 6) any other reasonable factor that bears on the appropriateness of the amount of the civil penalty. Any permittee may appeal the imposition of a civil penalty to the City Council. The Council shall hold a public hearing and determine whether there is a justifiable reason for all or a part of the delay and whether the amount of the civil fine is reasonable.

*(d) Section R108.2 Amended.*

Section R108.2, "Schedule of Permit Fees," is amended to state as follows:

For any work on buildings or structures which requires a permit and/or plan review, fees shall be paid in accordance with Resolutions and Ordinances that are established by action of the City Council of the Town of Colma, including Resolution 93-12.

*(e) Section R108.6 Amended.*

Section R108.6, "Work Commencing Before Permit Issuance," is amended by adding thereto the following:

That fee, for commencing work prior to permit issuance, may be equal to up to ten times the permit fee to a maximum amount of \$ 5,000.00 as determined by the Building Official. This fee is in addition to the permit costs and any additional investigative fees.

*(f) Appendix G Adopted.*

Appendix G, "Swimming Pools, Spas and Hot Tubs," is adopted as part of the Colma Residential Code.

*(g) Appendix H Adopted.*

Appendix H, "Patio Covers," is adopted as part of the Colma Residential Code.

*(h) Appendix J Adopted.*

Appendix J, "Existing Buildings and Structures," is adopted as part of the Colma Residential Code.

**5.04.090 Colma Electrical Code**

(a) The 2013 Edition of the California Electrical Code contained in Part 3 of Title 24 of the California Code of Regulations, including Article 89, which incorporates and amends the 2011 Edition of the National Electrical Code published by the National Fire Protection Association, with the following changes, additions, and deletions, is adopted by reference as the Colma Electrical Code.

- (b) Section 600.6, "Within Sight of the Sign," is amended by adding thereto the following:

Where power to a Sign Circuit is regulated by a master or house lighting controller for more than two separate signs, each separate sign shall have a disconnect switch located upon the sign or at an immediately adjacent gutter.

#### **5.04.100 Colma Mechanical Code**

(a) The 2013 Edition of the California Mechanical Code contained in Part 4 of Title 24 of the California Code of Regulations, Including Chapter 1, which incorporates and amends the 2012 Edition of the Uniform Mechanical Code published by the International Association of Plumbing and Mechanical Officials, with the following changes, additions, and deletions set forth, is adopted by reference as the Colma Mechanical Code.

(b) Appendix F, "Sizing of Venting Systems Serving Appliances Equipped With Draft Hoods, Category I Appliances, And Appliances Listed For Use With Type B Vents," is adopted as part of the Colma Mechanical Code.

#### **5.04.110 Colma Plumbing Code**

(a) The 2013 Edition of the California Plumbing Code contained in Part 5 of Title 24 of the California Code of Regulations, including Chapter 1, which incorporates and amends the 2012 Edition of the Uniform Plumbing Code published by the International Association of Plumbing and Plumbing Officials, with the following changes, additions, and deletions, is adopted by reference as the Colma Plumbing Code.

(b) Appendix A, "Recommended Rules for Sizing the Water Supply System," is adopted as part of the Colma Plumbing Code.

(c) Appendix B, "Explanatory Notes on Combination Waste and Vent Systems," is adopted as part of *the Colma Code*.

(d) Appendix C, "Alternate Plumbing Systems," is adopted as part of the Colma Plumbing Code.

(e) Appendix D, "Sizing Storm Water Drainage Systems," is adopted as part of the Colma Plumbing Code.

(f) Appendix I, "Installation Standards," is adopted as part of the Colma Plumbing Code.

(g) Appendix J, "Combination of Indoor and Outdoor Combustion and Ventilation Opening Design," is adopted as part of this Code.

(k) Appendix K, "Potable Rainwater Catchment Systems," is adopted as part of the Colma Plumbing Code.

#### **5.04.120 Colma Energy Conservation Code**

The 2013 Edition of the California Energy Code contained in Part 6 of Title 24 of the California Code of Regulations is adopted by reference as the Colma Energy Conservation Code.

#### **5.04.130 Colma Historic Buildings Code**

The 2013 Edition of the California Historic Buildings Code contained in Part 8 of Title 24 of the California Code of Regulations is adopted by reference as the Colma Historic Buildings Code.

#### **5.04.140 Colma Fire Prevention Code**

(a) The 2013 Edition of the California Fire Code contained in Part 9 of Title 24 of the California Code of Regulations, including Chapter 1, which incorporates and amends the 2012 Edition of the International Fire Code published by the International Code Council, with the following changes, additions, and deletions, is adopted by reference as the Colma Fire Prevention Code.

(b) Chapter 1 Division II, Administration, is adopted, in its entirety, for the administration and enforcement of the provisions of the Colma Fire Prevention Code, excepting amendments as provided herein:

(1) Delete section 103.1, *General*.

(2) Replace section 103.2, *Appointment*, with the following:

**103.2 Fire Code Official.** The Colma Building Official shall serve as the Fire Code Official (aka, the Fire Marshal) and may delegate the responsibilities under this Code to qualified personnel retained by the Town.

(3) Replace section 105.3.3, *Occupancy Prohibited Before Approval*, with the following:

**SECTION 105.3.3 FIRE DISTRICT APPROVAL REQUIRED.** No final inspection by the Building Official shall be made for occupancy of new or altered construction for uses regulated by the State Fire Marshal as listed in Chapter 1, Administration, Section 1.11, and no certificate of occupancy shall be issued and no occupancy or temporary occupancy shall be granted until the installation of the prescribed fire protection features and access ways have been completed and approved by the fire code official.

(4) Amend section 105.4, *Construction Documents*, to read as follows:

**SECTION 105.4 CONSTRUCTION DOCUMENTS.** Construction documents shall be in accordance with this section. When required by the fire code official, plans submitted to the local building official for a permit shall also be reviewed by the fire code official to determine compliance with this code. Upon review a written report shall be returned to the local building official listing deficiencies or compliance with the code.

(5) Amend section 109.3, *Violation Penalties*, to read as follows:

**SECTION 109.3 VIOLATION PENALTIES.** Persons who violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive

of the Fire Code Official, or falsification of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor, punishable as set forth in section 1.05.010 of the Colma Municipal Code.

- (6) Adopt Chapter 4, *Emergency Planning and Preparedness*, in its entirety.
- (7) Amend the last sentence of Section 505, *Premises Identification*, to read as follows:

Numbers typically shall be a minimum of 4 inches in height with a minimum stroke of 0.5 inches for individual residential structures, and a minimum of 6 inches for commercial structures with a minimum stroke of 0.75 inches, or other approved sizes based on distances from roadways. In multi-tenant buildings, with rear doors, addresses shall also be posted upon those tenant space doors at the rear of the building. The numerals on rear doors may be 4 inches in height and 0.5 inches in stroke.

- (8) Add new section 507.5.7, *Fire Hydrant Standards*, to read as follows:

**SECTION 507.5.7 FIRE HYDRANT STANDARDS.** All fire hydrants to be installed, or replaced, shall be new, UL listed, or equivalent, wet-barrel type having a minimum of two 2-1/2 inch and one 4-1/2 inch outlets equipped with national standard threads.

- (9) Add new section 507.5.8, *Identification of Hydrants*, as follows:

**SECTION 507.5.8 IDENTIFICATION OF HYDRANTS.** With respect to fire hydrants located on public streets in commercial areas on public streets and on private access roadways where curbs exist, the curbs shall be painted red or otherwise appropriately marked for a distance of fifteen feet (15') in either direction from any hydrant and not less than three feet (3') on any one side. On public streets in residential areas the fifteen feet may be reduced to five feet – when approved by the Fire Code Official.

- (10) Amend section 903, *Automatic Sprinkler Systems*, by replacing sections 903.2 through 903.2.10.1 with the following:

**SECTION 903 AUTOMATIC SPRINKLER SYSTEMS.**

**903.2 WHERE REQUIRED.** Notwithstanding the provisions of this Code or the provisions of any other codes applicable within the Town of Colma, an approved automatic fire extinguishing system shall be installed in the following:

- A. All new non-residential buildings having a total floor area of one thousand five hundred square feet or more, or;
- B. All new residential buildings, or;

C. All new buildings or structures thirty feet (30') or more in height as defined in the California building code, or;

D. Buildings or structures which are three (3) stories or more, irrespective of height, or;

E. All group h occupancies, or;

F. All new habitable basements, regardless of floor area, or;

G. Existing residential structures which undergo any alteration or addition, or combination thereof, within a five (5) year period, wherein the area of alteration and/or addition, or combination thereof, exceeds seventy-five percent (75%) of the existing floor area, or;

H. Existing non-residential structures which undergo any addition or alteration, or combination thereof, within a five (5) year period, wherein the area of alteration and/or addition, or combination thereof, exceeds seventy-five percent (75%) of the existing floor area, or;

I. Non-residential buildings which undergo a change of use which results in a more hazardous occupancy classification as determined by the fire code official.

**SPRINKLER EXCEPTIONS:**

1. Mausoleum and columbarium structures as defined in the Cemetery Act, State of California; and

2. Where this code or the California Building Code, California Code Of Regulations Title 24, Part 2 is more restrictive.

**903.2.1 AREA SEPARATION WALLS.** The use of area separation walls may be used for area increases in accordance with the California Building Code, but shall not be used to negate the requirements for an automatic fire extinguishing system as required by this section.

(11) Add section 903.3.1.3.1, *NFPA 13D Sprinkler System Installation:*

**903.3.1.3.1 INSTALLATION REQUIREMENTS.** In addition to the requirements of NFPA 13D the following policy shall be followed:

**PLAN REVIEW –**

1. Applicant shall provide a copy of a recent (within past 6 months) water flow test report. The test report shall be supplied by the water purveyor and printed on the water purveyor's letterhead.

2. A two-head calculation is required for occupancies up to 3600 sq ft. When a single family residence cannot meet California minimum water flow or access requirements, additional water flow and/or sprinkler head calculations may be required.

#### **INSTALLATION –**

1. Approved back flow assemblies shall be installed in accordance with water department requirements.

2. Water meter size shall be not less than 1 inch, with equal size service unless the authority having jurisdiction makes exceptions.

3. When a hanger is being supported by a composite wood truss, pipe hangers shall have backing nuts on all threaded rods.

4. Approved annunciation devices shall be provided at locations designated by the authority having jurisdiction, BOTH EXTERIOR AND INTERIOR. External devices shall be an approved audible and visual sprinkler flow alarm. All notification appliances shall receive primary power from the kitchen refrigerator circuit.

5. The inspector's test valve shall be provided at the far remote-side of the system away from the riser AND BE CLEARLY IDENTIFIED.

6. The location of the riser shall be in accordance with the authority having jurisdiction and shall conform with any local Planning Department requirements.

7. Attic (pilot) heads, for fire detection, shall be installed in attics with greater than 30 inches of vertical space and have access for storage, or if mechanical equipment is in the attic. Sprinkler heads shall be located at the attic access point and spaced every 30 feet on center at the ridgeline.

8. Sprinkler system main drains and Inspector's Test drains, SHALL BE CLEARLY IDENTIFIED, AND shall either discharge into a Sanitary Sewer or a landscape area large enough to contain the system contents, in accordance with Provisions of Municipal Regional Stormwater Permit.

#### **INSPECTION REQUIREMENTS -**

Inspections by the authority having jurisdiction shall consist of not less than:

1. A rough-installation inspection and hydro test, prior to concealing any components.

2. The hydro test shall be performed at 200 psi for a period of not less than 2 hours.
3. Underground piping system shall be flushed prior to connecting to the sprinkler riser.
4. Where concealed sprinkler heads are used a pre-final inspection shall be performed prior to the installation of the concealing plates to verify no presence of contaminants.
5. A Final inspection.

(12) Replace *section 903.4.2, Alarms*, with the following:

**903.4.2 ALARMS.** An approved audible and visual sprinkler flow alarm shall be provided on the exterior of the building in an approved location. An audible and visual sprinkler flow alarm shall be provided in the interior of the building in a normally occupied location. Multi-tenant buildings shall be provided with an audible and visual sprinkler flow alarm, manual pull station within each tenant space. Multi-story buildings, regardless of tenancy, shall be provided with an audible and visual sprinkler flow alarm and manual pull station at each floor level, in an approved location. All bathrooms shall be provided with visual notification appliances

(13) Replace *903.4.3, Floor Control Valves*, with the following:

**903.4.3 FLOOR CONTROL VALVES.** Approved supervised indicating control valves and water-flow switches shall be provided at the point of connection to the riser on each floor in multi-level buildings.

EXCEPTION: within individual dwelling units.

(14) Add item # 6 to section 1006.3:

6. All bathrooms, and paths of egress from those bathrooms to an exit discharge.

(c) THE following appendix chapters are adopted;

Appendix B	Fire-Flow Requirements for Buildings
Appendix C	Fire Hydrant Locations and Distribution
Appendix C	Fire Hydrant Locations And Distribution (For Schools)
Appendix D	Fire Apparatus Access Roads
Appendix F	Hazard Ranking
Appendix I	Fire Protection Systems – Noncompliant Conditions
Appendix J	Emergency Responder Radio Coverage

**5.04.150 Colma Existing Buildings Code**

The 2013 Edition of the California Existing Buildings Code contained in Part 10 of Title 24 of the California Code of Regulations is adopted by reference as the Colma Existing Buildings Code.

**5.04.160 Colma Green Building Standards Code**

(a) The 2013 Edition of the California Green Building Standards Code contained in Part 11 of Title 24 of the California Code of Regulations, with the following changes, additions, and deletions, is adopted by reference as the Colma Green Building Standards Code.

(b) Section 4.408, "Construction Waste Reduction, Disposal and Recycling," is amended by deleting Sections 4.408.1 through 4.408.5 and adding a new Section 4.408.1 to state as follows:

4.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

(c) Section 5.408, "Construction Waste Reduction, Disposal and Recycling," is amended by deleting Sections 5.408.1 through 5.408.1.4 and adding a new Section 4.408.1 to state as follows:

5.408.1 All construction and demolition work within the Town of Colma shall be in compliance with sections 5.04.260 through 5.04.350 of the Colma Municipal Code.

**5.04.170 Colma Referenced Standards Code**

The 2013 Edition of the California Referenced Standards Code contained in Part 12 of Title 24 of the California Code of Regulations is adopted by reference as the Colma Referenced Standards Code. At least one copy of said code is on file in the office of the Building Official and shall at all times be maintained by the Building Official for use and examination by the public.

**5.04.180 Colma Housing Code**

(a) The 1997 Edition of the Uniform Housing Code published by the International Conference of Building Officials, with the following changes, additions, and deletions, is adopted by reference as the Colma Housing Code.

(b) Section 203.1 is hereby deleted.

(c) Section 302 ("Fees") is amended in its entirety to read as follows:

Whenever work is required to be done under the provisions of this code, a building, plumbing, electrical or mechanical permit may be required by the Building Official prior to commencement of the work. Fees may be assessed pursuant to permit fee resolutions adopted by the City Council from time to time. If abatement proceedings are initiated against a property to gain compliance with the provisions of this code, all costs associated with the abatement shall be paid by

the property owner pursuant to the provisions of subchapter 2.01 of the Colma Municipal Code.

(d) Section 1001.2 ("Inadequate Sanitation") is amended by adding the following:

16. Lack of an approved potable water supply.

#### **5.04.190 Colma Abatement of Dangerous Buildings Code**

The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings as published by the International Council of Building Officials, as published by the International Code Council is adopted by reference as the Colma Abatement of Dangerous Buildings Code.

#### **5.04.200 Interpretation**

The provisions of these Codes are enacted for the public health, safety, and welfare and are to be liberally construed to obtain the beneficial purposes thereof as specified in Chapter 1 Division II "Administration" of the Colma Building Code.

#### **5.04.210 Codes Available to the Public**

A complete set of the above referenced Codes shall be maintained in the Building Department and shall be made available for review by the public.

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### **ARTICLE 5. SUBCHAPTER 5.04, DIVISION 3**

The following sections are added to subchapter 5.04 of the Colma Municipal Code as "Division 3, "Hours of Construction."

#### ***Division 3: Hours of Construction***

#### **5.04.220 Standard Hours of Construction**

(a) The City Council finds that regulation of construction noise is necessary to protect the public health and safety, and that construction noise at early or late times of the day is a nuisance to neighboring properties.

(b) As used in this subchapter, "construction" means any and all acts associated with the building, erection, creation, production, conversion, modification, or improvement to create any residential, commercial or industrial structure.

(c) Within any residential zone, including Planned Developments that include residential uses, or within a radius of 500 feet there from, no person shall operate equipment or perform any construction or repair work on any building, structure, or other project, where the operation of the equipment, or the performance of construction or repair work generates noises in excess of 85 decibels, as measured at the property line, between the following hours/days:

Monday Through Friday      7:00 PM through 7:00 AM

Saturday and Sundays 5:00 PM through 9:00 AM

Colma observed Holidays 5:00 PM through 9:00 AM

The Building Official may grant an exception for special conditions when requested in writing and approved by the Building Official. The above requirements do not apply to emergency repair work, work for public utility and street repair, street sweeping, garbage collection and emergency response warning systems.

(d) Within all other zones, construction hours shall be assigned on a project-by-project basis by the Building Official, or as established within a project's Conditions of Approval, based on evaluation of potential noise-related impacts on surrounding uses.

[History: Formerly § 5.04.110; Ord 661, 9/12/07; Ord 738 (1/14/15)]

#### **5.04.230 ADA Access During Construction**

No person shall conduct any construction or repair work that interferes with or encroaches upon the public right-of-way unless that person establishes and maintains an accessible path of travel during construction for use by person with disabilities and posts adequate signage directing users to that path.

[History: Ord 713, 10/10/12; Ord 738 (1/14/15)]

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### **ARTICLE 6. SUBCHAPTER 5.04, DIVISION 4**

The following sections are added to subchapter 5.04 of the Colma Municipal Code as "Division 4, Enforcement."

#### ***Division 4: Enforcement***

#### **5.04.240 Enforcement Responsibilities**

(a) The Building Official of the Town of Colma, or the Building Official's authorized representative, shall enforce the provisions of this Code, acting for and on behalf of the Town of Colma.

(b) Pursuant to Section 13146, Health and Safety Code, the responsibility for the enforcement of building standards adopted by the State Fire Marshal and contained within these codes, relating to fire and panic safety and other regulations of the Office of the State Fire Marshal as they apply to Group R, Division 3 One and Two Family Dwellings, shall be delegated to the Building Official of the Town of Colma.

**5.04.250 Violation and Penalties**

(a) A willful violation of a lawful order of the Building Official issued pursuant to the Colma Building Codes is a misdemeanor, punishable as set forth in subchapter 1.05 of the Colma Municipal Code.

(b) A violation of any other provision of this subchapter is an infraction, punishable as set forth in subchapter 1.05 of the Colma Municipal Code, including paragraph (c)(4) of section 1.05.020..

(c) A violation of this subchapter shall also be deemed to be a public nuisance under section 2.01.060 of the Colma Municipal Code, and may be abated pursuant to the procedures set forth in subchapter 2.01 of the Code. The costs of abatement shall become a lien upon the property involved. Notwithstanding any other provision in subchapter 2.01, the authority granted the Code Enforcement Officer in subchapter 2.01 may also be exercised by a Colma Building Official. Specifically, but without limitation, the Colma Enforcement Officer or the Colma Building Official may issue Administrative Citations in accordance with the procedures set forth in subchapter 2.01 of the Colma Municipal Code.

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**ARTICLE 7. SUBCHAPTER 5.05 RENUMBERED AS SUBCHAPTER 5.04, DIVISION 5**

(a) Subchapter 5.05 of the Colma Municipal Code is renumbered as Division 5 of Subchapter 5.04; the sections of the Colma Municipal Code shown in the following table under the column headed "Current" are renumbered as shown under the column headed "New" in the following table; and the title of each of said sections are amended as shown under the column headed "Title" in the following table:

***Division 5: Recycling and Diversion of Construction and Demolition Debris***

Current	New	Title
5.05.010	5.04.260	Finding and Purpose
5.05.020	5.04.270	Definitions
5.05.030	5.04.280	Salvage and Recovery
5.05.040	5.04.290	Diversion Requirements
5.05.050	5.04.300	Information Required Before Issuance of Permit
5.05.060	5.04.310	Deposit Required
5.05.070	5.04.320	Exemption from Diversion and Deposit Requirements
5.05.080	5.04.330	Administrative Fee
5.05.090	5.04.340	In-Site Practices

5.05.100	5.04.350	Reporting
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Sections 5.05.100 and 5.05.110 of the Colma Municipal Code are repealed

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**ARTICLE 8. OTHER SECTIONS AMENDED<sup>2</sup>**

(a) *CMC Section 1.01.100 Amended*

Section 1.01.100 of the Colma Municipal Code is amended by deleting the paragraph beginning with the term "National Building Codes" and adding the following paragraph in alphabetical order:

*Building Codes* shall mean and refer to the provisions of the California Building Code, California Electrical Code, California Energy Code, California Existing Buildings Code, California Fire Code, California Green Building Code, California Historic Building Code, California Mechanical Code, California Plumbing Code, California Reference Standards, Uniform Abatement of Dangerous Buildings Code and the Uniform Housing Code.

(b) *CMC Section 1.03.060 Amended*

Paragraph (b) of Section 1.03.060, entitled "Building Official," is amended to state as follows:

(b) The duties of the Building Official shall be those now or hereafter fixed by the laws of the State of California, The Colma Building Code and the City Manager.

(c) *CMC Section 4.07.215 Added*

The Colma Municipal Code is amended by adding thereto section 4.07.215, to state as follows:

**4.07.215 Building Permit Required.** No person shall construct, enlarge, alter, move, demolish, convert, occupy, equip, use, or maintain any structure with a sign without first obtaining a building permit issued by the Building Official. Each such sign shall be constructed in accordance with the applicable provisions of the Building Codes as set forth in Chapter Five, Subchapter Four of the Colma Municipal Code.

(d) *CMC Section 4.07.220 Amended*

Paragraph (b) of Section 4.07.220 of the Colma Municipal Code is amended to state as follows:

**4.07.220(b) No Permit Required.** A Sign Permit is not required for any temporary non-commercial sign erected, installed or maintained in conformity with this ordinance. No person shall construct, enlarge, alter, move, demolish, convert, occupy, equip, use, or maintain any structure with a temporary sign without first obtaining a building permit issued by the Building Official. Each such temporary sign shall be constructed in accordance

with the applicable provisions of the Building Codes set forth in Subchapter Four of Chapter Five of the Colma Municipal Code.

(e) *CMC Section 5.01.020 Amended*

Paragraph (d) of section 5.01.020 of the Colma Municipal Code is amended to state as follows:

(d) Obtain a Building permit, and all related approvals, in accordance with this Chapter and all applicable requirements of Subchapters 5.04 and 5.07 of Chapter 5 of the Colma Building Code.

(f) *CMC Section 5.03.250 Amended*

Paragraph (c) of section 5.03.250 of the Colma Municipal Code is amended to state as follows:

(c) All buildings must be constructed to the specifications of the Colma Building Code, or with respect to a Manufactured Home, in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC section 5401 and following).

(g) *CMC Section 5.03.260 Amended*

Paragraph (c) of section 5.03.260 of the Colma Municipal Code is amended to state as follows:

(c) All building must be built to the specifications of the Colma Building Code or, with respect to a Manufactured Home, in conformance with the National Manufactured Housing Construction and Safety Standards Act of 1974 (42 USC section 5401 and following).

(h) *CMC Section 5.12.110 Amended*

Paragraph (e) of section 5.01.020 of the Colma Municipal Code is amended to state as follows:

*(f) Requirements for Certificate of Occupancy/ Final Inspection*

(1) No temporary or permanent certificate of occupancy shall be issued or final inspection approved for any dwelling unit in a residential development project until the developer has satisfactorily completed the requirements hereunder, i.e., on-site construction of affordable units, alternative equivalent action(s) or payment of the housing in-lieu fee.

(2) No temporary or permanent certificate of occupancy shall be issued or final inspection approved for a dwelling unit described as exempt from the requirements of this Subchapter in section 5.12.040 above until the developer has made a showing acceptable to the City Manager that such an exemption is appropriate.

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**ARTICLE 9. FILING OF ORDINANCE**

The City Clerk is hereby directed to file a copy of this Ordinance with the California Building Standards Commission of the State of California

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**ARTICLE 10. LIABILITY**

The provisions of the Codes shall not be construed as imposing upon the Town of Colma any liability or responsibility for damage to persons or property resulting from defective work, nor shall the Town of Colma, or any official, employee or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of the Codes of any permits or certificates issued under the Codes.

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**ARTICLE 11. SEVERABILITY**

If any section, subsection, subdivision, paragraph, sentence, clause or phrase added by this ordinance, or any part thereof, is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more subsections, subdivisions, paragraphs, sentences, clauses or phrases are declared unconstitutional, invalid or ineffective.

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**ARTICLE 12. CEQA COMPLIANCE**

The City Council finds that the changes made to the Codes are enacted to mitigate the threats posed to public peace, health and safety from earthquakes, high winds and fire. Therefore, it can be seen with certainty that adoption of this ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines.

The City Planner is directed to file a notice of exemption within five (5) days of the adoption of this ordinance.

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**ARTICLE 13. PUBLICATION**

This ordinance including the vote for and against the same shall be posted in the office of the City Clerk and on the three (3) official bulletin boards of the Town of Colma within 15 days of its passage and shall take force and effect thirty (30) days after its passage.

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**ARTICLE 14. EFFECTIVE DATE**

This ordinance shall take effect thirty (30) days following its adoption by the City Council.

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### Certification of Adoption

I certify that the foregoing Ordinance No.738 was duly introduced at a regular meeting of the City Council of the Town of Colma held on December 10, 2014, and adopted at a regular meeting of the City Council of the Town of Colma held on January 14, 2015, by the following vote:

Name	Counted toward Quorum			Not Counted toward Quorum	
	Aye	No	Abstain	Present, Recused	Absent
Joanne del Rosario, Mayor	X				
Diana Colvin	X				
Helen Fiscaro	X				
Raquel Gonzalez	X				
Joseph Silva	X				
Voting Tally	5	0			

Dated 1/29/15

*Joanne del Rosario*  
 \_\_\_\_\_  
 Joanne del Rosario, Mayor

Attest: *Sean Rabé*  
 \_\_\_\_\_  
 Sean Rabé, City Clerk

**RECEIVED**  
 2015 FEB 13 P 1:43  
 CALIFORNIA BUILDING  
 STANDARDS COMMISSION

**ORDINANCE NO. 569**

**AN ORDINANCE OF THE TOWN OF COLMA  
ADDING A NEW SUBCHAPTER FIVE TO CHAPTER FOUR OF THE  
COLMA MUNICIPAL CODE,  
RELATING TO RECYCLING AND DIVERSION OF  
CONSTRUCTION AND DEMOLITION DEBRIS**

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The City Council of the Town of Colma, California, does hereby ordain as follows:

***SECTION 1 - CONSTRUCTION AND DEMOLITION DEBRIS ORDINANCE***

***ADDED.*** Subchapter Five of Chapter Four, commencing with section 4.501, shall be and hereby is added to the Colma Municipal Code, to read as follows:

**Subchapter Five: Construction and Demolition Debris**

**4.501 Findings and Purpose**

The City Council of the Town of Colma hereby finds and determines that the Town is committed to protecting the public health, safety, welfare and environment; that in order to meet these goals it is necessary that the Town promote the reduction of solid waste and reduce the stream of solid waste going to land fills; that under California law as embodied in the California Waste Management Act (California Public Resources Code Sections 40000 et seq.), Colma is required to prepare, adopt and implement source reduction and recycling elements to reach reduction goals, and is required to make substantial reductions in the volume of waste materials going to landfill, under the threat of penalties of \$10,000 per day; that debris from demolition and construction of buildings and tenant upgrades represents a portion of the volume presently coming from Colma, and that much of said debris is particularly suitable for recycling; that Colma's commitment to the reduction of waste and to compliance with state law requires the establishment of programs for recycling and salvaging construction and demolition materials; the City Council recognizes that requiring demolition and construction debris to be recycled and reused may in some respects add modestly to the cost of demolition and in other respects may make possible some cost recovery and cost reduction; and that it is necessary in order to protect the public health, safety and welfare that the following regulations be adopted.

**4.502 Definitions**

For purposes of this chapter the following definitions apply:

(a) "Builder" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the State of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping service relating to buildings or accessory structures in the Town of Colma.

(b) "Construction" means all building, landscaping, remodeling, addition, removal or destruction involving the use or disposal of Designated Recyclable and Reusable Materials as defined in paragraph D below.

(c) "Demolition and Construction Debris" means:

1. Discarded materials generally considered to be not water soluble and non-hazardous in nature, including but not limited to steel, glass, brick, concrete, asphalt material, pipe, gypsum, wallboard, and lumber from the construction or destruction of a structure as part of a construction or demolition project or from the renovation of a structure and/or landscaping, and including rocks, soils, tree remains, trees, and other vegetative matter that normally results from land clearing, landscaping and development operations for a construction project.

2. Clean cardboard, paper, plastic, wood, and metal scraps from any construction and/or landscape project.

3. Non-construction and demolition debris wood scraps.

4. De-minimis amounts of other non hazardous wastes that are generated at construction or demolition projects, provided such amounts are consistent with best management practices of the industry.

5. Mixing of construction and demolition debris with other types of solid waste will cause it to be classified as other than construction and demolition debris.

(d) "Designated Recyclable and Reusable Materials" means:

1. Masonry building materials including all products generally used in construction including, but not limited to asphalt, concrete, rock, stone and brick.

2. Wood materials including any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure treated, contaminated or painted.

3. Vegetative materials including trees, tree parts, shrubs, stumps, logs, brush or any other type of plants that are cleared from a site for construction or other use.
4. Metals including all metal scrap such as, but not limited to, pipes, siding, window frames, door frames and fences.
5. Roofing Materials including wood shingles as well as asphalt, stone and slate based roofing material.
6. "Salvageable Materials" including but not limited to wallboard, doors, windows, fixtures, toilets, sinks, bath tubs and appliances.

#### **4.503 Salvage and Recovery.**

Prior to demolition, the Builder shall make each structure planned for demolition available for salvage and recovery and shall recover the maximum feasible amount of designated recyclable and reusable materials. Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall qualify to be counted in meeting the diversion requirements of this chapter. Recovered or salvaged materials may be given or sold on the premises, or may be removed to reuse warehouse facilities for storage or sale. Title to recyclable materials forwarded to the operator of recycling facilities or of a landfill that is under contract to the cities in southern San Mateo County will transfer to the service provider upon departure of materials from the site.

#### **4.504 Diversion Requirements**

(a) The Builder shall divert at least the following specified percentages of the waste tonnage of demolition and construction debris generated from every demolition, remodeling and construction project from going to land fill by using recycling, reuse and diversion programs:

- (1) Demolition: fifty percent (50%) of waste tonnage for projects which include concrete and asphalt waste, or fifteen percent (15%) of waste tonnage for projects which do not include concrete and asphalt waste;
- (2) Reroofing of homes with shingles or shakes as a separate project: fifty percent (50%) of waste tonnage;
- (3) Construction and Remodeling: fifty percent (50%) of waste tonnage.

(b) Separate calculations and reports will be required for the demolition and for the construction portion of projects involving both demolition and construction.

#### **4.505 Information Required Before Issuance of Permit**

(a) Every applicant shall submit a properly completed "Recycling and Waste Reduction Form", on a form as prescribed by the Building Department, to the Building Department, as a portion of the building or demolition permit process. The form shall contain an accurate estimate of the tonnage or other specified units of construction and/or demolition debris to be generated from construction and demolition on the site. Approval of the form as complete and accurate shall be a condition precedent to issuance of any building or demolition permit.

(b) The City Building Official shall, within 30 calendar days after the City has received an application for a construction or demolition project, determine, in writing, whether such application is complete and shall promptly transmit such determination to the applicant to the address indicated on the application form. In the event that the application is determined not to be complete, the City Building Official shall specify those parts of the application which are incomplete and shall indicate the manner in which they can be made complete.

#### **4.506 Deposit Required**

As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall post a cash deposit in the amount of fifty dollars (\$50.00) for each estimated ton of construction and/or demolition debris, but not less than one hundred dollars per unit for residential projects or one thousand dollars (\$1,000.00) for commercial, industrial or other projects. The deposit or cash bond shall be returned, without interest, in total or in proportion, upon proof to the satisfaction of the building official, that no less than the required percentages or proven proportion of those percentages of the tons of debris generated by the demolition and /or construction project have been diverted from landfills and have been recycled or reused. If a lesser percentage of tons or cubic yards than required is diverted, a proportionate share of the deposit will be returned. The deposit shall be forfeited entirely or to the extent that there is a failure to comply with the requirements of this chapter.

#### **4.507 Administrative Fee**

As a condition precedent to issuance of any permit for a building or a demolition permit that involves the production of solid waste destined to be delivered to a landfill, the applicant shall pay to the Town a cash fee sufficient to compensate the Town for all expenses incurred in administering the permit. The amount of this fee shall be

determined in accordance with the then current resolution of the City Council determining the same, and shall be specified in the Town's Master Fee Schedule.

#### **4.508 On Site Practices**

During the term of the demolition or construction project, the Builder shall recycle or divert the required percentages of materials, and keep records thereof in tonnage or in other measurements approved by the Building Department that can be converted to tonnage. The Building department will evaluate and monitor each project to gauge the percentage of materials recycled, salvaged and disposed from the project. The required diversion of a minimum of the required percentages of the demolition and construction debris will be measured separately with respect to the demolition segment and the construction segment of a project where both demolition and construction are involved. To the maximum extent feasible on-site separation of scrap wood and clean green waste in a designated debris box or boxes shall be arranged, in order to permit chipping and mulching for soil enhancement or land cover purposes. In order to protect chipping and grinding machinery, metal and other materials which cannot be chipped or ground shall not be placed in such boxes. On-site separation shall be undertaken for wallboard to the extent feasible on new construction.

#### **4.509 Reporting**

Within sixty (60) days following the completion of the demolition project, and again within sixty (60) days following the completion of the construction project, the Builder shall, as a condition precedent to final inspection and to issuance of any certificate of occupancy, submit documentation to the Building Department which proves compliance with the requirements of Section 4.504. The documentation shall consist a final completed "Recycling and Waste Reduction Form" showing actual data of tonnage of materials recycled and diverted, supported by originals or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether materials generated from the site have been or are to be recycled, reused, salvaged or otherwise disposed of. If a project involves both demolition and construction, the report and documentation for the demolition project must be submitted and approved by the Building Department before issuance of a building permit for the construction project. In the alternative, the permittee may submit a letter stating that no waste or recyclable materials were generated from project, in which case this statement shall be subject to verification by the Building Department. Any deposit posted pursuant to Section 4.506 shall be forfeited if the permittee does not meet the timely reporting requirements of this section.

**4.510 Violation a Public Nuisance**

Each violation of the provisions of this chapter shall constitute a public nuisance and be subject to abatement as such, pursuant to the provisions of Chapter One, Subchapter Eleven of this Code, commencing with section 1.1101. The costs of abatement of any such nuisance shall be a lien upon the property involved.

**4.511 Penalties**

Each violation of the provisions of this chapter shall constitute a misdemeanor, and shall be punishable by imprisonment in the county jail for not to exceed six (6) months, or by fine not exceeding one thousand dollars (\$1,000.00), or by both such fine and imprisonment. Each day that a violation continues shall be deemed a new and separate offense."

**SECTION 2. SEVERABILITY.** If any section, subsection, sentence, clause, phrase, or portion of this ordinance or the application thereof to any person or circumstances is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof nor other applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared to be severable.

**SECTION 3. EFFECTIVE DATE.** This ordinance shall be posted as required by law, to wit, upon the three (3) official bulletin boards of the Town of Colma, and is to take force and effect thirty (30) days after its passage.

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I certify that the foregoing Ordinance No. 569 was duly introduced at a regular meeting of the City Council of the Town of Colma held on January 12, 2000 and adopted at a regular meeting of the City Council of the Town of Colma held on February 9, 2000, by the following vote:

AYES: Council members Helen Fiscaro, Frossanna Vallerga, Joseph Silva, and Mayor Dennis Fiscaro

NOES: None

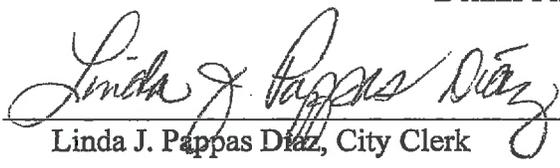
ABSTENTIONS: None

NOT PARTICIPATING: None

ABSENT: Philip Lum



Dennis Fiscaro, Mayor

ATTEST:   
Linda J. Pappas Diaz, City Clerk

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