

**DOCKETED**

<b>Docket Number:</b>	19-BSTD-06
<b>Project Title:</b>	Local Ordinances Exceeding the 2019 Energy Code
<b>TN #:</b>	232174-3
<b>Document Title:</b>	City of San Rafael - 2019 Copy of Ordinance NO 1974 Part 1
<b>Description:</b>	Part 1 of San Rafael local ordinance no. 1974
<b>Filer:</b>	Danuta Drozdowicz
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	2/21/2020 12:59:31 PM
<b>Docketed Date:</b>	2/21/2020

## **ORDINANCE NO. 1974**

**AN ORDINANCE OF THE SAN RAFAEL CITY COUNCIL AMENDING TITLE 12 (BUILDING REGULATIONS) OF THE MUNICIPAL CODE OF THE CITY OF SAN RAFAEL, BY REPEALING TITLE 12 AND AMENDING TITLE 12 THEREOF; ADOPTING THE 2019 EDITION OF THE CALIFORNIA BUILDING CODE, THE CALIFORNIA RESIDENTIAL CODE, THE CALIFORNIA MECHANICAL CODE, THE CALIFORNIA PLUMBING CODE, THE CALIFORNIA ELECTRICAL CODE, THE CALIFORNIA EXISTING BUILDING CODE, THE CALIFORNIA GREEN BUILDING STANDARDS CODE, THE CALIFORNIA ENERGY CODE, AND THE CALIFORNIA REFERENCED STANDARDS CODE WITH APPENDICES AND AMENDMENTS HEREIN; ADOPTING THE 2018 EDITION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE AND THE INTERNATIONAL POOL AND SPA CODE WITH AMENDMENTS HEREIN; ADOPTING ADMINISTRATIVE AND PROGRAM PROVISIONS FOR THE CODES; AND ADOPTING FINDINGS OF FACT SUPPORTING THE AMENDMENTS TO THE CODES.**

**THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DOES ORDAIN AS FOLLOWS:**

### **DIVISION 1. AMENDMENTS TO MUNICIPAL CODE.**

Title 12 of the Municipal Code of the City of San Rafael is hereby repealed in its entirety and amended to read as follows:

#### **TITLE 12 – BUILDING REGULATIONS**

##### **CHAPTER 12.100 - ADOPTED CODES**

**12.100.010 Adopted codes.** The following recognized codes are hereby adopted by City of San Rafael together with the supplements, listed changes, additions and deletions as noted:

1. 2019 Edition, California Building Code ("CBC"), chapters 2 through 28, 30, 31, 32, 33, 35 and Appendices C, H, I, and N.
2. 2019 Edition, California Electrical Code ("CEC").
3. 2019 Edition, California Energy Code ("CEgC").
4. 2019 Edition, California Existing Building Code ("CEBC"), chapters 2 through 16 and Appendices.
5. 2019 Edition, California Green Building Construction Standards Code ("CalGreen"), chapters 1 through 8 and Appendices A4 and A5.
6. 2019 Edition, California Historical Building Code ("CHBC")
7. 2019 Edition, California Mechanical Code ("CMC") chapters 2 through 17.
8. 2019 Edition, California Plumbing Code ("CPC"), chapters 2 through 17 and Appendices A, C, D, and I.
9. 2019 Edition, California Referenced Standards Code.
10. 2019 Edition, California Residential Code ("CRC"), chapters 2 through 10, chapter 44, and Appendices H, J, K, O, Q, R, S, T, and X.
11. 2018 International Property Maintenance Code ("IPMC") chapters 1 through 8 and Appendix A.
12. 2018 Edition, International Swimming Pool and Spa Code ("ISPSC"), chapters 2 through 11.

**12.100.020 Local Design Criteria.** The following are the local climatic and geographic design criteria:

Seismic Design Category: D/D2  
Ground Snow Load ( $P_g$ ): None  
Weathering: Negligible

Climate Zone: 2  
Termite Damage: Moderate to Heavy  
Design Rainfall: 2"

Wind Exposure: C, unless site complies with definition for Exposure B.

Basic Design Wind Speed (V): Risk Category I: 85 mph;  
Risk Category II: 90 mph  
Risk Category III 95 mph  
Risk Category IV: 120 mph.

**12.100.030 Definition of words and terms.** As used in the adopted codes and Title 12, inclusive, of the Municipal Code, City of San Rafael.

1. "Adopted codes" shall mean the codes listed in Section 12.100.10, as amended.
2. "Authority having jurisdiction" shall mean the chief building official or designated representative.
3. "Department" shall mean the San Rafael Building Division.
4. "FEMA" shall mean the Federal Emergency Management Agency.
5. "Jurisdiction" and other similar terms shall be construed to mean the City of San Rafael, California.
6. "SRMC" shall mean the Municipal Code, City of San Rafael.
7. "This code" shall mean the Building Code of the City of San Rafael.

**12.100.040 Designation of the chief building official.** Wherever the terms, "building official," "code official," "administrative authority," "chief building inspector," "chief electrical inspector," "building inspector," "authority having jurisdiction" and other similar terms that appear in the SRMC, or in those codes therein adopted by reference, they shall mean the "chief building official," or his designated representative.

**12.100.050 Repeal of conflicting sections.** All sections within the Municipal Code and those codes therein adopted by reference which are in conflict with the provisions of this chapter are hereby repealed.

## **CHAPTER 12.101 - GENERAL**

**12.101.010 Title.** These regulations shall be known as the Building Codes of the City of San Rafael Building Code, hereinafter referred to as "this code".

**12.101.020 Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**12.101.020.1 Appendices.** Provisions in any appendices of the adopted codes shall not apply unless specifically adopted.

**12.101.020.2 California Building Code.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

**Exception:** Detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height, shall comply with this code or the California Residential Code.

**12.101.020.3 California Existing Building Code.** The California Existing Building Code is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change of occupancy, addition and relocation of existing buildings. This code shall apply to the repair, alteration, change of occupancy, addition and relocation of all existing buildings, regardless of occupancy, subject to the criteria of Sections 12.101.6.1 and 12.101.6.2.

**12.101.020.4 California Mechanical Code.** The California Mechanical Code shall apply to the installation, alteration, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings, and appurtenances, including ventilating, heating, cooling, air conditioning and refrigeration systems, incinerators, and other energy related systems.

**12.101.020.5 California Plumbing Code.** The California Plumbing Code shall apply to the installation, alteration, repairs and replacement of plumbing systems, including equipment, appliances, fixtures, fittings, and appurtenances, where connected to a water or sewage system, gas system, and all aspects of medical gas system. The provision of the California Plumbing Code shall apply to private sewage disposal systems.

**12.101.020.6 California Residential Code.** The provisions of the California Residential Code for One- and Two-family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures not more than three stories above the grade plane in height.

**Exception:** The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with IRC Sections R313:

1. Live/work units located in townhouses and complying with the requirements of Section 419 of the California Building Code.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility for five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility for five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care within a dwelling unit.



**12.101.020.7 International Swimming Pool and Spa Code.** The International Swimming Pool and Spa Code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic recreation facilities, pools, and spas. The pools and spas covered by this code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing or wading.

**12.101.020.7.1 Purpose.** The purpose of this code is to establish minimum standards to provide a reasonable level of safety and protection of life, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of pools and spas.

**12.101.030 Intent.** The intent of this code is to establish the minimum requirements to safeguard the public health, safety and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

It is not the purpose of this code to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this code.

**12.101.040 Referenced codes.** Any law cited in this code, including in the adopted codes as amended, shall be considered part of the requirements of this code to the prescribed extent of each such reference.

## **CHAPTER 12.102 - APPLICABILITY**

**12.102.010 General.** Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern. Where the requirements of this code conflict with requirements of any other part of the California Building Standards Code, Title 24, the most restrictive requirement shall prevail.

**12.102.020 Other laws.** The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

**12.102.030 Application of references.** References to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

**12.102.040 Referenced codes and standards.** The codes and standards referenced in this code shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced codes and standards, the provisions of this code shall apply.

**12.102.050 Partial invalidity.** In the event that any part or provision of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.

**12.102.060 Existing structures.** The legal occupancy of any structure existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Existing Building Code or the California Fire Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

**12.101.060.1 Buildings not previously occupied.** A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the California Building Code or California Residential Code, as applicable, for new construction or with any current permit for such occupancy.

**12.101.060.2 Buildings previously occupied.** The legal occupancy of any building existing on the date of adoption of this code shall be permitted to continue without change, except as is specifically covered in this code, the California Fire Code, the California Existing Building Code, or the International Property Maintenance Code, or as is deemed necessary by the building official for the general safety and welfare of the occupants and the public.

## **CHAPTER 12.103 - DEPARTMENT OF BUILDING & SAFETY**

**12.103.010 Creation of enforcement agency.** The Building Division is hereby created and established within the Community Development Department which shall be under the direction, control, and supervision of the chief building official.

**12.103.020 Appointment.** The building official shall be appointed by the city council upon recommendation of the city manager and shall serve at the pleasure of the council in the unclassified service of the city. The building official has such powers and shall perform such duties as are conferred upon him by the provisions of the California Code or as may be assigned by the city council.

**12.103.030 Deputies and staff.** In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the building official shall have the authority to appoint a deputy building official, the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official.

## **CHAPTER 12.104 - DUTIES AND POWERS OF BUILDING OFFICIAL**

**12.104.010 General.** The building official is hereby authorized and directed to enforce all the provisions of this code. For such purposes, the building official shall have the powers of a law enforcement officer, may prepare, sign and serve written citations pursuant to the provisions of Penal Code Section 836.5, and may otherwise enforce this code and related provisions in Title 1 of SRMC, pursuant to any applicable enforcement provisions therein, against all persons accused of violating the provisions of this code, related provisions in the SRMC, and any amendments to them. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.



**12.104.020 Applications and permits.** The building official shall receive applications, review construction documents and issue permits for the erection, and alteration, demolition and moving of buildings and structures, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

**12.104.020.1 Determination of substantially improved or substantially damaged existing buildings and structures in flood hazard areas.** For applications for reconstruction, rehabilitation, repair, alteration, addition or other improvement of existing buildings and structures located in a flood hazard area, the building official shall determine if the proposed work constitutes substantial improvement or repair of substantial damaged, and where required by this code, the building official shall require the building to meet the requirements of Section 1612.

**12.104.030 Notices and orders.** The building official shall issue all necessary notices or orders to ensure compliance with this code. No person shall remove or deface any notice or order posted by the building official, except as authorized by the building official.

**12.104.040 Inspections.** The building official shall make required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

**12.104.050 Identification.** The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

**12.104.060 Right of entry.** Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition which is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry, including the warrant provisions of Section 1822.50 et. Seq. of the Code of Civil Procedure of the State of California.

**12.104.070 Department records.** The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.

**12.104.080 Liability.** The building official, member of the board of appeals 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 civilly or criminally rendered liable personally and is hereby relieved from personal

liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

**12.104.080.1 Legal defense.** Any suit or criminal complaint instituted against an 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 legal representative of the jurisdiction until the final termination of the proceedings. The building official or any subordinate shall not be liable for cost in any action, suit, or proceeding that is instituted in pursuance of the provisions of this code.

**12.104.080.2 Duty.** Any duty created by this code or based on this code runs to the public, and no private cause of action is created by a breach of such duty. No document, certificate, inspection or approval given pursuant to this code may be construed to be a representation or warranty of any kind, including without limitation a representation or warranty that a building or structure is complete, that it is in compliance with this code or any other law, that it was inspected, that it is safe or ready for occupancy or that it meets any particular degree of quality of workmanship. The amount and quality of inspection and other services provided is discretionary with the building official and may vary in response to the amount of staff, their work load, training and experience, funding and other pertinent factors affecting whether and how inspection is made or whether any hazard, deficiency or similar matter is observed.

**12.104.090 Approved materials and equipment.** Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.

**12.104.090.1 Used materials and equipment.** Materials that are reused shall comply with the requirements of this code for new materials. Used equipment and devices shall not be reused unless approved by the building official.

**12.104.100 Modifications.** Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the department.

**12.104.100.1 Flood hazard areas.** The Building Official shall not grant modifications to any provision required in flood hazard areas as established by CBC Section 1612.3 of this code unless a determination has been made that:

1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
3. A determination that granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.



4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

**12.104.110 Alternative materials, design and methods of construction and equipment.** The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the building official shall respond in writing, stating the reasons why the alternative was not approved. Alternative systems shall satisfy ASCE 7 Section 1.3, unless more restrictive requirements are established by this code for an equivalent system.

**12.104.110.1 Research reports.** Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

**12.104.110.2 Tests.** Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

## **CHAPTER 12.105 - PERMITS**

**12.105.010 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.

**12.105.010.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency, the permit application shall be submitted within the next working business day to the building official, which shall include an explanation and proof of the emergency.

**12.105.010.2 Annual permit.** Instead of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is



authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.

**12.105.010.3 Annual permit records.** The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.

**12.105.020 Work exempt from permit.** Exemptions from 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 or ordinances of this jurisdiction. Permits shall not be required where exempted by law and for the following:

**Building:**

1. Nonhabitable one-story detached accessory structures on residentially zoned property or on a lot with an established principal residential use, used as tool and storage sheds, gazebos, playhouses, or similar uses, provided the floor area does not exceed 120 square feet (18.58 m<sup>2</sup>); and height does not exceed 15 feet (5 mm); and does not include electrical, mechanical, or plumbing; and meets required setbacks for a structure as defined in Title 14.
2. Residential fences not over 7 feet (2134 mm) high or masonry fenced walls not over 36 inches (914 mm) when outside the front yard or street yard and not used as swimming pools barriers. When in front yard or street yard must comply with requirements of Title 14.
3. Oil derricks.
4. Retaining walls or rockery walls that are not over 48 inches (1219 mm) in height measured from the bottom of the footing to the top of the wall. Walls must not support a surcharge or impound Class I, II or IIIA liquids.
5. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2 to 1.
6. Patios, sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade, without foundations, and not over any septic system, basement or story below, and not part of an accessible route or means of egress.
7. Painting, papering, flooring, carpeting, counter tops and similar finish work. Striping or restriping of parking lots shall require a permit.
8. Temporary (not to exceed 180 days) motion picture, television and theater stage sets and scenery.
9. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (18 925 L) and are installed entirely above ground.
10. Shade cloth structures constructed for nursery or agricultural purposes, with no associated electrical, plumbing, or mechanical and comply with Title 14.
11. Swings and other playground equipment accessory to detached one- and two-family dwellings.
12. Window awnings supported by an exterior wall that do not project more than 54 inches (1372 mm) from the exterior wall and do not project more than 24 inches (610 mm) into any setback and do not require additional support; Group R-3 and U occupancies only.

13. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.
14. Roofing repair if the roof is less than 100 square feet (9.29 m<sup>2</sup>) or still under its one year warranty.
15. Replacement of doors when the opening, location, and casement remain the same, meets the adopted energy code requirements, meets the current safety glazing requirements, and has the same fire rating and closer requirements as the door being replaced.
16. Repair or replacement of garage doors when the opening size and location remain the same, no new electrical, meets the current safety glazing requirements, and installed per manufacturer's recommendations.
17. Decks not exceeding 200 square feet (18.58 m<sup>2</sup>) in area, that are not more than 30 inches (762 mm) above grade at any point, are not attached to a building, are not part of any path of egress and meets required setbacks as defined in Title 14.
18. Replacement of glazing or replacement of glazing in hazardous locations with tempered glazing.
19. Grading under 50 cubic yards (38.23 m<sup>3</sup>) pursuant to Title 14.

#### **Electrical:**

##### **Repairs and maintenance:**

1. Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
2. Reinstallation of attachment plug receptacles, but not the outlets therefore.
3. Replacement of branch circuit over-current devices of the required capacity in the same location.
4. Repair or replacement of current carrying parts of any switch, contactor or control device.
5. Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.
6. Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.
7. Removal of electrical wire, coax or communication wire.
8. Replacement of light fixtures in single family and accessory structures.

##### **Temporary uses:**

1. Listed cord-and-plug connected temporary decorative lighting.
2. Listed temporary construction lighting or wiring.
3. Carnivals and circuses.
4. Installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
5. Temporary wiring for experimental purposes in suitable experimental laboratories.

**Electrical wiring, devices and appliances:** Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Gas:**

1. Portable heating, cooking or clothes drying appliances.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid

**Mechanical:**

1. Portable heating appliance.
2. Portable ventilation equipment.
3. Portable cooling unit.
4. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative cooler.
7. Self-contained refrigeration system containing 10 pounds (4.54 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

**Plumbing:**

1. The stopping of leaks in drains, water, soil, waste or vent pipe: provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
2. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
3. The repair or replacement of residential sinks, lavatories, or water closets and their associated valves and traps, provided such do not require the modification, replacement or rearrangement of the water, waste, or vent pipes or require an electrical connection.

**12.105.020.1 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.



**12.105.020.2 Public service agencies.** A permit shall not be required for installation, alteration, or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**12.105.030 Application for permit.** To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the building official for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made;
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work;
3. Indicate the use and occupancy for which the proposed work is intended;
4. Be accompanied by construction documents and other information as required in Chapter 12.107;
5. State the valuation of the proposed work;
6. Be signed by the applicant, or the applicant's authorized agent; and
7. Give such other data and information as required by the building official.

**12.105.030.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

**12.105.030.2 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.

**12.105.040 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**12.105.050 Expiration.** All building permits for the construction of buildings issued by the building official under the provisions of this code and the SRMC shall expire and become invalid 180 days after the date of issuance. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. All other permits including permits issued for grading, fences, and utilities, shall expire and become invalid 180 days after the date of issuance.

All work authorized by a permit that has expired must stop and may only continue upon application for and approval of either a renewal of the expired permit or a new permit. Renewal of a permit is prohibited if the work authorized by a permit is not commenced and inspected within the permit period after issuance or if any permit is not renewed within the renewal grace period after expiration.

**Exception:** The building official may allow an invalid permit to be renewed only upon a determination by the building official that unforeseen and extraordinary circumstances are established by the applicant and the other provisions of this Section 12.105.5 are satisfied.

**12.105.050.1 New permits.** Any new permit issued for the same purpose will require a new application and payment of all permit fees as required by this code existing at the time of application for new permit. New permits shall be governed by this code and any other applicable policy, regulation or law, local, state or federal, existing at the time of application for new permit.

**12.105.050.2 Renewals.** Renewals of an expired permit must be applied for within the renewal grace period from the permit expiration date and all additional fees paid. A renewal may be granted in writing by the building official only if the building official is satisfied that justifiable cause exists for a renewal or a site inspection by the building official establishes that all work is within the scope and is authorized by the and the work is not complete. Renewals shall extend the time of the permit from the date of expiration of the original permit or the last renewal. The renewals shall have the same duration as the original permit.

**Exceptions:** If the building official is satisfied with proof from the applicant of his active military service that prevented timely completion of the authorized work, the building official may grant a one-time extension for a reasonable period of time not to exceed 2 years at no cost to the applicant. If the authorized work is not completed within this extension of time, a renewal of the original permit, if possible hereunder, or a new permit will be required pursuant to the provisions of this code.

If at the time of expiration of the permit or its renewal the authorized work is in the final inspection stage as defined in Chapter 12.109, the building official may grant a one time 90-day extension at no cost. If work under this extension is not completed within the 90 days, a renewal of the original permit, if possible hereunder, or a new permit will be required pursuant to the provisions of this code.

**12.105.050.3 Renewal limit.** Permits may be renewed 3 times. After the expiration of the third renewal, the applicant shall apply for a new permit.

**12.105.050.4 Renewal Grace Period.** Building permits shall have a grace period of not more than 12 months from the expiration date of the permit. All other permits including grading, fences, and utilities, shall have a grace period of not more than 3 months from the expiration date of the permit.

Temporary permits for structures and uses shall not have a grace period and any extension to the permit shall comply with Chapter 12.107.

**12.105.060 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code whenever this code or any other applicable



policy, regulation or law, local, state or federal, is violated, or whenever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**12.105.070 Placement of permit.** The building permit or copy shall be kept on the site of the work until the completion of the project. The "Notification of Building Permit Issuance" placard shall be prominently posted and displayed on the front of the building or structure where the building permit activity occurs and shall be clearly visible from the street or right-of-way and shall remain in place for the duration of construction until the final inspection is passed.

## **CHAPTER 12.106 – FLOOR AND ROOF DESIGN LOADS**

**12.106.010 Live loads posted.** In commercial, institutional or industrial buildings, for each floor or portion thereof designed for loads exceeding 50 psf (2.40kN/m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner or the owner's authorized agent in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.

**12.106.020 Issuance of certificate of occupancy.** A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by section 12.106.1 have been installed.

**12.106.030 Restrictions on loading.** It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

## **CHAPTER 12.107 - SUBMITTAL DOCUMENTS**

**12.107.010 General.** Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

**Exception:** The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

**12.107.020 Construction Documents.** Construction documents shall be in accordance with Sections 12.107.020.1 through 12.107.020.8.

**12.107.020.1 Information on construction documents.** Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.

**12.107.020.2 Fire protection system shop drawings.** Shop drawings for the fire protection system(s) shall be submitted to indicate conformance with this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the IBC.

**12.107.020.3 Means of egress.** The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of this code. In other than occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.

**12.107.020.4 Exterior wall envelope.** Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.

**12.107.020.5 Exterior balconies and elevated walking surfaces.** Where balconies and other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The construction documents shall include manufacturer's installation instructions.

**12.107.020.6 Site plan.** The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site, distances from lot lines, the established street grades and the proposed finished grades and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey. In the case of demolition, the site plan shall show construction to be demolished and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair or when otherwise warranted.

**12.107.020.6.1 Design flood elevations.** Where design flood elevations are not specified, they shall be established in accordance with CBC Section 1612.3.1.

**12.107.020.7 Structural information.** The construction documents shall provide the information specified in CBC Section 1603.

**12.107.020.8 Relocatable buildings.** Construction documents for relocatable buildings shall comply with CBC Section 3112.



**12.107.030 Examination of documents.** The building official shall examine or cause to be examined the accompanying construction documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.

**12.107.030.1 Approval of construction documents.** When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." 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.

**12.107.030.2 Previous approvals.** This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

**12.107.030.3 Phased approval.** The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.

**12.107.030.4 Design professional in responsible charge.** Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties.

The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including phased and deferred submittal items, for compatibility with the design of the building.

Where structural observation is required, the statement of special inspections shall name the individual or firms who are to perform structural observation and describe the stages of construction at which structural observation is to occur.

**12.107.030.5 Deferred submittals.** For the purposes of this section, deferred submittals are defined as those portions of the design that are not submitted at the time of the application and that are to be submitted to the building official within a specified period.

Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.

Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and been found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the design and submittal documents have been approved by the building official.

**12.107.040 Amended construction documents.** Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.

**12.107.050 Retention of construction documents.** One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

## **CHAPTER 12.108 - TEMPORARY STRUCTURES AND USES**

**12.108.010 General.** The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service but shall not be permitted for more than 180 days. The building official is authorized to grant extensions for demonstrated cause.

**12.108.020 Conformance.** Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.

**12.108.030 Temporary power.** The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the electrical code.

**12.108.040 Termination of approval.** The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure to be removed or use to be discontinued.

## **CHAPTER 12.109 - FEES**

**12.109.010 Payment of fees.** A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment, renewal or an extension to a permit be released until the additional fee, if any, has been paid.

**12.109.020 Schedule of permit fees.** On buildings, structures, grading, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit or renewal shall be paid required, in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council.



**12.109.030 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. 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.

**12.109.040 Plan review fees.** When submittal documents are required by this code a plan review fee shall be paid at the time of submittal. The review fee shall be a percentage of the building permit fees in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council.

**12.109.050. Investigative fee.** An investigation fee shall be collected in advance, whether or not a permit is then or subsequently issued, when any person who commences any work on a site, building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits further set forth Section 114 hereof.

**12.109.060 Related fees.** The payment of the fee for the construction, alteration, removal or 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 prescribed by law.

**12.109.070 Refunds.**

**12.109.070.1 Refund of permit fees.** The building official may authorize the refunding of not more than 80 percent of the permit fee when:

1. No work authorized by the building permit has been done under a permit issued in accordance with this code; and
2. A written application for a refund is submitted to the building official within 180 days after the date the permit was issued.

**12.109.070.2 Refund of plan review fees.** The building official may authorize the refunding of not more than 80 percent of the plan review fee when:

1. The application for a permit for which a plan review fee has been paid is withdrawn by the applicant before any plan reviewing is done; and
2. A written application for refund is submitted to the building official within 180 days after the date the application is withdrawn.

**Exception:** The building official shall refund 100 percent of the plan review fee paid pursuant to Section 12.109.040 if the building official requires the applicant to apply for a permit that is not required by this code.

**12.109.070.3 Refund of master plan permit fees.** The building official may authorize the refunding of not more than 80 percent of the permit fee for master plans when:

1. No work authorized by the building permit has been done under a permit issued in accordance with this code;



2. A written application for a refund is submitted to the building official within 180 days after the date the permit was issued; and
3. A new permit is paid for and issued for a different master plan

**12.109.070.4 Refund of other fees.** The building official shall refund 100 percent of any application fees tendered to the building official if no review is performed or if the application was received in error.

**12.109.080 Witness Fee.** Time spent in preparation for and/or in deposition or as an expert witness shall be reimbursed at the hourly rate in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council. The fee for the Building Official and managers within the department shall be twice the hourly rate as indicated.

**12.109.090 Fees for Temporary or Partial Certificates of Occupancy.** The fee for issuance of a temporary or partial certificate of use or occupancy in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council. If additional inspections are required prior to the issuance of the temporary or partial certificate, all costs of such inspections shall be paid by the applicant at the hourly rate in accordance with the Master Fee Schedule Resolution. If the temporary certificate of occupancy is not issued within 30 days from the application date, the application is void and a new application will be required.

## **CHAPTER 12.110 - INSPECTIONS**

**12.110.010 General.** Construction or work for which a permit is required shall be subject to inspection by the building official and such construction or work shall remain visible and able to be accessed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the owner or the owner's authorized agent to cause the work to remain visible and able to be accessed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

**12.110.020 Preliminary inspection.** Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.

**12.110.030 Required inspections.** The building official, upon notification, shall make the inspections set forth in Sections 12.110.030.1 through 12.110.030.14.

**12.110.030.1 Footing and foundation inspection.** Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94, the concrete need not be on the job.

**12.110.030.2 Concrete slab and under-floor inspection.** Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.

**12.110.030.3 Building elevation.** In flood hazard areas, the elevations of the lowest floor, including crawl space and basement, the next higher floor, the attached garage floor, the lowest machinery or equipment serving the building, the lowest adjacent grade and the highest adjacent grade shall be certified by an engineer or land surveyor on a FEMA Elevation Certification. The completed certifications shall be submitted to the City Engineer for review and approval prior to the final inspection.

**12.110.030.4 Exterior shearwall inspection.** To be made prior to the application of exterior siding or cover.

**12.110.030.5 Frame inspection.** Framing inspections shall be made after the roof is complete, all framing, lathing, fireblocking and bracing are in place and pipes, chimneys and vents to be concealed are complete and the rough electrical, plumbing, heating wires, pipes and ducts are approved.

**12.110.030.5.1 Moisture content verification.** Moisture content of framing members shall be verified in accordance with the California Green Building Standards Code, Chapter 4, Division 4.5.

**12.110.030.6 Insulation inspection.** To be made after the frame inspection has been approved.

**12.110.030.7 Lath, gypsum board and gypsum panel product inspection.** Lath, gypsum board and gypsum panel products inspections shall be made after lathing, gypsum board and gypsum board panel products, interior and exterior, is in place, but before any plastering is applied or gypsum board and gypsum panel product joints and fasteners are taped and finished.

**12.110.030.8 Weather-exposed balcony and walking surface waterproofing.** Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow or irrigation, and the structural framing is protected by an impervious moisture barrier, all elements of the impervious moisture barrier system shall not be concealed until inspected and approved.

**Exception:** Where special inspections are provided in accordance with CBC Section 1705.1.1, Item 3.

**12.110.030.9 Fire-resistant penetrations.** Protection of joints and penetrations in fire-resistance-rated assemblies, smoke barriers, and smoke partitions shall not be concealed from view until inspected and approved.

**12.110.030.10 Energy efficiency inspections.** Inspections shall be made to determine compliance with adopted energy code and shall include, but not be limited to, inspections for: envelope insulation R and U values, fenestration U value, duct system R value, and HVAC and water-heating equipment efficiency.

**12.110.030.11 Other inspections.** In addition to the inspections specified above, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the building official.