

ORDINANCE NO. 1168

AN ORDINANCE OF THE TOWN OF SAN ANSELMO REPEALING AND REPLACING TITLE 9 CHAPTER 1 OF THE SAN ANSELMO MUNICIPAL CODE TO ADOPT BY REFERENCE CALIFORNIA ADMINISTRATIVE CODE, 2022 EDITION, CALIFORNIA BUILDING CODE, 2022 EDITION AND ITS APPENDICES: G, H, I, J, THE CALIFORNIA RESIDENTIAL CODE, 2022 EDITION AND ITS APPENDICES: H, J, K, AND Q, CALIFORNIA ELECTRICAL CODE, 2022 EDITION, CALIFORNIA MECHANICAL CODE, 2022 EDITION, CALIFORNIA PLUMBING CODE, 2022 EDITION, CALIFORNIA ENERGY CODE, 2022 EDITION CALIFORNIA HISTORICAL BUILDING CODE, 2022 EDITION, CALIFORNIA GREEN BUILDING STANDARDS CODE, 2022 EDITION, CALIFORNIA EXISTING BUILDING CODE, 2022 EDITION, INTERNATIONAL PROPERTY MAINTENANCE CODE, 2021 EDITION, INTERNATIONAL SWIMMING POOL AND SPA CODE, 2021 EDITION, NATIONAL FIRE PROTECTION ASSOCIATION ("NFPA") 54 AND 58, CALIFORNIA REFERENCED STANDARDS CODE, 2022 EDITION, (CALIFORNIA CODE OF REGULATIONS TITLE 24) AS AMENDED

THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Findings.

A. The Town Council finds that in order to best protect the health, safety, and welfare of the citizens of the Town of San Anselmo, the standards of building within the Town must conform with State law except where local conditions warrant more restrictive regulations, and therefore the Town of San Anselmo wishes to adopt by reference the 2022 State Construction Standards in California Code of Regulations Title 24, with certain modifications set forth herein.

B. Pursuant to Section 17958.5, 17958.7, and 18941.4 of the California Health and Safety Code, the Town of San Anselmo determines that the following modifications to the 2022 California Construction Standards are reasonably necessary because of local climatic, geological, or topographical conditions that are unique to the Town of San Anselmo as follows:

1. Because of the steep terrain, narrow roads, close proximity to the San Andreas and Hayward seismic faults, and the potential and historically regular flooding of the San Anselmo Creek, unique conditions exist that require special consideration whenever construction is proposed within the Town. Additionally, due to the high temperatures, humidity, rainfall, wind, and restricted accessibility by fire apparatus, and the lack of water supply for domestic use and fire suppression, there are hazards within the Town that require solutions in addition to those specified within the various construction codes.
2. A large portion of the Town is located within FEMA Flood Zone A and historically has sustained significant damage due to rain runoff and the water from the San Anselmo Creek overflowing its banks.
3. The Town is designated as within Seismic Design Categories D, E, and F and is located in close proximity to the San Andreas and Hayward seismic faults indicated by the U.S.

Geological Survey and California Division of Mines and Geology.

4. The Town includes many areas of hills and steep terrain, which are susceptible to earth sliding due to both uncontrolled storm water drainage, rain events, and geology.
5. The Town is densely populated with virtually all structures constructed of wood framing and most with combustible exterior materials.
6. Many buildings were erected prior to the enactment of modern zoning and building codes with the result that many are located with little to no property setbacks, which can negatively affect the provision of fire protection services at those locations.
7. The steep terrain and hilly topography of most of the Town, combined with the narrow roads, adversely impact the fire department's ability to respond to emergency situations.
8. The water pressure and supply available for fire suppression is limited in the hilly areas of the Town.

C. **Environmental Review.** Adoption of this Ordinance does not require review under the California Environmental Quality Act (CEQA) since it does not constitute a "project" pursuant to CEQA Guidelines section 15378; and under the "common sense" exemption CEQA Guideline section 15061(b)(3) because it can be seen with certainty there is no possibility that it will have a significant environmental effect.

SECTION 2. Repeal and Replace. Title 9, Chapter 1. San Anselmo Municipal Code Title 9, Chapter 1 is hereby repealed and replaced with the following in its entirety.

Chapter 1 CONSTRUCTION CODES

Article 1. Construction Codes

Section 9-1.101 Adoption of Construction Codes

The following parts of Title 24, California Code of Regulations are adopted by reference as Construction Codes for the Town of San Anselmo, including the amendments noted in this Article.

- (a) 2022 edition of the California Administrative Code.
- (b) 2022 edition of the California Building Code (CBC) (Title 24 Part 1 and 2) based upon the 2021 International Building Code (IBC) including Appendix G, Flood-Resistant Construction; Appendix H, Signs; Appendix I, Patio Covers; Appendix J, Grading.
- (c) 2022 edition of the California Existing Building Code, California Code of Regulations, (Title 24, Part 10) based upon International Existing Building Code 2021.
- (d) 2022 edition of the California Residential Building Code (CRC) (Title 24 Part 2.5) based upon

the 2021 International Residential Code including Appendix H, Patio Covers; Appendix J, Existing Buildings and Structures; Appendix K, Sound Transmission; Appendix Q, Tiny Houses.

(e) 2022 edition of the California Electrical Code (CEC) (Title 24 Part 3) based upon the NFPA 70, 2020 National Electrical Code (NEC).

(f) 2022 edition of the California Mechanical Code (CMC) (Title 24 Part 4) based upon the 2021 Uniform Mechanical Code (UMC).

(g) 2022 edition of the California Plumbing Code (CPC) (Title 24 Part 5) based upon the 2021 Uniform Plumbing Code (UPC).

(h) 2022 edition of the California Energy Code (CEC) (Title 24 Part 6).

(i) 2022 California Historical Building Code (Title 24 Part 8).

(j) 2022 California Green Building Standards Code (CAL Green) (Title 24 Part 11).

(k) 2021 International Property Maintenance Code (IPMC).

(l) 2021 International Swimming Pool and Spa Code (ISSPS).

(m) National Fire Protection Association ("NFPA") 54 and 58.

A copy of each of these documents is maintained in the office of the Building Official.

Article 2. Amendments (Please note that sections 9-1.201 through 9-1.213 are carried over from the existing Municipal Code.)

9-1.201 Buried Utilities (CBC 112)(CRC R111)(CEC 230).

All electrical and communication service laterals, including those for cable television service, to any new building or structure or building or structure undergoing a substantial improvement as defined by CBC Chapter 2 must be placed underground.

9-1.202 Non-metallic Cable (CEC 334).

Non-metallic electric cable (Type NM, NMC, NMS) is not allowed in electrical wiring in non-residential applications.

9-1.203 Swimming Pools, Spas and Hot Tubs (CBC 3109)(CRC Appendix AX).

Design and construction must adhere to the most stringent requirements of California Building Code Section 3109, California Residential Code Appendix AX, International Swimming Pool and Spa Code 2021 edition and California Health & Safety Code Section 115921. Barriers enclosing a swimming pool must be at least 5' tall. Before water is placed in a pool for any reason, including the curing of the pool walls, a barrier at least 5' tall conforming to the requirements of CBC Section 3109 must be in place or a pool cover complying with ASTM F1346 must be installed and operational.

9-1.204 Garage/Carport Ceiling Height (CBC 1208)(CRC R305).

Private garages and carports shall have a clear ceiling height of not less than 7'.

9-1.205 Size of Doors (CBC 1010.1.1)(CRC R311).

Except for access to a storage room or closet, all doors must be at least 6'-8" (80") high. Required exit doors must be side-hinged, swing type.

9-1.206 Roofing (CBC 1505)(CRC R902).

For all new structures and any addition that exceeds 50% of the original area, the new roof must be covered with a Class A Roofing Assembly. A noncombustible roof may be applied in accordance with the manufacturer's requirements in lieu of a fire-retardant roofing assembly.

Existing buildings that have 50 percent or more of the roof surface replaced within a five-year period are required to totally replace the roof with a Class A roof assembly or be fire resistive by other provisions of this code.

9-1.207 Permit and Application Expiration (CBC 105.5)(CRC R105.3.2), (CPC 104.3.3) (CMC 104.3.3).

The permit application process must be completed and a permit issued within one year of application submittal. If a permit is not issued one year of the application date the application shall expire. The building official may extend the permit application one time for a period of 180 days. The request must be in writing before the application has expired and demonstrate the circumstances beyond the applicant's control that delayed the application. In order to renew action on an expired application, the applicant shall submit new plans and pay a new plan review fee.

Building permits are valid provided work has commenced within 180 days after the permit is issued and a building department inspection has been completed. If 180 days pass and no inspection by the building department has taken place the permit shall expire. The building official may extend the expired permit one time for up to 180 days if the applicant makes a written request before the expiration date demonstrating circumstances beyond the applicant's control for the delay in the progression of the work. If a permit expires, work may not resume until a new permit is obtained. If the period of expiration is greater than 180 days, no changes are made to the plans and the original plans and specifications may be utilized, the applicant shall pay half the required amount of the building fee. If there are changes to the plans and or specifications, the applicant must pay the full amount.

9-1.208 Fee Refunds (CBC 109.6)(CRC R108.5)(CPC 104.5.3)(CMC 104.5.3).

The building official may authorize refunding of any fee paid which was erroneously paid or collected. The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application is withdrawn or canceled before any plan review is done. The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code. The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee and not later than 180 days after the date of fee payment.

9-1.209 Solar water heater pre-plumbing requirements.

All new residential dwelling units shall include plumbing specifically designed to allow the later installation of a system which utilizes solar energy as a means of heating domestic potable water. Construction specifications to accomplish this requirement shall be adopted by the Chief Building Official. No building permit shall be issued unless the requirements of this section are incorporated into the approved building plans. The provisions of this section can be modified or waived when it can be satisfactorily demonstrated to the Chief Building

Official that the requirements are impractical due to shading, building orientation, construction constraints or configuration of the parcel.

9-1.210 Photovoltaic pre-wiring requirements.

New non-residential buildings over five thousand (5,000) square feet in floor area and all new residential dwelling units shall include electrical conduit specifically designed to allow the later installation of a photovoltaic (PV) system which utilizes solar energy as a means to provide electricity. Construction specifications to accomplish this requirement shall be adopted by the Chief Building Official. No building permit shall be issued unless the requirements of this section are incorporated into the approved building plans. The provisions of this section can be modified or waived when it can be satisfactorily demonstrated to the Chief Building Official that the requirements are impractical due to shading, building orientation, construction constraints or configuration of the parcel.

9-1.211 Radiant barriers.

When reroofing causes more than fifty (50%) percent of the roof sheathing to be removed, a radiant barrier (reflective insulation) shall be installed in conjunction with the reroofing project.

9-1.212 Hot water piping insulation.

When hot water pipes are exposed by removal of wall surfaces insulation shall be installed having a minimum thickness of one (1") inch for pipe diameter of two (2") inches or less and having a minimum thickness of one and one-half (1.5") inches for pipe diameter exceeding two (2") inches.

9-1.213 Automatic Fire Sprinkler Systems (CRC R313.1 and R313.2).

Automatic sprinkler systems shall be required in one- and two-family dwellings and townhouses where the structure is undergoing a substantial improvement as defined in CBC Chapter 2 and/or if so determined by the RVFD.

9-1.214 Exterior Fire Resistive Construction.

Sections 701A.1 and 701A.3 of Chapter 7A of the 2022 California Building Code (Title 24, Part 2, Volume 1), and Sections R337.1.1 and R337.1.3 of the 2022 California Residential Code (Title 24, Part 2.5), California Code of Regulations are hereby amended to read as follows:

701A.1 and R337.1.1 Scope. This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new buildings, additions, repairs, and exterior alterations located within a Wildland Urban Interface Fire Area as defined in sections 702A and R337.2.

701A.3 and R337.1.3 Application. New buildings, additions, repairs, and exterior alterations to buildings located in any Fire Hazard Severity Zone or any Wildland Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. Buildings of an accessory character and not exceeding 120 square feet in floor area, when located at least 30 feet from an applicable building.

2. Buildings of an accessory character classified as a Group U occupancy of any size located at least 50 feet from an applicable building.
3. Buildings classified as a Group U Agricultural Building, as defined in CBC Section 202 and R202 of this code when located at least 50 feet from an applicable building.

Section 707A.3.2 is hereby added to Chapter 7A of the 2022 California Building Code (Title 24, Part 2, Volume 1) to read as follows:

When more than fifty percent (50%) of exterior wall covering on one face of a structure is repaired or replaced within a twelve (12) month period, the entire face of exterior wall covering shall comply with Section 707A.3. And when more than fifty percent (50%) of exterior wall coverings of an existing structure are repaired or replaced within a thirty-six (36) month period, the entire exterior wall coverings shall comply with Section 707A.3 Exceptions may be granted by the Building Official when alternate means of protection are installed as approved by the Fire Official and/or Building Official.

Section R337.7.3.2 is hereby added to the 2022 California Residential Code (Title 24, Part 2.5), to read as follows:

When more than fifty percent (50%) of exterior wall covering on one face of a structure is repaired or replaced within a twelve (12) month period, the entire face of exterior wall covering shall comply with Section R337.7 When more than fifty percent (50%) of exterior wall coverings of an existing structure are repaired or replaced within a thirty-six (36) month period, the entire exterior wall coverings shall comply with Section R337.7 Exceptions may be granted by the Building Official when alternate means of protection are installed as approved by the Fire Official and/or Building Official.

9-1.215 Outside opening protection Section R303.6 Outside opening protection of the 2022 California Residential Code, California Code of Regulations are hereby amended to read as follows:

Openings shall be protected against local weather conditions. Outdoor air exhaust and intake openings shall meet the provisions for exterior wall opening protectives in accordance with this code. Air exhaust and intake openings that terminate outdoors shall be protected with corrosion-resistant screens, louvers or grilles.

1. Vents shall be listed to ASTM E2886 and comply with all of the following:

1. There shall be no flaming ignition of the cotton material during the Ember Intrusion Test.

2. There shall be no flaming ignition during the Integrity Test portion of the Flame Intrusion Test.

3. The maximum temperature of the unexposed side of the vent shall not exceed 662°F (350°C).

2. Vents shall comply with all of the following:

2.1. The dimensions of the openings therein shall be a minimum of $1/16$ inch (1.6 mm) and shall not exceed $1/8$ inch (3.2 mm).

2.2. The materials used shall be noncombustible. Exception: Vents located under the roof covering, along the ridge of roofs, with the exposed surface of the vent covered by noncombustible wire mesh, may be of combustible materials.

2.3. The materials used shall be corrosion resistant.

Article 3. Construction Work Hours (Please note that sections 9-1.301 and 9-1.302 are carried over from the existing Municipal Code.)

9-1.301 - Bald Hill work hours.

(a) Construction, demolition, and the operation of miscellaneous noise sources such as vehicle back-up alarms, power saws, and other similar noise sources are allowed during the following times: 8:00 a.m. to 4:30 p.m. Monday through Friday.

No work is allowed on Bald Hill on weekends or holidays observed by the town. Heavy Construction Truck Trips are restricted to occur only between 10:00 a.m. and 3:00 p.m. Monday through Friday (no holidays). Heavy construction truck trips include, but are not limited to, concrete trucks, dump trucks (ten (10) yards or greater), backhoes, graders, pile drivers, and flatbed delivery trucks.

The Public Works Director can authorize construction beyond these hours and days upon written request, including interior work and other work tasks the Director deems appropriate. Exceptions granted by the Public Works Director include any single activity that will necessitate the use of a heavy construction vehicle beyond the 10:00 a.m. to 3:00 p.m. time period. Any exceptions granted by the Public Works Director regarding heavy construction truck trips will require notification of residents at least twenty-four (24) hours in advance. Such notification shall be the responsibility of the applicants. Furthermore, all construction equipment shall be adequately muffled and maintained.

9-1.302 - All other work hours.

(a) Construction, demolition, and the operation of miscellaneous noise sources such as vehicle back-up alarms, power saws and other similar noise sources are allowed during the following times:

Monday through Fridays from 7:00 a.m. to 8:00 a.m. quiet work only unless authorized by the Public Works Director or his designee and from 8:00 a.m. to 7:00 p.m.;

Saturdays from 9:00 a.m. to 5:00 p.m.;

Sundays from 12:00 p.m. to 5:00 p.m.

Work hours may be extended until 8:00 p.m. for homeowners or residents working alone on their own property.

Article 4. (Reserved)

Article 5. Violations, Penalties

9-1.501 Violations, Penalties

(a) Stop work orders/work without permits or other actions in violation of this Code. For work performed in violation of this Code, an investigation/penalty fee shall be assessed up to five (5) times the construction permit fee. The minimum penalty fee for a permit shall be five hundred (\$500) dollars. This also applies to revisions, alterations, or changes on an authorized project where the work done is not within the scope of the originally authorized permit. The fee shall be due whether a permit is issued or not. Additional penalties may be assessed in the event of repeated violations.

(b) No new construction permits shall be issued for work on a property unless all existing violations and expired permits issued for work on such property are cleared by abatement, issuance, or reinstatement of a permit.

(c) The penalties imposed in this section are in addition to any penalties that may be imposed pursuant to other provisions of this Code.

Article 6. - Public Nuisances

9-1.601 - Public nuisances.

(a) Any work commenced or continued in violation of this chapter shall be, and is hereby declared, unlawful and a public nuisance.

(b) A building or structure in a state of partial construction for an unreasonable period of time is a nuisance.

SECTION 3. Severability. The Town Council hereby declares every section, paragraph, sentence, clause, and phrase is severable. If any section, paragraph, sentence, clause or phrase of this Ordinance is for any reason found to be invalid or unconstitutional, such invalidity, or unconstitutionality shall not affect the validity or constitutionality of the remaining sections, paragraphs, sentences, clauses or phrases.

SECTION 4. Effective Date. This Ordinance shall take effect and be in force thirty (30) days after the date of its passage. Within fifteen (15) days following its passage, a summary of the Ordinance shall be published with the names of those Town Council members voting for and against the Ordinance and the Town Clerk shall post in the office of the Town Clerk a certified copy of the full text of the adopted Ordinance along with the names of the members voting for and against the Ordinance.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo Town Council on the 25th day of October 2022 and was adopted at a regular meeting on the 15th day of November 2022 by the following vote.

AYES: Councilmembers: Burke, Greene, Colbert, Burdo, Mayor Fineman

NOES: Councilmembers: None

ABSENT: Councilmembers: None



Alexis Fineman, Mayor

ATTEST


Serge Avila, Town Clerk