

ORDINANCE NO. 1828

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING TITLE 15 (“BUILDINGS AND CONSTRUCTION”) OF “THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA” ON AN EMERGENCY BASIS PURSUANT TO SECTION 811 OF THE CITY CHARTER OF THE CITY OF SANTA CLARA BY ADOPTING THE FOLLOWING MODEL CODES WITH AMENDMENTS:

- 1) UNIFORM ADMINISTRATIVE CODE (1997 EDITION)**
- 2) INTERNATIONAL BUILDING CODE (2006 EDITION)**
- 3) NATIONAL ELECTRIC CODE (2005 EDITION)**
- 4) UNIFORM HOUSING CODE (1997 EDITION)**
- 5) UNIFORM MECHANICAL CODE (2006 EDITION)**
- 6) UNIFORM PLUMBING CODE (2006 EDITION)**
- 7) UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS (1997 EDITION)**
- 8) INTERNATIONAL EXISTING BUILDING CODE (2006 EDITION)**

WHEREAS, the State of California published the Model Codes specified above on July 4, 2007;
and,

WHEREAS, pursuant to authority granted in Health and Safety Code section 17958, the City may adopt amendments to the Model Codes; and,

WHEREAS, the City has worked with other Bay Area jurisdictions and Joint Venture Silicon Valley to adopt amendments which are prudent and necessary based upon our climatic, topographical or geological changes; and,

WHEREAS, the City of Santa Clara now wishes to adopt the following Model Codes with Amendments as specified in Resolution 07-7472; and,

WHEREAS, the City of Santa Clara hereby finds that due to the seismic challenges faced by the City of Santa Clara due to the proximity and activity level of three major geological fault lines, that the Ordinance should be adopted as an emergency measure for preserving the public peace, health, safety and property.

NOW THEREFORE, BE IT ORDAINED BY THE CITY OF SANTA CLARA, AS FOLLOWS:

SECTION 1: That Chapter 15.05 (entitled “Administrative Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is hereby amended to read:

“Chapter 15.05

ADMINISTRATIVE CODE

Sec. 15.05.010 Uniform Administrative Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by amendment as stated contained in Exhibit A (and explained in Exhibit A-1), which exhibits are attached to Resolution No. 07-7472 and which exhibits are respectively incorporated and adopted by this reference, the Uniform Administrative Code, 1997 Edition (hereinafter termed “**Administrative Code**”), as published by the International Code Council [“ICC”] is hereby adopted. It will control administration of the respective Model Codes contained in this Title 15.

A copy of the Administrative Code, as amended by resolution, is on file in the Office of the City Clerk of the City of Santa Clara for examination and use by the public.

Sec. 15.05.020 Enforcement and Penalties.

(a) **ABATEMENT HAZARDS BY BUILDING OFFICIAL.** If any person fails to comply with the orders of the Building Official, or if the Building Official is unable to locate the owner, operator, occupant or other person responsible within a reasonable time, the Building Official or

any authorized representative may take such steps as are necessary to abate the hazards for the protection of the public safety. In no event is notice necessary before abatement, when the hazard is a clear and present danger to the public welfare, constitutes a fire and life safety hazard, or a threat to emergency responders. All costs related to such abatement shall become a lien on the subject property.

(b) **CRIMINAL OR CIVIL PENALTY FOR VIOLATION; PAYMENT OF FUNDS TO ACCOUNT.** Pursuant to the City's prosecutorial discretion, the City may enforce violations of the provisions of this code in any manner authorized by this section or by any other law, including but not limited to issuance of criminal citations, referral to the District Attorney, referral to other appropriate agencies, administrative actions and civil actions. Funds received by the City for criminal or civil penalties shall be paid into the City's Model Code enforcement account.

(c) **INFRACTIONS/MISDEMEANORS.** Any person who, whether as owner, tenant, occupant, principal, agent, employee or otherwise, does any one or more of the following acts shall, upon conviction, be deemed to be guilty of a misdemeanor:

- (1) Violates, causes the violation of, or fails to comply with any of the provisions of the Model Codes, as Adopted and Amended;
- (2) Violates or fails to comply with an order made thereunder;
- (3) Builds any structure in violation of any detailed statement, specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder and from which no appeal has been taken;

- (4) Fails to comply, within the time affixed herein, or required in the order with an order pursuant to the Model Codes, as adopted and amended;
- (5) Violates any of the provisions of this Title 15, any of the provisions of any written authority of the City Manager, the Director of Planning and Inspection, the Building Official or his or her duly authorized agents and representatives;
- (6) Violates or fails to comply with any provision of any permit issued pursuant to this Title 15; or
- (7) Erect, install, construct, enlarge, alter, repair, move, improve, remove, replace, convert, equip, use, occupy, maintain or demolish any building, structure or equipment therein, regulated by the Model Codes adopted by this Title 15, or cause same to be done, contrary to or in conflict with or in violation of any of the provisions of said Model Codes.

Each and every day, or any part thereof, during which any such violation is committed, continued or allowed shall be a separate offense.

(d) PROSECUTION. Every violation of this Title 15 shall be a misdemeanor; provided, however, that where the City Attorney or his or her duly authorized agent has determined that such action would be in the best interest of justice, the City Attorney may specify in the accusatory pleading, citation or amendment thereto that the violation shall be prosecuted as an infraction.

(e) PENALTY FOR INFRACTION. Each and every violation of this Title 15 which is deemed an infraction is punishable by:

- (1) A fine not exceeding one hundred dollars (\$100.00) for the first violation;

(2) A fine not exceeding two hundred dollars (\$200.00) for the second violation of the same or similar provision within one year period; or,

(3) A fine not exceeding five hundred dollars (\$500.00) for each additional violation, after the second, of the same or similar provision of this Title 15 within a one year period of the first violation.

(f) PENALTY FOR MISDEMEANOR. Each and every violation of this Title 15 which is deemed a misdemeanor is punishable by a penalty of not more than one thousand dollars (\$1,000.00) or by imprisonment in the City or County jail for a period not exceeding six (6) months, or, by both penalty and imprisonment.

(g) CIVIL PENALTIES. Any person who intentionally, accidentally or negligently violates any provision of this Title 15, any written authority of the City Manager, the Director of Planning and Inspection, the Building Official or his or her duly authorized agents and representatives, or any provision of any permit issued pursuant to this code may be civilly liable to the City in the sum of not less than one hundred dollars (\$100.00) but not to exceed one thousand dollars (\$1,000.00) per day for each day in which such violation occurs or continues. The City may petition the municipal or superior court to impose, assess, and recover such sums. The civil penalty provided in this Section excludes inspection costs and abatement costs, is cumulative and not exclusive, and shall be in addition to all other remedies available to the City under state and federal law and local ordinances. Funds collected pursuant to this Section shall be paid to City's Model Code Enforcement account.

Sec. 15.05.030. Authority to issue citations.

The following designated employee positions may enforce the provisions of this Title 15 by issuance of citations. The designated employee positions are: the City Manager or his or her

duly authorized agents and representatives, the Director of Planning and Inspection and the Building Official or his or her designee. Peace officers and persons employed in such positions are authorized to exercise the authority provided in Penal Code Section 836.5 and are authorized to issue citations for violations of this Title 15.”

SECTION 2: That Chapter 15.15 (entitled “Building Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.15
BUILDING CODE**

Sec. 15.15.010. International Building Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit B (and explained in Exhibit B-1), which exhibits are attached to Resolution No. 07-7472 and which exhibits are respectively incorporated by this reference, the International Building Code, 2006 Edition, as published by the International Code Council (hereinafter termed “**Building Code**”), is hereby adopted.

A copy of the Building Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Expressly excluded from adoption are Sections 101.2 Exception, 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.5, 101.4.7, 102.6, and 103 through 109, inclusive, of the Building Code. Appendix Chapters I and J are adopted.

Sec. 15.15.020.Administration of Building Code.

Chapter 15.05 of this Title 15 adopts the Administrative Code, as amended from time to time. Administration of the Building Code will be pursuant to the 1997 Uniform Administrative Code, as amended.”

SECTION 3: That Chapter 15.20 (entitled “Electric Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.20
ELECTRIC CODE**

Sec. 15.20.010.Electric Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit C (and explained in Exhibit C-1), which exhibits are attached to Resolution No. 07-7472 and which exhibits are respectively incorporated by this reference, the National Electric Code, 2005 Edition, as published by the National Fire Protection Association (hereinafter termed “**Electric Code**”) is hereby adopted.

Expressly excluded from adoption is Section 90.4 (entitled “Enforcement”) of the Electric Code. A copy of the Electric Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.20.020.Administration of Electric Code.

Chapter 15.05 of this Title 15 adopts the Administrative Code, as amended from time to time. Administration of the Electric Code will be pursuant to the Administrative Code, as amended.”

SECTION 4: That Chapter 15.25 (entitled “Housing Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.25
HOUSING CODE**

Sec. 15.25.010.Uniform Housing Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit D (and explained in Exhibit D-1), which exhibits are attached to Resolution No. 07-7472 and which exhibits are respectively incorporated by this reference, the Uniform Housing Code, 1997 Edition, as published by the International Code Council (hereinafter termed “**Housing Code**”) is hereby adopted.

Expressly excluded from adoption are Chapters 1, 2, 3, 8, 9, 10, 11, 12, 13, 14, 15, and 16 and Section 701 inclusive, of the Housing Code.

A copy of the Housing Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.25.020.Administration of Housing Code.

Chapter 15.05 of this Title 15 adopts the Administrative Code, as amended from time to time. Administration of the Housing Code will be pursuant to the Administrative Code, as amended.”

SECTION 5: That Chapter 15.30 (entitled “Mechanical Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.30
MECHANICAL CODE**

Sec. 15.30.010. Uniform Mechanical Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit E (and explained in Exhibit E-1), which exhibits are attached to Resolution No. 07-7472 and which exhibits are respectively incorporated by this reference, the Uniform Mechanical Code, 2006 Edition, as published by the International Association of Plumbing and Mechanical Officials (hereinafter termed “**Mechanical Code**”) is hereby adopted.

Expressly excluded from adoption are Sections 104 through 117, inclusive, of the Mechanical Code.

A copy of the Mechanical Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.30.020. Administration of Mechanical Code.

Chapter 15.05 of this Title 15 adopts the Administrative Code, as amended from time to time. Administration of the Mechanical Code will be pursuant to the Administrative Code, as amended.”

SECTION 6: That Chapter 15.35 (entitled “Plumbing Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.35
PLUMBING CODE**

Sec. 15.35.010. Uniform Plumbing Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit F (and explained in Exhibit F-1), which exhibits are attached to Resolution No. 07-7472 and which exhibits are respectively incorporated by this reference, the Uniform Plumbing Code, 2006 Edition, as published by the International Association of Plumbing and Mechanical Officials (hereinafter termed “**Plumbing Code**”) is hereby adopted.

Expressly excluded from adoption are Sections 102 through 103.6, 412.1, 412.3 through 413.0 inclusive, of the Plumbing Code.

A copy of the Plumbing Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.35.020. Administration of Plumbing Code.

Chapter 15.05 of this Title 15 adopts the Administrative Code. Administration of the Plumbing Code will be pursuant to the Administrative Code, as amended.”

SECTION 7: That Chapter 15.40 (entitled “Dangerous Building Code”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.40
DANGEROUS BUILDING CODE**

Sec. 15.40.010. Uniform Code for the Abatement of Dangerous Buildings adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit G (and explained in Exhibit G-1), which exhibits are attached to Resolution No. 07-7472 and which exhibits are respectively incorporated by this reference, the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, as published by the International Code Council (hereinafter termed “**Dangerous Building Code**”) is hereby adopted.

Expressly excluded from adoption are Sections 203 through 205.2, inclusive, of the Dangerous Building Code.

A copy of the Dangerous Building Code, as amended by resolution, is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.40.020 Administration of Dangerous Building Code.

Chapter 15.05 of this Title 15 adopts the Administrative Code. Administration of the Dangerous Building Code will be pursuant to the Administrative Code, as amended.”

SECTION 8: That Chapter 15.75 (entitled “Uniform Code for Building Conservation”) of Title 15 (entitled “Buildings and Construction”) of the City Code is amended to read:

**“Chapter 15.75
INTERNATIONAL EXISTING BUILDING CODE**

Sec. 15.75.010. International Existing Building Code adopted by reference.

Chapter 5, Section 503 to 508 inclusive, Chapter 9, Section 907, 912.4 and Section 912.5 through 912.7.4 inclusive of the International Existing Building Code, 2006 Edition, as published by the International Code Council, (hereinafter termed “**Existing Building Code**”) are hereby adopted.

A copy of the International Existing Building Code is on file in the Office of the City Clerk of the City for examination and use by the public.

Sec. 15.75.020. Administration of International Existing Building Code.

Chapter 15.05 of this Title 15 adopts the Administrative Code, as amended from time to time. Administration of the International Existing Building Code will be pursuant to the Administrative Code, as amended.”

SECTION 9: Savings Clause.

The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance. All fee schedules shall remain in force until superseded by the fee schedules adopted by the City Council.

SECTION 10: Constitutionality, severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

PASSED AND ADOPTED this 18th day of December 2007, by the following vote:

AYES:	COUNCILORS:	Caserta, Kennedy, Kolstad, Kornder, McLeod and Moore and Mayor Mahan
NOES:	COUNCILORS:	None
ABSENT:	COUNCILORS:	None
ABSTAINED:	COUNCILORS:	None

ATTEST: _____
ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

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