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

January 6, 2014

Scott Anderson
Director of Community Development
Town of Tiburon
1505 Tiburon Boulevard
Tiburon, CA 94920

RE: Ordinance 547 N.S.

Dear Mr. Anderson:

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 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 Tiburon • 1505 Tiburon Boulevard • Tiburon, CA 94920 • P. 415.435.7373 F. 415.435.2438 • www.ci.tiburon.ca.us

Community Development Department *November 21, 2013*

REC
2013 NOV 25 P 3:12
CALIFORNIA BUILDING
STANDARDS COMMISSION

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

RE: Local Amendments to State Building Codes

Dear Sir or Madam:

Please find attached for your files a copy of the recently-enacted Town of Tiburon ordinances making local amendments to the California Building Code as adopted by the State of California, based on local climatic, geological, and topographical conditions.

If you have any questions, please contact Fred Lustenberger, Town of Tiburon Building Official, at (415) 435-7371.

Very truly yours,

Scott Anderson

Scott Anderson
Director of Community Development

Enc: Town of Tiburon Ordinance No. 547 N. S.

Cc: Fred Lustenberger, Tiburon Building Official

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Emmett O'Donnell
Mayor

Alice Fredericks
Vice Mayor

Frank Doyle
Councilmember

Jim Fraser
Councilmember

Jeff Slavitz
Councilmember

Margaret A. Curran
Town Manager

ORDINANCE NO. 547 N. S.

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON AMENDING PROVISIONS OF TITLE IV, CHAPTER 13 OF THE TIBURON MUNICIPAL CODE BY ADOPTING WITH AMENDMENTS THE MOST RECENT STANDARDIZED CONSTRUCTION CODES

The Town Council of the Town of Tiburon does ordain as follows:

Section 1. Findings.

A. The Town Council held a public hearing on November 6, 2013, and has heard and considered any and all public testimony on this matter.

B. The Town Council finds that all notices and procedures required by law attendant to the adoption of this Ordinance have been followed.

C. The Town Council finds that the amendments made by this Ordinance are necessary for the protection of the public health, safety, and welfare.

D. The Town Council has found that the amendments made by this Ordinance are consistent with the goals and policies of the Tiburon General Plan.

E. The Town Council finds that the adoption of this Ordinance is ministerially exempt from the requirements of CEQA and is also exempt pursuant to Section 15061(b)(3) of the CEQA Guidelines.

Section 2. Amendments to Chapter 13, Article II.

Tiburon Municipal Code Title IV, Chapter 13, Article II (Technical Codes) is hereby amended in its entirety to read as follows:

Article II. Technical Codes

13-4 Adoption by reference of technical codes.

For the purpose of establishing proper regulations for building construction, for the installation of plumbing, gas appliances and electrical systems, and for the storage and handling of flammable liquids, the codes or portions thereof set forth in this article are adopted and are made a part of this chapter by reference without further publication or posting thereof, and not less than one certified copy, along with the deletions and exceptions therefrom and additions and amendments thereto, shall be kept on file for use and examination by the public in the office of the town clerk.

13-4.1 Building Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2013 California Building Code (based on the International Building Code, 2012 Edition), Volume 1 and Volume 2, including the following appendices: Appendices F, H, I, J and M as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2, hereinafter referred to as the "California Building Code", save and except such portions as are hereinafter amended or modified by Section 13-4.1.1 of this chapter.

13-4.1.1 Amendments made to the 2013 California Building Code.

The 2013 California Building Code is amended to read as follows:

(a) Section 1.8.5.1 is amended to read as follows:

1.8.5.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged.)

(b) Section 1.8.8.1 is amended to add the following sentence thereto:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(c) Chapter 1, Division II is modified as follows:

(1) Section 104.6 is amended to add the following phrase to the end of the last sentence:

", including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California."

(2) Section 105.2 is amended to delete subsections 2, 4, 5, 6 and 12, and to modify subsections 1 and 7 to read as follows:

1. Detached accessory structures used as playhouses or play structures provided that the structure:

a. Does not exceed one-hundred twenty (120) square feet in area;

b. Does not exceed twelve (12) feet in height; and

c. Contains no plumbing, electricity or heating or cooling appliances.

7. Painting, papering, tiling, carpeting, counter tops and similar finish work; except that repaving and/or re-striping of parking lots shall require a permit.

(3) Section 105.5 is amended to read as follows:

1. All permits issued by the Building Official shall expire by limitation and become null and void eighteen (18) months from the date the permit is issued, except as follows:

a. In instances where the project is unusually large or complex, a twenty-four (24) month permit may be issued in the reasonable discretion of the Building Official at the time of initial issuance; or

b. In instances where the permittee has proceeded with due diligence and made substantial progress but is unable to complete the project because of unforeseen circumstances beyond the control of the permittee, one extension of up to six (6) months may be granted, without payment of additional charges or penalties. In determining whether due diligence has been exercised, the Building Official shall consider whether work began promptly after permit issuance, whether work was conducted on a regular basis and any other relevant facts.

2. Once the initial permit and/or approved six (6) month extension has expired, a Stop Work Order shall be issued and work shall not recommence until the permit is reactivated and extended. Reactivation and extension shall be allowed only if there have been no substantive changes to the approved plans and specifications and a Reactivation/Extension Charge equal to the original project construction permit fees is paid. A

Reactivation/Extension Charge, for purposes of this section, is primarily a penalty for failure to complete the project within the allotted time, and secondarily a fee to recover the cost of providing additional building inspection division services, and is defined as the subtotal of the building, electrical, plumbing, mechanical, grading, and business license fee portions of the original permit. A permit reactivated and extended under this subsection shall be valid for an additional six (6) months beyond the date of its expiration prior to the reactivation/extension granted pursuant to this paragraph.

3. If the project is not completed within the six (6) month extension allowed under subsection 2 above, a Stop Work Order shall be issued on the date of expiration and work shall not recommence until the permit is reactivated and extended. Reactivation and extension of the permit for another six (6) month period shall be allowed only if there have been no substantive changes in the approved plans and specifications and a Reactivation/Extension Charge equal to three (3) times the original project construction permit fees, as defined in subsection 2 above, is paid. The Building Official may, in his sole discretion, reduce the penalty based on such reasons as the project's nearness to completion and/or the cause of the delay. A permit reactivated and extended under this subsection shall be valid for an additional six (6) months beyond the date of its expiration prior to the reactivation/extension granted pursuant to this paragraph.

4. If the project is not completed within the six (6) month extension allowed under subsection 3 above, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may reactivate and extend the permit for an additional six (6) months upon submission and acceptance of a completion schedule for the project and payment of five (5) times the original project construction permit fees (as defined in subsection 2 above) as a Reactivation/Extension Charge, and provided that there have been no substantive changes in the approved plans and specifications. The town council may, in its sole discretion, reduce the reactivation/extension charge based on such

reasons as the project's nearness to completion and/or the cause of the delay.

5. If the project is not completed within the six (6) month extension allowed under subsection 4 above, or pursuant to this subsection 5, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion. The town council may reactivate and extend the permit upon imposition of any such conditions deemed reasonable, and payment of five (5) times the original project construction permit fees (as defined is subsection 2 above) as a Reactivation/Extension Charge, provided that there have been no substantive changes in the approved plans and specifications.

(4) Section 109.2 is amended to read as follows:

109.2 Schedule of Fees.

On buildings, structures, electrical, gas, mechanical and plumbing system alterations requiring a permit, a fee for each permit shall be required as set forth in the Building Division Fee Schedule as adopted by resolution of the town council and amended from time to time.

(5) Section 109.4 is amended to read as follows:

109.4 Work commencing before permit issuance.

Any person who commences any work without a permit on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a penalty as set forth in the Town's Schedule of Fines, established by resolution of the town council and amended from time to time.

(6) Section 113.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals Board. The town council

shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(d) Section 501.2 is amended to read as follows:

501.2 Address Numbers.

1. The following standards for address markings shall apply to residential buildings:

a. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, and one-half inch in width, of a color contrasting to the background and located so they may be clearly seen and read. If a building is not easily visible from the street, then the numbers are to be mounted at the access drive leading to the building.

b. At each vehicular access to a multiple family dwelling complex having four or more buildings, there shall be an illuminated diagrammatic representation (plot plan) of the complex, which shows the location of the viewer and the building units within the complex.

c. In multiple family dwelling complexes, any building having a separate identifying factor other than the street number shall be clearly identified in the manner described in subsection a. Each individual unit of residence shall have a unit identifying number, letter, or combination thereof displayed upon the door.

d. Maps of the multiple family complex will be furnished to the police department and applicable fire district upon completion of construction. The maps shall include building identification and unit identification.

e. Buildings shall be numbered in such a manner and sequence as to meet with the approval of the enforcing authority.

f. This section shall not prevent supplementary numbering such as reflective numbers on street curbs or decorative numbering, but this shall be considered supplemental only and shall not satisfy the requirements of this section.

2. The following standards for address markings shall apply to commercial buildings:

a. The address number of every commercial building shall be located and displayed so that it shall be easily visible from the street.

b. The numerals in these numbers shall be no less than six inches in height, one-half inch in width, and of a color contrasting to the

background. In addition, any business which affords vehicular access to the rear through any driveway, alleyway, or parking lot shall also display the same numbers on the rear of the building.

c. When required by the Building Official, approved numbers or addresses shall be placed on all new and existing buildings in such a position as to be plainly visible and legible from the fire apparatus road at the back of a property or where rear parking lots or alleys provide an acceptable vehicular access. Number height and width shall comply with Section 501.2.

(e) Section 903.2, first sentence, is amended to read as follows:

903.2 Where required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section, provided that where applicable code provisions adopted by the Tiburon Fire Protection District or Southern Marin Fire Protection District are more restrictive, the more restrictive provisions shall control.

(f) Section 1013.1 is amended by adding the following sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

(g) Section 1505 is amended to read as follows:

The roof covering on any structure regulated by this code shall be as specified in California Building Code Chapter 15 with the following conditions:

1. All new buildings and new additions shall have at least a Class A-listed or noncombustible roof covering.

2. Where alterations or repairs to existing roofs involve more than fifty (50) percent of the total area of an existing building within a one year time period, the entire roof shall be retrofitted with at least a Class A-listed or noncombustible roof.

3. Where applicable code provisions adopted by the Tiburon Fire Protection District or Southern Marin Fire Protection District are more restrictive, the more restrictive provisions shall control.

(h) Appendix J "GRADING" is amended as follows:

J103.3 Grading Permit Fees. Fees shall be as set forth in the Building Division Fee Schedule established by resolution of the town council as amended from time to time.

J110.3 Mud, Loose Dirt, or Debris on Public Street. No person, firm or corporation who has a valid building, demolition or grading permit shall permit any mud, loose dirt or debris to be removed from the job site and deposited on any public street or sidewalk.

13-4.2 Residential Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public, that certain code known as the 2013 California Residential Code (based on the International Residential Code, 2012 edition), including Appendices G, H, and J published by the International Code Council, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 2.5, hereinafter referred to as the "California Residential Code," save and except such portions as are hereinafter amended or modified by Section 13-4.2.1 of this chapter.

13-4.2.1 Amendments to the 2013 California Residential Code.

The 2013 California Residential Code is amended as follows:

(a) Section 1.8.4.1 is amended to read as follows:

1.8.4.1 General. Subject to the provisions of law, including Code of Civil Procedure Section 1822.50 et. seq., officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code and the rules and regulations promulgated by the department of housing and community development. For limitations and additional information regarding enforcement, see the following:

(The remainder of this section is unchanged.)

(b) Section 1.8.7.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(c) Chapter 1, Division II is modified as follows:

(1) Section 104.6 is amended to add the following phrase to the end of the last sentence:

", including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California."

(2) Section 105.2 is amended to delete (building) subsections 2, 3, 4, 5, 9 and 10, and to modify subsections 1 and 6 to read as follows:

1. Detached accessory structures used as playhouses or play structures provided that the structure:

a. Does not exceed one-hundred twenty (120) square feet in area;

b. Does not exceed twelve (12) feet in height; and

c. Contains no plumbing, electricity or heating or cooling appliances.

6. Painting, papering, tiling, carpeting, counter tops and similar finish work; except that repaving and/or re-striping of parking lots shall require a permit.

(3) Section 105.5 is amended to read as follows:

Section 105.5 Expiration.

1. All permits issued by the Building Official shall expire by limitation and become null and void eighteen (18) months from the date the permit is issued, except as follows:

a. In instances where the project is unusually large or complex, a twenty-four (24) month permit may be issued in the reasonable discretion of the Building Official at the time of initial issuance; or

b. In instances where the permittee has proceeded with due diligence and made substantial progress but is unable to complete the project because of unforeseen circumstances beyond the control of the permittee, one extension of up to six (6) months may be granted, without payment of additional charges or penalties. In determining whether due diligence has been exercised, the Building Official shall consider whether work began promptly after permit issuance, whether work was conducted on a regular basis and any other relevant facts.

2. Once the initial permit and/or approved six (6) month extension has expired, a Stop Work Order shall be issued and

work shall not recommence until the permit is reactivated and extended. Reactivation and extension shall be allowed only if there have been no substantive changes to the approved plans and specifications and a Reactivation/Extension Charge equal to the original project construction permit fees is paid. A Reactivation/Extension Charge, for purposes of this section, is primarily a penalty for failure to complete the project within the allotted time, and secondarily a fee to recover the cost of providing additional building inspection division services, and is defined as the subtotal of the building, electrical, plumbing, mechanical, grading, and business license fee portions of the original permit. A permit reactivated and extended under this subsection shall be valid for an additional six (6) months beyond the date of its expiration prior to the reactivation/extension granted pursuant to this paragraph.

3. If the project is not completed within the six (6) month extension allowed under subsection 2 above, a Stop Work Order shall be issued on the date of expiration and work shall not recommence until the permit is reactivated and extended. Reactivation and extension of the permit for another six (6) month period shall be allowed only if there have been no substantive changes in the approved plans and specifications and a Reactivation/Extension Charge equal to three (3) times the original project construction permit fees, as defined in subsection 2 above, is paid. The Building Official may, in his sole discretion, reduce the penalty based on such reasons as the project's nearness to completion and/or the cause of the delay. A permit reactivated and extended under this subsection shall be valid for an additional six (6) months beyond the date of its expiration prior to the reactivation/extension granted pursuant to this paragraph.

4. If the project is not completed within the six (6) month extension allowed under subsection 3 above, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may reactivate and extend the permit for an additional six (6) months upon submission and acceptance of a completion schedule for the project and payment of five (5) times the original project construction permit fees (as defined in subsection 2 above) as a

Reactivation/Extension Charge, and provided that there have been no substantive changes in the approved plans and specifications. The town council may, in its sole discretion, reduce the reactivation/extension charge based on such reasons as the project's nearness to completion and/or the cause of the delay.

5. If the project is not completed within the six (6) month extension allowed under subsection 4 above, or pursuant to this subsection 5, a Stop Work Order shall be issued and the matter referred to the town council for resolution. The town council may impose additional requirements, such as the retention of a qualified contractor for owner/builder projects or retention of a qualified construction manager for a contracted project, in order to promote swift completion. The town council may reactivate and extend the permit upon imposition of any such conditions deemed reasonable, and payment of five (5) times the original project construction permit fees (as defined is subsection 2 above) as a Reactivation/Extension Charge, provided that there have been no substantive changes in the approved plans and specifications.

(d) Section R319.1 is amended to read as follows:

R319.1 Address Numbers.

(1) The following standards for address markings shall apply to residential buildings:

a. All residential structures shall display a street number in a prominent position so that it shall be easily visible from the street. The numerals in these numbers shall be no less than four inches in height, and one-half inch in width, of a color contrasting to the background and located so they may be clearly seen and read. If a building is not easily visible from the street, then the numbers are to be mounted at the access drive leading to the building.

b. At each vehicular access to a multiple family dwelling complex having four or more buildings, there shall be an illuminated diagrammatic representation (plot plan) of the complex, which shows the location of the viewer and the building units within the complex.

c. In multiple family dwelling complexes, any building having a separate identifying factor other than the street number shall be clearly identified in the manner described in subsection a. above. Each individual unit of

residence shall have a unit identifying number, letter, or combination thereof displayed upon the door.

d. Maps of the multiple family complex will be furnished to the police department and applicable fire district upon completion of construction. The maps shall include building identification and unit identification.

e. Buildings shall be numbered in such a manner and sequence as to meet with the approval of the enforcing authority.

f. This section shall not prevent supplementary numbering such as reflective numbers on street curbs or decorative numbering, but this shall be considered supplemental only and shall not satisfy the requirements of this section.

(e) Section 1013.1 is amended by adding the following sentence:

"Guards are also required at waterfront bulkheads, fixed piers and gangways."

(f) Section R313.3, first sentence, is amended to read as follows:

R313.3 Where required.

Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section, provided that where applicable code provisions adopted by the Tiburon Fire Protection District or Southern Marin Fire Protection District are more restrictive, the more restrictive provisions shall control.

(g) Section R905 is amended to read as follows:

The roof covering on any structure regulated by this code shall be as specified in California Residential Code Chapter 9 with the following conditions:

1. All new buildings and new additions shall have at least a Class A-listed or noncombustible roof covering.

2. Where alterations or repairs to existing roofs involve more than fifty percent of the total area of an existing building within a one year time period, the entire roof shall be retrofitted with at least a Class A-listed or noncombustible roof.

3. Where applicable code provisions adopted by the Tiburon Fire Protection District or Southern Marin Fire Protection District are more restrictive, the more restrictive provisions shall control.

13-4.3 Plumbing Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2013 California Plumbing Code (based on the Uniform Plumbing Code, 2012 Edition), including Appendices A, B, D, I, and L published by the International Association of Plumbing and Mechanical Officials, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 5, hereinafter referred to as the "California Plumbing Code", save and except such portions as are hereinafter amended or modified by Section 13-4.3.1 of this chapter.

13-4.3.1 Amendments made to the 2013 California Plumbing Code.

The 2013 California Plumbing Code is amended as follows:

(a) Section 1.8.5.1 is amended to modify the first sentence to read as follows:

Section 1.8.5.1 General. Subject to the provisions of law, including Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California, officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code.

(The remainder of this section is unchanged)

(b) Section 1.8.8.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(c) Section 203.0 is amended to read as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION — The Authority Having Jurisdiction shall mean the Building Official or his duly authorized representative.

(d) Section 207.0 is amended as follows:

The definition of "ENFORCING AGENCY" is amended to read as follows:

ENFORCING AGENCY — The enforcing agency shall be the Building Division of the Community Development Department of the Town of Tiburon.

(e) Chapter 1, Division II is amended as follows:

(1) Section 101.1 is amended to read as follows:

These regulations shall be known as the California Plumbing Code, may be cited as such, and will be referred to herein as "this code".

(2) Section 103.2.1 is amended to read as follows:

103.2.1 Application. To obtain a permit, the applicant shall apply to the Authority Having Jurisdiction for that purpose. Every such application shall:

(The remainder of this section is unchanged.)

(3) Section 103.4.1 is amended to read as follows:

103.4.1 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance therefore, pay a fee, which fee shall be as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(4) Section 103.4.2 is deleted.

(5) Section 103.5.6 is amended to replace the fourth paragraph with the following:

To obtain re-inspection, the applicant shall first pay the re-inspection fee in accordance with the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(6) Table 1-1 is deleted.

13-4.4 Electrical Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2013 California Electrical Code (based

on the National Electrical Code, 2011 Edition) as published by the National Fire Protection Association, and as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 3, hereinafter referred to as the "California Electrical Code", save and except such portions as are hereinafter amended or modified by Section 13-4.4.1 of this chapter.

13-4.4.1 Amendments made to the 2013 California Electrical Code.

The 2013 California Electrical Code is amended or modified as follows:

(a) Section 89.108.4.2 is amended to read as follows:

89.108.4.2 Fees. Any person desiring a permit required by this code shall, at the time of issuance thereof, pay a fee, which shall be as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(b) Section 89.108.5.1 is amended to modify the first sentence to read as follows:

Section 89.108.5.1 General. Subject to other provisions of law, including Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California, officers and agents of the Building Official may enter and inspect public and private properties to secure compliance with the provisions of this code.

(The remainder of this section is unchanged.)

(c) Section 89.108.8.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the local appeals board and the housing appeals board shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the local appeals board and the housing appeals board shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(d) Article 100 is amended to read as follows:

The definition of "Authority Having Jurisdiction" is amended to read as follows:

Authority Having Jurisdiction (AHJ)—The Authority Having Jurisdiction shall mean the Building Official or his or her duly authorized representative.

(e) Section 210.12 (B) is amended by adding the following sentence:

The provisions of this section shall apply to existing dwelling units when electrical service panels or sub-panels are replaced or upgraded.

13-4.5 Fire Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the 2013 California Fire Code (as adopted and modified by the current Tiburon Fire Protection District and Southern Marin Fire Protection District ordinances), which Code and ordinances are hereby referred to, ratified, and made a part hereof as if fully set forth herein. Copies of said code and ordinances are on file and available for public inspection in the office of the town clerk.

13-4.6. Housing Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the general public, that certain code known as the Uniform Housing Code (1997 Edition, as published by the International Conference of Building Officials), hereinafter referred to as the "Uniform Housing Code", save and except such portions as are hereinafter changed or modified by Section 13-4.6.1 of this chapter.

13-4.6.1 Amendments made to the 1997 Uniform Housing Code.

The 1997 Uniform Housing Code is amended as follows:

(a) Section 103 is amended to revise the second sentence of the first paragraph to read as follows:

Such occupancies in existing buildings may be continued as provided by the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations, except such structures as are found to be substandard as defined by this code.

(b) Section 104.1 is amended to read as follows:

All buildings or structures that are required to be repaired under the provisions of this code shall be subject to the provisions of the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations.

(c) Section 201.1 is amended to revise the first paragraph to read as follows:

The Building Official and his designees are hereby authorized and directed to enforce all of the provisions of this code. For such purposes, such officials shall have the powers of law enforcement officers.

(d) Section 201.2 is amended to read as follows:

Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises an immediate threat to health and safety, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code; provided, that if such building or premises be occupied he shall first present proper credentials and demand entry; and if such building or premises be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official, or his authorized representative, shall have recourse to every remedy provided by law to secure entry, including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California.

(e) Section 203.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the housing advisory and appeals board shall be the Tiburon Building Code Appeals Board. If required by Health and Safety Code section 19957.5, the housing advisory and appeals board shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions of this code.

(f) Section 301 is amended to read as follows:

No building or structure regulated by this code shall be erected, constructed, enlarged altered, repaired, moved, improved, removed, converted or demolished unless a separate permit for each building or structure has first been obtained as required by the Building Code.

(g) Section 302 is deleted.

(h) Section 303 is amended to read as follows:

Buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the Building Official as provided by this code and in accordance with the applicable requirements of the Building Code.

(i) Section 401 is amended as follows:

The definition of "Building Code" in Section 401 is amended to read as follows:

BUILDING CODE is the California Building Code as adopted with amendments by the Town of Tiburon.

(j) A definition for "Building Official" is added to Section 401 to read as follows:

BUILDING OFFICIAL is the Building Official in the Community Development Department of the Town of Tiburon.

(k) The definition of "Mechanical Code" in Section 401 is amended to read as follows:

MECHANICAL CODE is the California Mechanical Code as adopted with amendments by the Town of Tiburon.

(l) The definition of "Plumbing Code" in Section 401 is amended to read as follows:

PLUMBING CODE is the California Plumbing Code as adopted with amendments by the Town of Tiburon.

13-4.7 Mechanical Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety and welfare of the

general public, that certain code known as the 2013 California Mechanical Code (based on the Uniform Mechanical Code, 2012 Edition) as amended by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 4, hereinafter referred to as the "California Mechanical Code", save and except such portions as are hereinafter amended or modified by Section 13-4.7.1 of this chapter.

13-4.7.1 Amendments made to the 2013 California Mechanical Code.

The 2013 California Mechanical Code is amended as follows:

(a) Chapter 1, Division I, Section 1.8.8.1 is amended by adding the following sentence thereto:

For appeal of non-administrative provisions of the code, the board of appeals shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the board of appeals shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(b) Chapter 1, Division II is amended as follows:

(1) Section 101.0 is amended to read as follows:

These regulations shall be known as the California Mechanical Code, may be cited as such, and will be referred to herein as "this code"

(2) Section 108.3 is amended to add the following phrase to the end of the last sentence:

", including the warrant provisions of Section 1822.50 et. seq. of the Code of Civil Procedure of the State of California."

(3) Section 110.1 is amended by adding thereto the following sentence:

For appeal of non-administrative provisions of the code, the board of appeals shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the board of appeals shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions as generally described in the administrative chapter of this code.

(4) Section 115.1 is amended to read as follows:

115.1 General. Fees shall be assessed in accordance with the provisions of this section and as set forth in the Building Division

Fee Schedule adopted by resolution of the town council and amended from time to time.

(5) Section 115.2 is amended to read as follows:

115.2 Permit Fees. Any person desiring a permit required by this code shall, at the time of issuance for the permit, pay a fee, which fee shall be as set forth in the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(6) Section 115.3 is deleted.

(7) Section 116.6 is amended to replace the third paragraph with the following:

To obtain re-inspection, the applicant shall first pay the re-inspection fee in accordance with the Building Division Fee Schedule adopted by resolution of the town council and amended from time to time.

(8) Table 1-1 is deleted.

(c) Section 203.0 is amended as follows:

The definition of "AUTHORITY HAVING JURISDICTION" is amended to read as follows:

AUTHORITY HAVING JURISDICTION — The Authority Having Jurisdiction shall mean the Building Official or his duly authorized representative.

(d) Section 207.0 is amended as follows:

The definition of "ENFORCING AGENCY" is amended to read as follows:

ENFORCING AGENCY — The enforcing agency shall be the Building Division of the Town of Tiburon.

13-4.8 Dangerous Building Code.

The Dangerous Building Code of the Town shall be the California Code for the Abatement of Dangerous Buildings (1997 edition, as published by the International Conference of Building Officials), on file with the office of the Town Clerk, which Code is hereby referred to, adopted and made a part hereof as if fully set forth herein, save

and except such portions as are hereinafter amended or modified by Section 13-4.8.1 of this chapter.

13-4.8.1 Amendments made to the 1997 California Code for the Abatement of Dangerous Buildings.

The 1997 California Code for the Abatement of Dangerous Buildings is amended as follows:

(a) Section 103 is amended to read as follows:

All buildings or structures which are required to be repaired under the provisions of this code shall be subject to the provisions of the California Existing Building Code, as contained in Title 24, Part 10 of the California Code of Regulations.

(b) Section 201.3 is amended to read as follows:

Whenever necessary to make an inspection to enforce any of the provisions of this title, or whenever the Building Official or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises an immediate threat to health and safety, the Building Official or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed upon the Building Official by this code; provided, that if such building or premises be occupied he shall first present proper credentials and demand entry; and if such building or premises be unoccupied he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. If such entry is refused, the Building Official, or his authorized representative, shall have recourse to every remedy provided by law to secure entry, including the warrant provisions of Section 1822.50 et seq. of the Code of Civil Procedure of the State of California.

(c) Section 203 is deleted.

(d) Section 204 is amended to read as follows:

All buildings or structures within the scope of this code and all construction or work for which a permit is required shall be subject to inspection by the Building Official as provided in this code and in accordance with the applicable requirements of the Building Code.

(e) Section 205.1 is amended by adding the following sentence thereto:
For appeal of non-administrative provisions of the code, the board of appeals shall be the Tiburon Building Code Appeals Board, except that if required by Health and Safety Code section 19957.5, the board of appeals shall be the County of Marin's Disability Access Appeals Board. The town council shall hear appeals of administrative provisions of this code.

(f) Section 301 is amended as follows:
The definition of "Building Code" is amended to read as follows:
BUILDING CODE is the California Building Code as adopted with amendments by the Town of Tiburon.

(g) A definition of "Building Official" is added to read as follows:
BUILDING OFFICIAL is the Building Official in the Community Development Department of the Town of Tiburon.

13-4.9 Green Building Standards Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements to enhance the public health and welfare and assure that residential and commercial development is consistent with the Town's desire to create a more sustainable community by incorporating green building measures into the design, construction, and maintenance of buildings and appurtenant development, that certain code known as the California Green Building Standards Code, 2013 edition (also known as the 2013 CALGreen Code) as published by the California Building Standards Commission in the California Code of Regulations, Title 24, Part 11, herein referred to as the "CALGreen Code," save and except such portions as are hereinafter amended or modified by Section 13-4.9.1 of this chapter.

13-4.9.1 Amendments made to the 2013 CALGreen Code.

The California Green Building Standards Code is amended as follows:

(a) For new residential construction only (not including additions), the Town Council hereby adopts as mandatory measures the following otherwise voluntary divisions of Appendix A4:

1. Division A4.1 (Planning & Design);
2. Division A4.3 (Water Efficiency & Conservation);
3. Division A4.4 (Material Conservation and Resource Efficiency);
4. Division A4.5 (Environmental Quality); and
5. Division A4.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.

(b) For new nonresidential construction only (not including additions), the Town Council hereby adopts as mandatory measures the following otherwise voluntary divisions of Appendix A5:

1. Division A5.1 (Planning & Design);
2. Division A5.3 (Water Efficiency & Conservation);
3. Division A5.4 (Material Conservation and Resource Efficiency);
4. Division A5.5 (Environmental Quality); and
5. Division A5.6 (Tier 1 & Tier 2), deleting all Tier 2 measures.

13-4.10 Energy Code.

The Energy Code of the Town shall be the California Energy Code, 2013 edition, and the appendices thereof, as published by the California Building Standards Commission, on file with the office of the Town Clerk, which Code and appendices are hereby referred to, adopted and made a part hereof as if fully set forth herein, except that the first paragraph of Section 20.3 is deleted.

13-4.11 Miscellaneous Portions of the Building Standards Code.

The Town Council hereby adopts, for the purpose of providing minimum requirements for the protection of life, limb, health, property, safety, and welfare of the general public, 2013 California Building Standards Code Part 8 (Historical Building Code), Part 10 (Existing Building Code), and Part 12 (Referenced Standards Code), said codes being on file with the office of the Town Clerk.

13-4.12 Administrative Code.

The Administrative Code of the Town shall be the California Administrative Code, California Code of Regulations, Title 24, Part 1, 2013 edition, as published by the International Code Council, on file with the office of the Town Clerk, which Code is hereby referred to, adopted and made a part hereof as if fully set forth herein.

Section 3. Findings Pursuant to Health & Safety Code.

A. California Health and Safety Code Sections 17958.5, 17958.7, and 18941.5 require that findings be made in order to change or modify building standards found in the California Building Standards Code based on local climatic, geologic, or topographic conditions. Therefore, the Town of Tiburon hereby finds that these changes or modifications to the Building Code as adopted herein are reasonably necessary because of the following local climatic, geological and topographical conditions:

I. Climatic conditions:

a. Most of the annual rainfall in Tiburon occurs during the winter, it receives no measurable precipitation between May and October. During this time, temperatures average between 60 and 85 degrees. These conditions eliminate most of the moisture in the natural vegetation and heavily wooded hillsides. The area also suffers periodic droughts that can extend the dry periods to other months of the year. These conditions can be further exacerbated by occasional off-shore hot, dry, Santa-Ana winds.

b. Most of the annual rainfall in Tiburon occurs during the winter, and some portions of Tiburon are subject to tidal influences, there are times that flooding conditions occur in low-lying areas.

c. Tiburon is situated within a densely populated major metropolitan area (the San Francisco Bay Area) that generates and releases into the atmosphere significant quantities of greenhouse gases, which have detrimental effects to the local climate as determined by the State of California.

II. Geologic conditions:

a. Tiburon lies near several earthquake faults, including the very active San Andreas Fault and the Hayward Fault, and there are significant potential hazards such as road closures, fires, collapsed buildings, and isolation of residents requiring assistance.

b. Much of the Downtown commercial area is located on bay alluvial soils, which are subject to liquefaction in the event of an earthquake.

III. Topographic conditions:

a. Much of Tiburon is located in steep, hilly areas; many of the residential areas are heavily landscaped; and many exist adjacent to hilly open space areas which are characterized by dry vegetation and have limited access. In addition, the steepness of grades located in the hills and dales results in narrow and winding roads, and limited water supply.

b. The major arterial route between Tiburon and U. S. Highway 101 is Tiburon Boulevard (State Highway 131). Should that highway become impassable, the only alternative roadway on and off the Peninsula is Paradise Drive, a narrow, winding road easily subject to closure in storms and having an extensive history of lane failures due to unstable soils and poor drainage. This would result in traffic congestion, severely limiting emergency access.

IV. Adoption by Reference of Tiburon Fire Protection District and Southern Marin Fire District Findings:

The Town Council further adopts by reference all applicable climatic, geological, and topographical conditions findings of the Tiburon Fire Protection District and the Southern Marin Fire Protection District in their most recently-enacted ordinances adopting and modifying the California Fire Code and other related codes.

B. The above modified building standards are listed below with the corresponding climatic, geological or topographical condition which necessitates the modification.

Building Code Section Number	Climatic, geological and topographical condition
501.2	Ia, IIa, IIIa, IV
903.2	Ia, IIa, IIIa,IIIb, IV
1013.1	Ib, IIa, IV
1505	Ia, IV

Section 4. Severability.

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 5. Effective Date.

A summary of this Ordinance shall by published and a certified copy of the full text of this Ordinance shall be posted in the office of Town Clerk at least five (5) days prior to the Council meeting at which it is adopted. This Ordinance shall be in full force and effect thirty (30) days after the date of adoption, and the summary of this Ordinance shall be published within fifteen (15) days after its adoption, together with the names of the Councilmembers voting for or against same, in a newspaper of general circulation in the Town of Tiburon, County of Marin, State of California.

This ordinance was read and introduced at a regular meeting of the Town Council of the Town of Tiburon, held on the 6th day of November, 2013, and was adopted at a regular meeting of the Town Council of the Town of Tiburon, held on the 20th day of November, 2013, by the following vote:

AYES: COUNCILMEMBERS: Fraser, Fredericks, O'Donnell, Slavitz

NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: Doyle

EMMETT O'DONNELL, MAYOR
TOWN OF TIBURON

ATTEST:

DIANE CRANE IACOPI, TOWN CLERK