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ORDINANCE NO. 21-2016

AN ORDINANCE OF THE CITY OF FREMONT ADOPTING AND AMENDING BY REFERENCE THE 2016 CALIFORNIA BUILDING, MECHANICAL, PLUMBING, ELECTRICAL, EXISTING BUILDING, HISTORICAL BUILDING, ENERGY, RESIDENTIAL BUILDING, GREEN STANDARDS BUILDING, 2015 INTERNATIONAL POOL AND SPA CODE, AND THE 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND AMENDING FREMONT MUNICIPAL CODE TITLE 15 BUILDINGS AND CONSTRUCTION DIVISION 1 FREMONT BUILDING STANDARDS CODE

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT DOES ORDAIN AS FOLLOWS:

SECTION 1. DRAFTING SYNTAX

The Fremont Municipal Code (FMC) text adopting the local modification is italicized in this ordinance to assist the reader in distinguishing between City of Fremont modifications to the California Building Standards Code and the FMC section text adopting the modifications.

Each section of the California Building Standards Code that is modified by the City of Fremont is listed. However, whole subsections may not be modified and those unmodified subsections are indicated by the subsection number followed by “{CBC text not modified}” with the appropriate acronym for the specific Building Standards Code. The unmodified subsections are to be codified as written in the California Code. Each subsection that is deleted in its entirety by the City of Fremont is indicated by the subsection number followed by “deleted”.

SECTION 2. FMC CHAPTER 15.05 REPEALED AND REPLACED

Chapter 15.05 (General Provisions) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.05.010 Title.

This division shall be known and may be cited as the “Fremont building standards code” or “FBSC.” The Fremont building standards code consists of the California Building Standards Code, as codified in Title 24 of the California Code of Regulations, and as amended by this division.

Sec. 15.05.020 Administration & Enforcement.

(a) The building and safety division is responsible for the administration and enforcement of the provisions of Title 15, Division 1, Chapters 15.05 through 15.30 and Chapters 15.40 through 15.49 of this code. “Building official” as referenced in this code means the Building official.

(b) The fire prevention bureau, under the direction of the fire chief, is responsible for the administration and enforcement of the provisions of Chapter 15.35. "Fire marshal" as referenced in this division means the individual specified by the fire chief under Section 15.35.020(b).

Sec. 15.05.030 Permit Applications Pending as of December 31, 2016.

The provisions of this division shall take effect on January 1, 2017 except that where complete working drawings, plans, structural designs and specifications for buildings have been filed for building permits before this date, permits may be issued based on the previous ordinances and codes effective at the time of filing, and the applicant may proceed with the construction, provided physical construction is started within 180 days from the date of issuing the permit and continued to completion. Where construction has not commenced within 180 days of the issuance of a building permit which has been issued under any previous ordinance, no renewal or extension of such building permit shall be granted unless all of the requirements of the 2016 California Building Standards Code, as amended by the city of Fremont, are met.

Sec. 15.05.040 Findings.

The city council has adopted updated findings by resolution under Health and Safety Code Section 17958.7 for local modifications to the building standards contained in the 2016 California Building Standards Code based on local climatic, geological and topographical conditions as required by Health and Safety Code Sections 18941.5 and 17958.5.

Sec. 15.05.050 Violations.

A violation of any provision or failure to comply with any mandatory requirement of this division shall constitute an offense as set forth in Section 1.15.010. Each person, firm or corporation shall be charged with a separate offense for each and every day during any portion of which any violation of this division is committed, continued, or permitted by the person, firm or corporation and shall, upon conviction, be punished as set forth in Section 1.15.020.

It is hereby declared that any violation of this division constitutes a public nuisance, and in addition to any other remedies provided by this division for the enforcement of this division, the Fremont city attorney may bring a civil or criminal action to enjoin the violation of any provision of this division or pursue any other legal remedy.

The remedies described in this division are cumulative and in addition to any other remedies available for a violation of this division

Sec. 15.05.060 Appeals.

(a) Where the provisions of this title allow for a board of appeals, the board shall be an administrative hearing officer appointed by the city manager. The appeal shall follow the process and procedures of FMC Sections 8.60.120 through 8.60.150. The decisions of the hearing officer are final as to the city. The hearing officer shall have no authority relative to interpretation of the administrative provisions of this title nor shall the hearing officer be empowered to waive requirements of this title.

(b)An application for appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply or an alternative provides at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

SECTION 3. FMC CHAPTER 15.10 REPEALED AND REPLACED

Chapter 15.10 (Fremont Building Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.10.010 Title.

This chapter shall be known and may be cited as the “Fremont building code” or “FBC” and will be referred to in this chapter as “this code.”

Sec. 15.10.020 Adoption of the 2016 CBC with Amendments.

The 2016 edition of the California Building Code (“CBC”)as published by the International Code Council is adopted as the Building Code of the city of Fremont, California, as if fully set out in this chapter and is amended as provided in this chapter. A copy of the 2016 CBC shall be maintained on file in the office of the city clerk.

Sec. 15.10.030 Adoption of Certain 2016 CBC Appendix Chapters.

The following Appendix Chapters of the 2016 California Building Code are adopted by the city of Fremont. The remaining Appendix Chapters are not adopted.

(a)Appendix Chapter C (Agricultural Buildings).

(b)Appendix Chapter F (Rodent Proofing of Dwellings).

(c)Appendix Chapter I (Patio Covers).

Sec. 15.10.040 Adoption of 2016 CBC Chapter 1, Division II.

Chapter 1, Division II of the 2016 California Building Code is adopted by the city of Fremont and made a part of the Fremont Building Code, unless amended in this section. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.

Sec. 15.10.050 Amendment of 2016 CBC Section 101 (General).

Section 101 of the 2016 California Building Code is amended as follows:

101.4 Referenced codes. The other codes listed in Sections 101.4.1 through 101.4.11 and referenced elsewhere in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference.

101.4.1 Gas. The provisions of the 2016 California Mechanical Code and California Plumbing Code shall apply to the installation of gas piping.

101.4.2 Mechanical. The provisions of the 2016 California Mechanical Code shall apply to installation, alterations, repairs and replacement of mechanical systems.

101.4.3 Plumbing. The provisions of the 2016 California Plumbing Code shall apply to installation, alternation, repairs and replacement of plumbing systems.

101.4.4 Property Maintenance. The provisions of the 2016 California Building, Residential, Mechanical, Electrical, Plumbing, Fire Code, and the 2015 International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants and occupancy of existing premises and structures.

101.4.5 Fire Prevention. The provisions of the 2016 California Fire Code, shall apply to matters affecting or relating to fire hazards.

101.4.6 Energy. The provisions of the 2016 California Energy Code, Title 24, Part 6, shall apply to all matters governing the design and construction of building for energy.

101.4.7 Existing buildings. The provisions of the 2016 California Existing Building Code shall apply to all matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings.

101.4.8 Green Building Standards. The provisions of the 2016 California Green Building Standards Code shall apply to all matters governing the “green building” related planning, design construction, operation, use and occupancy of newly constructed buildings.

101.4.9 Residential Buildings. The provisions of the 2016 California Residential Code shall apply to all matters governing the design and construction of detached, one- and two-family dwellings, townhouses not more than three stories and separate means of egress, and structural accessory thereto.

101.4.10 Electrical. The provisions of the 2016 California Electrical Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

101.4.11 Historical Buildings. The provisions of the 2016 California Historical Code shall apply to the alteration, addition, and relocation to qualified historical buildings or properties.

Sec. 15.10.060 Amendment of 2016 CBC Section 104 (Duties and Powers of the Building Official).

Section 104 of the 2016 California Building Code is adopted as follows:

104.1-104.11.2 {CBC text not modified}

104.12 Authority to condemn building service equipment. Whenever the Building Official ascertains that any building service equipment regulated in the technical codes has become hazardous to life, health, property, or becomes unsanitary, he or she shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of the disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building or the associated service equipment is maintained in violation of the technical codes and in violation of any notice issued pursuant to the provisions of this section, the Building Official may institute any appropriate action to prevent, restrain, correct or abate the violation. The Building Official shall be authorized to affix an approved placard to said building or equipment stating the date, corrections required, address and allowable time for repairs if any. Damage or removal of said placard shall be a violation of this code.

104.13 Connection after order to disconnect. No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of the equipment.

104.14 Authority having jurisdiction. Whenever the term “Authority Having Jurisdiction” is used, it shall be construed to mean the Building Official or his or her authorized representative.

104.15 Limits on repair/remodel for R-3 and U occupancies. When the scope of work for R-3 and U occupancies involves the removal or replacement of 50 percent or greater of the linear length of the walls of the building (exterior plus interior) and 50 percent of the roof within a one-year period, the project shall be considered as new construction; and the entire building shall comply with all current codes including local ordinances. For automatic fire extinguishing system requirements, see FMC Section 15.35.140.

Sec. 15.10.070 Amendment of 2016 CBC Section 105 (Permits).

Section 105 of the 2016 California Building Code is amended as follows:

105.1 {CBC text not modified}

105.1.1 - 105.1.2 - deleted

105.2 Work exempt from permit {CBC text not modified}

Building:

1. {CBC text not modified}

2. Wood fences not over 7 feet (2134 mm) high or concrete or masonry wall not over 4 feet (1219 mm) high when not subject to specific city of Fremont planning and zoning regulations.

3. {CBC text not modified}

4. deleted

5. {CBC text not modified}

6. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below and are not part of an accessible route, accessible parking spaces, or required exits.

7. - 8 {CBC text not modified}

9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 18 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

10. {CBC text not modified}

11. Swings and other playground equipment accessory to single detached one- and two-family dwellings and not considered a public playground.

12. Window awnings supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support of Group R-3 and U occupancies.

13. {CBC text not modified}

14. Wood decks not over 30 inches above surrounding grade or finishes, not attached to a structure, or serving any part of the means of egress.

Electrical {CBC text not modified}

1. Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.
2. Repair or replacement of motors, transformers and controls within fixed approved appliances of the same type and rating in the same location.
3. Temporary decorative lighting for residential dwellings.
4. Repair or replacement of current-carrying parts of any switch, contactor or control device.
5. Reinstallation of attachment plug receptacles, but not the outlets thereof.
6. Replacement of any overcurrent device less than 1,200 amps of the same capacity in the same location.
7. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
8. Removal of electrical wiring.
9. Temporary wiring for experimental purposes in suitable experimental laboratories.
10. The wiring for temporary theatre, motion picture or television stage sets.
11. Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
12. Low-energy power, control and signal circuits of Classes II and III as defined in the Electrical Code.
13. A permit shall not be required for the installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.

Gas {CBC text not modified}

Mechanical {CBC text not modified}

Plumbing {CBC text not modified}

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws which are enforced by the city of Fremont

105.2.1 – 105.3.1 {CBC text not modified}

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that

the Building Official is authorized to grant one extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated and accepted by the Building Official.

105.3.3 Who may be issued a permit. Permits shall be issued only to State licensed contractors or their respective authorized representative but only to the extent and to the work the person is licensed by the State of California to do so.

Exception: Permits may be issued to owners certifying proof of exemption under the exemptions specified in California Business and Professions Code Section 7044.

105.3.4 Withhold permit. The Building Official may withhold the issuance of a permit if the proposed work is in conjunction with construction requiring the issuance of a building permit where no building permit has been issued.

105.4 {CBC text not modified}

105.5 Expiration. Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The construction is deemed suspended or abandoned unless an inspection indicating substantial progress in construction has been requested every 180 days or sooner. Before work may resume on a construction project declared suspended or abandoned, a new permit must first be obtained. Where suspension or abandonment has not exceeded one year and no changes have been made or will be made to the original plans and specifications for the work, the renewal fee shall be one half the amount required for a new permit for the work otherwise, the renewal fee shall be the full amount required for a new permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

105.6 {CBC text not modified}

105.7 Placement of Permit. The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.

105.8 Change of contractor or of ownership. A permit issued hereunder shall expire upon a change of ownership or a change of contractor regarding the building, structure or grading for which said permit was issued if the work thereon has not been completed, and a new permit shall be required for the completion of the work. If no changes have been made to the plans and specifications last submitted to the Building Official, no charge,

other than the permit issuance fee and applicable State fees, shall be made for the issuance of the new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the Building Official, a permit fee based upon the proposed changes may be levied.

105.9 Surrender of permit. If no portion of the work or construction covered by the issued permit has commenced, the permit holder may deliver such permit and approved documents to the Chief Building Official with written request that such permit is to be canceled. The Chief Building Official shall make note on the permit with or with like wording "Canceled at the request of the Permit holder." Thereupon the permit and documents shall become null and void.

Sec.15.10.080 Amendment of 2016 CBC Section 107 (Submittal Documents).

Section 107 of the 2016 California Building Code is amended as follows:

107.1 – 107.2.6 {CBC text not modified}

107.2.7 Required plat of survey. Any person, firm or corporation applying for a permit for the erection or construction of a building or structure, or moving an existing building to a new location shall, when required by the Building Official, file with the set of plans and specifications required by the foregoing provisions of this section a minimum of three (3) copies of a plat of a survey of the property proposed to be improved by said building or structure, on which plat shall be delineated the accurate location of said proposed improvement and the grades at which it is to be constructed, the location of every existing building on the lot, the location of existing curbs, sidewalks, and main sewers and the location of waterways, storm drains, inlets, and culverts affecting the lot. Said plat shall be drawn to a scale of not smaller than twenty (20) feet to one (1) inch, unless authorized by the Building Official, and shall show the contours at one (1) foot intervals for predominant ground slopes between level and four (4) percent and five (5) foot contours for predominant ground slopes over four (4) percent which contours shall extend to the center of the street when said street is unimproved, or to the curb line when the street is improved. All grades and contours shall be based on United States Coast and Geodetic Survey datum (mean sea level) except when authorized otherwise by the Building Official. The survey shall have been made by a licensed land surveyor or registered civil engineer in the State of California and the map of said survey shall be signed and certified with their license or certificate number, and the property shall be located thereon by map or deed distance to the nearest street intersection. The exterior boundaries of said property shall be clearly outlined on the ground by appropriate permanent stakes or monuments. The location of said stakes or monuments shall be shown on the survey map with elevations thereon.

107.3 {CBC text not modified}

107.3.1. Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved". One set of construction documents so reviewed shall be retained by the

Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

107.3.2 – 107.5 {CBC text not modified}

Sec. 15.10.090 Amendment of 2016 CBC Section 109 (Fees).

Section 109 of the 2016 California Building Code is adopted as follows:

109.1 {CBC text not modified}

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule of fees established by resolution of the Fremont city council. Where issuance of a permit for the construction of part of a building or structure has been approved, the fees shall be established by a city of Fremont Fee Resolution as adopted by the city council.

109.3 Building permit valuation. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, including materials and labor, as well as all, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment . If in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

109.3.1 Plan review fees. When submittal documents are required by Section 107 a plan review fee shall be paid at the time of submitting the documents for plan review. Said plan review fee shall be as established by resolution of the city council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee shall be charged at the rate established by resolution of the city council.

109.4 Work commencing before permit issuance. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for necessary permits shall be double the fee established by resolution of the city council.

109.4.1 An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the

amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.5. Related fees. The payment of the fee for the construction, alteration, removal of demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are established by resolution of the city council.

109.6 Refunds. The Building Official is authorized to establish a refund policy. As part of the policy, the Building Official may authorize refunding a portion of the fee equal to 80 percent of the permit fee paid less the application fee when no work has been done under a permit issued in accordance with this code.

109.7 Additional plan review fees. Where plans are incomplete or changed so as to require additional plan checking, an additional plan checking fee shall be paid to the Building Official based upon the value of construction of the proposed change or redesign. In establishing said fee, no allowance for a decreased valuation shall be permitted due to the replacement, omission or lessening of any member or portion of the building shown in the original plans. Said fee may be waived when in the opinion of the Building Official the additional fee is not warranted. No additional fees shall be charged for checking corrections required by the Building Official; except where excessive plan reviews are performed, additional fees may be levied as established by city council.

Sec. 15.10.100 Amendment to 2016 CBC Section 110 (Inspections).

Section 110 of the 2016 California Building Code is adopted as follows:

110.1 – 110.6 {CBC text not modified}

110.6.1 Gas or electrical utilities. There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning, security and zoning inspections are made and approval has been given on any building sought to be connected to such utilities unless approval has first been obtained from the Building Official, as provided by the Temporary Certificate of Occupancy in Section 111.3.

110.7 Re-inspection fee. When re-inspection is required, an additional inspection fee shall be charged at the fee rate established by resolution of the city council.

110.8 Inspection Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and available by the permit holder until final approval has been granted by the building official.

Sec. 15.10.110 Amendment of 2016 CBC Section 111 (Certificate of Occupancy).

Section 111 of the 2016 California Building Code is amended as follows:

111.1 Use and occupancy. No building or structure shall be used or occupied, and no change in the existing use or occupancy classification of a building or structure or portion thereof shall be made until the Building Official has issued a certificate of occupancy therefore as provided herein.

Exception: Single-family homes, townhomes, and U occupancies.

Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the codes or of other ordinances of the jurisdiction. Certificates presuming to give authority to violate or cancel the provisions of the codes or other ordinances of the jurisdiction shall not be valid.

111.1.1 Change in Use. Where a change of occupancy and use is proposed and approved by the Building Official, an inspection of the premises by the Building Official to determine that the provisions of Section 111.1 are met before issuance of said certificate. Said certificate of occupancy shall be obtained from the Building Official upon completion of an application for the certificate and the payment of a fee as established by resolution of the city council.

111.2 Certificate issued. After final inspection when it is found that the building or structure complies with the provisions of this code and other laws which are enforced by the city of Fremont, and, when required by the Building Official, the engineer or architect of record shall state, in writing, that based on field observation conducted by him or her, or his or her designee, the building or structure is in general conformance with the approved plan, then the Building Official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building complies with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.
7. The use and occupancy.
8. The type of construction.

9. The design occupant load.
10. Automatic sprinkler system if provided, whether the sprinkler system is required.
11. The edition of the code under which the permit was issued.
12. . Any special stipulations and conditions of the building permit.

111.3 {CBC text not modified}

111.3.1 Limitations. An application for temporary certificate of occupancy must be obtained for connection of gas and electrical utilities. The required fees as established in the city of Fremont Fee Resolution shall be paid before the temporary certificate of occupancy is issued.

111.3.2 Discontinuance of temporary occupancy. In the event the building is not completed and ready for final inspection in the time prescribed by the Building Official, the building shall be vacated and the utilities disconnected until such time as the building is completed and final inspection is made and a certificate of occupancy is issued as set forth above.

111.4 {CBC text not modified}

Sec. 15.10.120 Amendment of 2016 CBC Section 112 (Service Utilities).

Section 112 of the 2016 California Building Code is amended as follows:

112.1 Connection of utility service. No person shall make a connection from a source of electrical energy or fuel gas to any electric wiring system, gas piping system, device, appliance or equipment for the installation of which a permit is required, unless such wiring system, gas piping system, devices, appliance or equipment has first been inspected by the building official and found to comply with all applicable codes and ordinances of the city.

112.2 Temporary Connection. The Building Official shall have the authority to authorize the temporary connection to any electric wiring system, gas piping system, device, appliance or equipment to the utility source of energy, fuel or power.

112.3 Authority to disconnect utilities. The Building Official or his or her authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever reasonably possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

112.4 All utility connections in areas prone to liquefaction shall be flexible and designed for differential settlement.

Sec. 15.10.130 Amendments of 2016 CBC Section 113 (Appeals) and 114 (Violations).

Sections 113 and 114 of the 2016 California Building Code are deleted.

Sec. 15.10.140 Amendment to 2016 CBC Section 302 (Classification).

Section 302 of the 2016 California Building Code is amended as follows:

302.1 Classification. Structures or portions of structures shall be classified with respect to occupancy in one or more of the groups listed in this section. A room or space that is intended to be occupied at different times for different purposes shall comply with all of the requirements that are applicable to each of the purposes for which the room or space will be occupied. Structures with multiple occupancies or uses shall comply with Section 508. Where a structure is proposed for a purpose that is not specifically provided for in this code or about which there is any question, such structure shall be classified, as determined by the Building Official, in the group that the occupancy most nearly resembles, according to the fire safety and relative hazard involved.

Sec. 15.10.150 Amendment to 2016 CBC Section 402 (Covered mall and open mall buildings).

Section 402 of the 2016 California Building Code is amended as follows:

402.1-402.4.3.1 {CBC text not modified}

402.5 {CBC text not modified}. Exception deleted

402.6-402.8.8 {CBC text not modified}

Sec. 15.10.160 Amendment to 2016 CBC Section 403 (High-Rise buildings and group I-2 occupancies having occupied floors located more than 75 feet above the lowest level of fire department vehicle access).

Section 403 of the 2016 California Building Code is amended as follows:

403.1-403.2.4 {CBC text not modified}

403.3 {CBC text not modified}. Exception: deleted

403.3.1-403.7 {CBC text not modified}

Sec. 15.10.170 Amendment to 2016 CBC Section 404 (Atriums).

Section 404 of the 2016 California Building Code is amended as follows:

404.1 - 404.2 {CBC text not modified}

404.3 {CBC text not modified}. Exceptions: deleted.

404.4 - 404.11 {CBC text not modified}

Sec. 15.10.180 Amendment to 2016 CBC Section 406 (Motor Vehicle Related Occupancies).

Section 406 of the 2016 California Building Code is amended as follows:

406.1 – 406.3.3 {CBC text not modified}

406.3.4 {CBC text not modified}

406.3.4.1 Dwelling unit separation. The private garage shall be separated from the dwelling unit and its attic area by means of gypsum board, not less than 5/8-inch (15.9 mm) thick Type X, or equivalent applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8-inch (15.9 mm) Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1 3/8 inches (34.9 mm) thick, or doors in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes. Doors shall be self-closing and self-latching.

406.3.4.2 – 406.3.6 {CBC text not modified}

406.3.7 Garage flammable vapor ventilation. In enclosed private garages attached to R occupancies, provide 1 square foot of ventilation area located at the lower 12” of garage wall. Said ventilation areas shall be directly communicated with the exterior, but shall not be installed where protection of openings is required.

406.4 – 406.9.3 {CBC text not modified}

Sec. 15.10.190 Amendment to 2016 CBC Section 601 (Construction Classification).

Section 602, Table 601, footnote b. of the 2016 California Building Code is amended as follows. All other subsections and tables within Section 602 are not modified.

b. Except in high-rise buildings, Group A, E, F-1, H, I, L, M, R-1, R-2, and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. For Group A, E, I, L, R-1, and R-2 occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, fire protection of members other than the structural frame shall not be required, including protection of roof framing and decking where every part of the roof

construction is 20 feet or more above any floor immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.

Sec. 15.10.200 Amendment to 2016 CBC Section 708 (Fire Partitions).

Section 708 of the 2016 California Building Code is amended as follows:

708.1 – 708.2 {CBC text not modified}

708.3 {CBC text not modified}

Exceptions:

1. {CBC text not modified}
2. deleted
3. {CBC text not modified}

708.4 – 708.9 {CBC text not modified}

Sec. 15.10.210 Amendment to 2016 CBC Section 711 (Horizontal Assemblies).

Section 711 of the 2016 California Building Code is amended as follows:

711.1 – 711.2.4.2 {CBC text not modified}

711.2.4. {CBC text not modified}

Exception: deleted

711.2.4.4 -711.3.2. {CBC text not modified}

Sec. 15.10.220 Amendment to 2016 CBC Section 701A (Scope, Purpose and Application).

Section 701A of the 2016 California Building Code is amended as follows:

701A.1 Scope: This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new and existing buildings or structures erected, constructed, altered, or moved within a Wildland-Urban Interface Fire Area as defined in Section 702A.

701A.2 {CBC text not modified}

701A.3 Application. New or existing buildings or structures erected, constructed, altered, or moved 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. – 3. {CBC text not modified}

4. deleted.

701A.3.1 – 701A.5 {CBC text not modified}

Sec. 15.10.230 Amendment to 2016 CBC Section 702A (Definitions).

Section 702A of the 2016 California Building Code is amended by modifying the following definitions. The remaining definitions are not modified.

LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE means those areas designated by the city of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Title 15, Chapter 15.65.

WILDLAND-URBAN INTERFACE FIRE AREA is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, and includes those areas designated by the city of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Title 15, Chapter 15.65.

Sec. 15.10.240 Amendment to 2016 CBC Section 705A (Roofing).

Section 705A of the 2016 California Building Code is amended as follows:

705A.1 – 705A.2 {CBC text not modified}

705A.2.1 Wildland Urban-Interface Fire Area. The roof covering of any new structure or the re-roofing of any existing building within Wildland-Urban Interface Fire Area, regardless of the type of construction or occupancy classification, shall be a fire-retardant roof covering that is at least Class A. All alteration, repair, replacement or reroofing shall conform to the applicable provisions of the 2016 California Building Code Section 1604 “General Design Requirements” and any other applicable engineering requirements, including Chapter 15, “Roof Assemblies and Rooftop Structures” of this code.

705A.3 – 705A.4 {CBC text not modified}

Sec. 15.10.250 Amendment to 2016 CBC Section 707A (Exterior Covering).

Section 707A of the 2016 California Building Code is amended as follows:

707A.1 – 707A.3.1 {CBC text not modified}

707A.3.1.2 Exterior wall covering. All exterior faces of the exterior walls shall be of an assembly qualified for exterior face of recognized one-hour fire resistive assemblies. All

exterior wall coverings shall meet a Class I flame spread requirement and be installed over materials approved for one-hour fire-resistive construction.

Exception: Class I flame spread requirement may be waived for additions not to exceed 50%, cumulatively over the life of the structure, of the existing structure, including garage areas with 1-hour fire resistive exterior wall assembly.

707A.4 – 707A.9 {CBC text not modified}

707A.10 Utilities. Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed under-floor area of a building or structure shall be enclosed with material as required for exterior, one-hour, fire-resistive construction. Adequate covered access opening for servicing such utilities shall be provided as required by appropriate codes.

707A.11 Historical buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the Building Official, provided:

1. The building or structure conforms to Part 8, Title 24, of the California Code of Regulations; and
2. A fire protection plan is implemented so that the building or structure will be no more of a fire hazard than any new building. The plan must be prepared and signed by a registered Fire Protection Engineer. The plan must be approved by the Building Official and fire chief prior to the commencement of any work.

Sec. 15.10.260 Amendment to 2016 CBC Section 902 (Definitions).

Section 902 of 2016 California Building Code is amended by adding additional definitions to Section 902.1 as follows. The remaining definitions are not modified.

CURRENT CODE means the edition of the California Building Standards Code published by the International Code Council (ICC) as adopted by the city of Fremont under Health and Safety Code Section 18941.5. The edition to be applied shall be that edition in effect at the time damage occurs.

ENGINEERING EVALUATION means an evaluation of a suspected damaged building or structure, performed under the direction of a fire protection engineer, structural engineer, civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with an appropriate estimate of the construction cost for those repairs.

ESSENTIAL SERVICE FACILITY means that building or structure which has been designated by the city council to house facilities which are necessary for emergency operations.

FIRE PROTECTION ENGINEER means an individual registered by the State of California to practice fire protection engineering and to use the title, Fire Protection Engineer, as defined in the State of California Business and Professions Code.

HAZARDOUS FIRE AREA means the “Wildland-Urban Interface Fire Area” as defined in Section 702A as amended by the city of Fremont.

HISTORIC BUILDING OR STRUCTURE means as defined in the Section 8-201, Chapter 2, Part 8, 2010 California Historical Building Code, Title 24 of the California Codes of Regulations.

REPLACEMENT VALUE is the dollar value, as determined by the Building Official based upon the square footage and the guidelines used in establishing the valuation of new construction, of replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

VALUE OF REPAIR is the dollar value, as determined by the Building Official, of making the necessary repairs to a damaged structure.

Sec. 15.10.270 Amendment to 2016 CBC Section 903 (Automatic Sprinkler System).

Section 903 of the 2016 California Building Code is amended as follows:

903.1 General. Automatic sprinkler systems shall be provided as set forth in Section 903 of the California Fire Code as adopted and amended by FMC Section 15.35.140.

903.1.1 – 903.5 deleted

Sec. 15.10.280 Amendment to the 2016 CBC Section 1020 (Corridors).

Table 1020.1 of the 2016 California Building Code is amended by modifying the third row below the header to read as follows. The remainder of Table 1020.1 is unchanged.

Occupancy	Occupant Load Served by Corridor	Required Fire-Resistance Rating (Hours) – Without Sprinkler System	Required Fire-Resistance Rating (Hours) – With Sprinkler System
A ^c	Greater than 30	1	1
B, F, M, S, U	Greater than 30	1	0

Sec. 15.10.290 Amendment to 2016 CBC Section 1507 (Requirement for Roof Covering).

Section 1507 of the 2016 California Building Code is amended as follows:

1507.1 {CBC text not modified}

1507.1.1 Certification. The installer of the roof covering shall provide certification of the roof covering classification to the building owner and to the city when roof covering installation is subject to the 2016 CBC Chapter 7A.

Exceptions:

1. The certification requirements of this section shall not apply to any building which is subject to addition, repair, alterations, roof installation, or replacement of less than 50% of the existing building's roof area over the life of the building commencing on or after the effective date of February 15, 1991.

2. For accessory building, refer to Section 105.2, Exception 1.

1507.2 – 1507.3 {CBC text not modified}

1507.3.1 Deck requirements. Concrete and clay tile shall be installed only over solid structural sheathing boards.

1507.3.3.2 – 1507.17.8 {CBC text not modified}

Sec. 15.10.300 Amendment to the 2016 CBC Section 1612 (Flood Loads).

Section 1612 of the 2016 California Building Code is amended as follows:

1612.1 – 1612.2 {CBC text not modified}

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Alameda County, California", revision dated August 3, 2009, as amended, with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Exception: {CBC text not modified}

1612.3.1. – 1612.5 {CBC text not modified}

Sec. 15.10.310 Amendment to 2016 CBC Section 1613 (Earthquake Load).

Section 1613 of the 2016 California Building Code is amended as follows:

1613.1 – 1613.5.1 {CBC text not modified}

1613.5.2 Minimum distance for structural separation. ASCE-7 Equation 12.12-1 is amended as shown

$$\delta_M = \frac{C_d \delta_{max}}{1} \quad (\text{Equation 12.12-1})$$

where:

C_d = Deflection amplification factor in Table 12.2-1 of ASCE 7.

δ_{max} = Maximum displacement defined in Section 12.8.4.3 of ASCE 7.

1613.5.3 Modified ASCE 7, 12.2.3.1, Exception 3. ASCE 7 Section 12.2.3.1

Exception 3 is amended as follows:

3. Detached one- and two-family dwellings up to two stories in height of light frame construction.

1613.5.4 Wood Diaphragm. Modify ASCE 7 Section 12.11.2.2.3 as follows.

12.11.2.2.3 Wood Diaphragms. In wood diaphragms, the continuous ties shall be in addition to the diaphragm sheathing. Anchorage shall not be accomplished by use of toe nails or nails subject to withdrawal nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension. The diaphragm sheathing shall not be considered effective as providing ties or struts required by this section.

For structures assigned to Seismic Design Category D, E, and F, wood diaphragms supporting concrete or masonry walls shall comply with the following:

1. The spacing of continuous ties shall not exceed 40 feet. Added chords of diaphragm may be used to form sub-diaphragm to transmit the anchorage forces to the main continuous crossties.
2. The maximum diaphragm shear used to determine the depth of the sub-diaphragm shall not exceed 75% of the maximum diaphragm shear.

1613.5.5 Maximum S_{DS} Value in Determination of C_s and E_v . Modify ASCE 7 Section 12.8.1.3 as follows.

12.8.1.3 Maximum S_{DS} Value in Determination of C_s and E_v . The value of C_s and E_v are permitted to be calculated using a value of S_{DS} equal to 10 but not less than 70% of S_{DS} as defined in Section 11.4.4 provided that all of the following criteria are met:

1. The structure does not have irregularities, as defined in Section 12.3.2;
2. The structure does not exceed five stories above the lower of the base or grade plane as defined in Section 11.2, and, where present, each mezzanine level shall be considered a story for the purpose of this limit;

3. The structure has a fundamental period, T , that does not exceed 0.5 seconds, as determined using Section 12.8.2;
4. The structure meets the requirements necessary for the redundancy factor, p , to be permitted to be taken as 1.0, in accordance with Section 12.3.4.2;
5. The site soil properties are not classified as Site Classes E or F, as defined in Section 11.4.2; and
6. The structure is classified as Risk Category I or II, as defined in Section 1.5.1.

1613.6 {CBC text not modified}

1613.7 Suspended Ceilings. Minimum design and installation standards for suspended ceilings shall be determined in accordance with the requirements of Section 2506.2.1 of this code and this subsection.

1613.7.1 Scope. This part contains special requirements for suspended ceilings and lighting systems. Provisions of Section 13.5.6 of ASCE 7-10 shall apply except as modified herein.

1613.7.2 General. The suspended ceilings and lighting systems shall be limited to 6 feet (1828 mm) below the structural deck unless the lateral bracing is designed by a licensed engineer or architect.

1613.7.3 Sprinkler Heads. All sprinkler heads (drops) except fire-resistance-rated floor/ceiling or roof/ceiling assemblies, shall be designed to allow for free movement of the sprinkler pipes with oversize rings, sleeves or adaptors through the ceiling tile. Sprinkler heads and other penetrations shall have a 2 inch (50mm) oversize ring, sleeve, or adapter through the ceiling tile to allow for free movement of at least 1 inch (25mm) in all horizontal directions. Alternatively, a swing joint that can accommodate 1 inch (25mm) of ceiling movement in all horizontal directions is permitted to be provided at the top of the sprinkler head extension.

Sprinkler heads penetrating fire-resistance-rated floor/ceiling or roof/ceiling assemblies shall comply with Section 714 of this code.

1613.7.4 Special Requirements for Means of Egress. Suspended ceiling assemblies located along means of egress serving an occupant load of 30 or more shall comply with the following provisions.

1613.7.4.1 General. Ceiling suspension systems shall be connected and braced with vertical hangers attached directly to the structural deck along the means of egress serving an occupant load of 30 or more and at lobbies accessory to Group A occupancies. Spacing of vertical hangers shall not exceed 2 feet (610 mm) on center along the entire length of the suspended ceiling assembly located along the means of egress or at the lobby.

1613.7.4.2 Assembly Device. All lay-in panels shall be secured to the suspension ceiling assembly with two hold-down clips minimum for each tile within a 4-foot (1219 mm) radius of the exit lights and exit signs.

1613.7.4.3 Emergency Systems. Independent supports and braces shall be provided for light fixtures required for exit illumination. Power supply for exit illumination shall comply with the requirements of Section 1008.3 of this code.

1613.7.4.4 Supports for Appendage. Separate support from the structural deck shall be provided for all appendages such as light fixtures, air diffusers, exit signs, and similar elements.

Sec. 15.10.320 Amendment to 2016 CBC Section 1704 (Special Inspections and Tests, Contractor Responsibility and Structural observations).

Section 1704 of the 2016 California Building Code is amended as follows:

1704.1 - 1704.5 {CBC text not modified}

1704.6 Structural observations. Where required by the provisions of Section 1704.6.1 and 1704.6.2, the owner or the owner's authorized agent shall employ a structural observer to perform structural observations. Structural observation does not include or waive the responsibility of the inspections or special inspections in Section 1705 or other sections of this code. The structural observer shall be one of the following individuals:

1. The registered design professional responsible for the structural design, or
2. A registered design professional designated by the registered design professional responsible for the structural design.

Prior to the commencement of observations, the structural observer shall submit to the Building Official a written statement identifying the frequency and extent of structural observations.

The owner or owner's representative shall coordinate and call a preconstruction meeting between the structural observer, contractors, affected subcontractors and special inspectors. The structural observer shall preside over the meeting. The purpose of the meeting shall be to identify the major structural elements and connections that affect the vertical and lateral load resisting systems of the structure and to review scheduling of the required observations. A record of the meeting shall be included in the report submitted to the Building Official.

Observed deficiencies shall be reported in writing to the owner or owner's representative, special inspector, contractor and the Building Official. Upon the form prescribed by the Building Official, the structural observer shall submit to the Building Official a written statement at each significant construction stage stating that the site visits have been made and identifying any reported deficiencies which, to the best of the structural observer's knowledge, have not been resolved. A final report by the structural observer which states

that all observed deficiencies have been resolved is required before acceptance of the work by the Building Official.

1704.6.1 Structural observation for seismic resistance. Structural observations shall be provided for those structures to Seismic Design Category D, E, or F, where one or more of the following conditions exist:

1. The structure is classified as Risk Category III or IV in accordance with Table 1604.5.
2. The height of the structure is greater than 75 feet (22860 mm) above the base.
3. The structure is classified as Risk Category I or II in accordance with Table 1604.5, and lateral design is required for the structure or portion thereof.

Exception: One-story wood framed Group R-3 and U Occupancies less than 2,000 square feet in area, provided the adjacent grade is not steeper than 1 unit vertical in 10 units horizontal (10% sloped), assigned to Seismic Category D

4. When so designated by the registered design professional responsible for the structural design.
5. When such observation is specifically required by the building official.

1704.6.2 {CBC text not modified}

Sec. 15.10.330 Amendment to 2016 CBC Section 1705 (Required Verification and Inspection).

Section 1705 of the 2016 California Building Code is amended as follows:

1705.1 – 1705.2. 4 {CBC text not modified}

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

Exceptions: Special inspection and tests shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).
2. Continuous concrete footings supporting walls of buildings three stories or less in height that are fully supported on earth or rock where:
 - 2.1. The footings support walls of light-frame construction;

2.2. The footings are designed in accordance with Table 1809.7; or

2.3. The structural design of the footing is based on a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.

3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).

4. deleted

5. Concrete patios, driveways and sidewalks, on grade.

1705.3.1-1705.11.3 {CBC text not modified}

1705.12 Special inspections for seismic resistance. Special inspections for seismic resistance shall be required as specified in Sections 1705.12.1 through 1705.12.9, unless exempted by the exceptions of Section 1704.2.

Exception: The special inspections specified in Sections 1705.12.1 through 1705.12.9 are not required for structures designed and constructed in accordance with one of the following:

1. The structure consists of light-frame construction; the design spectral response acceleration at short periods, S_{DS} , as determined in Section 1613.3.4, does not exceed 0.5; and the building height of the structure does not exceed 35 feet (10 668 mm).

2. The seismic force-resisting system of the structure consists of reinforced masonry or reinforced concrete; the design spectral response acceleration at short periods, S_{DS} , as determined in Section 1613.3.4, does not exceed 0.5; and the building height of the structure does not exceed 25 feet (7620 mm).

3. The structure is a detached one- or two-family dwelling not exceeding two stories above grade plane, is not assigned to Seismic Design Category D, E or F and does not have any of the following horizontal or vertical irregularities in accordance with Section 12.3 of ASCE 7:

3.1 Torsional or extreme torsional irregularity.

3.2 Nonparallel systems irregularity.

3.3 Stiffness-soft story or stiffness-extreme soft story irregularity.

3.4 Discontinuity in lateral strength-weak story irregularity.

1705.12.1 – 1705.18.2 {CBC text not modified}

Sec. 15.10.340 Amendment to 2016 CBC Section 1707 (Alternative Test Procedure).

Section 1707.1 of the 2016 California Building Code is amended as follows:

1707.1 General. In the absence of approved rules or other approved standards, the Building Official shall make, or cause to be made, the necessary tests and investigations; or the Building Official shall accept duly authenticated reports from approved agencies in respect to the quality and manner of use of new materials or assemblies as provided for in Section 104.11. The cost of all tests and other investigations required under the provisions of this code shall be borne by the owner or the owner's authorized agent.

Sec. 15.10.350 Amendment to 2016 CBC Section 1803 (Geotechnical Investigations).

Section 1803 of the 2016 California Building Code is amended as follows:

1803.1 – 1803.1.1.5 {CBC text not modified}

1803.2 {CBC text not modified}

Exceptions: The following occupancies are exempt:

1. Group U occupancies;

2. R3 Occupancies;

A. Additions to existing Group R3 occupancies: when building site is not within seismic induced landslide hazard zone; total added floor area is less than 1,000 square feet and all of the following conditions for the associated group (single or two-story additions) are met:

a. Single story additions:

a1. Existing building has a continuous foundation (spread footing) and

a2. New foundation dimensions at minimum meets requirements from CBC Table 1809.7 for 2-story structure and are 20" embedded into undisturbed soil.

b. Two-story additions:

b1. When an Architect, Civil or Structural engineer registered in the State of California provides the structural design; and

b2. The Architect or Engineer of Record certifies in writing that the new foundation type matches existing foundation.

3. A new soil report is not required when an existing soil report is available for the original construction of the existing structure and the soil engineer allows extension of the existing report for the proposed addition construction. An amended soil report is required to meet the investigated conditions (CBC Section 1803.5) and reporting requirements (CBC Section 1803.6).

4. Accessories and minor additions may be exempted by the Building Official.

1803.3 – 1803.5.12 {CBC text not modified}

1803.6 {CBC text not modified}

1. – 11. {CBC text not modified}

12. Drainage and erosion control recommendations.

13. Minimum building setbacks to slope tops or toes.

14. Equivalent-fluid-density lateral loads used in design of retaining walls or basement walls.

15. Ground response evaluation by geologist licensed in California for:

a. Flexible structures located on site having soft to medium cohesion less soils in upper 50 feet and depth to bedrock is 400 feet or greater; and

b. Structures having irregular shapes, framing systems, or other unusual features as determined by the Building Official.

16. Liquefaction evaluation for the following uses:

a. Subdivisions of Group R-3 occupancy having 4 units or more;

b. Apartment or condominium complexes of Group R- 2 occupancy having 50 or more units;

c. Structure of four or more stories or over 35 feet high;

d. Commercial, industrial, and institutional projects having 250 occupants or more;

e. Essential facilities.

17. Slope stability evaluation in areas subject to localized or major landslides.

18. Surface rupture evaluation by geologist licensed in California for all projects for human occupancy located with a Geologic Hazards Special Studies Zone, as mapped by the California Division of Mines and Geology.

19. Soil corrosivity analysis and long-term corrosion control design recommendations.

1803.7 {CBC text not modified}

1803.8 Review. Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall state in writing (must be signed and stamped):

1. The plans and specifications substantially conform to the recommendations in the soil investigation.
2. The Geotechnical Engineer or Civil Engineer who prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the city.

1803.9 Field Report. Before requesting a foundation inspection from the city, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall provide a written field report stating:

1. The building pad was prepared and compacted in accordance with the soil report and specification.
2. The foundation or pier excavation, depth, backfill materials, and drainage (if applicable), substantially conforms with the soil report and approved plans.

1803.10 Final Report. Before final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

Sec. 15.10.360 Amendment to 2016 CBC Section 1804 (Excavation, Grading and Fill).

Section 1804 of the 2016 California Building Code is amended as follows:

1804.1 – 1804.4.1 {CBC text not modified}

1804.4.2 Slopes for permanent fills shall not be steeper than 3 horizontal to 1 vertical. Cut slopes for permanent excavations shall not be steeper than 3 horizontal to 1 vertical unless substantiating data justifying steeper cut slopes is submitted. Deviation from the foregoing limitations for cut slopes shall be permitted only upon the presentation of a soils report acceptable to the Building Official. All site improvements shall be designed and constructed in accordance with the recommendations contained in the soil report.

1804.4.3 Where cuts or fills are to be made as described above, pad elevation certification(s) will be required prior to foundation inspection. Required certification shall be made by a licensed Land surveyor or registered civil engineer in the State of California.

1804.5 – 1804.7 {CBC text not modified}

Sec. 15.10.370 Amendment to 2016 CBC Section 1807 (Foundation Walls, Retaining Walls and Embedded Posts and Poles).

Section 1807 of the 2016 California Building Code is amended as follows:

1807.1 – 1807.1.5 {CBC text not modified}

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

1807.1.6.1 – 1807.3.3 {CBC text not modified}

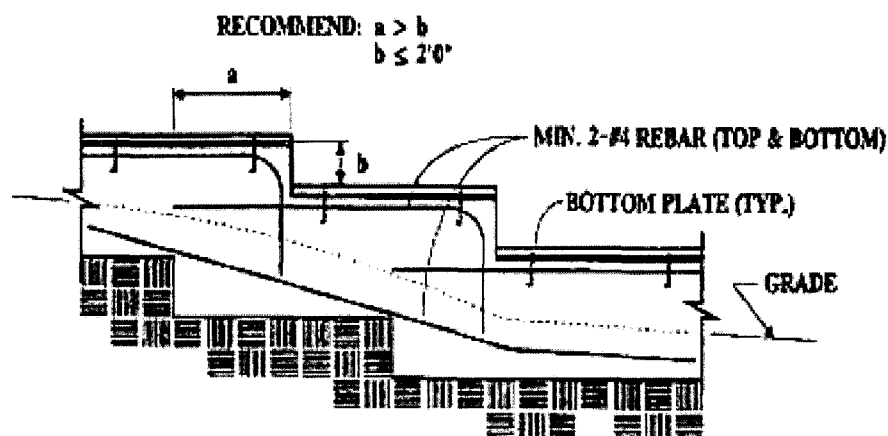
Sec. 15.10.380 Amendment to 2016 CBC Section 1809 (Shallow Foundations).

Section 1809 of the 2016 California Building Code is amended as follows:

1809.1 – 1809.2 {CBC text not modified}

1809.3 Stepped footings. The top surface of footings shall be level. The bottom surface of footings shall be permitted to have a slope not exceeding one unit vertical in 10 units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footing or where the surface of the ground slopes more than one unit vertical in 10 units horizontal (10-percent slope).

For structures assigned to Seismic Design Category D, E or F, the stepping requirement shall also apply to the top surface of grade beams supporting walls. Footings shall be reinforced with four No. 4 bars. Two bars shall be placed at the top and bottom of the footings as shown in Figure 1809.3.



STEPPED FOUNDATIONS

FIGURE 1809.3
STEPPED FOOTING

1809.4 – 1809.6 {CBC text not modified}

1809.7 Prescriptive footings for light-frame construction. Where a specific design is not provided, concrete or masonry-unit footings supporting walls of light-frame construction shall be permitted to be designed in accordance with Table 1809.7. Prescriptive footings in Table 1809.7 shall not exceed one story above grade plane for structures assigned to Seismic Design Category D, E or F.

TABLE 1809.7
PRESCRIPTIVE FOOTINGS SUPPORTING WALLS OF
LIGHT-FRAME CONSTRUCTION^{a, b, c, d, e}

NUMBER OF FLOORS SUPPORTED BY THE FOOTING ^f	WIDTH OF FOOTING (inches)	THICKNESS OF FOOTING (inches)
1	12	6
2	15	6
3	18	8 ^g

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm

a. Depth of footings shall be in accordance with Section 1809.4.

b. The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing.

c. Not adopted, deleted

d. See Section 1908 for additional requirements for concrete footings of structures assigned to Seismic Design Category C, D, E or F.

e. For thickness of foundation walls, see Section 1807.1.6.

f. Footings shall be permitted to support a roof addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.

g. deleted

1809.8 deleted.

1809.9. – 1809.13 {CBC text not modified}

Sec. 15.10.390 Amendment to 2016 CBC Section 1905 (Modifications to ACI 318).

Section 1905 of the 2016 California Building Code is amended as follows:

1905.1.1 – 1905.1.2 {CBC text not modified}

1905.1.3 ACI 318, Section 18.5. Modify ACI 318, Section 18.5, by adding new Section 18.5.3:

18.5.3 – Wall segments with a horizontal length-to-thickness ratio less than 2.5 shall be designed as columns.

1905.1.4 – 1905.1.6 {CBC text not modified}

1905.1.7 ACI 318, Section 14.1.4. Delete ACI 318, Section 14.1.4, and replace with the following:

14.1.4 – Plain concrete in structures assigned to Seismic Design Category C, D, E or F.

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

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

Exception: deleted.

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

Exceptions:

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

2. Deleted.

3. Deleted.

1905.1.8 {CBC text not modified}

1905.1.9 ACI 318, Section 18.7.5. Modify ACI 318, Section 18.7.5, by adding Section 18.7.5.8 and 18.7.5.9 as follows:

18.7.5.8 Where the calculated point of contraflexure is not within the middle half of the member clear height, provide transverse reinforcement as specified in ACI 318, Sections 18.7.5.1, Items (a) through (c), over the full height of the member.

18.7.5.9 – At any section where the design strength, ϕP_n , of the column is less than the sum of the shears V_e computed in accordance with ACI 318, Sections 18.6.5.1 and 18.7.6.1 for all the beams framing into the column above the level under consideration, transverse reinforcement as specified in ACI 318, Sections 18.6.5.1 through 18.6.5.3 shall be provided. For beams framing into opposite sides of the column, the moment components are permitted to be assumed to be of opposite sign. For the determination of the design strength, ϕP_n , of the column, these moments are permitted to be assumed to result from the deformation of the frame in any one principal axis.

1905.1.10 ACI 318, Section 18.10.4. Modify ACI 318, Section 18.10.4, by adding Section 18.10.4.6 as follows:

18.10.4.6 – Walls and portions of walls with $P_u > 0.35P_o$ shall not be considered to contribute to the calculated shear strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318, Section 18.14.

1905.1.11 ACI 318, Section 18.12.6. Modify ACI 318, by adding Section 18.12.6.2 as follows:

18.12.6.2 Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76 mm) or $6 d_b$ in thickness, where d_b is the diameter of the largest reinforcement in the topping slab.

Sec. 15.10.400 Amendment to 2016 CBC Section 1906 (Structural Plain Concrete).

Section 1906 of the 2016 California Building Code is deleted.

Sec. 15.10.410 Amendment to 2016 CBC Section 1907 (Minimum Slab Provisions).

Section 1907 of the 2016 California Building Code is amended by adding the following sentence to the end of subsection 1907.1:

Slabs shall have 6 x 6 x 10/-10 wire mesh or equal at mid-height.

1907.1.1 {CBC text not modified}

Sec. 15.10.420 Amendment to 2016 CBC Section 2304 (General Construction Requirements).

Section 2304 text and Table 2304.10.1 of the 2016 California Building Code are amended as follows:

2304.1 – 2304.10 {CBC text not modified}

2304.10.1 Fastener requirements. Connections for wood members shall be designed in accordance with the appropriate methodology in Section 2301.2. The number and size of fasteners connecting wood members shall not be less than that set forth in Table 2304.10.1. Staple fasteners in Table 2304.10.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

2304.10.1.1. – 2304.13 {CBC text not modified}

Add new footnote d. to Table 2304.10.1. to read as follows. The remaining portions of Table 2304.10.1 are not modified.

d. Staples shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Sec. 15.10.430 Amendment to 2016 CBC Section 2305 (General Design Requirements for Lateral-Force-Resisting Systems).

Section 2305 of the 2016 California Building Code is amended as follows:

2305.1 – 2305.3 {CBC text not modified}

2305.4 Quality of Nails. In Seismic Design Category D, E or F, mechanically driven nails used in wood structural panel shear walls shall meet the same dimensions as that required for hand-driven nails, including diameter, minimum length and minimum head diameter. Clipped head or box nails are not permitted in new construction. The allowable design value for clipped head nails in existing construction may be taken at no more than the nail-head-area ratio of that of the same size hand-driven nails.

2305.5 Hold-down connectors. In Seismic Design Category D, E or F, hold-down connectors shall be designed to resist shear wall overturning moments using approved cyclic load values or 75 percent of the allowable seismic load values that do not consider cyclic loading of the product. Connector bolts into wood framing shall require steel plate washers on the post on the opposite side of the anchorage device. Plate size shall be a minimum of 0.229 inches by 3 inches by 3 inches (5.82 mm by 76 mm by 76 mm) in size. Hold-down connectors shall be tightened to finger tight plus one half (1/2) wrench turn just prior to covering the wall framing.

Sec. 15.10.440 Amendment to 2016 CBC Section 2306 (Allowable Stress Design).

Section 2306 of the 2016 California Building Code is amended as follows:

2306.1 – 2306.1.4 {CBC text not modified}

2306.2 Wood-frame diaphragms. Wood-frame diaphragms shall be designed and constructed in accordance with AWC SDPWS. Where panels are fastened to framing members with staples, requirements and limitations of AWC SDPWS shall be met and the allowable shear values set forth in Table 2306.2(1) or 2306.2(2) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the Building Official.

The allowable shear values in Tables 2306.2(1) and 2306.2(2) are permitted to be increased 40 percent for wind design.

Wood structural panel diaphragms used to resist seismic forces in structures assigned to Seismic Design Category D, E or F shall be applied directly to the framing members.

Exception: Wood structural panel diaphragms are permitted to be fastened over solid lumber planking or laminated decking, provided the panel joints and lumber planking or laminated decking joints do not coincide.

2306.2.1 deleted.

2306.3 Wood structural panel shear walls. Wood-frame shear walls shall be designed and constructed in accordance with AWC SDPWS. For structures assigned to Seismic Design Category D, E, or F, application of Tables 4.3A and 4.3B of AWC SDPWS shall include the following:

1. Wood structural panel thickness for shear walls shall not be less than 3/8 inch thick and studs shall not be spaced at more than 16 inches on center.
2. The maximum nominal unit shear capacities for 3/8 inch wood structural panels resisting seismic forces in structures assigned to Seismic Design Category D, E or F is 400 pounds per linear foot (plf).

Exception: Other nominal unit shear capacities may be permitted if such values are substantiated by cyclic testing and approved by the Building Official.

3. Where shear design values using allowable stress design (ASD) exceed 350 plf or load and resistance factor design (LRFD) exceed 500 plf, all framing members receiving edge nailing from abutting panels shall not be less than a single 3-inch nominal member, or

two 2-inch nominal members fastened together in accordance with Section 2306.1 to transfer the design shear value between framing members. Wood structural panel joint and sill plate nailing shall be staggered at all panel edges. See Sections 4.3.6.1 and 4.3.6.4.3 of AWC SDPWS for sill plate size and anchorage requirements.

4. Nails shall be placed not less than 1/2 inch in from the panel edges and not less than 3/8 inch from the edge of the connecting members for shear greater than 350 plf using ASD or 500 plf using LRFD. Nails shall be placed not less than 3/8 inch from panel edges and not less than 1/4 inch from the edge of the connecting members for shears of 350 plf or less using ASD or 500 plf or less using LRFD.

5. Table 4.3B application is not allowed for structures assigned to Seismic Design Category D, E, or F.

For structures assigned to Seismic Design Category D, application of Table 4.3C of AWC SDPWS shall not be used below the top level in a multi-level building for structures.

Where panels are fastened to framing members with staples, requirements and limitations of AWC SDPWS shall be met and the allowable shear values set forth in Table 2306.3(1), 2306.3(2) or 2306.3(3) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the Building Official.

The allowable shear values in Tables 2306.3(1) and 2306.3(2) are permitted to be increased 40 percent for wind design. Panels complying with ANSI/APA PRP-210 shall be permitted to use design values for Plywood Siding in the AWC SDPWS.

Sec. 15.10.450 Amendment to 2016 CBC Section 2307 (Load and Resistant Factor Design).

Section 2307 of the 2016 California Building Code is amended as follows:

2307.1 {CBC text not modified}

2307.2 Wood-frame shear walls. Wood-frame shear walls shall be designed and constructed in accordance with Section 2306.3 as applicable.

Sec. 15.10.460 Amendment to 2016 CBC Section 2308 (Conventional Light Frame Construction).

Section 2308 of the 2016 California Building Code is amended as follows:

2308.1 – 2308.6.8 {CBC text not modified except table 2308.6.1}

2308.6.8.1 Foundation requirements. Braced wall lines shall be supported by continuous foundations.

Exception: For structures with a maximum plan dimension not over 50 feet (15240 mm), continuous foundations are required at exterior walls only for structures assigned to Seismic Design Category A, B, or C.

For structures in Seismic Design Categories D and E, exterior braced wall panels shall be in the same plane vertically with the foundation or the portion of the structure containing the offset shall be designed in accordance with accepted engineering practice and Section 2308.1.1.

2308.6.8.2 – 2308.6.8.3 {CBC text not modified}

2308.6.9 Attachment of sheathing. Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.6.1 or 2304.10.1. Wall sheathing shall not be attached to framing members by adhesives. Staple fasteners in Table 2304.10.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches (6096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24 inches (6096 mm) intervals along the top plate of discontinuous vertical framing.

2308.6.10 – 2308.8.2 {CBC text not modified}

Add new footnotes f. and g. to Table 2308.6.1:

Footnote f.– DWB, SFB, PBS, GB, PCP, and HPS wall braces are not permitted in Seismic Design Category D or E.

Footnote g. – WSP sheathing shall be a minimum of 15/32" thick nailed with 8d common nails placed 3/8 inches from panel edges and spaced not more than 6 inches on center and 12 inches on center along intermediate framing members.

Sec. 15.10.470 Amendment to 2016 CBC Section 2505 (Shearwall Construction).

Section 2505 of the 2016 California Building Code is deleted.

Sec. 15.10.480 Amendment to 2016 CBC Section 2508 (Gypsum Construction).

Section 2508 of the 2016 California Building Code is amended as follows.

2508.1 – 2508.4 {CBC text not modified}

2508.5 deleted.

Sec. 15.10.490 Amendment to 2016 CBC Section 3304 (Site Work).

Section 3304 of the 2016 California Building Code is amended as follows.

3304.1 – 3304.1.5 {CBC text not modified}

3304.2 Dust and Mud Control Measures. Contractors performing grading operations or site work within the city where dry conditions or wet conditions are encountered shall adequately and effectively control dust or mud from spreading off site or onto existing structures on site. Prior to commencement of grading operations, contractor shall furnish details of proposed dust or mud control measures to the Building Official for approval. Failure to control dust or mud from grading operations shall result in suspension of grading operations until adequate measures are in place to allow continuance.

Sec. 15.10.500 Supplemental Building Codes.

The provisions of Fremont Municipal Code Title 15 (Buildings and Construction), Chapter 15.50 (Building Security) supplement the 2016 California Building Code as adopted by this chapter as provided in Penal Code §14051.

SECTION 4. FMC CHAPTER 15.15 REPEALED AND REPLACED

Chapter 15.15 (Fremont Mechanical Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.15.010 Title.

This chapter shall be known and may be cited as the “Fremont mechanical code” or “Fremont municipal mechanical code” or “FMMC” and will be referred to in this chapter as “this code.”

Sec. 15.15.020 Adoption of the 2016 CMC with Amendments.

The 2016 edition of the California Mechanical Code (CMC) as published by the California Building Standards Commission is adopted as the mechanical code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of 2016 CMC shall be maintained on file in the office of the city clerk.

Sec. 15.15.030 2016 CMC Appendix Chapters Adopted.

The following Appendix Chapters and Divisions of the 2016 California Mechanical Code are adopted by the city of Fremont.

(a) Appendix B (Procedures to be Followed to Place Gas Equipment in Operation)

(b)Appendix C (Installation and Testing of Oil (Liquid) Fuel-Fired Equipment

(c)Appendix D (Fuel Supply: Manufactured/Mobile Home Parks and Recreational Vehicle Parks)

Sec. 15.15.040 2016 CMC Chapter 1, Division II is not Adopted.

Chapter 1, Division II of the 2013 California Mechanical Code is not adopted by the city of Fremont. Refer to FMC Section 15.05 and 15.10.040 for Administration and Enforcement requirements. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.

Sec. 15.15.050 Amendment of 2016 CMC Section 507 (Commercial Hoods & Kitchen Ventilation).

Section 507 of the 2016 California Mechanical Code is amended as follows:

507.0 – 507.3.8 { CMC text not modified}

507.3.9 Type I hoods or portions thereof penetrating a ceiling or furred space must conform to the grease duct enclosure requirements in Section 510.7.

507.3.10 Hoods less than 12 inches from a ceiling or wall shall be solidly flashed with materials of the same thickness as the hood as specified in Section 508.3.

507.4 – 507.5 {CMC text not modified}

Sec. 15.15.060 Amendment of 2016 CMC Section 510 (Exhaust Duct Systems).

Sections 510 of the 2016 California Mechanical Code is amended as follows:

510.0 – 510.6.1 {CMC text not modified}

510.7 Interior Installations in all buildings, the ducts shall be enclosed in a continuous enclosure extending from the lowest fire-rated ceiling or floor above the hood, through any concealed spaces, to or through the roof so as to maintain the integrity of the fire separations required by the applicable building code provisions. The enclosure shall be sealed around the duct at the point of penetration of the lowest fire-rated ceiling or floor above the hood in order to maintain the fire resistance rating of the enclosure and shall be vented to the exterior of the building through weather-protected openings.

510.7 Exception – 510.11 {CMC text not modified}

SECTION 5. FMC CHAPTER 15.20 REPEALED AND REPLACED

Chapter 15.20 (Fremont Plumbing Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as

follows:

Sec. 15.20.010 Title.

This chapter shall be known and may be cited as the “Fremont plumbing code” or “FPC” and will be referred to in this chapter as “this code.”

Sec. 15.20.020 Adoption of the 2016 CPC With Amendments.

The 2016 edition of the California Plumbing Code (CPC) as published by the California Building Standards Commission is adopted as the Plumbing Code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of the 2016 CPC shall be maintained on file in the office of the city clerk.

Sec. 15.20.030 2016 CPC Appendix Chapters Adopted.

The following Appendix Chapters of the 2016 California Plumbing Code are adopted by the City of Fremont:

- (a) Appendix A (Sizing Water Supply System)
- (b) Appendix B (Combination Waste and Vent System)
- (c) Appendix D (Sizing Storm Water System)
- (d) Appendix L (Sustainable Practices)

Sec. 15.20.040 2016 CPC Chapter 1, Division II is not adopted.

Chapter 1, Division II of the 2016 California Plumbing Code is not adopted by the city of Fremont refer to FMC Section 15.05 and 15.10.040 for Administration and Enforcement requirements. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.

Sec. 15.20.050 Amendment of 2016 CPC Section 1211 (Electrical bonding and grounding).

Section 1211 of the 2016 California Plumbing Code is amended as follows:

1211.0 – 1211.6 {CPC text not modified}

Section 1211.7 Earthquake-Actuated Gas Shutoff Valves. Earthquake-actuated gas shutoff valves designed to automatically shut off the gas at the location of the valve in the event of a seismic disturbance and certified by the Stated Architect as conforming to California Code of Regulations, Title 24, Part 12, Chapter 12-16-1, shall be installed in all new buildings and in existing buildings that undergo alterations or additions that exceed \$10,000.

SECTION 6. **FMC CHAPTER 15.25 REPEALED AND REPLACED**

Chapter 15.25 (Fremont Electrical Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.25.010 Title.

This chapter shall be known and may be cited as the “Fremont electrical code” or “FEC” and will be referred to in this chapter as “this code.”

Sec. 15.25.020 Adoption of the 2016 California Electrical Code without amendments.

The 2016 edition of the California Electrical Code (CEC) as published by the California Building Standards Commission is adopted as the Electrical Code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of the 2016 CEC shall be maintained on file in the office of the city clerk.

Sec. 15.25.030 Amendment of 2016 CEC Article 110 (Requirements for Electrical Installations).

Article 110 of the 2016 California Electrical Code is amended as follows:

110.1-110.3(A)(1) {text not modified}

110.3(A)(2) Mechanical strength and durability, including, for parts designed to enclose and protect their equipment, the adequacy of the protection thus provided. Grounding electrodes, metallic raceways, or other metallic components of electrical systems, intended for direct contact with the earth shall be constructed of non-ferrous materials such as copper where highly corrosive conditions exist based on reports from a licensed soils engineer.

110.3(A)(3)-110.79 {text not modified}

Sec. 15.25.040 Amendment of 2016 CEC Article 230 (Services)

Article 230 of the 2016 California Electrical Code is amended as follows.

230.1-230.31 {text not modified}

230.32 Protection Against Damage. Underground service-lateral conductors shall be protected against damage in accordance with 300.5. Service-lateral conductors entering a building shall be installed in accordance with 230.6 or protected by a raceway wiring method identified in 230.43. Flexible utility connections prevent undue strain on utilities during settlement and in the event of an earthquake will reduce the likely hood of significant utility failures and reduce fire ignition and fuel sources.

230.33-230.212 {text not modified}

SECTION 7. FMC CHAPTER 15.30 REPEALED AND REPLACED

Chapter 15.30 (Fremont Existing Building Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.30.010 Title.

This chapter shall be known and may be cited as the “Fremont existing building code” or “FEBC” and will be referred to in this chapter as “this code.”

Sec. 15.30.020 Adoption of the 2016 California Existing Building Code with Amendments.

The 2016 edition of the California Existing Building Code (CEBC) as published by the International Code Council is adopted as the Existing Building Code of the city of Fremont, California, without amendments, as if fully set out in this chapter. A copy of 2016 CEBC shall be maintained on file in the office of the city clerk.

Sec. 15.30.030 2016 CEBC Appendix Chapters Adopted.

The following Appendix Chapters and Divisions of the 2016 California Existing Building Code are adopted by the city of Fremont. The remaining Appendix Chapters are not adopted.

- (a) Appendix A3 (Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings).

Sec. 15.30.040 2016 CEBC Chapter 1, Division II is not Adopted.

Chapter 1, Division II of the 2016 California Existing Building Code is not adopted by the city of Fremont. Refer to FMC Sections 15.05 and 15.10.040 for Administration and Enforcement requirements. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.

Sec. 15.30.050 Amendment of 2016 CEBC Section 301 (General).

Section 301 of 2016 California Existing Building Code is amended as follows:

301 Scope.

Additions, alterations or repairs to an existing building or structure which are located within the Wildland-Urban Interface Fire Area shall comply with the requirements of FMC Section 15.10.230.

Exceptions: {CEBC text not modified}

301.1.1 – 301.5 {CEBC text not modified}

Sec. 15.30.060 Amendment of 2016 CEBC Section 401 (General).

Section 401 of 2016 California Building Code is amended as follows:

401.1 Scope. {CEBC text not modified}

Additions, alterations or repairs to an existing building or structure which are located within the Wildland-Urban Interface Fire Area shall comply with the requirements of FMC Section 15.10.250.

Exceptions: {CEBC text not modified}

401.1.1 – 401.5 {CEBC text not modified}

Sec. 15.30.070 Amendment to 2016 CEBC 407 (Change of Occupancy).

Section 407 of 2016 California Existing Building Code is amended as follows:

407.1 – 407.4.1 {CEBC text not modified}

407.5 AFES. When a change of occupancy results in a structure being reclassified to a higher occupancy category per Table 407.5.1, an automatic fire extinguishing system shall be installed throughout the structure.

***Table 407.5.1**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A,E, I-1,M,R-1,R-2,R-4
4	B,F-1,R-3,S-1
5 (Lowest Hazard)	F-2,S-2,U

* Ref: 2015 IEBC Table 1012.4

SECTION 8. FMC CHAPTER 15.40 REPEALED AND REPLACED

Chapter 15.40 (Fremont Housing Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.40.010 Title.

This chapter shall be known and may be cited as the “Fremont swimming pool and spa code” and will be referred to in this chapter as “this code.”

Sec. 15.40.020 Adoption of the 2015 International Swimming Pool and Spa Code (ISPSC) with Amendments.

Chapters 2 through 3 and Chapters 7 through 11 of the 2015 edition of the International Swimming Pool and Spa Code (ISPSC) as published by International Code Council is adopted with amendments as the Swimming Pool and Spa Code of the city of Fremont, California, as if fully set out in this chapter and is amended as provided in this chapter. A copy of the 2015 ISPSC shall be maintained on file in the office of the city clerk.

Sec. 15.40.030 Amendment of the 2015 International Swimming Pool and Spa Code (ISPSC) with Amendments.

The text of the 2015 International Swimming Pool and Spa Code, as adopted and amended by Section 15.50.020, is further amended to conform to the 2016 California Building Standards Code and as recommended by the Building Official as follows:

The codes, standards and references in this code should be revised as follows:

Delete the following references	Insert the following code references
• International Building Code	• 2016 California Building Code and 2016 California Residential Code
• International Mechanical Code	• 2016 California Mechanical Code
• National Electrical Code or NFPA 70	• 2016 California Electrical Code
• International Fire Code	• 2016 California Fire Code
• International Plumbing Code	• 2016 California Plumbing Code
• International Existing Building Code	• 2016 California Existing Building Code
• International Residential Code	• 2016 California Residential Code
• International Fuel Gas Code	• 2016 California Plumbing Code
• International Energy Conservation Code	• 2016 California Energy Code

Sec. 15.40.040 Amendment of the 2015 ISPSC Section 303 (Energy).

Section 303 of the 2015 ISPSC is amended as follows:

303.1 – 303.3 {ISPSC text not modified}

303.3.1 Operating time. The time switch or other control mechanism shall be installed as part of a pool water circulation control system that will allow all pumps to be set or programmed to run only during off-peak electric demand period, and for the minimum time necessary to maintain the water in the condition required by applicable public health standards.

303.4 Covers. Heated pools and outdoor spas shall be provided with a vapor retardant cover.

Exception: Where pools or spas deriving at least 60 percent of the annual heating energy from site solar or recovered energy.

Sec. 15.40.050 Amendment to 2015 ISPSC Section 305 (Barrier Requirements).

Section 305 of the 2015 ISPSC is amended as follows:

305.1 {ISPSC text not modified}

305.2 Outdoor swimming pools and spas. Other than those facilities regulated in Section 305.8, all outdoor pools and spas and indoor swimming pools shall be surrounded by a barrier that complies with Sections 305.2.1 through 305.7.

305.2.1 – 305.7 {ISPSC text not modified}

305.8 Private swimming pools. Whenever a building permit is issued for construction of a new swimming pool or spa, or any building permit is issued for remodeling of an existing pool or spa, at a private, single-family home, it shall be equipped with at least one of the following seven drowning prevention safety features:

1. The pool shall be isolated from access to a home by an enclosure that meets the requirements of Section 305.8.1.
2. The pool shall incorporate removable mesh pool fencing that meets ASTM F 2286 in conjunction with a gate that is self-closing and self-latching and can accommodate a key lockable device.
3. The pool shall be equipped with an approved safety pool cover that meets all requirements of the ASTM F 1346.

4. The residence shall be equipped with exit alarms on those doors providing direct access to the pool.

5. All doors providing direct access from the home to the swimming pool shall be equipped with a self-closing, self-latching device with a release mechanism placed no lower than 54 inches (1372 mm) above the floor.

6. Swimming pool alarms that, when placed in pools, will sound upon detection of accidental or unauthorized entrance into the water. These pool alarms shall meet and be independently certified to the ASTM F 2208 which includes surface motion, pressure, sonar, laser and infrared type alarms. For purposes of this section, "swimming pool alarms" shall not include swimming protection alarm devices designed for individual use, such as an alarm attached to a child that sounds when the child exceeds a certain distance or becomes submerged in water.

7. Other means of protection, if the degree of protection afforded is equal to or greater than that afforded by any of the devices set forth in items 1-4, and have been independently verified by an approved testing laboratory as meeting standards for those devices established by the ASTM or ASME.

Exceptions:

1. This section does not apply to any facility regulated by the State Department of Social Services even if the facility is also used as a private residence of the operator. Pool safety in those facilities shall be regulated pursuant to regulations adopted therefor by the State Department of Social Services.

2. Hot tubs or spas with locking safety covers that comply with the ASTM ES 13-89.

305.9 Enclosure. The enclosure for private swimming pools shall have all of the following characteristics:

1. Any access gates through the enclosure open away from the swimming pool and are self-closing with a self-latching device placed no lower than 60 inches (1524 mm) above the ground.

2. A minimum height of 60 inches (1524 mm).

3. A maximum vertical clearance from the ground to the bottom of the enclosure of 2 inches (51 mm).

4. Gaps or voids, if any, do not allow passage of a sphere equal to or greater than 4 inches (102 mm) in diameter.

5. An outside surface free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over.

Sec. 15.40.060 Amendment to 2015 ISPSC Section 310 (Suction Entrapment Avoidance).

Section 310 of the 2015 ISPSC is amended as follows:

310.1 {ISPSC text not modified}

310.2 Construction Requirements for building a pool or spa. Whenever a building permit is issued for the construction a new private swimming pool or spa, the pool or spa shall meet all of the following requirements:

1. The suction outlet of the pool or spa for which the permit is issued shall be equipped to provide circulation throughout the pool or spa as prescribed in Paragraph 2.
2. The swimming pool or spa shall have at least two circulation drains per pump that shall be hydraulically balanced and symmetrically plumbed through one or more "T" fittings, and that are separated by a distance of at least three feet in any dimension between the drains. Suction outlets that are less than 12 inches across shall be covered with anti-entrapment grates, as specified in the ASME/ANSI Standard A 112.19.8, that cannot be removed except with the use of tools. Slots of openings in the grates or similar protective devices shall be of a shape, area and arrangement that would prevent physical entrapment and would pose any suction hazard to bathers.
3. Any backup safety system that an owner of a new swimming pool or spa may choose to install in addition to the requirements set forth in subdivisions (1) and (2) shall meet the standards as published in the document, "Guidelines for Entrapment Hazards: Making Pools and Spas Safer," Publication Number 363, March 2005, United States Consumer Products Safety Commission.
4. Whenever a building permit is for the remodel or modification of any existing swimming pool, toddler pool or spa, the permit shall require that the suction outlet of the existing swimming pool, toddler pool or spa be upgraded so as to be equipped with an anti-entrapment cover meeting current standards of the American Society for Testing and Materials (ASTM) or the American Society of Mechanical Engineers (ASME).

Authority: Health and Safety Code Section 18942(b)

Reference: Health and Safety Code Section 115928 AB 3305 (Statutes 1996, c.925); AB 2977 (Statutes 2006, c.926); AB 382 (Statutes 2007, c.596)

Sec. 15.40.070 Amendment to 2015 ISPSC Section 316 (Heaters)

Section 316 of the 2015 ISPSC is amended as follows:

316.1-316.2 {ISPSC text not modified}

316.2.1 (a) Certification by manufacturers. Heating systems and equipment shall be certified by the manufacturer that the heating system and equipment complies with the following:

1. Efficiency. A thermal efficiency that complies with the Appliance Efficiency Regulations in Title 20, Division 2, Chapter 4, Article 4 of the California Code of Regulations; and
2. Instructions. A permanent, easily readable and weatherproof plate or card that gives instruction for the energy efficient operation of the pool or spa heater and for the proper care of pool or spa water when a cover is used; and
3. Electric resistance heating. No electric resistance heating; and

Exception 1 to Section 110.4(a)4: Listed package units with fully insulated enclosures, and with tight-fitting covers that are insulated to at least R-6.

Exception 2 to Section 110.4(a)4: Pools or spas deriving at least 60 percent of the annual heating energy from site solar energy or recovered energy.

316.2.1 (b) Installation. Any pool or spa system or equipment shall be installed with all of the following;

1. Piping. At least 36 inches of pipe shall be installed between the filter and the heater or dedicated suction and return lines, or built-in or built-up connections shall be installed to allow for the future addition of solar heating equipment.
3. Directional inlets. The swimming pool shall have directional inlets that adequately mix the pool water.

316.3 – 316.5.2 {ISPSC text not modified}

Sec. 15.40.080 Amendment to 2015 ISPSC Section 504 (Pumps and Motors).

Section 504 of the 2015 ISPSC is amended as follows:

504.1 Emergency shutoff switch. One emergency shutoff switch shall be provided to disconnect power to circulation and jet system pumps and air blowers. Emergency shutoff switches shall be clearly labeled, accessible, located within sight of the spa and

shall be located not less than 5 feet (1524 mm) but not greater than 10 feet (3048 mm) horizontally from the inside walls of the spa.

504.1.1 {ISPSC text not modified}

SECTION 9. FMC CHAPTER 15.44 ADDED

Chapter 15.44 (Fremont Energy Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is added to read as follows:

Sec. 15.44.010 Title.

This chapter shall be known and may be cited as the “Fremont energy code” or “FEnC” and will be referred to in this chapter as “this code.”

Sec. 15.44.020 Adoption of the 2016 California Energy Code With Amendments.

The 2016 edition of the California Energy Code (CEnC) as published by the State of California is adopted as the Energy Code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of the 2016 CEnC shall be maintained on file in the office of the city clerk.

Sec. 15.44.030 Amendment to 2016 CEnC Table 140 (Performance and Prescriptive Compliance Approaches).

Table 140.7 of the 2016 California Energy Code is amended by modifying the following rows below the header to read as follows. The remainder of Table 140.7B is unchanged:

Lighting Application	Lighting Zone 0	Lighting Zone 1	Lighting Zone 2	Lighting Zone 3	Lighting Zone 4
Primary Entrances to Senior Care Facilities, Police Stations, Hospitals, Fire Stations, and Emergency Vehicle Facilities	Not applicable	20 watts	40 watts	60 watts	80 watts
Drive up Windows	Not applicable	30 watts	40 watts	60 watts	100 watts
Outdoor Sales Frontage	Not applicable	No Allowance	15 W/linear ft	25 W/linear ft	30 W/linear ft
Outdoor Sales Lot	Not applicable	0.100 W/ft ²	0.250 W/ft ²	0.500 W/ft ²	1.000 W/ft ²
Vehicle Service Station Hardscape	Not applicable	0.010 W/ft ²	0.100 W/ft ²	0.150 W/ft ²	0.200 W/ft ²

Non-sales Canopies and Tunnels	Not applicable	0.080 W/ft ²	0.160 W/ft ²	0.300 W/ft ²	0.400 W/ft ²
Outdoor Dining	Not applicable	0.010 W/ft ²	0.100 W/ft ²	0.150 W/ft ²	0.200 W/ft ²

SECTION 10. FMC CHAPTER 15.45 REPEALED AND REPLACED

Chapter 15.45 (Fremont Abatement of Dangerous Buildings Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.45.010 Title.

This chapter shall be known and may be cited as the “Fremont property maintenance code” or “FPMC” and will be referred to in this chapter as “this code.”

Sec. 15.45.020 Adoption of the 2015 International Property Maintenance with Amendments.

The 2015 edition of the International Property Maintenance Code as published by the International Code Council is adopted as the Fremont Property Maintenance Code of the city of Fremont, California, as if fully set out in this chapter and is amended as provided in this chapter. A copy of the 2015 FPMC shall be maintained on file in the office of the city clerk.

Sec. 15.45.030 2015 International Property Maintenance Code Appendix Chapter Adopted.

The following Appendix Chapters of the 2015 International Property Maintenance Code are adopted by the city of Fremont:

- (a) Appendix A (Boarding Standard).

Sec. 15.45.040 Amendments of the 2015 International Property Maintenance Code.

The text of the 2015 International Property Maintenance Code, as adopted and amended by Section 15.45.020, is further amended to conform to the current California Building Standards Code and as recommended by the building official as follows:

Delete the following references	Insert the following code references
• International Building Code	• Current California Building Code and current California Residential Code
• International Mechanical Code	• Current California Mechanical Code
• National Electrical Code	• Current California Electrical Code

Delete the following references	Insert the following code references
• International Fire Code	• Current California Fire Code
• International Plumbing Code	• Current California Plumbing Code
• International Existing Building Code	• Current California Existing Building Code
• International Zoning Code	• City of Fremont- Zoning Ordinance
• International Fuel Gas Code	• Current California Plumbing Code
• Name of jurisdiction	• City of Fremont
• Jurisdiction to insert appropriate schedule	• Current fees that are established by resolution of the city council.
• Board of appeals	• Hearing officer appointed by the city manager or designee
• Code Official or Health Official	• Building Official

Sec. 15.45.050 Amendment of 2015 IPMC Section 102 (Applicability).

Section 102 of the 2015 IPMC is amended as follows:

102.1-102.7 {IPMC text not modified}

102.7.1 Conflicts. Where conflicts occur between provision of this code and the referenced standards, the provisions of this code shall apply. Where conflicts occur between the provisions of this code and California Statutes, the provisions of the latter shall apply.

102.8-102.10 {IPMC text not modified}

Sec. 15.45.060 Amendment of 2015 IPMC Section 103 Department of Property Maintenance Inspection.

Section 103 Department of Property Maintenance Inspection of the 2015 IPMC is amended as follows:

103.1 General. The Building Official in charge of the Fremont Building & Safety Division shall be known as the code official in this chapter.

103.2 {IPMC text not modified}

103.3 Deputies. The code official shall have the authority to appoint one or more deputies. Such employees shall have the powers as delegated by the code official.

103.4 Liability. The code official or employee charged with the enforcement of this code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any

damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties. Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the city until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

103.5 {IPMC text not modified}

Sec. 15.45.070 Amendment of 2015 IPMC Section 104 (Duties and Powers of the Code Official).

Section 104 of the 2015 IPMC is amended as follows:

104.1-104.2 {IPMC text not modified}

104.3 Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a structure or upon a premises a condition in violation of this code, the code official is authorized to enter the structure or premises at reasonable times to inspect or perform the duties imposed by the code, provided that if such structure or premises is occupied the code official shall present credentials to the occupant and request entry. If such structure or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, owner's authorized agent, or other person having charge or control of the structure or premises and request entry. If entry is refused, the code official shall have recourse to the remedies provided by law to secure entry.

Sec. 15.45.080 Amendment of 2015 IPMC Section 106 (Violations).

Section 106 of the 2015 IPMC is amended as follows:

106.1 Unlawful acts. It is hereby declared to be unlawful and a public nuisance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any premise, building, structure or building service equipment, or cause or permit the same to be done in violation of this code or this division.

106.2 Notice of violation. The code official shall serve a notice of violation in accordance with Section 107.

106.3 Prosecution of violation. Any person failing to comply with a notice of violation served in accordance with Section 107 shall be deemed guilty of a misdemeanor, but may be charged with an infraction at the discretion of the city attorney, or civil infraction enforceable under Chapter 1.20 as determined by the city and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, the code

official shall institute the appropriate administrative, civil, or criminal proceeding to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of this code or of the order or direction made pursuant thereto.

106.4 Separate Offenses. Each day during any portion of which any violation of this ordinance is committed or continued by such person shall constitute a separate offense and shall be punishable as provided in this code and Title 15.

106.5 Abatement of violation. The city may abate a violation of this code pursuant to the abatement process set forth in Chapter 8.60.

Sec. 15.45.090 Amendment of 2015 IPMC Section 107 (Notices and Orders).

Section 107 of the 2015 IPMC is amended as follows:

107.1 {IPMC text not modified}

107.2 Form. Such notice prescribed in Section 107.1 shall be in accordance with all of the following:

1. Be in writing, bearing title letters at least one inch high reading “NOTICE AND ORDER TO ABATE NUISANCE”;
2. Include a description of the real property sufficient for identification.
3. Include a statement of the violation or violations and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit, structure, or premises into compliance with the provisions of this code.
5. Inform the owner or owner’s authorized agent of the right to appeal and failure to appeal shall constitute a waiver of their right to an administrative hearing to contest the violation, nuisance determination, the civil penalty, or the abatement cost.
6. Include a statement of the city’s right to file a lien against the real property in accordance with FMC Chapter 8.60.

107.3 Method of service. Such notice shall be deemed to be properly served if a copy thereof is:

1. Delivered personally;

2. Sent by certified or first class mail addressed to the property owner as listed on the last equalized assessment roll of the county recorder or owner as determined by the code official.

3. If the mailed notice is returned showing that the letter was not delivered, a copy of the notice shall be posted in a conspicuous place on in or about the structure or premises affected by such notice.

Proof of services of notices shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the city. The failure of any person to receive any notice required under this chapter shall not affect the validity of any proceedings taken under this chapter.

107.4 Unauthorized tampering. Signs, tags, placards, notices, or seals posted or affixed by the code official shall not be mutilated, destroyed, tampered with or removed without authorization from the code official.

107.5-107.6 {IPMC text not modified}

Sec. 15.45.100 Amendment of 2015 IPMC Section 108 (Unsafe Structures and Equipment).

Section 108 of the 2015 IPMC is amended as follows:

108.1 General. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be condemned and shall be posted and vacated in accordance with this section and declared to be a public nuisance and the violations shall be abated by repair, rehabilitation, demolition or removal pursuant to the provisions of this code.

Sections 108.1.1 -108.1.3 {IPMC text not modified}

108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, occupied or maintained contrary to Title 15; or one that is partially constructed, reconstructed or demolished upon which work is abandoned. Work is deemed abandoned when there is no valid building or demolition permit.

Section 108.1.5 {IPMC text not modified}

Section 108.2 Closing of vacant structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official is authorized to post a placard of condemnation on the premises and order the structure

boarded according to Appendix A or fenced, so as not to be an attractive nuisance and/or to prevent entry. Upon failure of the owner or owner's authorized agent to board the premises within the time specified in the order, the code official shall cause the premises to be boarded and secured through any available public agency or by contract or arrangement by private persons and the cost for such boarding shall be a debt owed by the owner, shall be charged against the real property upon which the structure is located, shall be a lien upon such real property and shall be collected by any legal means.

108.2.1 {IPMC text not modified}

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, the code official shall obtain a preliminary or survey title report as to the building, structure, or premises, which shall identify all owners of record, holders of mortgages, deeds of trust or other liens and encumbrances of record. In accordance with Section 107.3 of this code, the code official shall serve the persons listed in the preliminary or survey title report with notice described in Section 107.2 of this code. In addition, the notice shall be posted in a conspicuous place on or about the structure or premises affected by such notice. If the notice pertains to equipment, it shall be placed on the condemned equipment.

108.4 {IPMC text not modified}

108.4.1 Placard removal. The code official shall remove the condemnation placard whenever the defect or defects upon which the condemnation and placarding action was based has been eliminated. Any person who defaces or removes a condemnation placard without the approval of the code official shall be subject to the penalties provided by this code; applicable state law and Title 15.

108.5 Prohibited occupancy. Any occupied structure condemned and placarded by the code official shall be vacated as ordered by the code official. Any person who occupies a placarded premises or operates placarded equipment, and any owner, owner's authorized agent or person responsible for the premises who lets anyone occupy a condemned premises or operate condemned equipment shall be liable for the penalties provided by this code and Title 15.

108.6 {IPMC text not modified}

108.7 Recordation of notice and order. If the dangerous, damaged or substandard building is not repaired or demolished by the owner within the prescribed time(s), and no appeal has been properly and timely filed, the code official shall file in the office of the county recorder a certificate describing the property and certifying (i) that the building is a substandard building and (ii) that the owner has been so notified, if such recordation has not already been made during the course of the proceedings.

Whenever the corrections ordered shall thereafter have been completed or the building demolished so that it no longer exists as a substandard building described in the

certificate, the code official shall file a new certificate with the county recorder certifying that the building has been demolished or all required corrections have been made so that the building is no longer substandard, whichever is appropriate.

Sec. 15.45.110 Amendment of 2015 IPMC Section 109 (Emergency Measures).

Section 109 of the 2015 IPMC is amended as follows:

109.1-109.4 {IPMC text not modified}

109.5 Costs of emergency repairs. Costs incurred in the performance of emergency work may be paid by the city. Such costs shall be a debt owed to the city by the owner. The city attorney may institute appropriate legal action against the owner of the premises or the owner's authorized agent where the unsafe structure is or was located for the recovery of such costs.

109.6 Appeal. Once the emergency work has been completed, the owner may appeal the need for the emergency repairs and/or the costs for such work, in the manner provided in Sections 8.60.120 and 8.60.190 within seven calendar days after service according to Section 107 of this code of the statement of costs.

Sec. 15.45.120 Amendment of 2015 IPMC Section 110 (Demolition).

Section 110 of the 2015 IPMC is amended as follows:

110.1-110.2 {IPMC text not modified}

110.3 Failure to comply. If the owner of a premises or owner's authorized agent fails to comply with a demolition order within the time prescribed, the code official may cause the structure to be demolished and removed according to the procedure for specific abatement of nuisance in Chapter 8.60.

110.4 {IPMC text not modified}

Sec. 15.45.130 Amendment of 2015 IPMC Section 111 (Means of Appeal).

Section 111 of the 2015 IPMC is amended as follows:

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code may appeal that decision, notice or order by filing an appeal with the city clerk within seven calendar days of the date of service of that decision, notice, or order. The appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means. The appeal shall identify the real property, state the grounds for the appeal, and state all material facts in support of the appeal.

111.2 Notice of hearing. Notice of hearing and the hearing shall be conducted as provided for in Chapter 8.60, Sections 8.60.130 through 8.60.150.

111.2.1-111.6.2 deleted.

111.7 Court review. Judicial review of the hearing officer's decision shall be commenced in accordance with Cal. Code of Civil Procedure § 1094.6 no later than 90 calendar days after the decision is signed. Cal. Code of Civil Procedure § 1094.6 is hereby adopted for purposes of this Title. Review shall be in accordance with Cal. Code of Civil Procedure § 1094.5.

111.8 deleted

Sec. 15.45.140 Amendment of 2015 IPMC Section 112 (Stop Work Order).

Section 112 of the 2015 IPMC is amended as follows:

112.1-112.3 {IPMC text not modified}

112.4 Failure to comply. Any person who continues any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable for civil penalties pursuant to Fremont Municipal Code Chapter 1.20.

Sec. 15.45.150 Amendment of 2015 IPMC Section 202 (General Definitions).

The following definitions are amended or added to Section 202 of the 2015 IPMC. The remaining definitions are not modified.

GARBAGE. Garbage shall be defined pursuant to Fremont Municipal Code Section 8.45.045 (Municipal Solid Waste, defined)

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reasons, including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, incapable of being moved under its own power or is prohibited from being operated on a public street or highway for any reason pursuant to the provisions of the California Vehicle Code.

RUBBISH. Rubbish shall be defined pursuant to Fremont Municipal Code Section 8.45.045 (Municipal Solid Waste, defined)

TEMPORARY. Temporary shall mean buildings, facilities, or structures intended for use at one location for not more than six months for the purpose of this code only.

Sec. 15.45.160 Amendment of 2015 IPMC Section 302 (Exterior Property Areas).

Section 302 is amended as follows:

302.1 Sanitation. The owner or authorized agent shall maintain the property exterior and premises in a clean, safe and sanitary condition. Such owner or authorized agent shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding such property. The occupant may also be held jointly and severally liable for causing or contributing violations of this section.

302.2 Grading and drainage. All premises shall be graded and maintained to prevent the erosion of soil and prevent the accumulation of stagnant water thereon, or within any structure located thereon. Excess or concentrated drainage shall be contained on site or directed to the nearest practicable drainage facility approved by the code official.

Exception: Approved retention areas and reservoirs.

302.3 Sidewalks and driveways. Sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in proper state of repair, and maintained free from hazardous conditions. The owner or owner's authorized agent of any building, lot or premises within the city shall maintain the sidewalks and/or walkways located upon such premises that are accessible to the general public and the public sidewalks between such premises and any adjacent public street or alley in a clean, safe sanitary, and in a proper state of repair, free from hazardous conditions. Maintenance shall include the removal and proper disposal of any unsightly or unsanitary conditions such as accumulations of garbage, refuse, rubbish, litter, dirt, gum or other sticky substances or items, which have been dropped or spilled upon the sidewalks.

302.4 Weeds. No owner, authorized agent, lessee or occupant or other person having charge or control of any building, lot or premises within the city shall permit weeds exceeding six inches in height to remain or accumulate upon such premises or upon public sidewalks or streets or alleys between such premises and the centerline of any public street or alley. All noxious weeds shall be prohibited. Weeds shall be defined per Fremont Municipal Code Section 8.25.010.

Upon failure of the owner or authorized agent having charge of a premises to cut and destroy weeds after service of a warning notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the city. Upon failure to comply with the warning notice of violation, any duly authorized employee of the city or contractor hired by the city shall be authorized to enter upon the premises and cut and destroy the weeds growing thereon, and the costs of such removal shall be paid by the owner or authorized agent responsible for the premises.

302.5-302.7 {IPMC text not modified}

302.8 Motor vehicles {IPMC text not modified}

Exception: An owner, authorized agent, lessee, or occupant of the premises may repair, wash, clean, or service personal property, provided they comply with Fremont Municipal Code Title 18 (Zoning Regulations) and any other applicable requirements or laws.

302.9 {IPMC text not modified}

Sec. 15.45.170 Amendment of 2015 IPMC Section 303 (Swimming Pools, Spas, and Hot Tubs).

Section 303 of the 2015 IPMC is amended as follows:

303.1 {IPMC text not modified}

303.2 Enclosures. Except as provided for in other regulations, private swimming pools, hot tubs, spas and ponds, containing water more than 18 inches (457 mm) in depth shall be completely surrounded by a fence or barrier 48 inches (1219 mm) in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches (1372 mm) above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches (152 mm) from the gatepost. No existing pool enclosure shall be removed, replaced, changed or maintained in a manner that reduces its effectiveness as a safety barrier.

Exception: Pool fences or barriers that do not meet the above minimum requirements can remain as long as the fence or barrier complied with the building code provisions at time of building permit and passed the final inspection from the city.

Sec. 15.45.180 Amendment of 2015 IPMC Section 304 (Exterior Structure).

Section 304 Exterior structure of the 2015 IPMC is amended as follows:

304.1-304.2 {IPMC text not modified}

304.3 deleted.

304.4-304.13.2 {IPMC text not modified}

304.14 Insect screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tight fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm), and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

304.15 Doors. All exterior doors, door assemblies, including weather stripping, thresholds and hardware, shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

304.16 Under-Floor areas. Under-floor access doors and ventilation openings shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Doors shall be tight fitting and ventilation openings shall be properly screened with corrosion-resistant wire mesh with openings not exceeding 1/4 inch in any dimension or alternate approved materials pursuant to current CBC 1203.4.1.

304.17-304.18.1 {IPMC text not modified}

304.18.2 Windows. Operable windows located in whole or in part within 12 feet above ground level or a walking surface below that provides access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device. Vacant/abandoned buildings shall provide internal window coverings to prevent easy view of the building interior.

304.18.3-304.19 {IPMC text not modified}

Sec. 15.45.190 Amendment of 2015 IPMC Section 309 (Pest Elimination).

Section 309 of the 2015 IPMC is amended as follows:

309.1 Infestation. All structures shall be kept free from insect, rodent and vermin infestation. When an insect, rodent or vermin infestation is brought to the attention of the code official, he or she may require the owner or agent having charge or control of the building, lot or premise to hire a licensed exterminator or other qualified professional to inspect the building, lot or premise and provide a written report verifying the presence and severity of such infestation including in the report a recommendation for proper extermination of the infestation. All structures in which insect, rodent or vermin infestations are found shall be promptly exterminated by approved processes that will not be injurious to human health. After the extermination of the infestation is complete, the code official may request a written notice from a licensed exterminator or other qualified professional attesting to the completion and success of the recommended extermination procedures. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.

309.2 Owner. The owner of any structure shall be responsible for pest elimination within the structure prior to renting or leasing the structure, and maintaining the structure and premise in a rodent or pest-free condition. The owner does not have to remedy the condition if it is caused by an occupant who substantially fails to maintain his occupied

area of the structure or premise as “clean and sanitary as the condition of the structure of premise permits”, causes or contributes to the infestation in any substantial way, or interferes with the owner’s ability to remedy or exterminate the condition.

309.3 - 309.5 Deleted

Sec. 15.45.200 Amendment of 2015 IPMC Section 505 (Water System).

Section 505 of the 2015 IPMC is amended as follows:

505.1-505.3 {IPMC text not modified}

505.4 Water heating facilities. Water heating facilities shall be properly installed, maintained and capable of providing an adequate amount of water to be drawn at every required sink, lavatory, bathtub, shower and laundry facility at a minimum temperature of 110° F (43°C). A gas-burning water heater shall not be located in any bathroom, toilet room, bedroom or other occupied room normally kept closed, unless the installation complies with Chapter 5 of the current California Plumbing Code and Section 904 of the current California Mechanical Code. An approved combination temperature and pressure-relief valve discharge pipe shall be properly installed and maintained on water heaters.

Sec. 15.45.210 Amendment of 2015 IPMC Section 602 (Heating Facilities).

Section 602 of the 2015 IPMC is amended as follows:

602.1 {IPMC text not modified}

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms as measured per IPMC Section 602.5. Cooking appliances or fireplaces shall not be used, nor shall portable space heaters be used, as a means to provide required heating.

602.3 Heat Supply. Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat to maintain a minimum temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be 32°F.

602.4 deleted.

Sec. 15.45.220 Amendment of 2015 IPMC Section 604 (Electrical Facilities).

Section 604 of the 2015 IPMC is amended as follows:

604.1-604.2 {IPMC text not modified}

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation including the improper use of extension cords as permanent wiring, deterioration or damage, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

604.3.1-604.3.2.1 {IPMC text not modified}

Sec. 15.45.230 Amendment of 2015 IPMC Section 702 (Means of Egress).

Section 701 of the 2015 IPMC is amended as follows:

702.1 General. A safe, continuous and unobstructed path of travel shall be provided from any point in a building or structure to the public right-of-way. Means of egress shall comply with the current California Building Code.

702.2-702.4 {IPMC text not modified}

SECTION 11. FMC CHAPTER 15.47 REPEALED AND REPLACED

Chapter 15.47 (Fremont Residential Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.47.010 Title

This chapter shall be known and may be cited as the “Fremont Residential Building Code” or “FRBC” and will be referred to in this chapter as “this code.”

Sec. 15.47.020 Adoption of the 2016 CRC with Amendments.

The 2016 edition of the California Residential Code (CRC) as published by the California Building Standards Commission is adopted with amendments as the Residential Code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of the 2016 CRC shall be maintained on file in the office of the city clerk.

Sec. 15.47.030 Adoption of Certain 2016 CRC Appendix Chapters.

The following Appendix Chapters of the 2016 California Building Code are adopted by the city of Fremont. The remaining Appendix Chapters are not adopted.

- (a) Appendix Chapter H (Patio Covers)
- (b) Appendix Chapter J (Existing Buildings and Structures)
- (c) Appendix Chapter K (Sound Transmission)
- (d) Appendix Chapter V (Swimming Pool Safety Act)

Sec. 15.47.040 Administration of 2016 Residential Building Code

Chapter 1, Division II of the 2016 California Residential Code is not adopted by the city of Fremont. Refer to FMC Sections 15.05 and 15.10.040 for Administration and Enforcement requirements.

Sec. 15.47.050 Amendment of 2016 CBC Section R301 (Design Criteria).

Section R301 of the 2016 California Residential Code is amended as follows:

R301.1 – R301.2.2.2.4 {CRC text not modified}

R301.2.2.2.5 (Irregular Buildings)

1. Where exterior shear wall lines or braced wall panels are not in one plane vertically from the foundation to the uppermost story in which they are required.

2. Where a section of floor or roof is not laterally supported by shear walls or braced wall lines on all edges.

Exception: Portions of floors that do not support shear walls or braced wall panels above, or roofs, shall be permitted to extend not more than 6 feet (1829 mm) beyond a shear wall or braced wall line.

3. When the end of a braced wall panel occurs over an opening in the wall below and ends at a horizontal distance greater than 1 foot (305 mm) from the edge of the opening. This provision is applicable to shear walls and braced wall panels offset in plane and to braced wall panels offset out of plane as permitted by the exception to item 1.

4. Where an opening in a floor or roof exceeds the lesser of 12 feet (3658 mm) or 50 percent of the least floor or roof dimension

5. Where portions of a floor level are vertically offset.

6. – 7. {CRC text not modified}

Exception: deleted

R301.2.2.3 – R301.2.2.3.7 {CRC text not modified}

R301.2.2.3.8. Mechanical, electrical, or plumbing components and equipment shall be anchored to the structure. Anchorage of the components and equipment shall be designed to resist loads in accordance with the California Building Code and ASCE 7, except where the component is positively attached to the structure and flexible connections are provided between the component and associated ductwork, piping, and conduit; and either

1. The component weighs 400 lbs. (1,780 N) or less and has a center of mass located 4 ft (1.22 m) or less above the supporting structure; or

2. The component weighs 20 lbs. (89N) or less or, in the case of a distributed system, 5 lb/ft (73 N/m) or less.

R301.2.2.4 – R301.8 {CRC text not modified}

Sec. 15.47.060 Amendment of 2016 CBC Section R302 (Fire-Resistant Construction).

Section R302 of the 2016 California Residential Code is amended as follows:

R302.1 – 302.2.4 {CRC text not modified}

R302.3 Two-family dwellings {CRC text not modified}

Exceptions:

1. deleted.

2. {CRC text not modified}

R302.3.1 – R302.5 {CRC text not modified}

R302.5.1 {CRC text not modified}

Exception: deleted

R302.5.2 – R302.14 {CRC text not modified}

Table R302.6 is amended as follows:

TABLE R302.6
DWELLING-GARAGE AND/OR CARPORT SEPARATION

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage or carport	Not less than 5/8-inch Type X gypsum board or equivalent
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area

Sec. 15.47.070 Amendment to 2016 CRC Section R313 (Automatic Fire Sprinkler Systems).

Section R313 of the 2016 California Residential Code is amended as follows:

R313.1 Townhouse automatic fire sprinkler systems. Automatic sprinkler systems shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed unless as required by FMC Section 15.35.140.

R313.1.1 Design and Installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section R313 and as amended by FMC Section 15.35.140.

R313.2 One- and two-family dwellings automatic fire systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for addition or alteration to existing buildings that are not already provided with an automatic residential sprinkler system unless as required by FMC Section 15.35.140.

R313.2.1 Design and Installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section 313 and as amended by FMC Section 15.35.140.

R313.3 – R313.3.8.2 deleted

Sec. 15.47.080 Amendment to 2016 CRC Section R322 (Flood-Resistant Construction).

Section R322 of the 2016 California Residential Code is amended as follows:

R322.1 – R322.1.3 {CRC text not modified}

R322.1.4 Determination of design flood elevation. See FMC Section 15.10.310 for design flood elevation.

R322.1.4.1 – R322.3.7 {CRC text not modified}

Sec. 15.47.090 Amendment to 2016 CRC Section R337.1 (Scope, Purpose and Application).

Section R337.1.1 of the 2016 California Residential Code is amended as follows:

R337.1.1 Scope. This chapter applies to building materials, systems and or assemblies used in the exterior design and construction of new or existing buildings or structures erected, constructed, altered, or moved within a Wildland-Urban Interface Fire area as defined in Section R337.2A.

R337.1.2 {CRC text not modified}

R337.1.3 Application. New or existing buildings or structures erected, constructed, altered, or moved 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. {CRC text not modified}
2. {CRC text not modified}
3. {CRC text not modified}
4. - deleted.

R337.1.3.1 – R337.1.5 {CRC text not modified}

Sec. 15.47.100 Amendment to 2016 CRC Section R337.2 (Definitions).

Section R337.2 of the 2016 California Residential Code is amended by modifying the following definitions. The remaining definitions are not modified.

LOCAL AGENCY VERY-HIGH FIRE HAZARD SEVERITY ZONE means those areas designated by the city of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Title 15, Chapter 15.65.

WILDLAND-URBAN INTERFACE FIRE AREA is a geographical area identified by the state as a “fire hazard severity zone” in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, and includes those areas designated by the city of Fremont as very high fire hazard severity zones in Fremont Municipal Code Title 15, Chapter 15.65.

Sec. 15.47.110 Amendment to 2016 CRC Section R337.5 (Roofing).

Section R337.5 of the 2016 California Residential Code is amended and additional sections added as follows:

R337.5.1 – R337.5.2 {CRC text not modified}

R327.5.2.1 Wildland Urban-Interface Fire Area. The roof covering of any new structure or the re-roofing of any existing building within Wildland-Urban Interface Fire Area, regardless of the type of construction or occupancy classification, shall be a fire-retardant roof covering that is at least Class A. All alteration, repair, replacement or reroofing shall conform to the applicable provisions of the 2016 California Residential Code, Chapter 8 “Roof-Ceiling Construction” and any other applicable engineering requirements, including Chapter 9, “Roof Assemblies”.

R337.5.3 – R337.5.4 {CRC text not modified}

Sec. 15.47.120 Amendment to 2016 CRC Section R337.7 (Exterior Covering).

Section R337.7 of the 2016 California Residential Code is amended as follows:

R337.7.1 – R337.7.3.1 {CRC text not modified}

R337.7.3.2 Exterior wall covering. All exterior faces of the exterior walls shall be of an assembly qualified for exterior face of recognized one-hour fire resistive assemblies. All exterior wall coverings shall meet a Class I flame spread requirement and be installed over materials approved for one-hour fire-resistive construction.

Exception: Class I flame spread requirement may be waived for additions not to exceed 50%, cumulatively over the life of the structure, of the existing structure including garage areas with 1-hour fire resistive exterior wall assembly.

R337.7.4 – R337.7.8 {CRC text not modified}

R337.7.9 Utilities. Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed under-floor area of a building or structure shall be enclosed with material as required for exterior, one-hour, fire-resistive construction. Adequate covered

access opening for servicing such utilities shall be provided as required by appropriate codes.

R337.7.10 Historical buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the Building Official, provided:

1. The building or structure conforms to Part 8, Title 24, of the California Code of Regulations; and
2. A fire protection plan is implemented so that the building or structure will be no more of a fire hazard than any new building. The plan must be prepared and signed by a registered Fire Protection Engineer. The plan must be approved by the Building Official and fire chief prior to the commencement of any work.

Sec. 15.47.130 Amendment to 2016 CRC Section R401 (General).

Section R401 of the 2016 California Residential Code is amended as follows:

R401.1 – R401.3 {CRC text not modified}

R401.4 Soils tests. Exception is added at end of the CRC text as follows:

Exception: Refer to FMC Section 15.10.360.

R401.4.1 Geotechnical evaluation. When permitted by the Building Official, in lieu of a complete geotechnical evaluation, the load-bearing values in Table R401.4.1 shall be assumed.

R401.4.1.1 – R401.4.2 {CRC text not modified}

Sec. 15.47.140 Amendment to 2016 CRC Section R403 (Footings).

Section R403 of the 2016 California Residential Code is amended as follows:

R403.1 – R403.1.1 {CRC text not modified}

R403.1.2 Continuous footing in Seismic Design Categories D₀, D₁ and D₂. Exterior walls of buildings located in Seismic Design Categories D₀, D₁ and D₂ shall be supported by continuous solid or fully grouted masonry or concrete footings. All required interior braced wall panels in buildings located in Seismic Design Categories D₀, D₁ and D₂ shall be supported on continuous foundations.

R403.1.3 – R403.1.3.5.4 {CRC text not modified}

R403.1.3.6 Isolated concrete footings. In detached one- and two-family dwellings located in Seismic Design Category A, B, or C that are three stories or less in height and

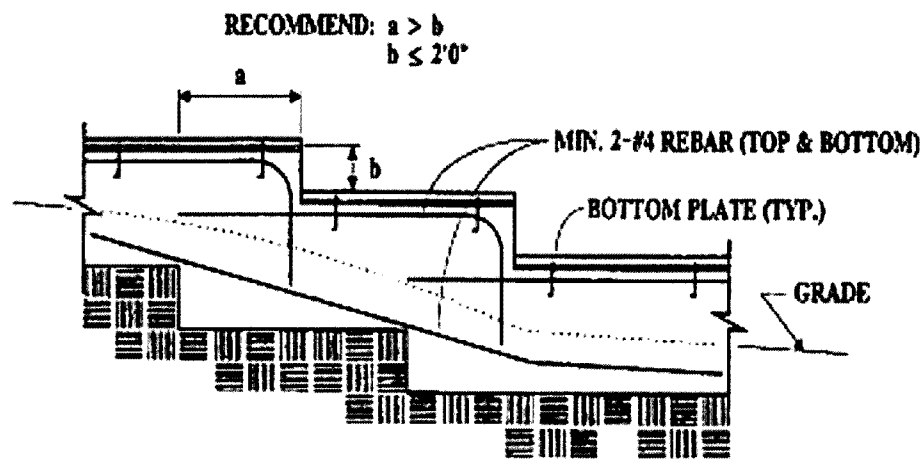
constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

R403.1.4 – R403.1.4.1 {CRC text not modified}

R403.1.5 Slope. The top surface of footings shall be level. The bottom surface of footings shall not have a slope exceeding one unit vertical in 10 units horizontal (10-percent slope). Footings shall be stepped where it is necessary to change the elevation of the top surface of the footings or where the slope of the bottom surface of the footings will exceed one unit vertical in 10 units horizontal (10-percent slope).

For structures located in Seismic Design Categories D₀, D₁ or D₂, stepped footings shall be reinforced with four No. 4 rebar. Two bars shall be placed at the top and bottom of the footings as shown in Figure R403.1.5.

R403.1.6 – R403.4.2 {CRC text not modified}



STEPPED FOUNDATIONS

FIGURE R403.1.5
STEPPED FOOTING

Sec. 15.47.150 Amendment to 2016 CRC Section R404 (Foundation and Retaining Walls).

Section R404 of the 2016 California Residential Code is amended as follows:

R404.1 – R404.1.9.5 {CRC text not modified}

R404.2 Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with the

details shown in Figures R403.1(2) and R403.2(3). Wood foundation walls shall not be used for structures located in Seismic Design Category D₀, D₁ or D₂.

R404.2.1 – R404.5.3 {CRC text not modified}

Sec. 15.47.160 Amendment to 2016 CRC Section R602 (Wood Wall Framing).

Section R602 of the 2016 California Residential Code is amended as follows:

R602.1 - R602.3.1 {CRC text not modified}

R602.3.2 {CRC text not modified}

Exception: In other than Seismic Design Category D₀, D₁ or D₂, a single top plate used as an alternative to a double top plate shall comply with the following:

1. The single top plate shall be tied at corners, intersecting walls, and at in-line splices in straight wall lines in accordance with Table R602.3.2.
2. The rafters or joists shall be centered over the studs with a tolerance of not more than 1 inch (25 mm).
3. Omission of the top plate is permitted over headers where the headers are adequately tied to adjacent wall sections in accordance with Table R602.3.2.

**TABLE R602.3.2
SINGLE TOP-PLATE SPLICE CONNECTION DETAILS**

CONDITION	TOP-PLATE SPLICE LOCATION			
	Corners and intersecting walls		Butt joints in straight walls	
	Splice plate size	Minimum nails each side of joint	Splice plate size	Minimum nails each side of joint
Structures in SDC A-C; and in SDC D ₀ , D ₁ and D ₂ with braced wall line spacing less than 25 feet	3" × 6" × 0.036" galvanized steel plate or equivalent	(6) 8d box (2 1/2" × 0.113") nails	3' × 12" × 0.036" galvanized steel plate or equivalent	(12) 8d box (2 1/2" × 0.113") nails
Structures in SDC D ₀ , D ₁ and D ₂ , with braced wall line spacing greater than or equal to 25 feet	3" × 8" by 0.036" galvanized steel plate or equivalent	(9) 8d box (2 1/2" × 0.113") nails	3' × 16" × 0.036" galvanized steel plate or equivalent	(18) 8d box (2 1/2" × 0.113") nails

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

R602.3.3 – R602.10.2.2.3 {CRC text not modified}

R602.10.2.3 Minimum number of braced wall panels. Braced wall lines with a length of 16 feet (4877 mm) or less shall have a minimum of two braced wall panels of any length or one braced wall panel equal to 48 inches (1219 mm) or more. Braced wall lines greater than 16 feet (4877 mm) shall have a minimum of two braced wall panels. No braced wall panel shall be less than 48 inches in length in Seismic Design Category D₀, D₁, or D₂.

R602.10.3 - R602.12.8 {CRC text not modified}

Footnote j. is added to Table R602.3(1).

- j. Use of staples in braced wall panels shall be prohibited in Seismic Design Category D₀, D₁ or D₂.

Footnote b. is amended to Table R602.3(2).

- b. Staples shall have a minimum crown width of 7/16-inch on diameter except as noted. Use of staples in roof, floor, subfloor, and braced wall panels shall be prohibited in Seismic Design Category D₀, D₁ or D₂.

Footnote d. is added to Table R602.10. 3(1).

- d. Bracing methods LIB, DWB, SFB, PBS, HPS, GB and PCP are not permitted.

Footnote d. is added to Table R602.10. 3(2).

- d. Bracing methods LIB, DWB, SFB, PBS, HPS, GB and PCP are not permitted.

Footnote f. is added.

- f. Methods LIB, DWB, SFB, PBS, HPS, GB, and PCP are not permitted in SDC Category D₀, D₁ or D₂.

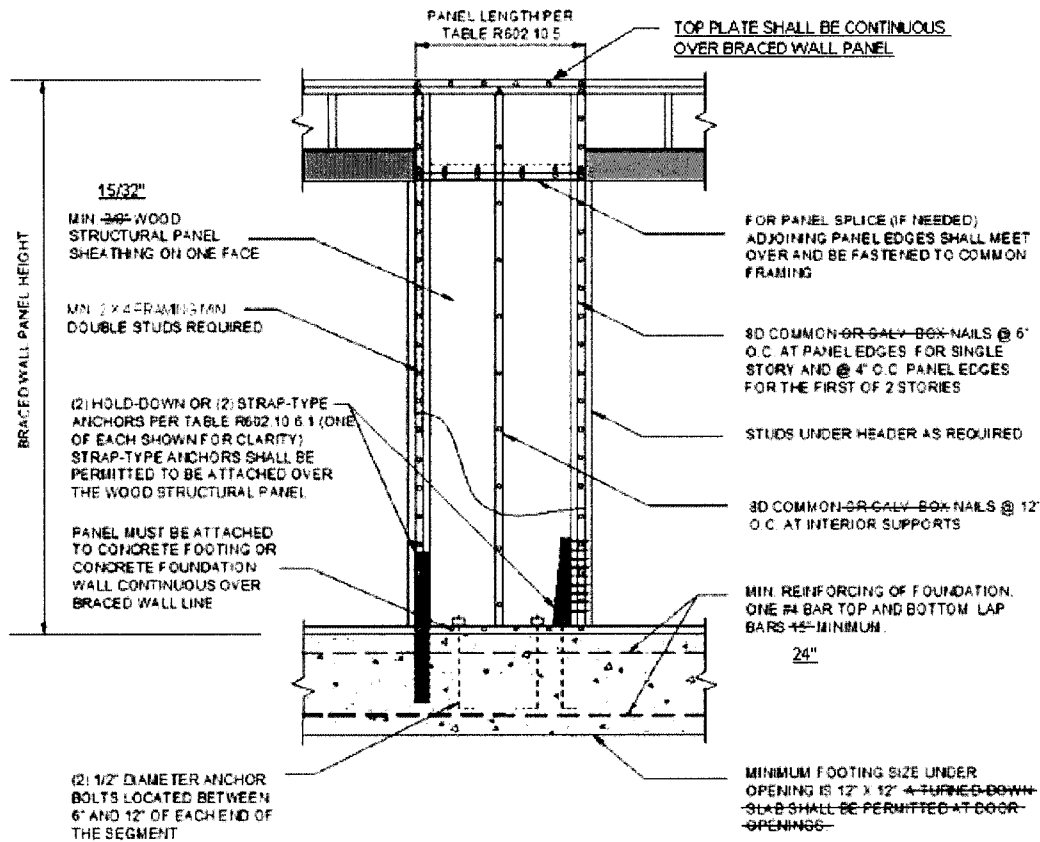
Footnotes f., g. and h. are added to Table R602.10.4 of the 2016 California Residential Code.

- f. Methods LIB, DWB, SFB, PBS, HPS, GB, PCP, and PFG are not permitted in SDC Category D₀, D₁ or D₂.

- g. Use of staples in braced wall panels shall be prohibited in SDC Category D₀, D₁ or D₂.

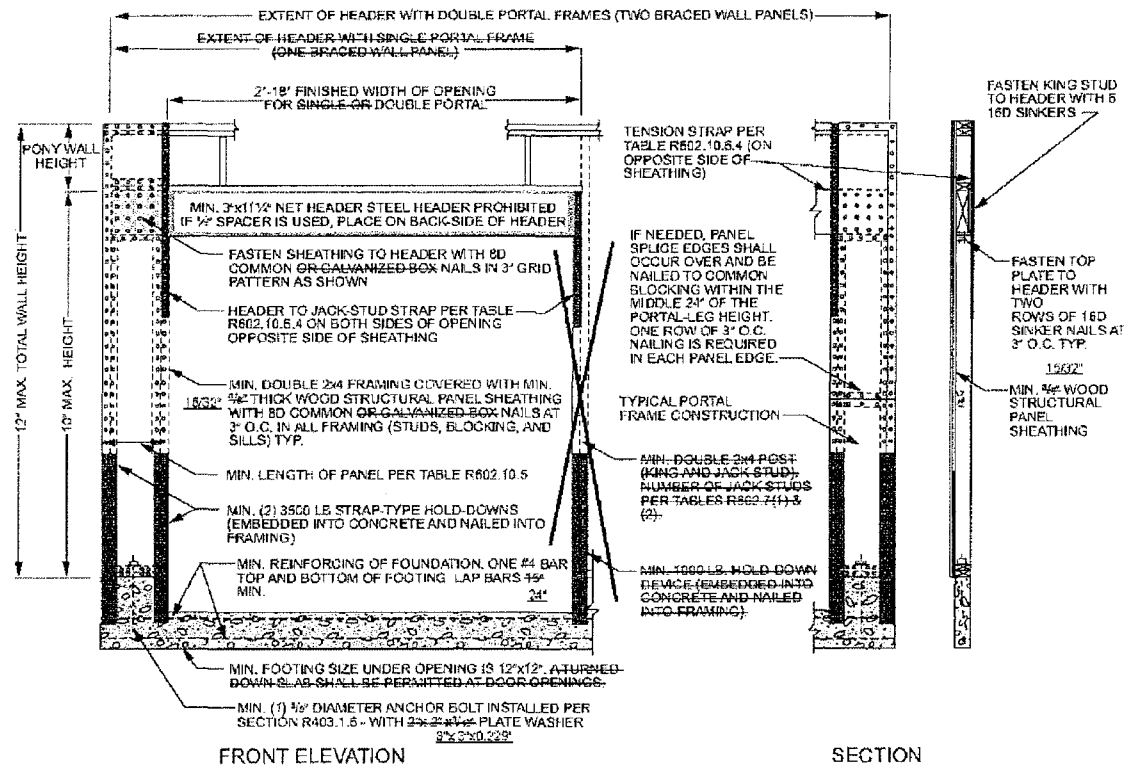
- h. WSP sheathing shall be a minimum of 15/32" thick nailed with 8d common nails placed 3/8 inches from panel edges and spaced not more than 6 inches on center and 12 inches on center along intermediate framing members.

Figure R602.10.6.1 of the 2016 California Residential Code is amended to read as follows:



**FIGURE R602.10.6.1
METHOD ABW—ALTERNATE BRACED WALL PANEL**

Figure R602.10.6.2 of the 2016 California Residential Code is amended to read as follows:



For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm.

FIGURE R602.10.6.2
METHOD PFH—PORTAL FRAME WITH HOLD-DOWNS
AT DETACHED GARAGE DOOR OPENINGS

Figure R602.10.6.4 of the 2016 California Residential Code is amended to read as follows:

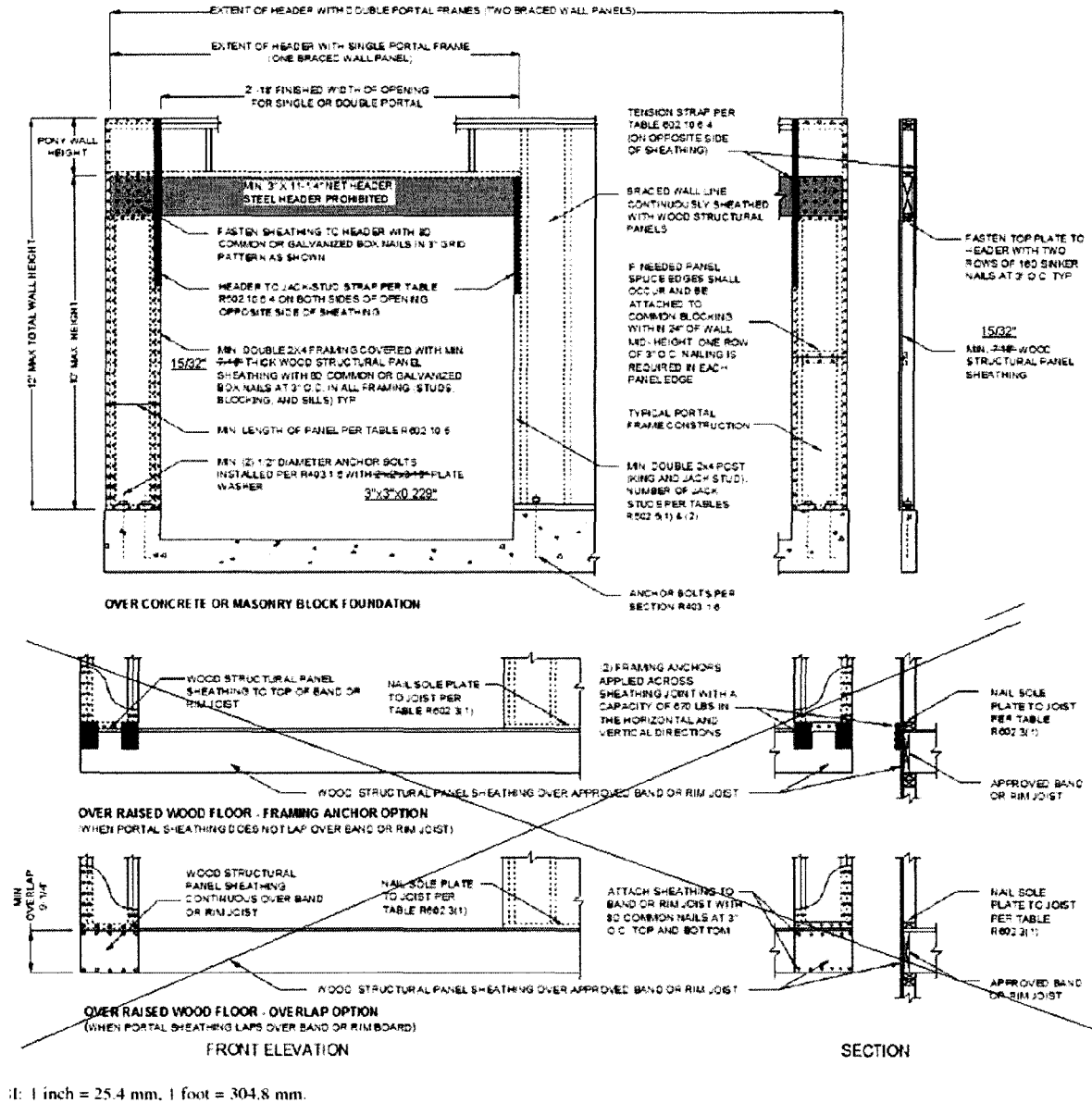


FIGURE R602.10.6.4
METHOD CS-PF-CONTINUOUSLY SHEATHED PORTAL FRAME PANEL CONSTRUCTION

Sec. 15.47.170 Amendment to 2016 CRC Section R606 (General Masonry Construction).

Section R606 of the 2016 California Residential Code is amended as follows:

R606.1 – R606.12.2.2.2 {CRC text not modified}

R606.12.2.2.3 Reinforcement of requirements for masonry elements. Masonry elements listed in Section R606.12.2.2.2 shall be reinforced in either the horizontal or vertical direction as shown in Figure R606.11(3) and in accordance with the following:

1. Horizontal reinforcement. Horizontal reinforcement shall be provided within 16 inches (406 mm) of the top and bottom of these masonry elements.
2. Vertical reinforcement. Vertical reinforcement shall consist of at least one No. 4 bar spaced not more than 48 inches (1219 mm). Vertical reinforcement shall be within 8 inches (406mm) of the ends of masonry walls.

R606.12.2.3 - R606.14.2 {CRC text not modified}

SECTION 12. FMC CHAPTER 15.48 REPEALED AND REPLACED

Chapter 15.48 (Fremont Green Building Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

Sec. 15.48.010 Title.

This chapter shall be known and may be cited as the “Fremont green building standards code” or “FGBC” and will be referred to in this chapter as “this code.”

Sec. 15.48.020 Adoption of the 2016 California Green Building Standards Code With Amendments.

The 2016 edition of the California Green Building Standards Code (CGBSC or CALGreen) as published by the State of California is adopted as the Green Building Code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of the 2016 CGBSC shall be maintained on file in the office of the city clerk.

Sec. 15.48.030 Amendment to 2016 CGBSC Section 202 (Definitions).

Section 202 of the 2016 California Green Building Standards Code is amended by modifying the following definition. The remaining definitions are not modified:

EV READY PARKING SPACE: A parking space served by a complete 208/240 V 40 ampere electrical circuit.

Sec. 15.48.040 Amendment to 2016 CGBSC Section 301 (General).

Section 301 of the 2016 California Green Building Standards Code is amended as follows:

301.1 – 301.3.2 {CGBSC text not modified}

301.3.3 Additions to Parking Facilities: The requirements related to electric vehicle charging also apply to additions to increase the number of parking spaces at any facility. The requirements will apply only to the number of new parking spaces.

301.4 – 301.5 {CGBSC text not modified}

Sec. 15.48.050 Amendment to 2016 CGBSC Section 4.106 (Site Development)

Section 4.106 of the 2016 California Green Building Standards Code is amended as follows:

4.106.1 – 4.106.3 {CGBSC text not modified}

4.106.4 Electric vehicle (EV) charging for new construction and additions. New construction and additions as described in Section 301.3.3 shall comply with this section. Electric vehicle supply equipment (EVSE) shall be in accordance with the California Electrical Code, Article 625.

Exceptions:

On a case-by-case basis, where the local enforcing agency has determined EV charging and infrastructure are not feasible based upon one or more of the following conditions:

1. Where there is no commercial power supply.
2. Where there is evidence substantiating that meeting the requirements will alter the local utility infrastructure design requirements on the utility side of the meter so as to increase the utility side cost to the homeowner or the developer by more than \$400.00 per dwelling unit or \$400.00 per parking space, whichever is greater. In such cases, buildings subject to Section 4.106.4 shall meet the requirements by maximizing the number of EV Ready Parking Spaces, without exceeding the limit above. Cost per parking space shall be determined by dividing total cost by total number of EV and non-EV parking spaces.

4.106.4.1 New one- and two-family dwellings and town-houses with attached or adjacent private garages or carports. For each dwelling unit, install a listed raceway, associated overcurrent protective device and the balance of a dedicated 208/240-volt branch circuit rated at 40 amperes minimum. The raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). The raceway shall originate at the main service or unit subpanel and shall terminate into a listed cabinet, box or other enclosure in close proximity to the proposed location of an EV charger. Raceways are required to be continuous at enclosed, inaccessible or concealed areas and spaces. The service panel and/or subpanel shall provide capacity for a 40-ampere minimum dedicated branch circuit. All electrical circuit components and EVSE, including a receptacle or box with a blank cover, related to this section shall be installed in accordance with the California Electrical Code.

4.106.4.1.1 Identification. The service panel or subpanel circuit directory shall identify the overcurrent protective device space(s) reserved for future EV charging as “EV READY”. The raceway termination location shall be permanently and visibly marked as “EV READY”.

4.106.4.2 New multifamily dwellings and additions.

The following number of EV Ready Parking Spaces are required at the time of original construction:

Total Number of Actual Parking Spaces	Number of Required EV Ready Parking Spaces
0-9	1
10-25	2
26-50	4
51-75	6
76-100	9
101-150	12
151-200	17
201 and over	10 percent of total ¹

¹Calculation of number of spaces shall be rounded up to the nearest whole number.

4.106.4.2.1 {CGBSC text not modified}

4.106.4.2.2 {CGBSC text not modified}

4.106.4.2.3 EV ready parking spaces. Construction documents shall verify that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV spaces at the full rated amperage of the EV Ready Parking Space.

A raceway, electrical panel capacity, wire and termination point supporting a 208/240 volt 40 ampere circuit, are required to be installed at the time of construction for each EV Ready Parking Space required under 4.106.4.2. Where a single EV Ready Parking Space is required, the raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). All electrical circuit components and EVSE related to this section shall be installed in accordance with the California Electrical Code.

Note: Termination point should be a receptacle suitable for EVSE and located near the proposed EVSE location.

4.106.4.2.4 – 4.106.4.2.5 {CGBSC text not modified}

Sec. 15.48.060 Amendment to 2016 CGBSC Section 5.106 (Site Development).

Section 5.106 of the 2016 California Green Building Standards Code is amended as follows:

5.106.1 – 5.106.5.2.1 {CGBSC text not modified}

5.106.5.3 Electric vehicle (EV) charging for new construction and additions.

The following number of EV Ready Parking Spaces are required at the time of original construction:

Total Number of Actual Parking Spaces	Number of Required EV Ready Parking Spaces
0-9	1
10-25	2
26-50	4
51-75	6
76-100	9
101-150	12
151-200	17
201 and over	10 percent of total ¹

¹ Calculation of number of spaces shall be rounded up to the nearest whole number.

5.106.5.3.1 EV ready parking space-requirements. Construction documents shall verify that the electrical panel service capacity and electrical system, including any on-site distribution transformer(s), have sufficient capacity to simultaneously charge all EVs at all required EV Ready Parking Spaces at the full rated amperage of the EV Ready Parking Space.

A raceway, electrical panel capacity, wire and termination point supporting a 208/240 volt 40 ampere circuit is required to be installed at the time of construction for each EV Ready Parking Space required under 5.106.5.3. Where a single EV Ready Parking Space is required, the raceway shall not be less than trade size 1 (nominal 1-inch inside diameter). All electrical circuit components and EVSE, related to this section shall be installed in accordance with the California Electrical Code.

Note: Termination point should be a receptacle suitable for EVSE and located near the proposed EVSE location.

Exceptions: On a case-by-case basis where the local enforcing agency has determined EV charging and infrastructure is not feasible based upon one or more of the following conditions:

1. Where there is insufficient electrical supply.
2. Where there is evidence suitable to the local enforcing agency substantiating that additional local utility infrastructure design requirements, directly related to the implementation of Section 5.106.5.3, may adversely impact the construction cost of the project.

5.106.5.3.2 Identification. The service panel or subpanel(s) circuit directory shall identify the reserved overcurrent protective device space(s) for future EV charging as "EV READY". The raceway termination location shall be permanently and visibly

marked as “EV READY.”

5.106.5.3.3 Future charging spaces qualify as designated parking as described in Section 5.106.5.2 Designated parking for clean air vehicles.

5.106.5.3.4. deleted.

5.106.5.3.5 – 5.106.10 {CGBSC TEXT NOT MODIFIED}

SECTION 13. FMC CHAPTER 15.49 ADDED

Chapter 15.49 (Fremont Historical Building Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is added to read as follows:

Sec. 15.49.010 Title.

This chapter shall be known and may be cited as the “Fremont historical building code” or “FHBC” and will be referred to in this chapter as “this code.”

Sec. 15.49.020 Adoption of the 2016 California Historical Building Standards Code without Amendments.

The 2016 edition of the California Historical Building Code (CHBC) as published by the California Building Standards Commission is adopted without amendments as the Historical Building Code of the city of Fremont, California, as if fully set out in this chapter. A copy of the 2016 CHBC shall be maintained on file in the office of the city clerk.

SECTION 14. EFFECTIVE DATE

This ordinance shall take effect and be enforced beginning on January 1, 2017.

SECTION 15. CEQA

The City Council finds under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with the CEQA Guidelines.

SECTION 16. SEVERABILITY

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Fremont hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause

and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 17. PUBLICATION OF SUMMARY

The City Clerk has prepared and published at least five days before the date of adoption a summary of this ordinance once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause the summary to be published again with the names of those City Council members voting for and against the ordinance and shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

* * * * *

The foregoing ordinance was introduced before the City Council of the City of Fremont, at the regular meeting of the City Council, held on the 11th day of October, 2016 and finally adopted at a regular meeting of the City Council held on the 1st day of November, 2016 by the following vote:

AYES:	Mayor Harrison; Vice Mayor Mei; Councilmembers Chan, Bacon and Jones
NOES:	None
ABSENT:	None
ABSTAIN:	None



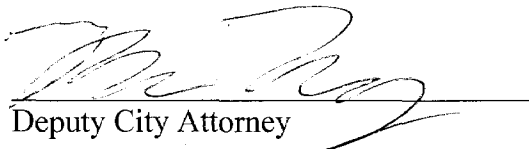
Mayor

ATTEST:



City Clerk

APPROVED AS TO FORM:



Deputy City Attorney