Action Item

10

Agenda Item No.

Report to the Auburn City Council

City Manager's Approval

To:	Mayor and City Council Members
From:	Mark D'Ambrogi, Fire Chief
	Lisa Hoffrogge, Building Official
Date:	November 25, 2013
Subject:	An Ordinance Introduction to Amend the Auburn Municipal Code: Sections 100.50, 100.53, 100.54, 100.55, 100.56, 100.58, and 100.59 of Chapter 100 of TITLE IX and Chapter 150 of TITLE XV of the Auburn Municipal Code and adopt the 2013 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2012 International Existing Building Code, and the 2012 International Property Maintenance Code.

The Issue

Shall the Council amend the Auburn Municipal Code and introduce for adoption the 2013 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2012 International Existing Building Code, and the 2012 International Property Maintenance Code?

Conclusion and Recommendation

Staff recommends that the City Council adopt an ORDINANCE and conduct a second reading by title only, to amend the Auburn Municipal Code and adopt the 2013 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2012 International Existing Building Code, and the 2012 International Property Maintenance Code.

Background

At the City Council meeting of October 14, 2013 Council held a Public Hearing to introduce an ordinance to amend the Auburn Municipal Code to adopt the 2013 edition of the California Building Standards Codes and amendments thereto, adopt the 1997 edition Uniform Code for the Abatement of Dangerous Buildings, the 2012 International Existing Building Code, and the 2012 International Property Maintenance Code.

No public comment and or changes were proposed at this meeting. A first reading of title was conducted. This second action is required for a complete adoption process.

California Residential Code

The California Residential Code (CRC) is the code used to regulate residential construction in the state. This code is used to satisfy fire, life, safety and other requirements for residential type occupancies as well as utility and miscellaneous structures associated therewith. The CRC to be introduced is the 2013 Edition as published by the CBSC and is based on the 2012 International Residential Code. This process is to include the Code in the AMC.

In addition to adoption, amendments have been made to reflect changes due mostly to code enforcement issues.

California Mechanical Code

The California Mechanical Code (CMC) is the code used to regulate complete requirements for the installation and maintenance of heating, ventilating, cooking, and refrigeration systems. The CMC to be introduced is the 2013 Edition as published by the CBSC and is based on the 2012 Uniform Mechanical Code. The last formal adoption by the City of Auburn was the 2010 Uniform Mechanical Code. This process is to update the AMC to the current Mechanical Code Edition.

California Electrical Code

The California Electrical Code (CEC) is the code used to regulate the construction, alteration, moving, demolition, repair and use of all electrical equipment, wiring and systems in or on any building or structure or outdoors on and premise or property, except such as is expressly exempted. The CEC to be introduced is the 2013 Edition as published by the CBSC and is based on the 2011 National Electrical Code. The last formal adoption by the City of Auburn was the 2010 National Electrical Code. This process is to update the AMC to the current Electrical Code Edition.

In addition to adoption, amendments have been made to this introduction of code adoption. Such amendments reflect changes that have occurred since the last code adoption, primarily in language and section numbering change.

California Plumbing Code

The California Plumbing Code (CPC) is the code used to regulate the construction, alteration, moving, demolition, repair and use of all water, drainage, venting and sewer systems, fixtures and appliances. The CPC to be introduced is the 2013 Edition as published by the CBSC and is based on the 2012 Uniform Plumbing Code. The last formal adoption by the City of Auburn was the 2010 Uniform Plumbing Code. This process is to update the AMC to the current Plumbing Code Edition.

Uniform Code for the Abatement of Dangerous Buildings

Uniform Code for the Abatement of Dangerous Buildings (UCADG) is the code used to afford jurisdictions reasonable procedures for the classification and abatement of dangerous buildings. It is adopted as resource for code enforcement.

International Existing Building Code

The International Existing Building Code (IEBC) is the code that applies to the repair, alteration, change of occupancy, additions and relocation of all existing buildings. The IEBC to be introduced is the 2012 Edition as published by the International Code Council. This code has proven to be extremely helpful in dealing with our existing historic inventory of buildings. It includes mitigation measures for such different circumstances as access requirements, property line protection and change in use of existing structures.

In addition to adoption, amendments have been made to this introduction of code adoption. Such amendments reflect changes that have occurred since the last code adoption, primarily in language and section numbering change.

International Property Maintenance Code

The International Property Maintenance Code (IPMC) is the code that applies to all existing residential and non-residential structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection form the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance. The IPMC to be introduced is the 2012 Edition as published by the International Code Council.

California Fire Code

The California Fire Code (CFC) is the code used to regulate hazardous conditions to life and property from fire or explosion. This code is used for planning, review, conduct inspections of development and occupancies to ensure fire safe measures are in place for the protection against the hazards of fire. The CFC is used in the application of conditions and regulations for new construction based on occupancy type and use. The CFC to be introduced is the 2013 Edition as published by the California Building Standards Commission (CBSC) and based on the 2012 International Fire Code. The last formal adoption by the City of Auburn was the 2010 Edition of the California Fire Code. This process will update the Auburn Municipal Code (AMC) to the current Fire Code Edition.

In addition to adoption, amendments are proposed to this introduction of code adoption. Such amendments either clarifies through definition and or reflect more restrictive changes to the code that meet local needs in an effort to ensure the upmost in life safety.

Such amendments include:

Limitations on the storage of flammable and hazardous products.

Emergency Access defined and regulations pertaining to.

Fire sprinklers and fire alarms; where required.

This process is a formality of "code" adoption at the local government level.

Alternatives Available to Council; Implications of Alternatives

1. Adopt the Ordinance and conduct a second reading by title only;
2. Take no action. By not taking action, the California Building Standards Codes will automatically go into effect as adopted by the State of California without local amendments.

Fiscal Impact

Limited costs may occur to the City and will be absorbed through budgeted funds. These costs may include; purchase of new code documents, printing, and photocopy.

ORDINANCE NO. 13-

AN ORDINANCE AMENDING SECTIONS 100.50, 100.53, 100.54, 100.55, 100.56, 100.58, AND 100.59 OF CHAPTER 100 OF TITLE IX AND CHAPTER 150 OF TITLE XV OF THE AUBURN MUNICIPAL CODE BY ADOPTING THE 2013 EDITION OF THE CALIFORNIA BUILDING STANDARDS CODES AND MAKING NECESSARY AMENDMENTS THERETO AND BY ADOPTING THE 1997 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS, THE 2012 INTERNATIONAL EXISTING BUILDING CODE, AND THE 2012 INTERNATIONAL PROPERTY MAINTENANCE CODE

WHEREAS, the City Council of the City of Auburn does hereby find that there is need to enforce the most current editions of the California Codes, regulating and governing the safeguarding of life and property from fire and explosion hazards and from conditions hazardous to life or property in the occupancy of buildings and premises, and, regulating and governing the design, erection, construction, enlargement, installation, alteration, repair, removal, use and occupancy, demolition, conversion, height and area, location and maintenance, and quality of materials of all buildings and structures and plumbing, mechanical, electrical and certain equipments, within the City;

WHEREAS, pursuant to sections 17922, 17958, 17958.5, and 17958.7 of the California Health & Safety Code, the City may adopt provisions of the California Codes, with certain amendments to the provisions of the codes which are reasonably necessary to protect the health, wealth and safety of citizens of Auburn because of local climate, geological and topographical conditions;

WHEREAS, on this date, the City Council of the City of Auburn made the factual findings contained herein relating to the amendments to the California Codes recited herein in accordance with Health & Safety Code section 18941.5;

WHEREAS, the City Council does hereby further find that in accordance with section 15061(b)(3) of the California Code of Regulations, the adoption of local amendments to the California Codes, and amending the Auburn Municipal Code are exempt from the provisions of the California Environmental Quality Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF AUBURN, CALIFORNIA, DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. *Code Amendment.* Sections 100.50, 100.53, 100.54, 100.55, 100.56, 100.58, and 100.59 of Chapter 100 of Title IX of the Auburn Municipal Code are hereby amended to read as follows:

§100.50. ADOPTION OF THE FIRE CODE.

There is hereby adopted by the Council, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain Code known as the California Fire Code 2013 Edition including the administrative provisions based on the 2012 International Fire Code including Appendices, as published by the International Code Council (ICC) as adopted and amended by the California Building Standards Commission in the California Building Standards Code, Title 24 of the California Code of Regulations, Part 9, thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended as set forth in this article, of which Code not less than one (1) copy have been and are now filed in the office of the City Clerk, and said Code is hereby adopted and incorporated in this chapter as fully as if set out at length in this chapter, and the provisions thereof shall be controlling within the limits of the City.

§100.53 LIMITS IN WHICH THE STORAGE OF CLASS I AND CLASS II LIQUIDS IN ABOVE-GROUND TANKS OUTSIDE OF BUILDINGS IS PROHIBITED.

(A) The limits referred to in section 5704.2.9.6.1 of the Fire Code, in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings are hereby established as areas where such use as determined by the Fire Chief may be restricted in accordance with the city zoning ordinance.

(B) The Council, by resolution, may modify the limits of the districts established by the provisions of this section.

§100.54. LIMITS IN WHICH THE STORAGE OF CLASS I AND CLASS II LIQUIDS IN ABOVE-GROUND TANKS IS PROHIBITED.

(A) The limits referred to in section 5706.2.4.4 of the Fire Code, in which the storage of Class I and Class II liquids in above-ground tanks are hereby established as areas where such use as determined by the Fire Chief may be restricted in accordance with the city zoning ordinance.

(B) The Council, by resolution, may modify the limits of the districts established by the provisions of this section.

§100.55. LIMITS IN WHICH THE STORAGE OF FLAMMABLE CRYOGENIC FLUIDS IN STATIONARY CONTAINERS IS PROHIBITED.

(A) The geographic limits referred to in section 5806.2 of the Fire Code, in which the storage of flammable cryogenic fluids in stationary containers is prohibited, are hereby established as areas where certain use, as determined by the Fire Chief, may be restricted in accordance with the city zoning ordinance.

(B) The Council, by resolution, may modify the limits of the districts established by the provisions of this section, unless other applicable law requires an amendment to occur via ordinance.

§100.56. LIMITS IN WHICH THE STORAGE OF LIQUEFIED PETROLEUM GAS IS RESTRICTED FOR THE PROTECTION OF HEAVILY POPULATED OR CONGESTED AREAS.

(A) The geographic limits referred to in section 6104.2 of the Fire Code, in which the storage of liquefied petroleum gas is restricted for the protection of heavily

populated or congested areas, are hereby established as areas where certain, use as determined by the Fire Chief, may be restricted in accordance with the city zoning ordinance.

(B) The Council, by resolution, may modify the limits of the districts established by the provisions of this section.

§100.58 AMENDMENTS TO THE FIRE CODE.

(A) Fire Code Section 202; is amended to read as follows:

Definitions, Added:

(1) EMERGENCY ACCESS. A road that provides access for emergency vehicles during an emergency and egress/evacuation for non-emergency vehicles simultaneously.

(B) Fire Code Section 503.2.1 is amended to read as follows:

(1) Dimensions. Fire apparatus roads and Emergency Access shall have an unobstructed width of not less than 26 feet, exclusive of shoulders, and an unobstructed vertical clearance of not less than 15 feet.

(C) Fire Code Section 503.4 is amended to read as follows:

(1) Obstruction of Emergency Access. Emergency Access shall not be obstructed in any manner, including the parking of vehicles. Minimum widths and clearances shall be maintained at all times.

(D) Fire Code Section 903.2 is amended to read as follows:

(1) In all occupancies except Group U Occupancies an approved automatic sprinkler system shall be installed where the occupancy/building has 3,600 or more square feet of total floor area, except where other sections of the CFC or the California State Fire Marshals regulations are more restrictive, then the more restrictive shall apply. Where additions increase the total size of the building to 3,600 square feet or more, the addition and the existing occupancy/building shall be provided with an

approved automatic sprinkler system. Fire separation areas shall not be used to reduce this requirement.

EXCEPTIONS:

1. Group R Division 3 occupancies shall comply with applicable Building Code requirements.

(E) Fire Code Section 903.3.1.3 is amended to read as follows:

(1) Automatic sprinkler systems installed in one-and two family dwellings, Groups R-3 and R-4 congregate living facilities and townhouses shall be permitted to be installed throughout in accordance with the latest edition of NFPA Standard 13D and shall be equipped with a residential fire sprinkler water flow switch and interconnected to an outside audible device and to the residential smoke detector alarm system.

(F) Fire Code Section 903.4 is amended to read as follows:

(1) All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electronically supervised. Valve supervision, water-flow alarm, fire alarm systems, and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station.

EXCEPTION:

1. Group R, Division 3 Occupancies are not required to be monitored.

(G) Fire Code Section 907.2 is amended to read as follows:

(1) Where required. All occupancies except Group R, Division 3 and Group U occupancies shall have an approved automatic fire alarm system installed when the occupancy/building does not have an approved automatic sprinkler system installed and is greater than 1,500 or more square feet of total floor area, except where other sections of the CFC or the California State Fire Marshals regulations are more restrictive, then the more restrictive shall apply.

All A, E, H, I, and M occupancies shall have an automatic smoke/heat detection system installed in addition to any other system(s) required by the this code.

Where additions increase the total size of the occupancy/building to 1,500 square feet or more the addition and the existing occupancy/building shall be provided with an approved automatic smoke/heat detection system.

Fire alarm system shall mean, but not limited to; smoke detection, heat detection, and manual pull devices, and any other form of fire detection.

All automatic smoke/heat and fire alarm systems installed shall be automatically transmitted to an approved central station.

§100.59 FINDINGS

(A) The Council, following due consideration, hereby finds and determines that all the amendments, deletions, and additions to the foregoing Fire Code are reasonably necessary due to local climatic, geological, and topographical conditions existing throughout the City. The City hereby finds and declares that: The area within which the City is located is within Very High, High, and Moderate Fire Hazard Severity Zones as designated by CAL FIRE Department of Forestry and Fire Protection and is identified as a City at risk in the National Fire Plan resulting in significant risk to fire. Such conditions increase fire danger by significantly contributing to the spread and intensity of fires and significantly increase the difficulty of effective fire suppression within the City endangering lives and/or millions of dollars in property value. These amendments assist in addressing the fire problems, concerns and future direction by which the authority can establish and maintain an environment which will afford a level of fire and life safety to all who live and work within the City's boundaries.

(1) Sections 5704.2.9.6.1, 5706.2.4.4, 5806.2, and 6104.2 of the Fire Code are modified to enable the City Council to modify by resolution the limits in which flammable liquids and gases can be stored to ensure public safety.

(2) Sections 202, 503.2.1, and 503.4 of the Fire Code are amended to clearly define regulations and standards to ensure public safety through means of adequate evacuation for citizens and to limit delays in response time for emergency resources and reduce hazards to firefighters.

(3) Sections 903.2, 903.3.1.3, and 907.2 of the Fire Code are amended due to life safety conditions that clearly define the regulations based upon occupancy/building use and the life safety fire protection and detection systems required to ensure public safety. The modifications contained in these amendments provide additional fire extinguishing systems in new construction, major remodels, additions, and occupancy classification changes to help mitigate fire problems and to confine a fire to the area of origin rather than spread to neighboring structures or the wildland. In addition, the use of fire alarm systems ensures early detection and notification so occupants can exit in a safe and efficient manner and so fire in occupancies/buildings may be mitigated in a timely manner.

Section 2. *Code Amendment.* Chapter 150 of Title XV of the Auburn Municipal Code is hereby amended to read as follows:

BUILDING CODE

§ 150.001 ADOPTION OF THE CALIFORNIA BUILDING CODE AND CALIFORNIA BUILDING STANDARDS.

For the purposes of protecting the public health and welfare and establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, that certain code designated as the "California Building Code," 2013 Edition, Volumes 1 and 2, including Appendix Chapters B, C and F thereto which was published by the International Code Council, 1 copy of which is on file in the office of the Building Department for public record and inspection, are hereby adopted by reference and made a part of this subchapter as though set forth in this chapter in full, subject, however, to the amendments, additions and deletions set forth in this subchapter, and the codes shall be known as the Building Code of the city.

§ 150.002 FINDINGS.

(A) The provisions of this chapter are reasonably necessary because of the following local climatic, geological and or topographical conditions:

(1) Section 201.4 is amended due to topographical conditions; the hillside construction within the city and the need for public safety require a clear understanding of the standards and requirements. The amendment makes clear the definitions necessary to implement the desired standards and regulations.

(2) Section 202 "Bedroom" definition is added because due to the unique topography of the City certain illegal units are free-standing.

(3) Section T1505.1 is amended due to topographical conditions; due to fire severity zoning within the City and to be consistent with the adopted

Ordinance of Placer County requiring Class A Roofing. The City finds the amendment imposes stricter requirements for roof construction.

(4) Sections 1505.6 and 1505.7are amended due to climatic and topographical conditions, such as high velocity winds and high temperatures with accompanying low humidity, such that areas in the city are designated as fire hazard severity zone and a Placer County Ordinance requires Class A Roofing. The city finds the amendment imposes stricter requirements for roof construction.

(5) Section 1608.2 is amended due to climatic conditions; historical information indicates that local weather conditions can produce snow fall requiring the proper measurement.

(6) The provisions for permit fees in Chapter 1are amended to allow the City Council to set a permit fee that reflects the cost of providing the service in light of the local climatic, geological, and topographic conditions in the City.

§ 150.003 AMENDMENTS TO BUILDING CODE.

(A) California Building Code. The following sections of the California Building Code are amended as follows:

(1) Section 201.4. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies. Webster's Third New International Dictionary of the English Language, Unabridged, shall be considered as providing ordinarily accepted meanings.

(2) Section 202 Bedroom is hereby defined as: "A room with a bed or a closet, whether built-in or free-standing".

(3) Table 1505.1 shall be revised as follows:

MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

(4) Delete Sections 1505.6 and 1505.7 - Wood shakes and shingles are not allowed in new construction.

(5) Section 1608.2: Ground snow load p_g= 20 pounds per square foot.

(B) Chapter 1, of the California Building Code is amended as follows: The permit fee shall be established by resolution of the City Council.

RESIDENTIAL CODE

§ 150.006 ADOPTION OF THE CALIFORNIA RESIDENTIAL CODE.

For the purposes of protecting the public health and welfare and establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, that certain code designated as the "California Residential Code," 2013 Edition, including Appendix Chapters E, G, and K thereto which was published by the International Code Council, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby adopted by reference and made a part of this subchapter as though set forth in this chapter in full, subject, however, to the amendments, additions and deletions set forth in this subchapter, and the codes shall be known as the Residential Code of the city.

§ 150.007 FINDINGS.

(A) The provisions of this chapter are reasonably necessary because of the following local climatic, geological and or topographical conditions:

(1) Section R201.4 is amended due to topographical conditions; the hillside construction within the city and the need for public safety require a clear

understanding of the standards and requirements. The amendment makes clear the definitions necessary to implement the desired standards and regulations.

(2) Section R202 "Bedroom" definition is added because due to the unique topography of the City certain illegal units are free-standing.

(3) Section R319.1 is amended due to topographical conditions; the hillside construction, mature landscaping including dense canopy can make it difficult for emergency, public and private services to identify the address of parcels of real property within the city causing a public safety concern. The amendment makes clear addressing necessary in the area.

(4) Sections R902.1, R902.2, R905.7 and R905.8 are amended due to climatic and topographical conditions, such as high velocity winds and high temperatures with accompanying low humidity, such that areas in the city are designated as fire hazard severity zone and a Placer County Ordinance requires Class A Roofing. The city finds the amendment imposes stricter requirements for roof construction.

(5) Section R301.2(5), Figure 1608.2 "20 Pound Snow Load" is amended due to climatic conditions; historical information indicates that local weather conditions can produce snow fall requiring the proper measurement.

(6) Section AG105.2(1) "Barrier Height" is amended to due to topographical conditions; hillside construction in the area makes raising the fence height necessary.

(7) The provisions for permit fees in Chapter 1are amended to allow the City Council to set a permit fee that reflects the cost of providing the service in light of the local climatic, geological, and topographic conditions in the City.

§ 150.008 AMENDMENTS TO RESIDENTIAL CODE.

(A) California Residential Code. The following sections of the California Residential Code are amended as follows:

(1) Section R201.4. Where terms are not defined through the methods authorized by this section, such terms shall have ordinarily accepted meanings such as the context implies.

(2) Section R202 Bedroom is hereby defined as: "A room with a bed or a closet, whether built-in or free-standing".

(3) Section R319.1. In the case of single-family residences, each new dwelling constructed in the city shall maintain an automatic, internally illuminated house numbering unit which is visible from the street.

(4) Section R902.1 shall be revised as follows:

MINIMUM ROOF COVERING CLASSIFICATION FOR TYPES OF CONSTRUCTION

IA	IB	IIA	IIB	IIIA	IIIB	IV	VA	VB
A	A	A	A	A	A	A	A	A

(5) Delete Sections R902.2, R905.7 and R905.8 - Wood shakes and shingles are not allowed in new construction.

(6) Section R301.2(5), Figure 1608.2: Ground snow load p_g= 20 pounds per square foot.

(7) Section AG105.2(1). Revise the barrier height to 60" from 48".

(B) Chapter 1, of the California Residential Code is amended as follows: The permit fee shall be established by resolution of the City Council.

BUILDING PERMITS

§ 150.015 DENIAL; GROUNDS.

No building or occupancy permit shall be issued when the Council, or a properly delegated authority, gives notice to the Building Official to withhold such permit where the action is deemed to be in the public interests, for the protection of the public health and safety, or for the general public welfare, including noncompliance by the applicant with any law or any agreement with the city or the Planning Commission, or which would constitute an improper land use. Any such denial of a permit shall contain a provision for the issuance of the permit upon the completion of designated corrective action by the applicant.

§ 150.016 ISSUANCE; BUILDING ACCESS REQUIRED.

Before a building permit shall be granted for any use other than a single-family residential use, a designated committee of the Planning Commission shall make a written finding that the lot in question has adequate frontage upon a dedicated public street or upon a recorded private easement determined by the Director of Public Works to be adequate for purposes of access, including access for emergency vehicles, reasonably sufficient for the intended use.

§ 150.017 ISSUANCE; IMPROVEMENTS REQUIRED.

(A) *Curbs, gutters, drainage facilities, sidewalks and driveways for other than single family residential uses.* Following a finding that a lot has adequate frontage, as set forth in § 150.016 of this chapter, no building permit for other than single-family residential uses shall be granted until the applicant has either installed, at his or her own expense, curbs, gutters, drainage facilities, sidewalks, and a driveway, all according to the standard specifications of the city, and on all street frontages of the lots to be used in conjunction with the building to be constructed or improved or, in the alternative, has entered into an improvement agreement with the city in which the

applicant agrees to install the improvements required by this subsection, either prior to the final inspection, or prior to the issuance of a certificate of occupancy, or upon a date certain from the date of the improvement agreement, agreeing to hold the city and its agents, officers, and employees free and harmless from all claims of any nature whatsoever arising in any way from the use and occupancy of the property or from the condition of the property. The improvement agreement shall be in a form approved by the city. Unless it is waived by the city, the applicant shall furnish the city with a performance bond or other security approved by the city in an amount deemed reasonably adequate by the Director of Public Services to secure the full and complete performance of the agreement by the applicant.

(B) *Curbs, gutters, drainage facilities, sidewalks and streets for single family residential uses.* Whenever a lot is without standard curbs, gutters, drainage facilities, sidewalks or a paved street, or any one of them, and the Building Official determines that any one or more of them have already have been constructed on 40% of the occupied frontage of the same side of the street as the property for which a building permit is sought, the applicant shall construct the improvements, according to the standard specifications of the city, before a building permit shall be granted for single-family residential uses. For the purpose of computing the percentage, the percentage shall be of the block not to exceed 250 feet on either side of the property to a street corner.

(C) *Paved streets.* Following a finding that a lot has adequate frontage, as set forth in § 150.016 of this chapter, and upon a joint finding by the Chief of Police and the Director of Public Services that the nature of the proposed occupancy of the premises is such that it will result in an increase in traffic, or create any hazardous condition, so that a paved street is reasonably necessary in order to protect the public, the applicant shall be required to pave, according to the standard specifications of the city, 1/2 of the width of the street prior to the issuance of a building permit for other than single-family residential uses; provided, however, the paving need not

exceed 33 feet in width. Where the frontage is on a private easement, the Chief of Police and the City Engineer, upon such a joint finding, may require the entire width of the private easement to be so paved and adequate drainage to be provided.

(D) *Street widening and corner rounding.* Following a finding that a lot has adequate frontage, as set forth in § 150.016 of this chapter, and in all cases where the Council determines, because of increased traffic caused by the intended uses, that street widening or corner rounding is required, the property owner shall deed to the city, at no cost to the city, an adequate right-of-way therefore prior to the granting of a building permit for other than single- family residential uses.

§ 150.018 REIMBURSEMENTS FOR COSTS OF IMPROVEMENTS.

Any applicant for a building permit who is required to construct public improvements pursuant to this chapter, which improvements would benefit other property owners who would otherwise be required to construct the improvements, may enter into an agreement with the city for the reimbursement of a pro rata share of the initial cost of constructing the improvements from the other property owners upon the development of real property by such other benefitting property owners.

§ 150.019 FACILITIES AND EQUIPMENT FEES.

(A) *Purpose.* In order to implement goals and objectives of the capital facilities and equipment element of the city's general plan, and to mitigate the service delivery impacts caused by new development in the city, certain public facilities and equipment must be acquired. The City Council has determined that a development impact fee is needed in order to finance these public improvements and to pay for the development's fair share of the construction costs of these improvements. In establishing the fee described in the following subsections, the City Council has found the fee to be consistent with its general plan and, pursuant to Cal. Gov't Code § 65913.2, has considered the effects of the fee with respect to the city's housing needs as established in the housing element of the general plan.

(B) *Description of area to be benefitted.*

(1) A public facilities and equipment fee is hereby established on issuance of all building permits as set forth in Res. 90-158, for development within the city to pay for designated facilities and equipment. The City Council shall, by resolution, set forth the specific amount of the fee, describe the benefit and impact area on which the development fee is imposed, list the specific public improvements to be financed, describe the estimated cost of the facilities, describe the reasonable relationship between this fee and the various types of new developments and set forth time for payment. As described in the resolution establishing the fee amounts, this development fee shall be paid by each developer prior to issuance of a building permit.

(2) On an annual basis, the City Council shall review such fees to determine whether the fee amounts are reasonably related to the impacts of developments and whether the described public facilities are still needed.

(C) *Limited use of fees.* The revenues raised by payment of this fee shall be placed in a separate and special account and the revenues, along with any interest earnings on that account, shall be used solely to:

(1) Pay for the city's future construction of facilities described in the resolution enacted pursuant to division (B) above or to reimburse the city for those described or listed facilities constructed by the city with funds advanced by the city from other sources; or

(2) Reimburse developers who have been required or permitted by division (D) below to install the listed facilities which are oversized with supplemental size, length or capacity.

(D) *Developer construction of facilities.* Whenever a developer is required, as a condition of approval of a development permit, to construct a public facility described in a resolution adopted pursuant to division (B) above, which facility is determined by the city to have supplemental size, length or capacity over that needed for the

impacts of that development, and when the construction is necessary to ensure efficient and timely construction of the facilities network, a reimbursement agreement with the developer and a credit against the fee, which would otherwise be charged pursuant to this section on the development project, shall be offered. The reimbursement amount shall not include the portion of the improvement needed to provide services or mitigate the need for the facility or the burdens created by the development.

(E) *Fee adjustments.* A developer of any project subject to the fee described in division (B) above may apply to the City Council for a reduction or adjustment to that fee, or a waiver of that fee, based upon the absence of any reasonable relationship or nexus between the facilities and equipment impacts of that development and either the amount of the fee charged or the type of facilities to be financed. The application shall be made in writing and filed with the City Clerk not later than:

(1) Ten days prior to the public hearing on the development permit application for the project; or

(2) If no development permit is required, at the time of the filing of the request for a building permit.

(3) The application shall state in detail the factual basis for the claim of waiver, reduction or adjustment.

(4) The City Council shall consider the application at the public hearing on the permit application or at a separate hearing held within 60 days after the filing of the fee adjustment application, whichever is later.

(5) The decision of the City Council shall be final.

(6) If a reduction, adjustment or waiver is granted, any change in use within the project shall invalidate the waiver, adjustment or reduction of the fee.

MECHANICAL CODE

§ 150.030 ADOPTION OF CALIFORNIA MECHANICAL CODE.

For the purposes of providing minimum standards to safeguard the life or limb, health, property and the public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, comfort cooling and refrigeration systems, incinerators and other miscellaneous heat-producing appliances in the city, that certain code designated as the "California Mechanical Code," 2013 Edition, published by the International Association of Plumbing and Mechanical Officials, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions and deletions set forth in this subchapter, and the code shall be known as the Mechanical Code of the city.

§ 150.031 FEES.

A fee for each permit shall be paid to the Licensing and Revenue Office as set forth in § 150.003(B).

ELECTRICAL CODE

§ 150.040 ADOPTION OF THE CALIFORNIA ELECTRICAL CODE.

For the purpose of protecting the public health and welfare and establishing rules and regulations for the construction, original electrical installation, and all electrical alterations and repairs and the maintenance of electrical installations in all buildings and structures in the city, that certain code designated as the "California Electrical Code," 2013 Edition, including Annex Chapters B and C, published by the National Fire Protection Association, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject,

however, to any amendments, additions, and deletions set forth in this chapter, and the Code shall be known as the Electrical Code of the city.

§ 150.041 FEES.

A fee for each permit shall be paid to the Licensing and Revenue Office as set forth in § 150.003(B).

PLUMBING CODE

§ 150.050 ADOPTION OF THE CALIFORNIA PLUMBING CODE.

For the purpose of establishing minimum regulations for the installation, alteration and repair of plumbing and drainage systems and the inspection thereof, in the city, that certain code designated as the "California Plumbing Code," 2013 Edition, published by the International Association of Plumbing and Mechanical Officials, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby adopted by reference and made a part of this subchapter as though set forth in this subchapter in full, subject, however, to any amendments, additions and deletions set forth in this subchapter, and the code shall be known as the Plumbing Code of the city.

§ 150.051 FEES.

A fee for each permit shall be paid to the Licensing and Revenue office as set forth in § 150.003(B).

§ 150.052 CONSTRUCTION SITE RESTROOM FACILITY.

(A) Private sanitary toilet facilities shall be provided at all construction sites for employees.

(B) The toilet facility shall be placed at foundation stage of construction or when no other private sanitation is provided on property.

(C) The facility shall be maintained until completion or when other facilities are provided for employees.

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

§ 150.060 ADOPTION OF THE UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS.

For the purposes of protecting the public health and welfare and establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, that certain code designated as the "Uniform Code for the Abatement of Dangerous Buildings," 1997 Edition, published by the International Conference of Building Officials, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions, and deletions set forth in this chapter, and the code shall be known as the Dangerous Building Code of the city.

INTERNATIONAL EXISTING BUILDING CODE

§ 150.070 ADOPTION OF THE INTERNATIONAL EXISTING BUILDING CODE.

For the purposes of protecting the public health and welfare and establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, that certain code designated as the "International Existing Building Code", 2012 Edition, including Appendix Chapters A, Al, A2, A3, A4, A5, A, B and Resource Guidelines, published by the International Code Council, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions, and

deletions set forth in this chapter, and the code shall be known as the Existing Building Code of the city.

§ 150.071 FEES.

A fee for each permit shall be paid to the Licensing and Revenue office as set forth in § 150.003(B)(1).

INTERNATIONAL PROPERTY MAINTENANCE CODE

§ 150.080 ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE.

For the purposes of protecting the public health and welfare and establishing rules and regulations for the construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, that certain code designated as the "International Property Maintenance Code", 2012 Edition, published by the International Code Council, 1 copy of which is on file in the office of the Building Department for public record and inspection, is hereby adopted by reference and made a part of this chapter as though set forth in this chapter in full, subject, however, to any amendments, additions, and deletions set forth in this chapter, and the code shall be known as the Property Maintenance Code of the city.

§ 150.999 PENALTY.

(A) Any person violating any of the provisions of § 150.001 or the Building Code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in § 10.99.

(B) Any person violating any of the provisions of §§ 150.030 *et seq.* or the Mechanical Code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in § 10.99.

(C) Any person violating any of the provisions of §§ 150.040 *et seq.* or the Electrical Code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in § 10.99.

(D) Any person violating any of the provisions of §§ 150.050 *et seq.* or the Plumbing Code shall be deemed guilty of a misdemeanor and, upon conviction thereof, shall be punishable as set forth in § 10.99.

Section 4. *No Effect on Enforcement of Prior Sections.* The repealing provisions of the Auburn Municipal Code shall not affect or impair any act done, or right vested or approved, or any proceeding, suit or prosecution had or commenced in any cause before such repeal shall take effect; but every such act, vested right, proceeding, suit, or prosecution shall remain in full force and effect for all purposes as if the applicable provisions of the 2010 Code, or part thereof, had remained in force and effect. No offense committed and no liability, penalty, or forfeiture, either civil or criminal, incurred prior to the repeal or alteration of any applicable provision of the 2010 Code as amended, shall be discharged or affected by such repeal or alteration but prosecutions and suits for such offenses, liabilities, penalties or forfeitures shall be instituted and proceed in all respects as if the applicable provisions of the 2010 Code, as amended, had not been repealed or altered.

Section 5. *Effective Date.* This Ordinance shall not take effect until thirty (30) days after its final passage, or January 1, 2014, whichever occurs later.

Section 6. *Severability.* If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held out to be invalid or unconstitutional

by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance and each section, subsection, sentence, clause, phrase or portion thereof irrespective of the fact that any one or more sections, subsection, sentence clause, phrases or portions be declared valid or unconstitutional.

Section 7. *Publication.* Pursuant to Government Code Section 36933, the City Clerk is authorized to prepare a summary of this ordinance to be published and posted in lieu of publication and posting of the entire text of the ordinance.

Section 8. *Filing With Commission.* The City Clerk shall file a certified copy of this Ordinance with the California Building Standards Commission and the Department of Housing and Community Development.

Section 9. *Continuity.* To the extent the provisions of this Ordinance are substantially the same as previous provisions of the Municipal Code, these provisions shall be construed as continuations of those provisions and not as amendments of the earlier provisions.

Section 10. *No effect on fees.* This ordinance shall not affect the ability of the city to collect any fees that were authorized by prior versions of this code unless the underlying code section was repealed in its entirety and not replaced elsewhere in the code in any form.

Section 11. *Supplementary of Existing Law.* The City Council intends this Ordinance to supplement, not to duplicate or contradict, applicable state and federal law and this Ordinance shall be construed in light of that intent.

DATED: November 25, 2013

_____
Kevin Hanley, Mayor

ATTEST:

_____

Stephanie L. Snyder, City Clerk

I, Stephanie L. Snyder, City Clerk of the City of Auburn, hereby certify that the foregoing resolution was duly passed at a regular meeting of the City Council of the City of Auburn held on the 25th day of November 2013 by the following vote on roll call:

Ayes:

Noes:

Absent:

_____
Stephanie L. Snyder, City Clerk