

City of Piedmont  
COUNCIL AGENDA REPORT

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DATE: March 16, 2020

TO: Mayor and Council

FROM: Sara Lillevand, City Administrator

SUBJECT: Consideration of the 2<sup>nd</sup> Reading of Ordinance 748 N.S. Adoption of the 2019 California Code of Regulations; Title 24; and Reorganization and Amendments to Chapters 5, and 8 of City Code

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RECOMMENDATION:

Approve the second reading of Ordinance 748 N.S, which amends Chapters 5, and 8 of the Piedmont City Code to adopt the 2019 California Code of Regulations, Title 24, including the California Administrative, Building, Residential, Mechanical, Plumbing, Electrical, Energy, Fire, Green Building Standards, Reference Standards, Historical Building and Existing Building Codes, with local amendments, making required findings related to the climatic, geological and topographical conditions warranting more stringent local requirements, and moving the content of Chapter 5A, Disasters and Emergencies without substantive modification to Chapter 5, Disasters and Emergencies. The ordinance also determines that the proposed amendments to the City Code are exempt from environmental review pursuant to Title 14 California Code of Regulations, section 15061(b)(3).

BACKGROUND:

At its meeting of March 3, 2020, the Council approved the first reading of Ordinance 747 N.S., which amends Chapters 5, and 8 of the Piedmont City Code to adopt the 2019 California Code of Regulations, Title 24, including the California Administrative, Building, Residential, Mechanical, Plumbing, Electrical, Energy, Fire, Green Building Standards, Reference Standards, Historical Building and Existing Building Codes, with local amendments, making required findings related to the climatic, geological and topographical conditions warranting more stringent local requirements, and moving the content of Chapter 5A, Disasters and Emergencies without substantive modification to Chapter 5, Disasters and Emergencies. The ordinance also determines that the proposed amendments to the City Code are exempt from environmental review pursuant to Title 14 California Code of Regulations, section 15061(b)(3).

A second and final reading is required for adoption. Since the first reading, the ordinance has been posted on the bulletin board in City Hall as well as on the City's website. No public comments have been received by the City Clerk's office since the first reading. If passed, this ordinance will become effective April 15, 2020.

By: Kevin Jackson, Director of Planning & Building

ATTACHMENTS:

	<u>Pages</u>	
1	3-4	Ordinance No. 748 N.S., Adopting the 2019 California Code of Regulations, Title 24, and Reorganizing and Amending Chapters 5 and 8 of the Piedmont City Code
	5-7	Exhibit A – Findings
	9-12	Exhibit B – Finding Identification Document
	13-59	Exhibit C – Chapter 8 – Building, Construction, and Fire Prevention

ORDINANCE NO. 748 N.S.

AN ORDINANCE ADOPTING THE 2019 CALIFORNIA CODE OF REGULATIONS,  
TITLE 24, AND REORGANIZING AND AMENDING CHAPTERS 5 AND 8 OF THE  
PIEDMONT CITY CODE

The City Council of the City of Piedmont hereby ordains as follows:

SECTION 1. BACKGROUND

It is the intent of the City Council of the City of Piedmont in adopting this Ordinance to adopt the 2019 California Building Standards Code, Title 24 of the California Code of and update existing sections of Chapters 5 and 8 of the City Code to comply with the 2019 California Building Standards Code. This action provides adopts the latest versions of the California Administrative Code, the California Residential Code, the California Building Code, the California Mechanical Code, the California Plumbing Code, the California Electrical Code, the California Energy Code, the California Historical Building Code, the California Existing Building Code, the California Green Building Standards Code, the California Referenced Standards Code, and the California Fire Code.

It is also the intent of the City Council to update and reorganize Chapter 5, Building Code, and Chapter 8, Fire Prevention, in their entirety, and combine them into a new Chapter 8, Building, Construction, and Fire Prevention, and move existing Chapter 5A- Disasters and Emergencies without substantive modification to Chapter 5 – Disasters and Emergencies.

SECTION 2. FINDINGS

Pursuant to Section 17958.7 of the California Health and Safety Code, the City Council may adopt local amendments which are more restrictive than those adopted by the Building Standards Commission in Title 24 of the California Code of Regulations, upon making express findings that such amendments are reasonably necessary due to local climatic, geological and topographical conditions.

The City Council finds that, in order to best protect the health, safety and welfare of the residents of Piedmont, it is necessary to adopt the building standards contained in Title 24 of the California Code of Regulations with more restrictive local amendments as may be warranted by local climatic, geological and topographical conditions.

The City Council of the City of Piedmont hereby adopts the findings regarding local climatic, geological, and topographical conditions set forth in Exhibit A to this Ordinance to support the local amendments adopted below through the amendment and restatement of Chapters 5 and 8 of the City Code, and furthermore adopts Exhibit B, attached, to identify each provision of Chapter 8 to the necessary findings that support it.

### SECTION 3. REPEAL OF CHAPTER 5

Chapters 5 of the Piedmont City Code is hereby repealed in its entirety, and existing provisions of Chapter 5A- Disasters and Emergencies shall be re-codified without substantive modification as Chapter 5 – Disasters and Emergencies. The City Clerk is directed to renumber the City Code accordingly.

### SECTION 4. AMENDMENT OF CHAPTER 8

Chapter 8 of the City Code is hereby amended and restated in its entirety, to read as set forth in the attached Exhibit C, Chapter 8 - Building, Construction, and Fire Prevention. The City Clerk is directed to renumber the City Code accordingly.

### SECTION 5. SEVERABILITY

The provisions of this Ordinance are severable and if any provision, clause, sentence, word or part of it is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstances, the illegality, invalidity, unconstitutionality, or inapplicability will not affect or impair any of the remaining provisions, clauses, sentences, sections, words or parts of the Ordinance or their applicability to other persons or circumstances.

### SECTION 6. POSTING, FILING, AND EFFECTIVE DATE

This Ordinance shall be posted at City Hall after its second reading by the City Council for at least 30 days and shall become effective 30 days after the second reading. The City Clerk shall cause a copy of this Ordinance to be filed with the California Building Standards Commission in the manner required by law.

### SECTION 7. CALIFORNIA ENVIRONMENTAL QUALITY ACT

The City Council finds and determines that enactment of this ordinance is exempt from environmental review pursuant to Title 14 California Code of Regulations, section 15061(b)(3).

[End of Ordinance]

#### Attachments:

Exhibit A – Findings

Exhibit B – Finding Identification Document

Exhibit C – Chapter 8 - Building, Construction, and Fire Prevention

## **EXHIBIT A**

### **City of Piedmont 2019 Building Code Adoption**

#### **REQUIRED FINDINGS**

**Finding A:** Local ordinances and regulations necessary to carryout procedures by a city, county, or city and county relating to civil, administrative, or criminal procedures and remedies available for carrying out and enforcing building standards, and that do not establish building standards may be enacted without meeting the requirements of the state laws governing Title 24 building standards amendments. The City has made minor modifications to the administrative standards and procedures of the construction codes. The modified administrative standards and procedures are similar to those found in the administrative chapters of the various 2019 California Building Standards Code and do not establish or amend substantive building standards, thereby precluding the need for a finding.

**Finding B:** The City finds that making amendments and additions to the 2019 California Residential Code (CRC), the 2019 California Building Code (CBC), and the 2019 California Fire Code that make more restrictive provisions for fire safety is reasonably necessary based on climatic, topographical and geological conditions described below.

#### **Climatic**

The average annual precipitation rate in Piedmont is 23 inches per year. Ninety-seven percent of precipitation occurs in the months of October through April, creating a dry season of five months per year. Additionally, periodic drought conditions extend the dry season and exacerbate fire hazard. Average relative humidity ranges from 60% to 80%, but can drop below 20%. Normal wind pattern originates from the marine area to the west producing light, westerly winds of 9 mph. Occasionally, reverse wind flows from the inland valleys produce higher than normal easterly winds and carry with them warm air mass which result in severe fire hazard conditions. Average high temperatures in the dry season range from 66 degrees F to 72 degrees F; however, seasonal spikes can push temperatures in the upper 90's degrees F. The confluence of low precipitation, high temperatures, low relative humidity and high winds can create conditions of high fire hazard, as defined by the National Weather Service as a Red Flag Warning. The region experiences approximately 10 to 20 Red Flag Days per year, usually in the fall. However regionally, the combination of extreme wind and low humidity (without high heat) can be enough to create a severe fire hazard. In recent years several large fires grew at record breaking rates without the presence of extreme heat, but with presence of high winds and low humidity. The weather at the ignition of the Camp Fire was 42F degrees. The rate of spread for The Camp, Valley, and Thomas Fires exceeded 40,000 acres within 12 hours.

#### **Topographical**

Piedmont is a hillside community and most of the structures are single family dwellings built on sloping terrain. In most areas, the dwelling units are located in close proximity to one another and in many cases are less than 8 feet apart. Fires can easily spread from house to house and are more readily spread upslope in the direction of prevailing winds. As referenced by CalFire's Fire

and Resource Assessment Program (FRAP), Wildland Urban Interface Map, all of Piedmont is within or immediately adjacent to an Interface or Influence Zone. All areas of Piedmont are located in a Wildland-Urban Interface zone.

#### Geological

Piedmont is located in a seismically active region and is within 2 km of the Hayward Fault. A major earthquake could restrict response time and overwhelm the capacity of firefighting personnel to control earthquake related fires.

#### Summary

The 1991 Oakland/Berkeley Hills fire had a devastating impact on those communities in the fire zone which experienced significant loss of life and property. The fire zone of this event crossed into the Piedmont city limits but did not damage any structures. Piedmont has the same climatic, geological and topographical conditions as those areas affected by the nearby 1991 fire. Therefore, it is reasonably necessary to amend and/or add this provision to the 2019 CRC or 2019 CBC.

**Finding C:** Exceptions 1 and 2 of CRC section 303.1 preclude the requirement in habitable rooms for natural ventilation and natural light respectively, which could result in construction of habitable rooms without any direct exterior means of escape or rescue. The local conditions outlined in Finding B increase the potential severity of fire hazard. Without direct exterior means for emergency escape or rescue, building occupant safety would be diminished in a fire event.

**Finding D:** Reduction of ceiling height of habitable rooms would be detrimental to occupant survivability and firefighter safety in a fire event. Since heat and smoke both rise, less room height results in less stratification of heat, lower visibility and less breathable air. The local conditions outlined in Finding B increase the potential severity of fire hazard. Increasing the minimum ceiling height of habitable rooms would enhance building occupant and firefighter safety in a fire event. In addition, Piedmont's climate allows for natural ventilation for cooling during warm weather days. The majority of dwellings in Piedmont were constructed prior to 1950 and do not have air conditioning. Reduced ceiling heights constrain the circulation of air, limit the effectiveness of natural ventilation for cooling, and increase the chances for negative health effects from high temperatures.

**Finding E:** Due to the hillside topography of Piedmont, the historical development pattern took the form of narrow, deep lots, as opposed to the typical suburban form of wide, shallow lots. As a result, most of the dwellings are in close physical proximity to one another. Limiting exterior sources of mechanically generated sound contributes to the health and overall wellbeing of the community and is necessary due to topographical conditions.

**Finding F:** Local conditions outlined in Finding B increase the potential severity of fire hazard. When altering or repairing existing basements, improvements to occupant and fire fighter safety are warranted. Hence, requiring an emergency escape and rescue opening provides greater safety for both. Under floor areas or crawl spaces are not required to have openings to the exterior for emergency escape and rescue and must be clearly separated from basement spaces that do.

**Finding G:** Due to Piedmont's hillside topography and its underlying geology consisting shallow sedimentary deposits and bedrock, stricter control of drainage water is reasonable to maintain building foundation performance, minimize water intrusion into enclosed below grade spaces and prevent exacerbation of subsurface water related issues to neighboring properties. The amendments to the Code encourage drainage water to be discharged to the City storm water system.

**Finding H:** Due to Piedmont's topography, structures constructed on sloping sites are common. Soil investigations contribute to proper foundation design and can minimize adverse effects to adjacent properties.

**Finding I:** Due to the hilly nature of Piedmont's topography, the construction of structure and landscape retaining walls are common. Stricter design controls are necessary to ensure the stability of the constructed retaining walls and the retained earth they support.

**Finding J:** Properly grounded electrical panels dissipate electrical surges safely and contribute to fire safety, and are reasonably necessary to protect against fire events, which are a risk for the reasons set forth in Finding B.

**Finding K:** Capturing more construction debris waste and encouraging the timely removal of such waste from the project site is an important factor in reducing potential fuel for a fire at a project site and is an important consideration as outlined in Finding B.

**Finding L:** Due to Piedmont's topography, noted in Finding B, bathrooms in the homes can be small, resulting in spaces where glazed areas can be closely adjacent to tubs and showers, in addition to opposite the fixtures, creating hazardous conditions for medical and fire personnel responding to the area of the home where most accidents occur.

**Finding M:** Encouraging EV's to be charged and stored in garages helps to keep parked cars off narrow streets, allowing for better access for emergency vehicles, an important consideration as outlined in Finding B.

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**EXHIBIT B**

**City of Piedmont**  
Identification of Specific Findings Related to the  
Proposed Amendments and Additions  
2019 California Building Standards Code

**SECTION 8.02.020 2019 CALIFORNIA RESIDENTIAL CODE – AMENDMENTS**

A.	Section R105.1 – Permits Required	See Finding A.
B.	Section R105.2 – Work Exempt from Permits	See Finding A.
C.	Section R105.5 – Expiration	See Finding A.
D.	Section R109.1 – Types of Inspections	See Finding A.
E.	Section R112.1 - General	See Finding A.
F.	Section R202 – Definitions	See Finding A.
G.	Section R302.15 – Deck Fire Protection	See Finding B.
H.	Section R302.16 – Fire Protection for Overhanging Features	See Finding B.
I.	Section R303.1 – Habitable Rooms	See Finding B & C.
J.	Section R304.3 – Height Effect on Room Area	See Finding B & D.
K.	Section R305.1 Minimum Height	See Finding B & D.
L.	Section R305.1.2 – Under Floor Area	See Finding B & F.
M.	Section 308.4.5 – Glazing and Wet Surfaces.	See Finding L.
N.	Section R309.8 – Electric Vehicle (EV) Charging Infrastructure	See Finding M.
O.	Section R310.6 – Alterations or Repairs of Existing Basements	See Findings B & F.
P.	Section R313.1 – Townhouse Automatic Sprinkler Systems	See Finding B.
Q.	Section R313.2 – One and Two Family Dwellings Automatic Fire Systems	See Finding B.
R.	Section R319.1 – Site Address	See Finding A.
S.	Section R337.1.5 – Vegetation Management Compliance	See Finding B.
T.	Section R337.2 – Definitions	See Finding B
U.	Section R401.3 – Drainage	See Finding G.

V.	Section R401.4.3 – Foundation and Soils Investigations – Where Required	See Finding H.
W.	Section R403.1.6. - Foundation Anchorage	See Finding A.
X.	Section R404.1.1 – Design Required	See Finding I.
Y.	Section R405.1 - Concrete or Masonry Foundations	See Finding G.
Z.	Section R507.2 – Materials.	See Finding B.
AA.	Section R703.6 – Wood Shakes and Shingles	See Finding B.
BB.	Section R902.1 – Roof Covering Materials	See Finding B.
CC.	Section R902.1.1 – Roof Coverings within Very-High Fire Hazard Severity Zones	See Finding B.
DD.	Section R902.1.2 – Roof Coverings within State Responsibility Areas	See Finding B.
EE.	Section R902.1.3 – Roof Covering in All Other Areas	See Finding B.
FF.	Section R905.7 – Wood Shingles	See Finding B.
GG.	Section R905.8 – Wood Shakes	See Finding B.
HH.	Section R1003.9.2 - Spark Arrestors	See Finding B.
II.	Appendix K. Section aK103.2 – Mechanically Generated Noise Sources	See Finding E.

**SECTION 8.02.030 2019 CALIFORNIA BUILDING CODE - AMENDMENTS**

A.	Section 105.1 – Permits Required	See Finding A.
B.	Section 105.2 – Work Exempt from Permits	See Finding A.
C.	Section 105.5 – Expiration	See Finding A.
D.	Section 110.1 – Inspections, General	See Finding A.
E.	Section 701A.5 – Vegetation Management Compliance	See Finding B.
F.	Section 701A – Definitions	See Finding B.
G.	Section 711.4 – Protection of Underside of Floors	See Finding B.
H.	Section 903.2 – Automatic Sprinkler Systems Where required	See Finding B.
I.	Section 1206.6 – Mechanically Generated Noise Sources	See Finding E.

J.	Section 1405.2 – Wood Shingle Siding and Other Wood Siding	See Finding B.
K.	Section 1505.1 – General	See Finding B.
L.	Section 1505.1.1 – Roof Coverings within Very High Fire Hazard Severity Zones.	See Finding B.
M.	Section 1505.1.2 – Roof Coverings within State Responsibility Areas	See Finding B.
N.	Section 1505.1.3 – Roof Covering in All Other Areas	See Finding B.
O.	Section 1505.1.4 – Roofing Requirements in a Wildland-Urban Interface Fire Area	See Finding B.
P.	Section 1505.3 – Class B Roof Assemblies	See Finding B.
Q.	Section 1505.4 – Class C Roof Assemblies	See Finding B.
R.	Section 1505.5 – Non-classified Roofing	See Finding B.
S.	Section 1505.6 – Fire-retardant Treated Wood Shingles and Shakes	See Finding B.
T.	Section 1507.8 – Wood Shingles	See Finding B.
U.	Section 1507.9 – Wood Shakes	See Finding B.
V.	Section 1511.1 – General	See Finding B.
W.	Section 1803.2 – Geotechnical Investigations Required	See Finding H.
X.	Section 1805.4.3 – Drainage Discharge	See Finding G.
Y.	Section 1807.2 – Retaining Walls	See Finding I.
Z.	Section 2113.9.2 – Spark Arrestors	See Finding B.
AA.	Section 2308.3.1 – Foundation Plates or Sills	See Finding A.

**SECTION 8.02.040 2019 CALIFORNIA MECHANICAL CODE - AMENDMENTS**

A.	Section 104.5.4 – Permit Fees	See Finding A.
B.	Section 104.3.2 – Plan Review Fees	See Finding A.
C.	Section 105.2.6 – Reinspections	See Finding A.
D.	Section 107.1 – General	See Finding A.

**SECTION 8.02.050 2019 CALIFORNIA PLUMBING CODE - AMENDMENTS**

A.	Section 104.3.2– Plan Review Fees	See Finding A.
B.	Section 104.5 – Fees	See Finding A.
C.	Section 107.1 – General	See Finding A.
D.	Section 601.9 – Ground Driven Electrode Required	See Finding B & J.
E.	Section 1101.2 – Where Required	See Finding G.
F.	Section 1101.6.1 – Discharge	See Finding G.
G.	Section 1101.6.3 – Splash Blocks	See Finding G.
H.	Section 1101.6.5 – Open Area	See Finding G.
I.	Section 1501.3– Permit	See Finding A.
J.	Section 1503.1.1– Clothes Washer System	See Finding A.

**SECTION 8.02.060 2019 CALIFORNIA ELECTRICAL CODE - AMENDMENTS**

A.	Section 89.108.4.2 – Fees	See Finding A.
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**SECTION 8.02.080 2019 CALIFORNIA GREEN BUILDING STANDARDS CODE - AMENDMENTS**

A.	Section 301.1.1 – Additions and Alterations	See Finding B & K.
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**SECTION 8.02.090 2019 CALIFORNIA FIRE CODE - AMENDMENTS**

A.	Section 5601.1.3 – Fireworks	See Finding B.
B.	Section 5608.1 – General	See Finding B.

**EXHIBIT C to Ordinance No. 748 N.S.**

**“CHAPTER 8  
BUILDING, CONSTRUCTION, AND FIRE PREVENTION**

Divisions:

- 8.02 Adoption of California Building Standards Code and amendments
- 8.04 Small residential rooftop solar energy systems
- 8.06 Electrical vehicle charging stations
- 8.08 Disclosures
- 8.10 Green building standards for city projects
- 8.12 Sanitary sewers
- 8.14 Fire Hazard Abatement

**DIVISION 8.02      ADOPTION OF CALIFORNIA BUILDING STANDARDS  
CODE AND AMENDMENTS**

Sections:

8.02.010	California Building Standards Code – Adopted
8.02.020	2019 California Residential Code – Amendments
8.02.030	2019 California Building Code of Regulations - Amendments
8.02.040	2019 California Mechanical Code – Amendments
8.02.050	2019 California Plumbing Code – Amendments
8.02.060	2019 California Electrical Code – Amendments
8.02.070	Reserved
8.02.080	2019 California Green Building Standards Code - Amendments
8.02.090	2019 California Fire Code – Amendments
8.02.100	Penalties Adopted

**8.02.010      California Building Standards Code - Adopted<sup>1</sup>**

The following 2019 California Building Standards Code, California Code of Regulations, Title 24, is hereby adopted by reference, as more specifically identified below. A copy of these codes will be kept on file at the Planning & Building Department.

- A.     California Residential Code, Part 2.5 of Title 24 of the California Code of Regulations, including Appendices K and V.
  
- B.     2019 California Building Code of Regulations, Parts 1 and 2 of Title 24 of the California Code of Regulations, including the California Building Code, Volumes 1 and 2 and Appendices D, F, G, H, I, and J.
  
- C.     2019 California Mechanical Code, Part 4 of Title 24 of the California Code of Regulations, including its appendices.
  
- D.     2019 California Plumbing Code, Part 5 of Title 24 of the California Code of Regulations, and its appendices.
  
- E.     2019 California Electrical Code, Part 3 of Title 24 of the California Code of Regulations, and its annexes.
  
- F.     2019 California Energy Code, Part 6 of Title 24 of the California Code of Regulations including all of its appendices.
  
- G.     2019 California Green Building Standards Code, Part 11 of Title 24 of the California Code of Regulations.

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1        For state law as to adoption by reference, see Gov. C. § 50022.2 to 50022.10.

H. 2019 California Referenced Standards Code, Part 12 of Title 24 of the California Code of Regulations, including all of its appendices.

I. 2019 California Administrative Code, Part 1 of Title 24 of the California Code of Regulations, and its appendices.

J. 2019 California Historical Building Code, Part 8 of Title 24 of the California Code of Regulations, including all of its appendices.

K. 2019 California Existing Building Code, Part 10 of Title 24 of the California Code of Regulations, including its appendices.

L. 2019 California Fire Code, Part 9 of Title 24 of the California Code of Regulations, as adopted and/or amended by the office of the California State Fire Marshal, including Appendices A through O.

#### **8.02.020 2019 California Residential Code – Amendments**

This section amends the 2019 California Residential Code as adopted in Section 8.01.010, as set forth below.

A. Section R105.1 – Permits Required. Section R105.1 is amended to add the following provisions: “A building permit is also required for the following:

1. an on-grade improvement capable of use for parking vehicles and located in the street yard setback.
2. on-grade stairs with four or more risers that are part of the primary entrance/exit to and from the structure.
3. construction, repair or replacement of a public sidewalk, curb or gutter.
4. alterations and property improvements which have received or require design review approval from the City of Piedmont.”

B. Section R105.2 – Work Exempt from Permit. The text of Section R105.2 is deleted and replaced in its entirety with the following:

“R105.2 Work Exempt from Permit. A permit is not required for the following. An exemption from the permit requirements does not authorize any work in violation of this code or any other city laws.

Also, unless otherwise exempted, if separate plumbing, electrical and mechanical construction is required as part of the construction of the exempted items, a separate

building permit for the plumbing, electrical and mechanical construction is required for the following exempted items.

1. Building

- a. A one-story detached accessory building used as tool and storage shed, playhouse or similar use, provided the projected floor area does not exceed 120 square feet, it is not located within the street yard setback, and is less than 7 feet in height measured from the lowest adjacent grade to the highest roof projection. Not more than one accessory structure on a parcel is eligible for this exemption.
- b. A fence 6 feet high or less which is not located in the street yard setback and is not within 2 feet, measured horizontally, of a retaining structure that compensates for a change in grade.
- c. A movable case, counter or partition not over 5 feet 9 inches high.
- d. A retaining wall which is not over 30 inches in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge.
- e. A platform, walk or driveway not more than 12 inches above grade and not over a basement or story below.
- f. Painting, papering, interior floor covering, and similar finish work.

2. Electrical

- a. Listed cord-and-plug connected temporary decorative lighting.
- b. Reinstallation of attachment plug receptacles but not the outlets for them.
- c. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
- d. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- e. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles

3. Gas

- a. Portable heating, cooking or clothes drying appliances.

- b. Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.
- c. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

#### 4. Mechanical

- a. Portable heating appliances.
- b. Portable ventilation appliances.
- c. Portable cooling units.
- d. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
- e. Replacement of any minor part that does not alter approval of equipment or make the equipment unsafe.
- f. Portable evaporative coolers.
- g. Self-contained refrigeration system containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
- h. Portable-fuel-cell appliance that are not connected to a fixed piping system and are not interconnected to a power grid.

#### 5. Plumbing

- a. The stopping of leaks in drains, soil, waste or vent pipe. However, if a trap, drainpipe, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace it with new material, it is considered new work and the owner must obtain a permit under this code.
- b. The clearing of stoppages or the repairing of leaks in pipes, valves, or fixtures, and the removal and reinstallation of toilets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.”

C. Section R105.5 – Expiration. Section R105.5 is deleted and replaced in its entirety to read as follows:

“R105.5 Expiration. Every permit shall become invalid if the work authorized by the permit is not begun with 12 months after issuance, or if the work is abandoned, which shall occur if after commencement of work more than 180 days pass between inspections. The Building Official may grant, in writing, one or more extension of time, for a periods

of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

D. Section R109.1 – Types of Inspections. Section R109.1 is amended to add a new paragraph to the end of Section R109.1 to read as follows: “The Building Official may require a survey of the lot to verify that the structure is located in accordance with the approved plans. In the case of a new residence or a detached structure, the Building Official will require a survey by a licensed land surveyor before approving the foundation. The foundation survey must include the related setbacks, the elevation of the existing grades, and the elevations of the foundation. At the completion of the framing and roof sheathing, the survey must include the elevations of all floors and the maximum roof height, to verify that the structure is built according to the approved drawings.”

E. Section R112.1 – General. Section R112.1 – General is replaced in its entirety to read as follows:

“R112.1 General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there is a board of appeals. In accordance with the Health and Safety Code sections 17920.5 and 17920.6, the board of appeals shall be the City of Piedmont Planning Commission. The board will adopt rules of procedure for conducting its business, and will render decisions and findings in writing to the appellant with a duplicate copy to the building official.”

F. Section R202 – Definitions. Section R202 – Definitions is amended to add the following to the definition of crawlspace:

“CRAWL SPACE. An underfloor space with a maximum height of 5 feet that is not a basement.”

G. Section R302.15 – Deck Fire Protection. Section R302.15 is added to the 2019 California Residential Code to read in its entirety:

“R302.15 Deck Fire Protection. Except for a deck that is more than 10 feet from a structure regulated by this code, the exposed underside of a deck must be protected by the installation of materials approved for one-hour fire-resistant construction on the horizontal exterior underside.

Exceptions:

1. Where the deck is less than one foot above grade.
2. Where the underdeck area is equipped with an automatic fire suppression system which complies with Section R313.
3. Where exterior walls enclose the underside of the deck completely to grade.

4. A balcony or deck which is constructed as follows:  
Horizontal framing members are of size 4 inches x 8 inches (nominal) and larger  
Posts are of size 6 inches x 6 inches (nominal) and larger  
Decking: Conforming to requirements in Section 709A, Decking
5. A deck constructed over permanent noncombustible material which extends at least 3 feet beyond the edge of the deck and prevents the growth of plant material.

The alteration or repair of an existing deck or balcony must meet the above requirements, except that if the number of linear feet of horizontal framing members to be repaired and replaced is less than 25% of the total linear feet of all framing members, materials like those used on the original construction may be used."

H. Section R302.16 –Fire Protection for Overhanging Features. Section R302.16 is added to the California Residential Code to read in its entirety:

"R302.16 Fire Protection for Overhanging Features. Bay windows, cantilever projections, and over overhanging features of structures that are 12 inches to 15 feet above grade shall conform to the requirements of Section R337.7.8, Underfloor protection."

I. Section R303.1 – Habitable Rooms. Section R303.1 is amended to delete exceptions 1 and 2, which allow artificial light and mechanical ventilation.

J. Section R304.3 – Height Effect on Room Area. Section R304.3 is amended to read as follows: "Portions of a room with a sloping ceiling measuring less than 5 feet, or a furred ceiling measuring less than 7 feet, 6 inches from the finished floor to the finished ceiling are not considered as contributing to the minimum required habitable area for that room."

K. Section R305.1 - Minimum Height. Section R305.1 is amended to read as follows: "Habitable space, hallways and portions of basements containing these spaces, must have a ceiling height of at least 7 feet 6 inches. Bathrooms, toilet rooms, and laundry rooms are permitted to have a ceiling height of at least 7 feet.

Exceptions:

1. For a room with a sloped ceiling, the required floor area of the room must have a ceiling height at least 5 feet. At least 50 percent of the required floor area must have a ceiling height of at least 7 feet 6 inches.
2. The ceiling height above bathroom and toilet room fixtures must be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead must have a ceiling height of at least 6 feet 8 inches above an area not less than 30 inches by 30 inches at the showerhead.

3. A beam, girder, duct or other obstruction in a basement containing habitable space is permitted to project to within 6 feet 8 inches of the finished floor.
4. Existing non-habitable space contained within the existing building envelope that is converted to habitable space must have a ceiling height of at least 7 feet.”

L. Section R305.1.2 – Under Floor Area. Section R305.1.2 is added to the 2019 California Residential Code to read as follows:

“R305.1.2 Under Floor Area. Portions of basements with ceiling heights of less than 6 feet 8 inches are considered under floor areas and must be separated from the portions of the basement with ceiling heights of 6 feet 8 inches or greater by construction conforming to Chapter 6, 2019, California Residential Code. Such under floor areas must be unfinished.

Exception: An existing under floor area may be finished for storage and other non-habitation purposes with the approval of the Building Official.”

M. Section R308.4.5 – Glazing and wet surfaces. Section R308.4.5 is amended to read as follows: “Glazing in walls, enclosures or fences adjacent to hot tubs, spas whirlpools, saunas, steam rooms, bathtubs, showers and indoor or outdoor swimming pools where the bottom exposed edge of the glazing is less than 60 inches (1524 mm) measured vertically above any standing or walking surface shall be considered to be a hazardous location. This shall apply to single glazing and each pane in multiple glazing.

Exception: Glazing that is more than 60 inches (1524 mm), measured horizontally from the water’s edge of a bathtub, hot tub, spa, whirlpool or swimming pool or from the edge of a shower, sauna or steam room.”

N. Section R309.8 – Electric vehicle (EV) charging infrastructure. Section R309.8 is amended read as follows: “Newly constructed one- and two-family dwellings, town-houses and one- and two-family dwellings with an existing or proposed garage for which a building permit application has been submitted with a project value of \$50,000 or greater and that includes an electric service panel upgrade shall comply with EV infrastructure requirements in accordance with the California Green Building Standards Code, Chapter 4, Division 4.1.”

O. Section R310.6 – Alterations or Repairs of Existing Basements. Section R310.6 is amended to read as follows:

“R310.6 Alterations or Repairs of Existing Basements. An emergency escape and rescue opening is required where existing basements undergo alterations or repairs to create a habitable space.”

P. Section R313.1 – Townhouse Automatic Sprinkler Systems. Section R313.1 is amended to add the following to the listed exception: “However, if at any time a building is destroyed to the extent that more than 50% of the physical building requires reconstruction, an automatic fire sprinkler system shall be required. The amount of physical building destruction shall be determined by the Building Official.”

Q. Section R313.2 – One and Two Family Dwellings Automatic Fire Systems. Section R313.2 is amended to add the following to the end of the listed exception: “However, if at any time a building is destroyed to the extent of more than 50% of the physical building requires reconstruction, an automatic fire sprinkler system shall be required. The amount of physical building destruction is determined by the Building Official.”

R. Section R319.1 – Site Address. Section R319 is amended to read as follows: “Address identification. Buildings and accessory dwelling units created within existing buildings must be provided with approved address identification. The address identification must be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters must contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers may not be spelled out. Each character must be not less than 4 inches (102 mm) in height with a stroke width of not less than 0.5 inch (12.7 mm). Where required by the fire code official, address identification must be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification must be maintained.”

S. Section R337.1.5 – Vegetation management compliance. Section R337.1.5 is amended to read as follows: “Prior to building permit final approval, any property in a Fire Hazard Severity Zone shall be in compliance with all applicable vegetation management requirements prescribed in California Fire Code Section 4906, including California Public Resources Code 4291 or California Government Code Section 51182, and all other properties not in a Fire Hazard Severity Zone shall be in compliance with all applicable vegetation management requirements adopted by ordinance of the City of Piedmont. Acceptable methods of compliance inspection and documentation shall be determined by the enforcing agency and shall be permitted to include any of the following:

1. Local, state, or federal fire authority or designee authorized to enforce vegetation management requirements.
2. Enforcing agency.
3. Third party inspection and certification authorized to enforce vegetation management requirements.”

T. Section R337.2 – Definitions. The definition of “Wildland-Urban Interface Fire Area” in Section R337.2 is amended to read as follows:

“WILDLAND-URBAN INTERFACE FIRE AREA includes any geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and any Very High Fire Hazard Severity Area designated in accordance with Government Code Section 51175 through 51189. Additionally, each and every area of the City of Piedmont shall be considered a wildland-urban interface area because each area of the City has been determined by the City to be subject to a significant risk due to wildfire. A map depicting the Wildland-Urban Interface Area, and all Fire Hazard Severity Zones including the Very High Fire Severity Zone, shall be kept on file with the Fire Marshall of the City of Piedmont.”

U. Section R401.3 – Drainage: Section R401.3 is amended to append the following to the end of the section: "Provisions shall be made for the control and drainage of surface and subsurface water around buildings. Whenever plans for an improvement to real property indicate the possibility of change in either surface or subsurface drainage, or both, the owner shall submit a plan for drainage control which provides for no increase or other adverse change in drainage on an adjacent property. The storm water discharge must be managed with one or more of the following methods:

1. Underground, rigid pipe via gravity flow down to the face of curb of a street bordering the property. Any piping occurring under the city sidewalk or other city improvements must be cast iron pipe.
2. Direct all concentrated storm water to a catch basin and sump pump to deliver water to the face of curb of a street bordering the property.
3. Gravity flow through neighboring property to the face of curb on a lower street subject to the approval of the Director of Public Works, and a written agreement and recorded easement mutually agreed to by the affected neighbors.
4. Any other method determined by the Building Official to be reasonable and appropriate under the circumstances, including methods for on-site retention of stormwater included in the *C.3 Stormwater Technical Guidance Manual* provided by the Alameda County Flood Control and Water Conservation District. The Building Official will require plans by a civil engineer, if necessary based on the characteristics of the site."

V. Section R401.4.3 – Foundation and Soils Investigations – Where Required. Section R401.4.3 is added to the 2019 California Residential Code to read in its entirety:

“R401.4.3 Foundation and Soils Investigations – Where Required. A geotechnical evaluation shall be required:

1. "For any building on a site having a slope of 20% or greater, a soils report must be prepared by a geotechnical engineer licensed by the State of California.
2. At discretion of the Building Official based on the characteristics of the site and the nature of the construction proposed.”

W. Section R403.1.6 - Foundation Anchorage. Section R403.1.6 is amended to add the following sentence at the end of the second paragraph: “All anchor bolts, seismic ties, and other mechanical or structural connectors to be embedded in new concrete must be installed and in place at the time of the foundation form inspection.”

X. Section R404.1.1 – Design Required. Section R403.1.6 is amended to read in entirety as follows:

“R404.1.1 Design Required. Concrete or masonry foundation walls must be designed in accordance with accepted engineering practice if either of the following conditions exists:

1. The wall is subject to hydrostatic pressure from groundwater.
2. The wall is supporting more than 30 inches of unbalanced backfill that does not have permanent lateral support at the top or bottom.”

Y. Section R405.1 - Concrete or Masonry Foundations. Section R405.1 is amended to read in entirety as follows:

“R405.1 Concrete or Masonry Foundations. Drains must be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Perforated pipe or other approved systems or materials must be installed at or below the area to be protected and must discharge by gravity or mechanical means into an approved drainage system. Perforated pipe must be surrounded with an approved filter membrane or the filter membrane must cover washed gravel or crushed rock covering the drain pipe. Perforated pipe must be placed on a minimum of 2 inches of washed gravel or crushed rock at least one sieve size larger than the perforations and covered with not less than 6 inches of the same material.”

Z. Section R507.2 - Materials. Section R507.2 is amended to add the following at the end of the section: “Materials used for the construction of decks shall comply with this section and Section R302.15.”

AA. Section R703.6 - Wood Shakes and Shingles. Section R703.6 is amended to add the following at the end of the first paragraph of R703.6:

- “1. If more than 25% of the wall area of a face of the building is replaced, the shingles and shakes shall meet the requirements of Section R337.3 Exterior Walls.
2. Exterior wall finishes of existing structures where less than 25% of the wall area is being replaced or openings are infilled, but not additions to existing structures, may be replaced to match the existing wall finish. If wood shakes or shingles are installed they shall meet the requirements of Section R337.3.5.2.2 Fire-retardant/treated wood shingles and shakes.

3. Framing to receive wood siding or wood shingles and shakes siding must be covered with tight-fitting minimum 1/2" wood underlayment or 1/2" exterior grade gypsum sheathing."

BB. Section R902.1 – Roof Covering Materials: Section R902.1 is replaced to read in its entirety as follows:

“R902.1 Roof Covering Materials. Roofs must be covered with materials as set forth in Sections R904 and R905, in all areas, including very-high fire hazard severity zones and within state responsibility areas. A minimum Class A roofing must be installed. Class A roofing required by this section shall be tested in accordance with UL 790 or ATM E 108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.
3. Class A roof assemblies include minimum 16 oz/ft<sup>2</sup> copper sheets installed over combustible decks.
4. Class A roof assemblies include slate installed over underlayment over combustible decks.”

CC. Section R902.1.1 Roof coverings within very-high fire hazard severity zones. Section R902.1.1 is deleted in its entirety.

DD. Section R902.1.2 Roof coverings within state responsibility areas. Section R902.1.2 is deleted in its entirety.

EE. Section R902.1.3 Roof coverings in all other areas. Section R902.1.3 is deleted in its entirety.

FF. Section R905.7 – Wood Shingles. Section R905.7 is amended to read as follows:

“R905.7 Wood Shingles. The installation of wood shingles is prohibited.

Exception: The installation of wood shingles shall be permitted if necessary for repair or replacement of existing wood shingles on existing dwellings and accessory structures on or eligible for inclusion on the National Register of Historic Places.”

GG. Section R905.8 – Wood Shakes. Section R905.8 is amended to read as follows:

“R905.8 Wood Shakes. The installation of wood shakes is prohibited.

Exception: The installation of wood shakes shall be permitted if necessary for repair or replacement of existing wood shakes on existing dwellings and accessory structures on or eligible for inclusion on the National Register of Historic Places.”

HH. Section R1003.9.2 – Spark Arresters. Section R1003.9.2 is amended to add the following after the first sentence 2: “This is required when a building permit is issued for an improvement of a value in excess of \$1,000.00. The spark arrester must be installed before final inspection approval.”

II. Appendix K. Section AK103.2 – Mechanically Generated Noise Sources is added to Appendix K to read as follows:

“Section AK 103.2 Mechanically Generated Noise Sources. Machines and other devices located on the exterior of structures which generate sounds perceptible outside the perimeters of the lot on which they are located must be installed with sound transmission control measures to adequately minimize or eliminate the transmission of the sound to a level not to exceed 50 decibels, A-weighted, at the nearest property line to the source. This section is directed to and includes, but is not limited to, pool and spa filter systems, air conditioning units, generators, and exterior mounted blowers for exhaust systems.”

### **8.02.030 2019 California Building Code – Amendments**

The following provisions amend the listed sections of the 2019-California Building Code as adopted in Section 8.02.010.

A. Section 105.1 – Permits Required. Section 105.1 is amended to add the following provisions at the end of the section: “A building permit is also required for the following:

1. An on-grade improvement capable of use for parking a vehicle and located in the street yard setback.
2. On-grade stairs with four or more risers that are part of the primary entrance/exit to and from the structure.
3. Construction, repair or replacement of a public sidewalk, curb or gutter.
4. A building permit is required for building alterations and property improvements which have received or require design review approval from the City of Piedmont.”

B. Section 105.2 – Work Exempt from Permits. Section 105.2 is amended as to modify the exceptions in the Building section to read as follows:

“Building:

1. One-story detached accessory building used as tool or storage shed, playhouse or similar uses, provided the projected floor area does not exceed 120 square feet, provided it is not located within the street yard setback, and is less than 7 feet in height measured from the lowest adjacent grade to the highest roof projection. Not more than one accessory structure on a parcel shall be eligible for this exemption.
2. A fence 6 feet high or less which is not located in the street yard setback and is not within 2 feet, measured horizontally, of a retaining structure that compensates for a change in grade.
3. A non-fixed and movable fixture, case, rack, counter or partition not over 5 feet 9 inches in height.
4. A retaining wall which is not over 30 inches in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. A platform, walk or driveway not more than 12 inches above grade and not over any basement or story below and not part of an accessible route.
6. Painting, papering, interior floor covering and similar finish work.
7. Temporary motion picture, television and theater stage set or scenery.”

C. Section 105.5 – Expiration.

Section 105.5 is amended to be replaced in its entirety to read as follows:

“105.5 Expiration. Every permit shall become invalid if the work authorized on the site by the permit is not begun with 12 months after issuance, or if the work is abandoned, which shall occur if after commencement of work more than 180 days pass between inspections. The Building Official may grant, in writing, one or more extension of time, for a periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.”

D. Section 110.1 – Inspections, General: Section 110.1 is amended to add a new paragraph at the end of Section 110.1 to read as follows: "The Building Official may require a survey of the lot to verify that the structure is located in accordance with the approved plans. In the case of a new residence or a detached structure, the Building Official will require a survey by a licensed land surveyor before approving the foundation inspection. The foundation survey must include the related setbacks, the elevation of the existing grades, and the elevations of the foundation. At the completion of the framing and roof sheathing, the survey must include the elevations of all floors and the maximum roof height, to verify that the structure is built according to the approved drawings.”

E. Section 701A.5 – Vegetation management compliance. Section 701A.5 is amended to read as follows: “Prior to building permit final approval, any property in a Fire Hazard Severity Zone shall be in compliance with all applicable vegetation management requirements prescribed in California Fire Code Section 4906, including California Public Resources Code 4291 or California Government Code Section 51182, and all other properties not in a Fire Hazard Severity Zone shall be in compliance with all applicable vegetation management requirements adopted by ordinance of the City of Piedmont. Acceptable methods of compliance inspection and documentation shall be determined by the enforcing agency and shall be permitted to include any of the following:

1. Local, state, or federal fire authority or designee authorized to enforce vegetation management requirements.
2. Enforcing agency.
3. Third party inspection and certification authorized to enforce vegetation management requirements.”

F. Section 702A – Definitions. The definition of “Wildland-Urban Interface Fire Area” in Section 702A is amended to read as follows:

“WILDLAND-URBAN INTERFACE FIRE AREA includes any geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with the Public Resources Code Sections 4201 through 4204 and any Very High Fire Hazard Severity Area designated in accordance with Government Code Section 51175 through 51189. Additionally, each and every area of the City of Piedmont shall be considered a wildland-urban interface area because each area of the City has been determined by the City to be subject to a significant risk due to wildfire. A map depicting the Wildland-Urban Interface Area, and all Fire Hazard Severity Zones including the Very High Fire Severity Zone, shall be kept on file with the Fire Marshall of the City of Piedmont.”

G. Section 711.4– Protection of Underside of Floors. Section 711.4 is added to the 2019 California Building Code to read in its entirety as follows:

“711.4 Protection of Underside of Floors. The exposed underside of a floor for habitable space, uninhabitable space which supports or is attached to habitable space, or a deck which is located less than 10 feet from a structure regulated by this code, must be protected by the installation of materials approved for one-hour fire-resistant construction on the horizontal exterior side. Gypsum sheathing may be covered by combustible finish materials.

Exceptions:

1. Where exterior walls enclose the under floor area completely to grade.
2. Where the underfloor area is equipped with an automatic fire suppression system which conforms with the California Fire Code, as amended under division 8.02 of the Piedmont City Code.

3. A balcony or deck which is less than one foot above grade.
4. A balcony or deck which is constructed as follows:  
Horizontal framing members are of size 4 inches x 8 inches (nominal) and larger  
Posts are of size 6 inches x 6 inches (nominal) and larger  
Decking conforming to requirements in Section 709A Decking
5. A deck constructed over permanent noncombustible paving that prevents the growth of plant material and which extends at least 3 feet beyond the edge of the deck.

The alteration or repair of an existing deck, or balcony must meet the above requirements, except that if the number of linear feet of horizontal framing members to be repaired and replaced is less than 25% of the total linear feet of all framing members, materials like those used on the original construction may be used."

H. Section 903.2 – Automatic Sprinkler Systems Where required. Section 903.2 is amended to append the following to the section: "Any previously non-conforming structure is reconstructed after more than 50% of the physical building is demolished or destroyed shall be constructed with an automatic sprinkler system as described in Sections 903.2.1 through 903.2.19. The amount of physical building destruction or demolition is determined by the Building Official."

I. Section 1206.6 – Mechanically Generated Noise Sources. Section 1207.6 is added to the 2019 California Building Code to read as follows:

"Section 1207.6 Mechanically Generated Noise Sources. Machines and other devices located on the exterior of structures which generate sounds perceptible outside the perimeters of the lot on which the machine or other device is located must be installed with such sound transmission control measures to adequately minimize or eliminate the transmission of the sound to a level not to exceed 50 decibels, A-weighted, beyond property perimeters. This section is directed to and includes, but is not limited to, pool and spa filter systems, air conditioning units, generators, and exterior mounted blowers for exhaust systems."

J. Section 1405.2 – Wood Shingle Siding and Other Wood Siding. Section 1406.5 of the 2019 California Building Code is replaced to read as follows:

"Section 1406.5 Wood Shingle Siding and Other Wood Siding. Exterior wall coverings constructed of wood shingle siding and other wood siding must comply with the following limitations:

1. The wood shingle siding must conform to the requirements of Section 707A Exterior Covering.

2. Exterior wall finishes of existing structures where less than 25% of the wall area is being replaced or openings are infilled, but not additions to existing structures, may be replaced to match the existing wall finish. If wood shakes or shingles are installed they must meet the requirements of Section 704A.4.3 Alternative methods for determining ignition-resistant material.

3. Framing to receive wood shingle siding or other wood siding must be covered with tight-fitting minimum 1/2" wood underlayment or 1/2" exterior grade gypsum sheathing.”

K. Section 1505.1 – General. Section 1505.1 is amended to read in its entirety as follows:

“1505.1 General. Class A roof assemblies and roof coverings shall be installed. Class A roof assemblies and roof coverings shall be tested in accordance with ASTM E 108 or UL 790.

Exception: Skylights and sloped glazing that comply with Chapter 24 or Section 2610.”

L. Section 1505.1.1 Roof coverings within very-high fire hazard severity zones. Section 1505.1.1 is deleted.

M. Section 1505.1.2 Roof coverings within state responsibility areas. Section 1505.1.2 is deleted.

N. Section 1505.1.3 Roof coverings in all other areas. Section 1505.1.3 is deleted.

O. Section 1505.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area. Section 1505.1.4 is deleted.

P. Section 1505.3 Class B roof assemblies. Section 1505.3 is deleted.

Q. Section 1505.4 Class C roof assemblies. Section 1505.4 is deleted.

R. Section 1505.5 Non-classified roofing. Section 1505.5 is deleted.

S. Section 1505.6 Fire-retardant-treated wood shingles and shakes. Section 1505.6 is deleted.

T. Section 1507.8 Wood Shingles. Section 1507.8 is amended to read in its entirety as follows:

“1507.8 Wood shingles. The installation of wood shingles is prohibited.

Exception: The installation of wood shingles shall be permitted if necessary for repair or replacement of existing wood shingles on existing dwellings and accessory structures on or eligible for inclusion on the National Register of Historic Places.”

U. Section 1507.9 – Wood Shakes. Section 1507.9 is amended to read in its entirety as follows:

“1507.9 Wood Shakes. The installation of wood shakes is prohibited.

Exception: The installation of wood shakes shall be permitted if necessary for repair or replacement of existing wood shakes on existing dwellings and accessory structures on or eligible for inclusion on the National Register of Historic Places.”

V. Section 1511.1 – General. Section 1511.1 is amended to read in its entirety as follows:

“1511.1 General. Materials and methods of application used for recovering or replacing an existing roof covering must comply with the requirements of Section 1505.1 as amended by the Piedmont City Code section 8.02.030.

Exceptions:

1. Reroofing is not required to meet the minimum design slope requirements of one-quarter unit vertical in 12 units horizontal (2 percent slope) in Section 1507 for a roof that provides positive roof drainage.

2. Reroofing of an existing structure, regardless of existing roofing materials, must conform to the requirements of a Class-A roof for the materials used in the installation. Class-A roofing materials may be installed over previous roof material layers if the final assembly meets requirements of California Building Code Chapter 15 as amended by the Piedmont City Code.

3. Patches and repairs exceeding 100 square feet must meet the requirements for reroofing. Patches and repairs of 100 square feet or less may match existing materials, including sheathing and roofing materials, provided that wood shingles and shakes are fire treated to a Class-B rating.

4. Reroofing of an existing structure shall not be required to meet the requirement for secondary (emergency overflow) drains or scuppers in Section 1503.4 for roofs that provide for positive roof drainage. For the purposes of this exception, existing secondary drainage or scupper systems required in accordance with this code shall not be removed unless they are replaced by secondary drains or scuppers designed and installed in accordance with Section 1503.4.”

W. Section 1803.2 – Geotechnical Investigations Required. Section 1803.2 is amended to add the following after the first sentence: “A geotechnical investigation is required:

1. For a building on a site having a slope of 20% or greater, or
2. At discretion of the Building Official based on the characteristics of the site and the nature of the construction proposed.”

X. Section 1805.4.3 – Drainage Discharge. Section 1805.4.3 is amended to read in its entirety as follows:

“1805.4.3 Drainage Discharge. Provisions shall be made for the control and drainage of surface and subsurface water around buildings. Whenever plans for an improvement to real property indicate the possibility of change in either surface or subsurface drainage, or both, the applicant must submit a plan for drainage control which provides for no increase or other adverse change in drainage on an adjacent property. The storm water discharge must be managed with one or more of the following methods:

1. Underground, rigid pipe via gravity flow down to the face of curb of a street bordering the property. Any piping occurring under the city sidewalk or other city improvements must be cast iron pipe.
2. Direct all concentrated storm water to a catch basin and sump pump to deliver water to the face of curb of a street bordering the property.
3. Gravity flow through neighboring property to the face of curb on a lower street subject to the approval of the Director of Public Works, and a written agreement and recorded easement mutually agreed to by the affected neighbors.
4. Any other method determined by the Building Official to be reasonable and appropriate under the circumstances, including methods for on-site retention of stormwater included in the *C.3 Stormwater Technical Guidance Manual* provided by the Alameda County Flood Control and Water Conservation District. The Building Official will require plans by a civil engineer, if necessary based on the characteristics of the site.”

Y. Section 1807.2 – Retaining Walls. Section 1807.2 is amended to add the following sentence: “A retaining wall, any portion of which exceeds 30 inches in height measured from the top of the footing to the top of the retaining wall, must be designed by a registered civil or structural engineer or architect.”

Z. Section 2113.9.2 – Spark Arrestors. Section 2113.9.2 is amended to add the following after the first sentence: “A spark arrester is required when a building permit is issued for an improvement. The spark arrester must be installed or in good working order before final inspection approval.”

AA. Section 2308.3.1 – Foundation Plates or Sills. Section 2308.3.1 is amended to add the following sentence at the end of the paragraph: “All anchor bolts, seismic ties,

and any other mechanical or structural connectors to be embedded in new concrete must be installed and be in place at the time of the foundation form inspection.”

#### **8.02.040 2019 California Mechanical Code - Amendments**

This section amends the 2019 California Mechanical Code as adopted in Section 8.01.010, as set forth below.

A. Section 104.5.4 – Permit Fees. Section 104.5 is amended to replace “in the fee schedule, Table 104.5” in the first section with the following: “by the Fee Schedule set by City Council resolution” and the following sentence to the end of the paragraph: “The determination of value or valuation under this Code is made by the Building Official, and the value to be used in computing the mechanical permit and mechanical plan review fees is the total value of all construction for which the permit is issued.”

B. Section 104.3.2 – Plan Review Fees. Section 104.3.2 is amended to delete the fourth paragraph in its entirety and to replace the third paragraph with the following: “The plan review fees specified in this subsection are included in the permit fees specified in section 104.5.”

C. Section 105.2.6 Reinspections. Section 105.2.6 is amended to delete the fourth paragraph.

D. Section 107.1 General. Section 107.1 is amended append the following: “In accordance with the Health and Safety Code sections 17920.5 and 17920.6, the Board of Appeals shall be the City of Piedmont Planning Commission.”

#### **8.02.050 2019 California Plumbing Code - Amendments**

This section amends the 2019 California Plumbing Code as adopted in Section 8.01.010, as set forth below.

A. Section 104.3.2 – Plan Review Fees. Section 104.3.2 is amended to delete the fourth paragraph in its entirety and to replace the third paragraph to read: “The plan review fees specified in this subsection are included in the permit fees specified in Section 104.5.”

B. Section 104.5 – Fees. Section 104.5 is amended to replace “in the fee schedule, Table 104.5” in the first section with the following: “by the Fee Schedule set by City Council resolution” and the following sentence to the end of the paragraph: “The determination of value or valuation under this Code shall be made by the Building Official, and the value to be used in computing the plumbing permit and the plumbing plan review fees are the total value of construction work for which the permit is issued.”

C. Section 107.1 – General. Section 107.1 is amended append the following: “In accordance with the Health and Safety Code sections 17920.5 and 17920.6, the Board of Appeals shall be the City of Piedmont Planning Commission.”

D. Section 601.9 – Ground Driven Electrode Required. Section 601.9 is added to the 2019 California Plumbing Code to read as follows:

“601.9 Ground Driven Electrode Required. When new water service piping is installed, and a ground driven electrode is nonexistent, one must be driven and the proper electrical connections made as described in the current electrical code.”

E. Section 1101.2 – Where Required. Section 1101.2 is amended to read: “Roofs, paved areas, yards, courts, courtyards, vent shafts, light wells, or similar areas having rain water must be drained into a separate storm sewer system or to some other place of disposal satisfactory to the Authority Having Jurisdiction.”

F. Section 1101.6.1 – Discharge. Section 1101.6.1 is amended to read in its entirety as follows:

“1101.6.1 Discharge. Subsoil drains must be piped to a storm drain, to an approved water course, or to the front street curb or gutter. Where a continuously flowing spring or ground water is encountered, subsoil drains must be piped to a storm drain or an approved water course.”

G. Section 1101.6.3 — Splash Blocks. Section 1101.6.3 is deleted.

H. Section 1101.6.5 — Open Area. Section 1101.6.5 is deleted.

I. Section 1501.3 – Permit. Section 1501.3 is amended to delete the listed exception.

J. Section 1503.1.1 – Clothes Washer System. Section 1503.1.1 is amended to revise the first paragraph to read: “A clothes washer system must comply with the following:”

#### **8.02.060 2019 California Electrical Code - Amendments**

This section amends the 2019 California Electrical Code as adopted in Section 8.01.010, as set forth below.

A. Section 89.108.4.2 – Fees. Section 89.108.4.2 is amended to add the following to the end of the paragraph: “A fee for each electrical permit must be paid to the city in accordance with the Fee Schedule set by City Council resolution. The determination of value or valuation under any of this code shall be made by the Building Official. The value used in computing the electrical permit and electrical plan review fee is the total value of all construction work for which the permit is issued.”

**8.02.070 Reserved.**

**8.02.080 2019 California Green Building Standards Code - Amendments**

This section amends the 2019 California Green Building Standards Code as adopted in Section 8.01.010, as set forth below.

A. Section 301.1.1 – Additions and Alterations: Section 301.1.1 is amended to add the following after the first sentence: “The mandatory provisions of Section 4.408 shall apply to a project with a building permit valuation of \$50,000 or more. The valuation shall be determined by the Building Official.”

**8.02.090 2019 California Fire Code – Amendments**

This section amends the 2019 California Fire Code as adopted in Section 8.01.010, as set forth below.

A. Section 5601.1.3 – Fireworks. Section 5601.1.3 is amended to read in its entirety:

“5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials is prohibited within the City of Piedmont.

Exception: This prohibition shall not apply to Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.”

B. Section 5608.1– General. Section 5608.1 is amended to read in its entirety:

“5608.1 General. Outdoor fireworks displays and use of pyrotechnics is prohibited within the City of Piedmont.

Exception: This prohibition shall not apply to Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.”

**8.02.100 Penalties Adopted.**

A. In addition to any other penalties that may be provided at law, any person, firm, corporation, or other entity violating any of the provisions of this division is guilty of a misdemeanor and shall be punished by subject to a fine not to exceed one thousand dollars or by imprisonment not to exceed six months, or both, unless deemed an infraction by the citing officer or prosecuting authority in the exercise of enforcement discretion. Penalties for offenses deemed an infraction may be established by resolution of the City Council, and if not established by resolution, shall be the maximum amounts authorized under Government Code section 36900 subdivision (c). In the discretion of the citing officer or prosecuting authority, a penalty other than as set forth above may be apply applied to an offender for where a more specific penalty provision authorizes the imposition of such other penalty.

B. Violations of this division shall also be subject to administrative fine and enforcement by administrative citation in accordance with Chapter 1, Article II of this Code.

C. Every such violation shall be deemed a separate offense for each day or portion thereof during which such violation continues.

**DIVISION 8.04**  
**SMALL RESIDENTIAL ROOFTOP SOLAR SYSTEMS**

Sections:

- 8.04.010 Definitions
- 8.04.020 Applicability
- 8.04.030 Solar energy system requirements
- 8.04.040 Duties of Planning & Building Department
- 8.04.050 Permit review and inspection requirements

**8.04.010 Definitions.**

In this division:

*Association* means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

*Common interest development* means any of the following:

- A. A community apartment project.
- B. A condominium project.
- C. A planned development.
- D. A stock cooperative.

*Electronic submittal* means submitting the application by electronic mail.

*Reasonable restrictions* on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

*Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance* means:

- A. For water heater systems or solar swimming pool heating systems: an amount exceeding 10% of the cost of the system, but in no case more than \$1,000, or decreasing the efficiency of the solar energy system by an amount exceeding 10%, as originally specified and proposed.
- B. For photovoltaic systems: an amount not to exceed \$1,000 over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10% as originally specified and proposed.

*Small residential rooftop solar energy system* means a solar energy system that meets each of the following requirements:

- A. is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal;
- B. conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and all state and City health and safety standards;
- C. is installed on a single or duplex family dwelling; and
- D. does not exceed the maximum legal building height of the zone the property is located in, as defined in chapter 17.

*Solar Energy System* means either:

- A. A solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating; or
- B. A structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

**8.04.020 Applicability.**

- A. This division 8.04 applies to the permitting of each small residential rooftop solar energy system in the city.
- B. A small residential rooftop solar energy system legally established or permitted before the effective date of this division is not subject to the requirements of this division unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements do not require a permit.

**8.04.030 Solar energy system requirements.**

- A. A solar energy system must meet applicable health and safety standards and requirements imposed by the state and the city.
- B. A solar energy system for heating water in single-family residence and for heating water in commercial or swimming pool applications must be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. A solar energy system for producing electricity must meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability.

**8.04.040 Duties of Planning & Building Department.**

A. The city will make available, on the publicly accessible city web site, the documents required for the submission of an expedited solar energy system application.

B. An applicant for a small rooftop solar energy system permit may submit the required permit application and documents electronically.

C. The city will accept an applicant's electronic signature on all forms, applications, and other documents.

D. The Planning & Building Department will adopt a standard plan and checklist of the requirements with which small residential rooftop solar energy systems must comply to be eligible for expedited review.

E. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) will substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.

F. The fees prescribed for the permitting of a small residential rooftop solar energy system will comply with Government Code Sections 65850.55, 66015, 66016, and Health and Safety Code Section 17951, as may be amended.

**8.04.050 Permit review and inspection requirements.**

A. The Planning & Building Department shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The Department will issue a building permit within three business days of receipt of a complete application which also meets the requirements of the approved checklist and standard plan.

B. Review of the application is limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.

C. The city will not condition the approval of an application on the approval of an association.

D. If an application is deemed incomplete, the city will send to the applicant a written correction notice detailing the deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance.

E. Only one inspection is required and performed by the Building Official for a small residential rooftop solar energy system eligible for expedited review.

F. The inspection will be done in a timely manner and will include consolidated inspections. An inspection will be scheduled within two business days of a request and provide a two-hour inspection window.

G. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this division.

## **DIVISION 8.06      ELECTRICAL VEHICLE CHARGING STATIONS**

Sections:

8.06.010	Definitions
8.06.020	Expedited permitting process
8.06.030	Permit application processing
8.06.040	Technical review
8.06.050	Installation requirements

### **8.06.010      Definitions.**

In this division:

*Association* means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.

*Electric vehicle charging station* or *charging station* means an electric vehicle supply equipment station that is designed and built in compliance with Article 625 of the California Electrical Code, and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.

*Electronic submittal* means the submittal of the application by electronic mail, the internet, or facsimile.

*Specific adverse impact* means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

### **8.06.020      Expedited permitting process.**

Consistent with Government Code Section 65850.7, the Building Official will implement an expedited, streamlined permitting process for electric vehicle charging stations, and adopt a checklist of the requirements with which electric vehicle charging stations must comply with in order to be eligible for expedited review. The expedited, streamlined permitting process and checklist may refer to the recommendations contained in the most current version of the “Plug-In Electric Vehicle Infrastructure Permitting Checklist” of the “Zero-Emission Vehicles in California: Community Readiness Guidebook” as published by the Governor’s Office of Planning and Research. The City’s adopted checklist will be published on the City’s website.

### **8.06.030      Permit application processing.**

A. Before submitting an application for processing, the applicant must verify that the installation of an electric vehicle charging station will not have specific, adverse impact to public health and safety, or to building occupants. Verification by the applicant includes but is not limited to: electrical system capacity and loads; electrical system

wiring, bonding and overcurrent protection; building infrastructure affected by charging station equipment and associated conduits; areas of charging station equipment and vehicle parking.

B. A permit application that satisfies the information requirements in the city's adopted checklist will be deemed complete and be promptly processed. Upon confirmation by the Building Official that the permit application and supporting documents meet the requirements of the city's adopted checklist, and are consistent with all applicable laws and health and safety standards, the Building Official will, consistent with Government Code Section 65850.7, approve the application and issue all necessary permits. An electric vehicle charging station may not be installed or used until the Building Official issues the permit. If the Building Official determines that the permit application is incomplete, the Building Official will issue a written correction notice to the applicant, detailing the deficiencies in the application and any additional information required to be eligible for expedited permit issuance.

C. Consistent with Government Code Section 65850.7, the Building Official will allow for electronic submittal of permit applications and associated supporting documentations. In accepting such permit applications, the Building Official will also accept electronic signatures on all forms, applications, and other documentation.

#### **8.06.040 Technical review.**

A. The permitting requirements in this division do not supersede the Building Official's authority to address higher priority life-safety situations. The Building Official may deny an application to install an electric vehicle charging station only if the Building Official makes written findings based upon substantial evidence in the record that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings shall include the basis for the rejection of potential feasible alternatives of preventing the adverse impact. The decision of the Building Official to deny an application to install an electric vehicle charging station may be appealed to the Planning Commission in accordance with division 17.78.

B. The City will not condition the approval for any electric vehicle charging station permit on the approval of such a system by an association.

#### **8.06.050 Installation requirements.**

A. Electric vehicle charging station equipment must meet the requirements of the California Electrical Code, the Society of Automotive Engineers, the National Electrical Manufacturers Association, and accredited testing laboratories such as Underwriters Laboratories, and any applicable rules of the Public Utilities Commission.

- B. Installation of an electric vehicle charging stations and the associated wiring, bonding, disconnecting means and overcurrent protective devices must meet the requirements of California Electrical Code, Article 625.
  
- C. Installation of an electric vehicle charging station must be incorporated into the load calculations of new or existing electrical services and must meet the requirements of the California Electrical Code. Electric vehicle charging equipment is considered a continuous load.
  
- D. Anchorage of either a floor-mounted or wall-mounted electric vehicle charging station must meet the requirements of the California Building or Residential Code as applicable per occupancy, and the manufacturer's installation instructions. Mounting of charging stations may not adversely affect building elements.

**DIVISION 8.08      DISCLOSURES REQUIRED ON SALE OF PROPERTY**

Sections:

8.08.010      Property records

**8.08.010      Property records.**

A.      Purpose. The purpose of this section is to fairly notify future property owners of important requirements concerning property in the city.

B.      Requirement. Each person who sells an interest in real property located in the city must provide the following information to a prospective buyer at least 10 days before the close of escrow:

1.      A Property records search provided by the Planning & Building Department for a nominal fee established by the City Council. This report shall show the building permit history for the property, including which improvements have been approved.

2.      A disclosure statement prepared by the Planning & Building Director.

**DIVISION 8.10 GREEN BUILDING REGULATIONS FOR CITY PROJECTS**

Sections:

- 8.10.010 Definitions
- 8.10.020 Regulations and standards

**8.10.010 Definitions.**

Definitions. In this section:

*Building* has the same meaning as defined in division 17.90.010 of this code.

*City project* means any new construction or renovation of a building owned or occupied by a city department.

*Covered project* means a new building or renovation project that equals or exceeds \$4 million in construction costs, and is either owned or occupied by a city department or agency or developed as a public-private partnership.

*Green building compliance official* means the Director of Planning & Building or the Director's designee.

*Initiated* means officially identified and substantially funded.

*LEED rating system* means the most recent version of the Leadership in Energy and Environmental Design (LEED) Green Building Rating System approved by the United States Green Building Council.

*LEED-accredited professional* means an individual who has passed the LEED accreditation exam administered by the US Green Building Council.

*Public-private partnership* means a project built on city-owned land, primarily funded by the city, or built under a disposition and development agreement with the city.

*Renovation* means a change, addition, or modification to an existing building or structure, including, but not limited to, tenant improvements.

*Structure* has the same meaning as defined in division 17.90.010 of this code.

*Traditional public works project* means a heavy construction project including but not limited to a pump station, flood control improvement, road, and bridge, traffic lights, sidewalk, bike path, bus stop, or associated infrastructure on city owned and maintained property.

**8.10.020 Regulations and standards.**

- A. Checklists, guidelines and rating system. City staff will maintain the most recent version of the LEED Rating System.
- B. LEED rating. Each covered project must meet a minimum LEED Silver rating and be so certified by the US Green Building Council. Each covered project must also have a LEED-accredited professional as a principal member of the design team from the beginning of the project.
- C. Practicable effort and documentation. To reduce operating and maintenance costs in city facilities and public-private partnership facilities, a city project of \$275,000 or more but less than \$4 million, is required to meet as many LEED credits as practicable and must to complete and submit to the city's green building compliance official the LEED checklist as a way of documenting the green building practices that have been incorporated into the project.
- D. Project specifications in bids. In developing project specifications for use in building a traditional public works project, the Public Works Department will consider including in those specifications green building and environmentally sound practices whenever practicable.
- C. Unusual circumstances. The City Council by resolution may waive compliance with this division in unusual circumstances in which the council finds that the public interest is not served by complying with these provisions.

## DIVISION 8.12 SANITARY SEWERS

Sections:

8.12.010	Definitions
8.12.020	Building sewer lateral required
8.12.030	Limitations; Prohibited discharges
8.12.040	Sewer permit
8.12.050	Construction standards, design and materials
8.12.060	Abandonment of existing building sewers
8.12.070	Maintenance and required inspection
8.12.080	Time for compliance; Emergency work; Right of entry; Order to abate
8.12.090	Adoption of EBMUD Regional PSL Ordinance
8.12.100	Enforcement

### 8.12.010 Definitions.

Unless otherwise defined in this division, terms used in this division shall be the terms used in the EBMUD Regional PSL Ordinance. If not defined in the EBMUD Regional PSL Ordinance or otherwise defined in this section, terms used in this division shall have the meaning are as defined in the latest editions of American Public Works Association Standard Specifications for Public Works Construction, the California Plumbing Code, and the Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

In this division:

*APWA* means the American Public Works Association

*ASTM*: shall refer to the American Society for Testing and Materials.

*Cleanout* means a pipe fitting and associated piping connected to a Private Sewer Lateral that provides access to the Private Sewer Lateral for purposes of flushing, rodding, cleaning, and other maintenance and diagnostic purposes.

*Compliance certificate* means a certificate issued by the District upon its determination that all Private Sewer Laterals associated with a parcel have demonstrated compliance with applicable standards by passing a Verification Test.

*Director* means the Director of Public Works or the Director's authorized representative.

*EBMUD* or *DISTRICT* means the East Bay Municipal Utility District, Special District No. 1.

*EBMUD Regional PSL Ordinance* means the Regional Private Sewer Lateral Ordinance as adopted by EBMUD under Ordinance No. 359-13 and subsequently amended by Ordinance No. 362-14 and 369-19, and as may be subsequently amended from time to time.

*Notice of violation* means a written notice from the city specifying that a building sewer lateral is not in compliance with this division.

*Plumbing code* means the latest adopted edition of the California Plumbing Code. (See division 8.02.)

*Public sewer* means the publicly-owned collection system that carries sewage and liquid waste from building sewer laterals to the wastewater treatment facilities.

*Repair* means a spot mending of an existing building sewer lateral to address a specific section of pipe that is not in compliance with this division.

*Replacement* means that entirely new underground pipes, fittings, joint connections, clean-outs, caps, and other required components of the new building sewer lateral. Complete lining of an existing building sewer lateral in conformance with this division is considered a replacement.

*Sanitary sewer system* means the entire wastewater collection system including public sewers and building sewer laterals.

*Sewer lateral* means and includes:

*Building sewer lateral* means the section of sewer pipe that carries sewage and liquid waste from a point two feet from the building or structure served, up to and including the connection to the public sewer. The building sewer lateral includes the upper and lower sewer lateral. (It is the sole responsibility of the property owner. See section 8.12.070.)

*Lower sewer lateral* means the portion of the Private Sewer Lateral extending from the Cleanout near the curb line to the Sewer Main, or from the curb line in the street to the Sewer Main if there is no Cleanout near the curb line. The Lower Sewer Lateral includes the connection to the Sewer Main. A Lower Sewer Lateral is associated with a parcel if it, or any portion of it, is located upon the parcel or conveys sewage and liquid waste from any Structure located on that parcel. More than one Lower Sewer Lateral may be associated with an individual parcel.

*Upper sewer lateral* means that part of the building sewer lateral extending from the property line and/or cleanout, running on private property to the building or structure served. When an upper sewer lateral connects to a rear or side yard sewer main located on private property in an easement, the entire lateral,

including the connection to the sewer main, is considered the building sewer lateral.

*Sewer main* means the publicly-owned sanitary sewer piping system.

*Standard details* means the latest version of the City of Piedmont Public Works Standard Details as adopted by the City Council.

*Verification test* means a specific on-site testing of the building sewer lateral established by EBMUD to assure compliance with the EBMUD Regional PSL Ordinance and this division.

*Wastewater* means the sewage, industrial and other waste and waters, whether treated or untreated, discharged into or permitted to enter a sanitary sewer system.

#### **8.12.020 Building sewer lateral required.**

- A. Building sewer lateral required. Each building in which plumbing fixtures are installed and every premises having plumbing that collects wastewater must have a connection to the public sewer in conformance with this division.
- B. No direct discharges to public sewers. No person may discharge a substance directly to a manhole, cleanout or other opening in a public sewer other than through an approved building sewer lateral, except with the Director's written approval.
- C. Two-way cleanout required. In addition to the required building sewer lateral, the property owner is responsible for the installation of a two-way cleanout in the building sewer lateral between the upper and lower lateral in a location approved by the Director. The cleanout must be a double-wye conforming to the city's standard details.

#### **8.12.030 Limitations; Prohibited discharges.**

- A. Limitations.
  - 1. Use of the sanitary sewer system is limited to the discharge of sewage and/or industrial wastes in such a quantity and quality as will not endanger the condition, operation or capacity of the sanitary sewer system and the wastewater treatment facilities.
  - 2. No person may discharge, deposit, or throw into a building sewer lateral or the sanitary sewer system a substance or object that may cause an obstruction or damage to the sewer system, or that may cause a nuisance or hazard, or which will in any manner obstruct the efficient operation or maintenance of the sewer collection system or the wastewater treatment facilities.

3. It is unlawful for a person to discharge stormwater, surface water, groundwater (including irrigation wells or private wells), roof runoff or subsurface drainage (including discharge from any sump pump) into a building sewer lateral or public sewer.
- B. Prohibited discharges. No person may discharge any of the following waters or waste into a building sewer lateral or the sanitary sewer system:
1. A discharge that does not meet all requirements set by the City and the District. No one required by the City or the District to have a waste discharge permit may discharge to a building sewer lateral or public sewer without a valid permit.
  2. Industrial process water.
  3. Gasoline, benzene, naphtha, fuel oil, motor oil, or other flammable or explosive liquid, solid, or gas.
  4. Water or waste which contains fats, oils, or grease in excess of those standards established by EBMUD.
  5. Garbage, except garbage from a dwellings or establishment where food is prepared and consumed on the premises, and which has been ground to such a degree that all particles will be carried freely under the flow conditions prevailing in the public sewers. No particle may be greater than 3/8-inch in any dimension.
  6. Sand, cement, concrete, lime, plaster, cinders, ashes, metal, glass or other heavy solid; straw, shavings, animal hair, feathers, paunch manure or other fibrous matter; tar, asphalt, resins, plastics or other viscous substance; or any other matter of such a nature as to obstruct the flow in sewers or cause other interference with the proper operation of the sewer system.
  7. Waters or wastes containing excessive amounts of acid, alkali, or dissolved sulfide, or having any other corrosive property capable of causing damage or hazard to sanitary sewer system structures, equipment or personnel.
  8. Waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the operation and maintenance of the sanitary sewer system.
  9. Waters or wastes containing more than 500 milligrams per liter of suspended solids.
  10. Noxious or malodorous gas or substance capable of creating a public nuisance.

11. Radioactive wastes, regulated PCBs, materials regulated by Toxic Substances Control Act, or hazardous waste as defined by Section 25117 of the California Health and Safety Code or by any other federal, state, or local statute or regulation.
  12. Waste having more than 1 milligram per liter of sulfides.
  13. Waste having a pH of less than 5.5 or more than 10.5.
  14. Material that obstructs or prevents the effective maintenance or normal operation of the building sewer lateral or sewer main.
  15. Septic tanks and cesspools are prohibited notwithstanding any statement in the Plumbing Code to the contrary.
  16. Any hazardous waste as defined by EBMUD.
- C. Special agreements. An individual or industrial concern discharging water or waster of unusual strength, character, composition or volume into the sanitary sewer system may apply for a contract permitting the discharge. If the discharge will cause additional or extraordinary expense to the City or District, the individual or industrial concern is required to reimburse the City or District in an amount as determined by the Director.
- D. Sampling structures. The Director has the right to require a property owner to construct and maintain, at their own expense, a sampling structure in an accessible location for the purpose of sampling and determining the flow of sewage or industrial wastes through their building sewer lateral. If the accessible location is outside of the public right-of-way or public easement, the property owner shall provide an easement to the City allowing City personnel access to the sampling structure. The property owner must have the design of the structure completed by a licensed engineer and approved by the Director prior to construction.

**8.12.040 Sewer permit.**

- A. Permit required. The property owner must obtain a written sewer permit from the Director before construction, repair, or abandonment of a building sewer lateral. A permit is not required for the clearance of sewer stoppages in a privately-owned building sewer lateral. If the construction or replacement of a building sewer lateral is within the city right-of-way or existing public easement, the property owner must obtain an encroachment permit from the city.
- B. Permit application. The applicant or applicant's representative must apply in person for the permit. The application must include:

1. Site plan. Site plan showing the proposed location of the building sewer lateral including location of the connection to the public sewer and of all clean outs on the building sewer lateral.
  2. Materials. List of materials that will be used to construct the building sewer lateral.
  3. Business license. Verification that the contractor has an active city business license.
  4. Payment. Payment of sewer permit fees as follows:
    - a. For a new sewer connection and inspection, the applicant must pay the current new sewer connection fee as established by City Council resolution.
    - b. For replacement or repair of a building sewer lateral and inspection, the permit fee must be in accordance with the city building permit fees as established by City Council resolution.
    - c. If work will be performed in the public right-of-way, the applicant must also obtain an encroachment permit, including the payment of the permit fee and the posting of security, as required under chapter 18 (Use of Public Right of Way).
- C. Permit issuance. The signed permit constitutes permission to do the work. The permit is void if the work is not begun and completed within the period specified on the permit, unless an extension of time is granted in writing by the Director. A permit is not transferable.
- D. Notice of commencement of work. At least 48 hours before the work is started, the permittee must notify the Director and Underground Service Alert (USA), as required by law. The permittee must give similar notice to the Police Department, Fire Department, and utility companies, if required on the permit.
- E. Revocation. The Director may revoke a building sewer lateral permit for non-compliance with an applicable law or regulation.
- F. Final inspection. Unless otherwise deemed an exception by this division, the city will not grant a final inspection under a building permit if the property that is subject to this division and the EBMUD Regional PSL Ordinance does not have an EBMUD compliance certificate filed with the city.

**8.12.050 Construction standards, design and materials.**

- A. Standards. The construction standards and methods must comply with the city's standard details, the California Plumbing Code, applicable standards of the American Society for Testing and Materials, and the current edition of the EBMUD Regional PSL Ordinance. The Director is responsible for resolving possible conflicts between any of these standards.
- B. Design.
1. The building sewer lateral design, including but not limited to the size, slope, and alignment, the method of excavation, placing of the pipe, testing of the building sewer lateral and the backfilling the trench must be in conformance with this division, the California Plumbing Code, and the EBMUD Regional PSL Ordinance. The connection joints must be watertight and free of defects and must conform to the standards set forth in ASTM D 3212. The gaskets must conform to the standard set forth in ASTM F477.
  2. A new connection of a new building sewer lateral to the sewer main, or a connection of a new building sewer lateral to an existing fitting at the sewer main, must be inspected by the Director or the Director's designee before the actual connection construction, to verify the proper design, materials, and methods, which must be in compliance with this division. An unauthorized or non-conforming connection to the sewer main can only be repaired by the city. The cost of repairing an unauthorized or non-conforming connection to the sewer main is the responsibility of the property owner served by the connection.
  3. Whenever possible, the building sewer lateral must be brought to the building at an elevation below the crawl space or basement floor. Within a building where an interior building sewage drain is below the building sewer lateral such that proper flow via gravity as specified by this division cannot be achieved, this sanitary sewage can be discharged by means of an approved mechanical sewage pump facility and discharged into the building sewer system. The design of the pumping system must be in accordance with this division, other applicable regulations, and receive approval from the Public Works Director and City Engineer.
- C. Materials. The materials used in the construction, repair, or replacement of a building sewer lateral must be in conformance with the city's standard details, the California Plumbing Code, and applicable standard of the American Society for Testing and Materials.
- D. Measurements, tests, and analyses. The measurements, tests, and analyses of the characteristics of waters, wastewaters and their conveyance to which reference is made in this division will be determined in accordance with the EBMUD Regional PSL Ordinance, and the latest editions of the California Plumbing Code and the Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association and the American Water Works Association.

**8.12.060 Abandonment of existing building sewers.**

An existing building sewer lateral, or its connection, which is to be abandoned must be removed or sealed with a permanent, watertight plug at the connection to the public sewer in a manner satisfactory to the Director. All other openings of the abandoned building sewer lateral including plumbing connections, clean outs, rat holes, etc. must be similarly sealed.

**8.12.070 Maintenance and required inspection.**

A. Responsibility. It is the property owner's responsibility to perform the required maintenance, repairs and inspections to keep the building sewer lateral in the condition required under subsection B.1 below.

B. Required maintenance. The property owner must maintain the building sewer lateral to meet the following minimum requirements:

1. The building sewer lateral must be kept free from roots, grease deposits, and other solids which may impede the flow or obstruct the transmission of waste.
2. The joints must be tight and all pipes must be sound to prevent exfiltration of waste or infiltration of groundwater or stormwater.
3. The building sewer lateral pipe must be free of structural defects, cracks, breaks, openings, rat holes or missing portions and the grade must be uniform without sags or offsets.
4. No area drains, foundation drains, roof leaders, sump pumps or other direct connections that allow stormwater or groundwater into the building sewer lateral are allowed.
5. The building sewer lateral must have a two-way cleanout located approximately at the property line or, in the case where the building sewer is all within private property, in a location approved by the Director. All cleanouts must be securely capped with an approved cap, except during maintenance activities.
6. The building sewer lateral must be free of material that obstructs or prevents the effective maintenance or normal operation of the building sewer lateral or the sewer main.
7. Each property owner and food service operator is required to control the discharge of fats, oils, and grease (FOG) into the sanitary sewer system from their property or food service establishment, and not cause or contribute to FOG-related sanitary sewer overflows, blockages, or increased maintenance in the

sanitary sewer systems according to the current standards established by EBMUD and the city.

The Director will determine the criteria and acceptable methods of evaluating building sewers to ensure compliance with the above requirements.

C. Required inspections, replacement and compliance certificate.

1. Owner responsibilities. When one or more of the following triggering events occurs, it is the property owner's responsibility to perform the required inspections of their building sewer lateral, obtain the required sewer permit, perform the required construction, schedule and pass the EBMUD Verification Test, obtain and file with the city, an EBMUD compliance certificate, and obtain a final inspection from the city for the building sewer lateral:

a. Sale or other transfer of title. Before the sale or title transfer of real property or the fee interest in that real property. The following are not be considered a "title transfer" for purposes of this division:

i. sale or transfer of a partial interest, including a leasehold.

ii. transfer to a beneficiary by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust.

iii. transfer from one co-owner or cotenant to one or more other co-owners or cotenants, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors.

iv. transfer made by a trustor to fund a living trust.

v. transfer made to a spouse, to a registered domestic partner as defined in California Family Code section 297, or to a person(s) or persons in the lineal line of co-sanguinity of one or more of the transferors.

vi. transfer between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, or a decree of legal separation, or from a property settlement agreement incidental to a decree.

vii. a transfer from an owner to a financial institution as a result of a foreclosure or similar process, provided that a transfer from a financial institution to a new owner is a title transfer.

viii. transfer in either direction between a business entity and an individual or corporation who or which owns shares or equity securities possessing more than 50 percent of the voting power of the business entity.

b. Construction and remodeling. Whenever a property owner or authorized agent applies for a building permit for any type of construction that exceeds \$100,000 in construction cost.

c. Change in water service size. Whenever a property owner or authorized agent applies to EBMUD to increase or decrease the size of the property's water meter.

d. Notice of violation. Whenever a property owner or authorized agent has received a written communication or notice of violation from the city regarding the condition of the building sewer lateral (based on the city's observations or on testing conducted by the city or its authorized representative).

e. Where Required under EBMUD Regional PSL Ordinance. Upon the occurrence of any triggering event, as defined in the EBMUD Regional PSL Ordinance.

2. Responsibilities of individually owned units in a multi-unit building. The homeowners' association, or the responsible party for this type of multi-unit building, is responsible for compliance for all individually-owned units within a multi-unit building. Responsibility for compliance shall be determined in accordance with Section 11 of the EBMUD Regional PSL Ordinance. The responsible party shall:

a. authorize the required inspection(s) to determine if the building sewer lateral(s) serving the property are in compliance with this division and the EBMUD Regional PSL Ordinance, as determined by the Director.

b. if the Director requires repair or replacement, obtain the required sewer permit, perform the work, and obtain the required inspections as specified by this division.

c. obtain an EBMUD compliance certificate as specified in the EBMUD Regional PSL Ordinance, and a final inspection from the city.

3. Exceptions.

a. A property owner may request an exemption from EBMUD as set forth in the EBMUD Regional PSL Ordinance.

b. If at the time of repair or replacement of a building sewer lateral, there is a city action in place that would prevent the repair or replacement of the lower sewer lateral in compliance with this division, the city may temporarily waive the requirements of this division for the lower sewer lateral. In that case, a compliance certificate is only required for the upper sewer lateral. Upon conclusion of the city action, the city will rescind the waiver and issue a notice to proceed to the affected property owner, now directing them to complete the repair or replacement of the lower sewer lateral within a specific time limit. If the property owner fails to obtain a valid compliance certificate for the lower sewer lateral in a timely manner and to otherwise not comply with the terms in the notice to proceed constitutes a violation of this division. The property owner would then be subject to city enforcement under section 8.12.100.

*A notice to proceed* is a written notice specifying that: (i) the temporary city action preventing the repair or replacement of any part of the building sewer lateral is lifted; and (2) the property owner must proceed with the repair or replacement of that part of the building sewer lateral so that it is completed; and (3) the appropriate compliance certificate be obtained within the specified time limit set by the Director.

**8.12.080 Time for compliance; Emergency work; Right of entry; Order to abate.**

A. Time for compliance. It is the property owner's responsibility to comply with the time limits established by the Director for any work related to this division. The time limit for compliance will be specified in the first written communication and/or notice of violation. Non-compliance in excess of the time limits may be deemed a violation of this division and subject the property owner to enforcement action, including cost recovery and administrative penalties under section 8.12.100.

B. Emergency work.

1. Nothing in this Code prevents a person from doing work and making excavations as are reasonably necessary for the preservation of life or property when necessity arises. However, the person doing the work or excavations must obtain a sewer permit on the next working day.

2. Upon notification by the city of a faulty building sewer lateral which has been deemed an emergency situation by the Director, the property owner must repair or replace the faulty building sewer lateral within 48 hours from the date of notification, verbal or written. If the property owner fails to comply with the order, the city is authorized to make or have made the necessary repairs and recover the costs.

3. Whenever, in the opinion of the Director, the public health, safety, or welfare requires that repairs or protective measures to a building sewer lateral be made or instituted immediately, the Director is authorized to proceed with the necessary work to abate the condition and may enter upon private property for this purpose. The Director may erect and maintain necessary barricades, warning lights, and other protective devices on public or private property. He or she will notify the property owner as the circumstances permit. The property owner and the person creating the condition are jointly and severally liable to the city for the costs incurred abating the emergency condition and erecting and maintaining the protective devices.
- C. Right of entry. The Director may enter, inspect, and test a building, structure, or premises to secure compliance or prevent a violation of this division. No premises may be entered until a reasonable notice is given to the property owner or authorized agent except to protect life or public safety.
- D. Order to abate. The Director will investigate dangerous and unsanitary conditions existing in or about building sewers laterals and periodically require that building sewer laterals be tested. If a condition poses a menace to life, health, safety, or property, or is in violation of law, the Director will, in writing, order the property owner to discontinue use of the sewer, or to discontinue all construction work with respect to the sewer, and to abate the condition in a manner that complies with this division. Any stoppage in the building sewer lateral or break in the watertight integrity of the building sewer lateral is conclusively presumed to be a menace to life, health, safety or property for purposes of requiring abatement of the condition.

**8.12.090 Adoption of EBMUD Regional PSL Ordinance.**

The EBMUD Regional PSL Ordinance, is hereby adopted by reference. One copy of the EBMUD Regional PSL Ordinance shall be kept on file at the Department of Public Works.

**8.12.100 Enforcement.**

- A. Cost recovery. Violations of this division shall be deemed a public nuisance, and subject to abatement by the City. The city shall have the authority to recover from the property owner the city's expenses incurred in responding to, abating, or repairing a sewer overflow from a defective building sewer not otherwise addressed by the property owner in a timely manner. The city may collect the incurred costs by use of all legal means, including the recordation of a lien against the property under Chapter 6 of the City Code.
- B. Administrative penalties. The city has the authority to assess administrative penalties on the property for the property owner's failure to meet a requirement of this division, or for continued violation of a requirement of this division, according to the following schedule. The city may collect the incurred costs by use of all legal means,

including the recordation of a lien against the property. The city has the authority to waive, suspend, or otherwise modify an administrative penalty established by this division.

1. \$500 for the first violation which remains out of compliance in excess of the time limit established in the first notice of violation.
2. \$1,000 for the second violation occurring within three years of the first violation.
3. \$2,500 for each additional violation exceeding two violations within three years of the first violation.

**DIVISION 8.14 FIRE HAZARD ABATEMENT**

Sections:

- 8.14.010 Bureau of fire prevention
- 8.14.020 Fire hazard abatement

**8.14.010 Bureau of fire prevention.**

A. Enforcement. The City Council establishes the Bureau of Fire Prevention within the city's Fire Department, under the supervision of the Fire Chief. The Bureau of Fire Prevention will enforce the California Fire Code.

B. Fire Marshall. The Fire Marshall will be the person in charge of the Bureau of Fire Prevention, and he or she is appointed by the Fire Chief.

C. Peace officer authority. The Fire Chief, members of the Fire Prevention Division, and personnel assigned as fire arson investigators are peace officers and have the powers established in California Penal Code section 830.37(a). Other members of the Fire Department are peace officers and have the powers established in California Penal Code section 830.37(b).

**8.14.020 Fire hazard abatement.**

The Chief of the Piedmont Fire Department or his designee may abate a violation of this division or the California Fire Code, as amended and adopted by the City of Piedmont, or any fire hazard within the City of Piedmont and may make the expense of abatement (1) a personal obligation of the property owner or other responsible person, and (2) a lien against the property on which the fire hazard existed or was maintained. Fire hazard abatement, recovery of costs, and imposition of liens shall be abated in accordance with the provisions of chapter 6 of the City Code.