

**BUILDING STANDARDS COMMISSION**

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



May 7, 2014

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

RE: Ordinance #779-13 thru #789-13

Dear Mr. Reese:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on May 1, 2014.

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

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

Sincerely,

  
Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



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

RECEIVED  
2014 MAY -1 P 11  
CITY OF UNION CITY  
BUILDING STANDARDS COMMISSION

April 29, 2014

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

Dear Friend,

On November 12, 2013 the City Council of the City of Union City adopted the 2013 California Codes with modifications.

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

- Ordinance #779-13, 1997 Uniform Administrative Code
- Ordinance #780-13, 2013 California Building Code
- Ordinance #781-13, 2013 California Plumbing Code
- Ordinance #782-13, 2013 California Mechanical Code
- Ordinance #783-13, 2013 California Electrical Code
- Ordinance #785-13, 1997 Uniform Housing Code
- Ordinance #786-13, 1997 Uniform Code for the Abatement of Dangerous Buildings
- Ordinance #787-13, 1997 Uniform Security Code
- Ordinance #788-13, 2013 California Residential Code
- Ordinance #789-13, 2013 California Green Building Standards Code

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

Sincerely,

Kevin Reese  
Chief Building Official  
City of Union City

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2014 MAY -1 P 11  
CITY OF UNION CITY  
BUILDING STANDARDS COMMISSION

## ORDINANCE NO. 779-13

**AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF UNION CITY, TO PROVIDE THE NECESSARY REQUIREMENTS FOR A SINGLE ADMINISTRATION DOCUMENT APPLICABLE TO AND COMPATIBLE WITH ALL ADOPTED TECHNICAL CODES THAT REGULATE CONSTRUCTION BY THE AMENDMENT OF CHAPTER 15.36 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 742-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

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

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

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

### GENERAL FINDINGS OF LOCAL CONDITIONS:

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

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

building and create a blow torch effect that exacerbates “natural” ventilation and cross ventilation efforts.

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

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

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

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

**SECTION 3.** Ordinance No. 742-10 is hereby repealed.

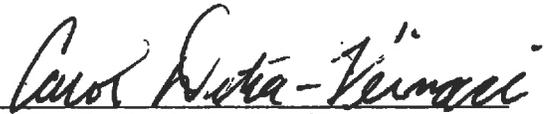
**SECTION 4.** The proposed Municipal Code Text Amendment has been deemed exempt from CEQA, subject to Sections 15061(b)(3). No further environmental review is required.

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

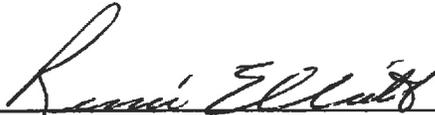
APPROVED:



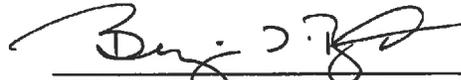
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:



RENEE ELLIOTT  
City Clerk



BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.36.010 Adoption by Reference.**

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

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

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

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

The infraction procedure provide for the following fines:

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

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

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

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

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

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

**WHATS HAPPENINGS TRI CITY VOICE**

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

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

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: ORD - ORDINANCE PUBLICATION

Ad Description:  
Ord No. 779-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filing stamp only

**RECEIVED**

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS#: 2558303

ORDINANCE NO. 779-13

AN ORDINANCE ESTABLISHING AN ADMINISTRATIVE CODE FOR THE CITY OF UNION CITY, TO PROVIDE THE NECESSARY REQUIREMENTS FOR A SINGLE ADMINISTRATION DOCUMENT APPLICABLE TO AND COMPATIBLE WITH ALL ADOPTED TECHNICAL CODES THAT REGULATE CONSTRUCTION BY THE AMENDMENT OF CHAPTER 15.36 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 742-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/webink8/0/fo/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558303#



## ORDINANCE NO. 780-13

### **AN ORDINANCE ESTABLISHING A BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, AND PROVIDING PENALTIES FOR VIOLATIONS BY THE AMENDMENT OF CHAPTER 15.40 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 743-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

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

**SECTION 1.** The California Building Code, 2013 Edition, (Based on the 2012 International Building Code) and Appendix I, are adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file with the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Building Code (IBC) respectively where applicable.

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

#### GENERAL FINDINGS OF LOCAL CONDITIONS:

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

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

create a blowtorch effect that exacerbates "natural" ventilation

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

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

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

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

**SECTION 3.** Ordinance No. 743-10 is hereby repealed.

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

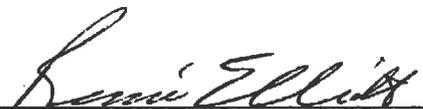
AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

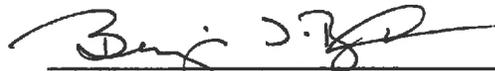
APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.40.010 Adoption by Reference.**

A. The 2013 California Building Code and State of California Amendments, volume 1 and 2 (Based on the 2012 International Code) and Appendix I, published by the International Code Council, and all revisions and amendments heretofore and here after adopted by the International Code Council, are hereby adopted by reference as the Building Code and Building Standards of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of buildings within the City of Union City.

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

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

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

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

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

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

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

**15.40.040 Violation an Infraction (CBC Section 1.8.9.3 is added to Section 1.8.9).** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

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

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

**15.40.050 Violation a Nuisance (CBC Section 1.8.9.4 is added to Section 1.8.9).** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner hereinabove provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

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

**15.40.070 Fees (CBC Chapter 1, Section 1.8.4.2 is amended and replaced).** To read as follows: Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

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

**15.40.090 Structure Moving Permits (CBC Section 3410.2 is added to Section 3410).** To read as follows: In addition to other permits required by this Code, no person, firm or corporation shall move or cause to be moved any building or structure from any location, lot, piece, or parcel of land located within or without the corporate limits of the City of Union City to any other lot, piece or parcel of land located within the incorporated territory of the City of Union City without first having obtained a separate structure moving permit for each building or structure to be moved, pursuant to Chapter 15.70 of the Union City Municipal Code.

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

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

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

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

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

More than 50 feet:	At least 6" in height with a 1" stroke.
More than 100 feet:	At least 10" in height with a 13/4" stroke.
More than 150 feet:	At least 16" in height with a 2" stroke.

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

**15.40.160 Automatic Fire Extinguishing Systems (CBC Section 901.1.1 is added to Section 901.1).** Where Required. An automatic fire extinguishing system shall be installed in the occupancies and locations as set forth in the Uniform Fire Code, as amended by the City of Union City.

#### **15.040.200 Structural Amendments.**

**(CBC Section 1705.3 exception 1 is amended)** To read as follows: Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength,  $f_c$ , no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

**(CBC Section 1905.1.8 ACI 318, Section 22.10 is amended and replaced)** To read as follows: 22.10 - Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

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

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

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

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

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

**WHATS HAPPENINGS TRI CITY VOICE**

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

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

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No. 780-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

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**RECEIVED**

**DEC 09 2013**

**CITY OF UNION CITY  
CITY CLERKS OFFICE**

CNS #: 2558307

ORDINANCE NO. 780-13

AN ORDINANCE ESTABLISHING A BUILDING CODE AND UNIFORM BUILDING CODE STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES, AND PROVIDING PENALTIES FOR VIOLATIONS BY THE AMENDMENT OF CHAPTER 15.40 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 743-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/weblink8/0/0/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscas, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558307#



## ORDINANCE NO. 781-13

### AN ORDINANCE ESTABLISHING A PLUMBING CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF PLUMBING AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.48 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 744-10 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH

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

**SECTION 1.** The California Plumbing Code, 2013 Edition, (Based on 2012 Uniform Plumbing Code) is adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made part hereof by this reference, a copy of which is on file with the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Plumbing Code (CPC) respectively where applicable.

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

#### GENERAL FINDINGS OF LOCAL CONDITIONS:

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

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

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

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

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

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

**SECTION 3.** Ordinance 744-10 is hereby repealed.

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.48.010 Adoption by Reference.**

A. The California Plumbing Code 2013 Edition, (Based on 2012 Uniform Plumbing Code), and Appendices A, B, and G, thereto, published by the International Association of Plumbing and Mechanical Officials, and all revisions and amendments heretofore and hereafter adopted by the International Association of Plumbing and Mechanical Officials, are hereby adopted by reference as the Plumbing Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of plumbing systems within the City of Union City.

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

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

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

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

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

- E. "Code Enforcement Division" shall mean the Building Inspection Division.
- F. "Mayor" shall mean the Mayor of the City of Union City.

**15.48.040 Violation an Infraction. (Section 1.8.9 is amended by the addition of Section 1.8.9.3)** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provide for the following fines:

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

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

**15.48.050 Violation a Nuisance. (Section 1.8.9 is amended by the addition of Section 1.8.9.4)** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

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

that anyone or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

**15.48.070 Fees (Section 1.8.4.2 is amended)** To read as follows: Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

**15.48.100 Board of Appeals (Section 1.8.8.1 is amended)** To read as follows: The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

**15.48.80 Water Piping In or Under Concrete Slab Floors (Section 609.3 is amended).** To read as follows: Water piping shall not be installed in or under a concrete floor slab within a building without prior approval of the Administrative Authority. When approved, such piping shall be installed in accordance with the Sections 609.3(1) and 609.3(2).

**15.48.110 Underground Water Pipe Protection (Section 609.3 is amended by the addition of section 603.1)** To read as follows: All metallic water piping installed underground shall be protected by a plastic sleeve.

WHATS HAPPENINGS TRI CITY VOICE

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

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

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No. 781-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filing stamp only

RECEIVED

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS #: 2558313

ORDINANCE NO. 781-13

AN ORDINANCE ESTABLISHING A PLUMBING CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF PLUMBING AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.48 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 744-10 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/webink8/01ol/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gascoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558313#



## ORDINANCE NO. 782-13

### **AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF MECHANICAL EQUIPMENT AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.52 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 745-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

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

**SECTION 1.** The California Mechanical Code, 2013 Edition (Based on the 2012 Uniform Mechanical Code) is adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file with the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the 2013 California Mechanical Code (CMC) respectively where applicable.

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

#### GENERAL FINDINGS OF LOCAL CONDITIONS:

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

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

ventilation efforts.

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

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

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

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

**SECTION 3.** Ordinance No. 745-10 is hereby repealed.

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:



Carol Dutra-Vernaci  
Mayor

ATTEST:

APPROVED AS TO FORM:



RENEE ELLIOTT  
City Clerk



BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.52.010 Adoption by Reference.**

A. The California Mechanical Code 2013 Edition, with State of California amendments, (Based on 2012 Uniform Mechanical Code), published by the International Association of Plumbing and Mechanical Officials, and all revisions and amendments heretofore and hereafter adopted by the International Association of Plumbing and Mechanical Officials, are hereby adopted by reference as the Mechanical Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of mechanical systems within the City of Union City.

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

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

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

**15.52.040 Violation an Infraction. (Section 1.8.9 is amended by the addition of Section 1.8.9.3)** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

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

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

**15.52.050 Violation a Nuisance. (Section 1.8.9 is amended by the addition of Section 1.8.9.4)** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private, wherein said nuisance exists and summarily abate same.

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

**15.52.070 Fees (Section 1.8.4.2 is amended)** To read as follows: Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

**15.52.080 Board of Appeals (Section 1.8.8.1 is amended)** To read as follows: The Board of Appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

**WHATS HAPPENINGS TRI CITY VOICE**

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

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

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No. 782-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filing stamp only

**RECEIVED**

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS#: 2558322

ORDINANCE NO. 782-13

AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF MECHANICAL EQUIPMENT AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 16.82 OF THE UNION CITY MUNICIPAL CODE. THIS ORDINANCE REPEALS ORDINANCE NO. 745-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/webink8/0/foi/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558322#



## ORDINANCE NO. 783-13

### ORDINANCE ESTABLISHING AN ELECTRICAL CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF ELECTRICAL SYSTEMS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.44 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 746-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

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

**SECTION 1.** The California Electrical Code, 2013 Edition (Based on 2011 National Electrical Code), is, adopted herein by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file with the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Electrical Code (CEC) respectively where applicable.

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

#### GENERAL FINDINGS OF LOCAL CONDITIONS:

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

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

ventilation efforts.

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

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

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

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

**SECTION 3.** Ordinance No. 746-10 is hereby repealed.

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

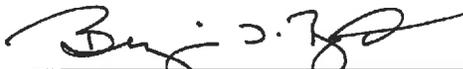
APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.44.010 Adoption by Reference.**

A. The California Electrical Code 2013 Edition, (Based on 2011 National Electrical Code), Appendices thereto, including the General Code Provisions Article 89, for the National Electrical Code, published by the National Fire Protection Association, and all revisions and amendments heretofore and hereafter adopted by the National Fire Protection Association, are hereby adopted by reference as the Electrical Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of electrical building systems within the City of Union City.

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

C. The rules, regulations and provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

- E. "Code Enforcement Division" shall mean the Building Inspection Division.
- F. "Mayor" shall mean the Mayor of the City of Union City.

**15.44.040 Violation an Infraction. (CEC Section 89.108.9 is amended by the addition of Section 89.108.9.3)** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

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

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

**15.44.050 Violation a Nuisance. (CEC Section 89.108.9 is amended by the addition of Section 89.108.9.4)** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections - of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private, wherein said nuisance exists and summarily abate same.

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

more sections, subsections, sentences, clauses, and phrases be declared unconditional.

**15.44.070 Fees. (CEC Section 89.111.4 is amended)** To read as follows: Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

**15.44.080 Board of Appeals. (CEC Section 89.111.2.5 is amended)** To read as follows: The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

**WHATS HAPPENINGS TRI CITY VOICE**

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

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

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No 783-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filing stamp only

**RECEIVED**

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS#: 2558323

ORDINANCE NO. 783-13

ORDINANCE ESTABLISHING AN ELECTRICAL CODE FOR THE CITY OF UNION CITY, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF ELECTRICAL SYSTEMS AND PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES BY THE AMENDMENT OF CHAPTER 15.44 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 746-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/webink8/0/ol/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348. If you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558323#



## ORDINANCE NO. 785-13

**AN ORDINANCE ESTABLISHING A HOUSING CODE FOR THE CITY OF UNION CITY ESTABLISHING MINIMUM SPACE AND OCCUPANCY STANDARDS, STRUCTURAL REQUIREMENTS, MECHANICAL REQUIREMENTS, EXITS, FIRE PROTECTION AND OTHER REQUIREMENTS FOR RESIDENTIAL BUILDINGS; REGULATING THE USE AND OCCUPANCY OF RESIDENTIAL BUILDINGS; PROVIDING FOR THE REPAIR, REHABILITATION, OR DEMOLITION OF SUBSTANDARD RESIDENTIAL BUILDINGS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID HOUSING CODE BY THE AMENDMENT OF CHAPTER 15.60 OF THE UNION CITY MUNICIPAL CODE; THIS ORDINANCE REPEALS ORDINANCE NO. 748-10 AS AMENDED, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

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

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

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

GENERAL FINDINGS OF LOCAL CONDITIONS:

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

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

roofing and conflagrations. In building fires, winds can literally force fires back into the building and create a blow torch effect that exacerbates "natural" ventilation and cross ventilation efforts.

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

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

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

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

**SECTION 3.** Ordinance No. 748-10 is hereby repealed.

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

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

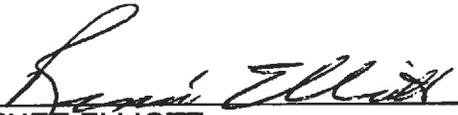
AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.60.010 Adoption by Reference.**

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

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

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

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

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

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

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

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

**15.60.040 Violation an Infraction. (Section 204 is amended by the addition of section 204.1)** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

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

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

**15.60.050 Violation a Nuisance. (Section 204 is amended by the addition of Section 204.2)** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private, wherein said nuisance exists and summarily abate same.

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

that anyone or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

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

**15.60.080 Board of Appeals (UHC Section 203.1 is amended)** To read as follows: The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

**WHATS HAPPENINGS TRI CITY VOICE**

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

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

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

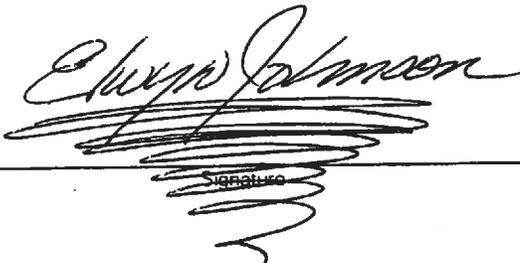
Ad Description:  
Ord No 785-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
Signature

This space for filing stamp only

**RECEIVED**

**DEC 09 2013**

**CITY OF UNION CITY  
CITY CLERKS OFFICE**

CNS#: 2558327

ORDINANCE NO. 785-13

AN ORDINANCE ESTABLISHING A HOUSING CODE FOR THE CITY OF UNION CITY ESTABLISHING MINIMUM SPACE AND OCCUPANCY STANDARDS, STRUCTURAL REQUIREMENTS, MECHANICAL REQUIREMENTS, EXITS, FIRE PROTECTION AND OTHER REQUIREMENTS FOR RESIDENTIAL BUILDINGS; REGULATING THE USE AND OCCUPANCY OF RESIDENTIAL BUILDINGS; PROVIDING FOR THE REPAIR, REHABILITATION, OR DEMOLITION OF SUBSTANDARD RESIDENTIAL BUILDINGS; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID HOUSING CODE BY THE AMENDMENT OF CHAPTER 15.60 OF THE UNION CITY MUNICIPAL CODE; THIS ORDINANCE REPEALS ORDINANCE NO. 748-10 AS AMENDED, AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/weblink8/0/foi/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558327#



\* A 0 0 0 0 0 3 2 6 3 1 7 4 \*

**ORDINANCE NO. 786-13**

**AN ORDINANCE ESTABLISHING A DANGEROUS BUILDING ABATEMENT CODE FOR THE CITY OF UNION CITY, ESTABLISHING REQUIREMENTS FOR THE REPAIR OR ABATEMENT OF BUILDINGS DETERMINED TO BE SUBSTANDARD AND A DANGER TO THE HEALTH AND SAFETY OF RESIDENTS OF UNION CITY, PRESCRIBING PENALTIES AND THE PROCEDURE FOR THE REPAIR OR ABATEMENT OF SAME, BY THE AMENDMENT OF CHAPTER 15.56 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 749-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

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

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

**GENERAL FINDINGS OF LOCAL CONDITIONS:**

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

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

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

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

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

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

**SECTION 3.** Ordinance No. 749-10 is hereby repealed.

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscas, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

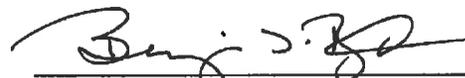
APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.56.010 Adoption by Reference.**

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

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

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

**15.56.040 Violation an Infraction. (Section 203 is amended by the addition of Section 203.1)** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

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

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

**15.56.050 Violation a Nuisance. (Section 203 is amended by the addition of Section 203.2)** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

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

**15.56.070 Board of Appeals (Section 205.1 is amended)** To read as follows: The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

**WHATS HAPPENINGS TRI CITY VOICE**

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

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

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No 786-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filing stamp only

**RECEIVED**

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS#: 2558333

ORDINANCE NO. 786-13

AN ORDINANCE ESTABLISHING A DANGEROUS BUILDING ABATEMENT CODE FOR THE CITY OF UNION CITY, ESTABLISHING REQUIREMENTS FOR THE REPAIR OR ABATEMENT OF BUILDINGS DETERMINED TO BE SUBSTANDARD AND A DANGER TO THE HEALTH AND SAFETY OF RESIDENTS OF UNION CITY, PRESCRIBING PENALTIES AND THE PROCEDURE FOR THE REPAIR OR ABATEMENT OF SAME, BY THE AMENDMENT OF CHAPTER 15.56 OF THE UNION CITY MUNICIPAL CODE, THIS ORDINANCE REPEALS ORDINANCE NO. 749-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/webink8/0/10/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558333#



## ORDINANCE NO. 787-13

**AN ORDINANCE ESTABLISHING A BUILDING SECURITY CODE FOR THE CITY OF UNION CITY, REGULATING THE INSTALLATION, MAINTENANCE, ISSUANCE OF PERMITS, THE COLLECTION OF FEES, PROVIDING PENALTIES FOR VIOLATING AND ESTABLISHING MINIMUM STANDARDS FOR THE RESISTANCE OF UNLAWFUL ENTRY TO RESIDENTIAL BUILDINGS BY THE AMENDMENT OF CHAPTER 15.64 OF THE UNION CITY MUNICIPAL CODE; THIS ORDINANCE REPEALS ORDINANCE NO. 750-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

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

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

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

### GENERAL FINDINGS OF LOCAL CONDITIONS:

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

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

building and create a blow torch effect that exacerbates “natural” ventilation and cross ventilation efforts.

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

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

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

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

**SECTION 3.** Ordinance No. 750-10 is hereby repealed.

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

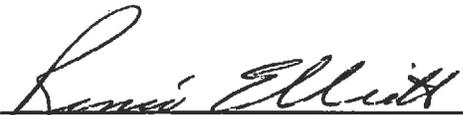
AYES: Councilmembers Ellis, Gacoscas, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.64.010 Adoption by Reference.**

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

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

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

**15.64.040 Violation an Infraction. (Section 1012 is amended by the addition of Section 1012.1)** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

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

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

**15.64.050 Violation of Nuisance. (Section 1012 is amended by the addition of Section 1012.2)** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner herein above provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said' premises, public or private wherein said nuisance exists and summarily abate same.

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

**15.64.070 Fees. (Section 1012 is amended by the addition of Section 1012.3)** To read as follows: Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

**15.64.080 Security for Commercial and Industrial Buildings (Section 1012 is amended by the addition of Section 1012.4)** To read as follows: Security requirements for commercial and industrial buildings are evaluated on an individual basis and conditioned at the time of site review through the Community Development Department. Input for such requirements are jointly submitted by the Police and Code Enforcement Department.

**15.64.090 Entry Vision. (Section 1012 is amended by the addition of Section 1012.5)** To read as follows: In addition to other requirements, no window or clear vision panel may be located within thirty-six inches (36") of an entry door locking device unless the glazing material is rated impact (burglary) resistant.

**15.64.100 Deadbolt Throw. (Section 1012 is amended by the addition of Section 1012.6)** To read as follows: Exterior Key-operated dead bolts shall have a minimum throw of one inch (1 ").

**15.64.110 Sliding Door Locks (Section 1012 is amended by the addition of Section 1012.7)** To read as follows: All sliding door locks shall be equipped with secondary locks and anti-lifting devices in addition to the primary lock.

**15.64.120 Window Locks (Section 1012 is amended by the addition of Section 1012.8)** To read as follows: All windows shall be equipped with a secondary lock and anti-lift devices in addition to the primary locking device.

**15.64.130 Board of Appeals (Section 1012 is amended by the addition of Section 1012.9)** To read as follows: The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

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

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

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No 787-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filling stamp only

RECEIVED

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS #: 2558334

ORDINANCE NO. 787-13

AN ORDINANCE ESTABLISHING A BUILDING SECURITY CODE FOR THE CITY OF UNION CITY, REGULATING THE INSTALLATION, MAINTENANCE, ISSUANCE OF PERMITS, THE COLLECTION OF FEES, PROVIDING PENALTIES FOR VIOLATING AND ESTABLISHING MINIMUM STANDARDS FOR THE RESISTANCE OF UNLAWFUL ENTRY TO RESIDENTIAL BUILDINGS BY THE AMENDMENT OF CHAPTER 15.64 OF THE UNION CITY MUNICIPAL CODE; THIS ORDINANCE REPEALS ORDINANCE NO. 750-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://12.unioncity.org/webink8/0/ol/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558334#



## ORDINANCE NO. 788-13

**AN ORDINANCE ESTABLISHING A RESIDENTIAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF RESIDENTIAL STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE ADDITION OF CHAPTER 15.80 OF THE UNION CITY MUNICIPAL CODE; THIS ORDINANCE REPEALS ORDINANCE NO. 751-10 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH**

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

**SECTION 1.** The 2013 California Residential Code and Appendix H, J, and K, thereto are adopted herein by reference and hereby amended by the additions, deletions, and amendments there to as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file with the City Clerk. The reference numbers are taken from said Union City Municipal Code and the 2013 California Residential Code (CRC) respectively where applicable.

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

### GENERAL FINDINGS OF LOCAL CONDITIONS:

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

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

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

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

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

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

**SECTION 3.** Ordinance 751-10 is hereby repealed.

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

**SECTION 5.** Pursuant to the provisions of Government Code Section 36933, a summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting. This ordinance shall become effective thirty days (30) from and after its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

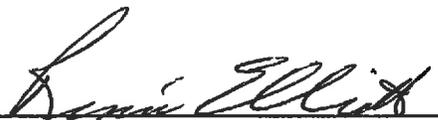
AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

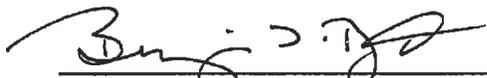
APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.80.010 Adoption by Reference.**

A. The 2013 California Residential Code and State of California Amendments, (Based on the 2012 International Residential Code) and Appendix H, J, and K, thereto, published by the International Code Council, and all revisions and amendments heretofore and here after adopted by the International Code Council, are hereby adopted by reference as the Residential Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of residential buildings within the City of Union City.

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

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

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

**15.80.040 Violation an Infraction. (Section 1.8.9 is amended by the addition of Section 1.8.9.3)** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

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

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

**15.80.050 Violation a Nuisance (Section 1.8.9 is amended by the addition of Section 1.8.9.4)** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner hereinabove provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

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

**15.80.070 Fees (Section 1.8.4.2 is amended)** To read as follows: Fees shall be

assessed as set forth in the fee schedule adopted by the City of Union City.

**15.80.080 Board of Appeals (Section 1.8.8.1 is amended)** To read as follows: The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

**15.80.090 Structure Moving Permits (Section 1.8.4 is amended by the addition of Section 1.8.4.5).** To read as follows: In addition to other permits required by this Code, no person, firm or corporation shall move or cause to be moved any building or structure from any location, lot, piece, or parcel of land located within or without the corporate limits of the City of Union City to any other lot, piece or parcel of land located within the incorporated territory of the City of Union City without first having obtained a separate structure moving permit for each building or structure to be moved, pursuant to Chapter 15.70 of the Union City Municipal Code.

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

**15.80.200 Prohibit the use of gypsum board and limit the use of Portland cement plaster as prescriptive wall bracing materials (Section R602.10.4 and Table R602.10.3(3) is amended)** Add a new footnote "e" to the end of CRC Table R602.10.3(3), to read as follows:

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

Add the "e" footnote notation in the title of Table R602.10.3(3) to read as follows:

TABLE R602.10.3(3)<sup>e</sup>

Add a new subsection R602.10.4.4, to read as follows:

**R602.10.4.4 Limits on methods GB and PCP.** In Seismic Design Categories D0, D1, and D2, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D0, D1, and D2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

**15.80.205 Prohibit plain concrete continuous footings without longitudinal reinforcing (Section R403.1.3 is amended)** To read as follows: Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars, one top and one bottom and not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

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

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

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

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

**WHATS HAPPENINGS TRI CITY VOICE**

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

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

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No 788-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filing stamp only

**RECEIVED**

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS #: 2558335

ORDINANCE NO. 788-13

**AN ORDINANCE ESTABLISHING A RESIDENTIAL CODE FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF RESIDENTIAL STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE ADDITION OF CHAPTER 15.80 OF THE UNION CITY MUNICIPAL CODE; THIS ORDINANCE REPEALS ORDINANCE NO. 781-10 AND ALL OTHER ORDINANCES OR PART OF ORDINANCES IN CONFLICT HEREWITH**

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/webink8/0101/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558335#



**ORDINANCE NO. 789-13**

**AN ORDINANCE ESTABLISHING GREEN BUILDING STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE AMENDMENT OF CHAPTER 15.84 OF THE UNION CITY MUNICIPAL CODE; THIS ORDINANCE REPEALS ORDINANCE NO. 752-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

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

**SECTION 1.** The California Green Building Standards Code, 2013 Edition, is adopted by reference and hereby amended by the additions, deletions, and amendments thereto as set forth in Exhibit A, attached hereto and made a part hereof by this reference, a copy of which is on file with the City Clerk. The reference numbers herein are taken from said Union City Municipal Code and the California Green Building Standards Code respectively where applicable.

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

**GENERAL FINDINGS OF LOCAL CONDITIONS:**

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

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

create a blowtorch effect that exacerbates "natural" ventilation

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

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

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

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

**SECTION 3.** Ordinance No. 752-10 is hereby repealed.

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

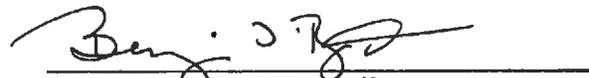
APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

## EXHIBIT A

### **15.84.010 Adoption by Reference.**

A. The 2013 California Green Building Standards Code and State of California Amendments, published by the California Building Standards Commission, and all revisions and amendments heretofore and here after adopted by the California Building Standards Commission, are hereby adopted by reference as the Green Building Standards Code of the City of Union City, regulating the erection, installation, alteration, repair, relocation replacement, addition to, use or maintenance of buildings within the City of Union City.

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

C. The rules, regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

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

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

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

**15.84.040 Violation an Infraction. (CGBCA Section 101 is amended by the addition of Section 101.12)** To read as follows: A citation may be issued in accordance with Union City Municipal Code 1.16.030. A person charged with an infraction is guilty of a separate offense for each and every day during which any violation of any provision of the ordinance of Union City is continued and can be cited each day as a separate offense.

The infraction procedure provides for the following fines:

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

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

**15.84.050 Violation a Nuisance. (CGBCA Section 101 is amended by the addition Section 101.13)** To read as follows: It is hereby found and declared that the existence of a violation of any of the foregoing sections of this Ordinance within the City of Union City is a public nuisance and dangerous to the public health and safety of persons within said City, and in addition to any other remedies provided by law, the Union City Police Department or appropriate legal officer is authorized and directed to investigate any such nuisance, to notify in the form and manner hereinabove provided any person or persons maintaining such nuisance, to abate same in conformance to the provisions of this Ordinance, and upon failure to comply, to enter upon said premises, public or private wherein said nuisance exists and summarily abate same.

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

**15.84.070 Fees. (CGBCA Section 101 is amended by the addition of section 101.14)** To read as follows: Fees shall be assessed as set forth in the fee schedule adopted by the City of Union City.

**15.84.080 Board of Appeals. (CGBCA Section 101 is amended by the addition of Section 101.15)** To read as follows: The Board of appeals shall be comprised of one or more hearing officers appointed by the City Council. The decision of the appointed hearing officer(s) is final as to any related Appeals Board and City Council actions.

WHATS HAPPENINGS TRI CITY VOICE

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

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

PROOF OF PUBLICATION

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No 789-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filing stamp only

RECEIVED

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS #: 2558339

ORDINANCE NO. 789-13

AN ORDINANCE ESTABLISHING GREEN BUILDING STANDARDS FOR THE CITY OF UNION CITY REGULATING THE CONSTRUCTION, ALTERATION, REPAIR AND MAINTENANCE OF STRUCTURES AND PROVIDING FOR THE ISSUANCE OF PERMITS, COLLECTION OF FEES AND PROVIDING PENALTIES FOR VIOLATIONS BY THE AMENDMENT OF CHAPTER 15.84 OF THE UNION CITY MUNICIPAL CODE; THIS ORDINANCE REPEALS ORDINANCE NO. 782-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/webink8/0/fo/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558339#



\* A 0 0 0 0 0 3 2 6 3 1 7 8 \*

**BUILDING STANDARDS COMMISSION**

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



June 3, 2014

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

RE: Ordinance #784-13

Dear Mr. Reese:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on June 2, 2014.

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

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

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

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

Sincerely,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



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

RECEIVED

2014 JUN -2 A 11: 26

CALIFORNIA BUILDING  
STANDARDS COMMISSION

May 28, 2014

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

Dear BSC,

On November 12, 2013 the City Council of the City of Union City adopted the 2013 California Fire Code with modifications.

Per Section 13869.7(c) of the Health and Safety Code, I am submitting the ordinance including findings of fact and need for the change or modification. All changes that were adopted are enclosed.

- Ordinance #784-13, 2013 California Fire Code

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

Sincerely,

Kevin Reese  
Chief Building Official  
City of Union City

**ORDINANCE NO. 784-13**

**AN ORDINANCE OF THE CITY OF UNION CITY, CALIFORNIA, AMENDING THE 2013 CALIFORNIA FIRE CODE AND ADOPTING THE INTERNATIONAL FIRE CODE, 2012 EDITIONS, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFORE, DEFINING THEIR POWERS AND DUTIES, AND REPEALING ORDINANCE NUMBER 747-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH**

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

**SECTION 1.** The 2013 California Fire Code and State of California Amendments, Volume 1 (Based on the 2012 International Code) including all sections of Chapter 1, Sections 309, 311.2, 503 and Appendices B, C, D, there to published by the International Code Council (ICC) Country Club Hill, IL., and all revisions and amendments theretofore and hereafter adopted by the International Code Council, as codified in Title 24 of the California Code of Regulations, are adopted by reference and made part of this Code as if fully set forth except as hereinafter modified as the Fire Code of the City of Union City pursuant to the provisions of Government Code Section 50020. Et. Seq., State of California.

One copy of the Code and Appendices thereto has been filed for use and examination by the public in the office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California.

The rules regulations and provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force on January 1, 2014.

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

**GENERAL FINDINGS OF LOCAL CONDITIONS:**

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

corrode underground metallic pipes.

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

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

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

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

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

**SECTION 3.** Ordinance No. 747-10 is hereby repealed.

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

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

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

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

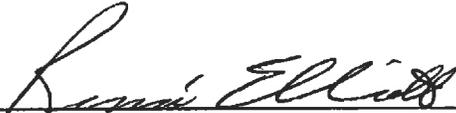
AYES: Councilmembers Ellis, Gacoscas, and Navarro, Vice Mayor  
Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

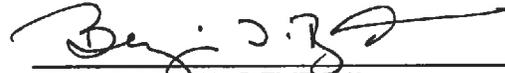
APPROVED:

  
\_\_\_\_\_  
CAROL DUTRA-VERNACI  
Mayor

ATTEST:

APPROVED AS TO FORM:

  
\_\_\_\_\_  
RENEE ELLIOTT  
City Clerk

  
\_\_\_\_\_  
BENJAMIN T. REYES II  
City Attorney

Dated: 11-25-13

RECEIVED  
2014 JAN -2 A 11:27  
CALIFORNIA BUILDING  
STANDARDS COMMISSION

## EXHIBIT A

### **Sec. 15.20.030. TITLE.**

Code means the California Fire Code, as defined by law and amended by the City of Union City. This code, as amended, shall be known and may be cited as the "Union City Fire Code" or "UCFC" and will be referred to in this Title as "this code."

### **Sec. 15.20.050. Section 109.4, Violation Penalties.**

Section 109.4 is amended to read as follows:

#### **109.4 Violations Penalties.**

- a. Persons who shall 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 or the fire code official or of a permit or certificate used under provisions of this code, shall be guilty of a misdemeanor. Notwithstanding the preceding sentence, a violation of this code may, in the discretion of the fire code official, be charged and prosecuted as an infraction.
- b. Any person convicted of a misdemeanor under this code shall be punished by a fine of not more than one thousand dollars, or by imprisonment, not to exceed six months, or by both such fine and imprisonment.
- c. Any person convicted of an infraction under this code shall be subject to payment of a fine pursuant to the terms set forth in State of California Government Code Section 36900, as that section or its successor reads at the time of the offense. After a third conviction for violation of the same section of this code, subsequent violations of the same section may be charged as a misdemeanor rather than an infraction.
- d. Each such person is guilty of a separate offense for each and every day during any portion of which any violation of this code is committed, continued or permitted by any such person, and shall be punished accordingly.
- e. Notwithstanding sections a-d to the contrary, any violation of this code may at the discretion of the fire code official be treated as an administrative violation and enforced pursuant to Chapter 1.18 of the Union City Municipal Code.

Approval of a request for the use of an alternative material, assembly or materials, equipment, method of construction, method of installation of equipment, or means of protection shall be limited to the particular case covered

by the request and shall not be construed as establishing any precedent for any future request.

**Sec. 15.20.060. FEES.**

Section 113.2, is amended to read as follows:

**113.2 Schedule of Permit Fees.** The City Council may, by resolution, establish a schedule of nondiscriminatory fees to be charged and collected for plans submitted under Section 104.2, solely to defray the City's reasonable costs for plan review of fire protection equipment and systems, requested or required inspection service and issuance of permits. Permits issued in accordance with Section 105.6 shall be valid for at least one year or until reissued.

**Sec. 15.20.070. Section 111, Stop work order-Amended**

**111.1 Stop Work Order.** Whenever any installation of fire protection devices covered by this Code is concealed without first having been inspected, the Fire Chief may require, by written notice that such work shall be exposed for inspection. Whenever any construction or installation work is being performed in violation of the plans and specifications as approved, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violations, and no work shall be done on that portion of the project until the violation has been corrected.

Where work for which a permit is required by this chapter is started or proceeds prior to obtaining such permit, a penalty fee, in addition to the permit fee, shall be assessed as follows:

<b>Violation within Two-Year Period</b>	<b>Penalty Fee</b>
First	Equal to the permit fee
Second	Double the permit fee
Third	Ten times the permit fee

The payment of such penalty fee shall not relieve any person from fully complying with all of the provisions of this chapter.

**Sec. 15.20.080. Automatic sprinkler systems Sections 903.2, 903.2.3, 903.2.4, 903.2.6 903.2.7, 903.2.8, 903.2.9, and 903.2.13 of Chapter 9 - Amended.**

**Section 903.2, 903.2.1, 903.2.3, 903.2.4, 903.2.6, 903.2.7, 903.2.8 and 903.2.9 are amended to read as follows:**

**903.2 Where Required.** Approved automatic sprinkler systems in new buildings and structures shall be provided in locations described in Sections 903.2.1 through 903.2.13.

**903.2.1 Group A Occupancies.** An automatic sprinkler system shall be installed in all Group A occupancies. (Sections 903.2.1.1, 903.2.1.2, 903.2.1.3, 903.2.1.4, 903.2.1.5, 903.2.2 are deleted)

**903.2.3 Group E Occupancies.** An automatic sprinkler system shall be installed in all Group E Occupancies.

**903.2.4 Group F Occupancies.** An automatic sprinkler system shall be installed in Group F occupancies. (Section 903.2.4.1 is deleted).

**903.2.6 Group I Occupancies.** An automatic sprinkler system shall be installed in all Group I occupancies. (903.2.6 Exception 3 is deleted).

**903.2.7 Group M Occupancies.** An automatic sprinkler system shall be installed in all Group M occupancies. (Section 903.2.7.1 is deleted).

**903.2.8 Group R Occupancies.** An automatic sprinkler system shall be installed in all Group R occupancies including modular units. (Section 903.2.8.1 is deleted).

**903.2.9 Group S Occupancies.** An automatic sprinkler system shall be installed in all Group S occupancies. (Sections 903.2.9.1, 903.2.9.2 and 903.2.10 are deleted)

**903.2.13 Group B Occupancies.** An automatic sprinkler system shall be installed in all Group B occupancies.

**Sec. 15.20.90. Section 903.2.18.1, Group U private garages and carports accessory to Group R-3 Occupancies - Added.**  
Section 903.2.18.1 is added to read as follows:

903.2.18.1 Fire sprinklers shall be installed in all attached U private garages and carports accessory to Group R-3 Occupancies only when attached to the structure.

**Sec. 15.20.100. Section 903.6, Where required in existing buildings and structures - Amended.**  
Section 903.6 is amended to read as follows:

All occupancies where modifications are being requested regardless of the reason shall require an automatic fire extinguishing system to be installed in the entire structure. When one of the following conditions exists:

1. When the estimated value of modifications is more than 50 percent (50%) of the value of the structure.

2. When more than 50% of the exterior walls and the roof are being removed or replaced.
3. When the existing fire area is increased by more than 50%.
4. When an addition to single family home causes the structure to exceed 2,500 square feet in fire area.
5. When the Fire Marshal in his/her reasonable interpretation determines that fire sprinklers are required

**Sec. 15.20.110. Section 5003.13, Additional requirements for gases with an NFPA 704 health hazard ranking of 3 or 4 – Added.**  
Section 5003.13 is added to read as follows:

Section 5003.13 – Additional regulations for gases with an NFPA 704 health hazard ranking of 3 or 4. Storage, use, and handling of compressed gases with a health hazard ranking of 3 or 4 in accordance with NFPA 704 shall also be in accordance with the following:

1. When located inside, compressed gases with a NFPA 704 health hazard ranking of 3 or 4 shall be permitted only when located within approved gas cabinets, exhausted enclosures, or gas rooms.
2. When located outside, and when approved by the Fire chief, compressed gases with a NFPA 704 health hazard ranking of 3 or 4 shall be kept under a canopy.
3. Storage, use, and handling of compressed gases with a health hazard ranking of 3 or 4 shall be in accordance with the requirements for toxic gases set forth in 6004, even where quantities do not exceed the maximum allowable quantities.
4. Where use or dispensing occurs, a seismic monitoring device shall be provided that automatically shuts off the supply of gas upon seismic activity. Activation shall occur, at a minimum, for a seismic event with a peak acceleration of 0.3 g for a period of 0.4 second.

**Exceptions:**

1. Aggregate quantities per control area not exceeding maximum allowable quantities or 20 cubic feet per material, whichever is less.
2. Liquid nitrogen and liquid argon.

**15.20.120 Section 5003.14 , Inert Gas Purge System. – Added**  
Section 5003.14 is added to read as follows:

**Section 5003.14 Inert Gas Purge System.** Gas distribution systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems shall be located in an approved gas cabinet unless the system operates by vacuum demand or a check valve is supplied for the piping within the gas cabinet.

**Exception:** Aggregate quantities per control area not exceeding maximum allowable quantities or 20 cubic feet per material, whichever is less.

**15.20.130 Section 5004.14, Existing storage facilities – Added**  
Section 5004.14 is added to read as follows:

**Section 5004.14 Existing Storage Facilities.** The continued use of existing facilities is subject to review and modification or termination by the fire department whenever there has been any unauthorized discharge. It shall also be reviewed by the fire department each time the permit is renewed. In determining whether continued storage facilities is suitable, fire department shall consider the age of the storage facility, the methods of containment, the methods of monitoring, the feasibility of the requirement retrofit, the concentration of the hazardous materials contained, the severity of potential unauthorized discharge, and the suitability of other long term preventative measures which meet the intent of this chapter.

**15.20.140. CHAPTER 56 , EXPLOSIVES AND FIREWORKS**  
Section 5609.1, 5609.2, and 5609.3 are added to read as follows:

#### **SECTION 5609, Fireworks Regulations**

#### **SECTION 5609, FIREWORKS REGULATIONS**

Section 5609.1, 5609.2, 5609.3, 5609.4 and 5609.5 are added to read as follows:

**Section 5609.1 – Fireworks Regulations.** The sales and use of safe and sane and/or

State-Approved fireworks shall be in accordance with Union City Municipal Code and the Fireworks Regulations adopted by the City Council, Resolution No. 2537-03, as they may from time to time be amended.

**Section 5609.2 – Fees.** For selling fireworks at retail, a license fee shall be paid, in accordance with the Fireworks Regulations adopted by Resolution No. 2537-03, as it may from time to time be amended.

**Section 5609.3 – Permit.** For selling safe and sane fireworks at retail, a permit shall be obtained in accordance with the Fireworks Regulations adopted by Resolution No. 2537-03, as it may from time to time be amended.

**Section 5609.4 – Prohibited** It is unlawful for any person, corporation, or entity to possess, store, to offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode any fireworks as described in Section 12505 of the Health and Safety Code without a permit and approval from the fire code official. Any violation of this section shall be deemed an infraction as provided in Chapter 1.16 (General Penalty) of the Union City Municipal Code.

**Section 5609.5 – Use**

- A. Fireworks Other than “Safe and Sane” Fireworks are Prohibited. Except as permitted by the City, it is unlawful for any person, corporation, or entity to possess, store, offer for sale, expose for sale, sell at retail or wholesale, use, discharge, or explode or allow the use on their property or property under their control any fireworks except “safe and sane fireworks” as described in Sections 12529 and 12562 of the Health and Safety Code.
- B. Fireworks – Use of “Safe and Sane.” It is unlawful for any person to use, discharge, or explode “safe and sane” fireworks as described in Sections 12529 and 12562 of the Health and Safety Code in any of the following locations, or in any of the following manners:
1. Any City park, building, or land owned by the City, except for City sponsored public fireworks displays.
  2. Any public roadway within the City, “roadway” being defined as the portion of the highway improved, designed, or ordinarily used for vehicular travel (i.e., curb to curb), except for flock parties as permitted by the City;
  3. Within ten feet of any residence, dwelling, or other structure used as a place of habitation by human beings;
  4. Upon, over, or onto the property of another without his or her consent;
  5. In any manner inconsistent with the direction provided by the manufacturer of the product;
  6. Any area east of Mission Boulevard. This prohibition is justified by virtue of the fact that this area: (a) lacks reliable water supplies and access due to terrain and dead-end streets; (b) has insufficient egress for evacuation of people while the Fire Department is responding into the area; (c) contains significant amounts of dry vegetation during the summer months when fireworks use is prevalent; (d) is further removed from fire assistance than other areas of the City, with the distance to the nearest Fire Station having a four to six minute response time to the area; (e) has mostly wood frame structures, in close proximity to each other; (f) contains

slopes which make it difficult to do complete weed abatement; (g) contains structures intertwined with hazardous wild land areas; (h) contains many wood shake roofs (with high fire danger) in the residential areas.

7. Fireworks-Dates and Hours of Use. It is unlawful for any person to use, discharge, or explode "safe and sane" fireworks as described in Sections 12529 and 12562 of the Health and Safety Code except during the hours of eight a.m. to ten p.m. on the days of which such "safe and sane" fireworks may be sold. Exception: On July 4<sup>th</sup>, fireworks may be used from eight a.m. to eleven p.m.
- C. Parks- Closing Time on the Fourth of July. All City parks shall close at seven-thirty p.m. on the Fourth of July, except for City sponsored public fireworks displays.
- D. Penalties. Notwithstanding Chapter 1.16 (General Penalty) of the Union City municipal Code, any person who violates this section shall be guilty of an infraction, punishable by:
1. A fine not exceeding on hundred dollars for a first violation;
  2. A fine not exceeding two hundred dollars for a second violation of the same ordinance within one year;
  3. A fine not exceeding five hundred dollars for the third violation of the same ordinance within one year.
- E. An administrative citation may be issued for a violation of this chapter in accordance with Chapter 1.18 (Administrative Enforcement).

**15.20.150 Appendix D - Fire apparatus access roads - Amended.**

Figure D103.1 is amended to show the "Y" and "Hammerhead" configuration with 70' legs. Furthermore, Figure D103.1 is amended to show the "Acceptable Alternative to 120' Hammerhead" with 140' total length.

**15.20.160. Establishment of limits of districts in which storage of flammable or combustible liquids in outside above ground tanks are prohibited.**

A. The limits referred to in Section 5704.2.9.6.1 and 5706.2.4.4 of the California Fire Code in which storage of flammable or combustible liquids in outside above ground tanks is prohibited, are hereby established as follows: In those areas pursuant to the most recently adopted Title 18 of the Union City Municipal Code.

B. The limits referred to in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: In those areas pursuant to the most recently adopted Title 18 of the Union City Municipal Code.

C. Above ground Class I, II or III-A liquids storage tanks may be allowed when the installation of underground tank(s) is impractical or because of property or building limitations. The tank area may be used for private and governmental fleets, construction vehicles, waste oil storage, and any situation where the Fire chief deems it would create a safer condition. They shall not be approved for service stations or other commercial retail applications.

D. The Fire chief or his designee shall have the sole discretion to prohibit use of these tanks based on the safety of the public.

**15.20.170. Establishment of limits of districts in which bulk storage of liquefied petroleum gas is to be restricted.**

The limits referred to in Section 6104.2 of the California Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: In those areas pursuant to the most recently adopted Title 18 of the Union City Municipal Code.

**WHATS HAPPENINGS TRI CITY VOICE**

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

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

**PROOF OF PUBLICATION**

(2015.5 C.C.P.)

State of California )  
County of ALAMEDA ) ss

Notice Type: BID - NOTICE INVITING BIDS

Ad Description:  
Ord No 784-13

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

11/19/2013

Executed on: 11/19/2013  
At Los Angeles, California

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

  
\_\_\_\_\_  
Signature

This space for filing stamp only

**RECEIVED**

DEC 09 2013

CITY OF UNION CITY  
CITY CLERKS OFFICE

CNS#: 2558326

ORDINANCE NO. 784-13

AN ORDINANCE OF THE CITY OF UNION CITY, CALIFORNIA, AMENDING THE 2013 CALIFORNIA FIRE CODE AND ADOPTING THE INTERNATIONAL FIRE CODE, 2012 EDITIONS, PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION, ESTABLISHING A BUREAU OF FIRE PREVENTION, PROVIDING OFFICERS THEREFORE, DEFINING THEIR POWERS AND DUTIES, AND REPEALING ORDINANCE NUMBER 747-10 AND ALL OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HEREWITH

The above entitled ordinance was adopted by the City Council on November 12, 2013. This abbreviated notice is published in lieu of the full text of the ordinance. A copy of the full text of the ordinance, as it was read and adopted on November 12, 2013, is available on the City's website at: <http://112.unioncity.org/webink&0/01/112/Row1.aspx>. A copy of the full text of the ordinance is also available at the Office of the City Clerk, 34009 Alvarado-Niles Road, Union City, California, during normal business hours. The City Clerk can be reached by phone at 510-675-5348 if you desire a copy of the full text of the ordinance sent to you via email or by first class mail.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Union City at a regular meeting held on November 12, 2013, by the following vote:

AYES: Councilmembers Ellis, Gacoscos, and Navarro, Vice Mayor Duncan, Mayor Dutra-Vernaci  
NOES: None  
ABSENT: None  
ABSTAIN: None

APPROVED:  
/s/ Carol Dutra-Vernaci  
CAROL DUTRA-VERNACI, Mayor

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

APPROVED AS TO FORM:  
/s/ Benjamin T. Reyes II  
BENJAMIN T. REYES II, City Attorney  
11/19/13

CNS-2558326#

