

DOCKETED

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12.110.030.12 Special inspections. For special inspections, see Chapter 17.

12.110.030.13 Final inspection. The final inspection shall be made after all work required by the building permit is completed.

12.110.030.13.1 Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required by CBC Section 1612.4 shall be submitted to the building official prior to final inspection.

12.110.030.14 Business license inspection. A business license inspection shall be required when there is a change in ownership, tenant or use of any building that requires the issuance of a business license by the City of San Rafael. This inspection will seek compliance with all applicable fire, health and safety laws and regulations but shall not be deemed to waive the requirements provided in this code and in the SRMC for change of use.

12.110.030.15 Additional inspections: When an inspection is scheduled by the applicant and the work or portion of the work is not complete or ready and requires additional inspections for approval, the building official may require the applicant to pay in advance for additional inspections before the work or inspections may continue. The fee for additional inspections is set forth in accordance with the Master Fee Schedule Resolution as adopted by the San Rafael City Council.

12.110.040 Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.

12.110.050 Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

12.110.060 Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

CHAPTER 12.111 - CERTIFICATE OF OCCUPANCY

12.111.010 Use and occupancy. A building or structure shall not be used or occupied, and a change of occupancy of a building or structure or portion thereof shall not be made, until the building official has issued a certificate of occupancy therefor as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

Exception: Certificates of occupancy are not required for work exempt from permits in accordance with section 12.105.020 of this Code.

12.111.020 Certificate issued. After the building official inspects the building or structure and does not find violations of the provisions of this code or other laws that are enforced by the building official, the building official shall issue a certificate of occupancy that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner or the owner's authorized agent.
4. The name of the building official.
5. The edition of the code under which the permit was issued.
6. The use and occupancy, in accordance with the provisions of this code.
7. The type of construction as defined in this code.
8. The design occupant load, if applicable.
9. If an automatic sprinkler system is provided, whether the sprinkler system is required.
10. Any special stipulations and conditions of the building permit.

12.111.030 Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid.

12.111.040 Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

CHAPTER 12.112 - SERVICE UTILITIES

12.112.010 Connection of service utilities. A person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required, until released by the building official.

12.112.020 Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

12.112.030 Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without approval required by Section 12.112.010 or 12.112.020. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

CHAPTER 12.113 - BOARD OF APPEALS

12.113.010 General. There shall be and is hereby created a board of appeals to consider an order, decision or determination made by the building official for the purpose of correcting an error, omission or oversight relative to the application and interpretation of this code. The board shall be formed as needed. The request for appeal shall be filed in writing with the building department and be specific on issues to be reviewed.

12.113.020 Limitations on authority. The board of appeal shall have no authority relative to the interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code. Concerning the other provisions of the code, the board shall not consider any matter de novo, but shall simply re-examine the decisions of the building official to determine whether such decisions are supported by substantial evidence, are reasonable, are not arbitrary, and are within the intent and purpose of this code.

12.113.030 Qualifications. The board of appeal shall consist of three members who are qualified by experience and training to pass on matters pertaining to building construction in the particular discipline at issue and are not employees of the jurisdiction. The board members shall be approved by the city council from a list of experts in the particular discipline, selected and approved by both parties. The board may adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to both parties.

Exception: Nothing contained in this section shall prevent the mayor or city council from appointing the mayor and city council as the board of appeals.

12.113.040 Limitations of time. The time within which a request for appeals must be made will be during the application process and active life of the permit.

12.113.050 Fee. A nonrefundable filing fee in accordance with the Master Fee Schedule Resolution must be paid upon filing a request for appeal.

CHAPTER 12.114 - VIOLATIONS

12.114.010 Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, grade, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

12.114.020 Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure or land in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

12.114.030 Enforcement. If the notice of violation is not complied with promptly, the building official is authorized to institute or seek the institution of the appropriate measure or process to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or related provisions of the SRMC or of the order or direction made pursuant thereto. Such enforcement

may include any combination of applicable enforcement actions authorized by this code and the SRMC, including without limitation prosecution as a misdemeanor. A separate offense may be charged for each day a violation is committed, continued, permitted or otherwise maintained.

12.114.030.1 Work commencing before permit issuance. Any person who commences any work on a site, building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to and pay an investigative fee in addition to the required permit fees, as well as be subject to any other applicable enforcement measures provided in this code. An investigation fee shall be collected in advance, whether or not a permit is then or subsequently issued. The investigation fee shall be three times the amount of the permit fee for that work and shall be in addition to the normal permit fees as specified in the Master Fee Schedule Resolution. The payment of such fee shall not exempt any person from compliance with all other provisions of this code and related provisions in the SRMC nor from any penalty prescribed by law. The building official may also require of any person working without a building permit to be responsible for the cost of third party inspection to insure that the project is completed in accordance with the applicable code and approved plans.

Exception: The building official may waive or reduce the investigative fee if the building official determines that a permit application has been pursued in a timely manner and in good faith, and it is in the best interest of the jurisdiction.

12.114.040 Violation penalties. Any person who violates a provision of this code or fails to comply with any provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters, or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law.

CHAPTER 12.115 - STOP WORK ORDER

12.115.010 Authority. Whenever the building official finds any work regulated by this code or related provisions of the SRMC being performed in a manner either contrary to the provisions of this code, related provisions of the SRMC or dangerous or unsafe, the building official is authorized to issue a stop work order.

12.115.020 Issuance. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions, including any mitigation, under which the cited work will be permitted to resume.

12.115.030 Unlawful continuance. Any person who shall continue 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 subject to penalties as prescribed by law.

CHAPTER 12.116 - UNSAFE STRUCTURES AND EQUIPMENT

12.116.010 Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and

ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

12.116.020 Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.

12.116.030 Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.

12.116.040 Method of service. Such notice shall be deemed properly served if a copy thereof is: delivered to the owner personally; sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.

12.116.050 Restoration. Where the structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition, to the extent that repairs, alterations or additions are made, or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the California Existing Building Code.

CHAPTER 12.200 - CALIFORNIA BUILDING CODE AMENDMENTS

12.200.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.200.020 Amendments. The 2019 California Building Code is amended or modified as follows:

Amend Section 202 to read as follows:

The definition of "Kitchen" is amended as follows:

KITCHEN. An area in which the preparation of food for eating occurs (that has provisions for cooking or heating of food, or washing and storing of dishware and utensils, or refrigeration or storing of food).

The definition of "Substantial Remodel" is added to read as follows:

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Amend Section 903.2 is amended to read as follows:

903.2 Where Required. Approved automatic fire sprinkler systems in new buildings and structures shall be provided in the locations described in Sections 903.2.1 through 903.2.12 and in all of the following:

1. Newly constructed buildings or facilities, except detached Group U occupancies not more than one thousand (1,000) square feet in floor area and provided with exterior wall and opening protection as per Table 602 of the California Building Code.
2. Newly created, attached, second dwelling units which meet the definition of a substantial remodel.
3. All other existing buildings, fire sprinkler systems may be required by the fire chief in accordance with the following:
 - 3.1. All buildings where improvements occur during any three (3) year period which cumulatively meet the definition of a substantial remodel.
 - 3.2. All buildings, except R-3 occupancies, in excess of three thousand (3,000) square feet which have more than ten percent (10%) floor area added within any three (3) year period. Exceptions may be granted by the fire chief when alternate means of protection are installed as approved by the fire code official.
 - 3.3. A change in the use of a building that results in a higher fire or life safety hazard when the square footage of the area changing use is more than 50% of the square footage of the existing building.
 - 3.4. Where fire sprinklers are required by provisions of this code, they shall be extended throughout the building.
4. All public storage facilities. Exceptions may be granted by the fire chief when alternate means of protection are installed as approved by the fire code official
5. All tunnels used for the transportation of people or any type of vehicle.

The requirements for fire sprinkler systems in this code section are not meant to disallow the provisions for area increase, height increase, or fire-resistive-rated substitution if otherwise allowed by this code.

Exception [Unchanged.]

Section 903.2.1 through 903.2.17. [Unchanged.]

Amend Section 903.2.18 by deleting the exception.

Section 903.2.19. [Unchanged.]

Amend Section 907.2.10.2.3 by adding the following sentence at the end of the paragraph:

Replacement of an existing smoke alarm which is hardwired, and/or interconnected shall be made with an alarm of the same functionality.

Amend Section 1015.2 by adding the following concluding sentence:

Guards are also required at waterfront bulkheads, fixed piers and gangways.

Add Section 1015.8.2 & 1015.8.3 to read as follows:

1015.8.2 Existing Hotels. The provisions of sections 1015.8 shall apply retroactively to all existing hotels.

1015.8.3 Clear area adjacent to hotel window opening. There shall be no furniture, fixed or moveable, placed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

Amend Section 1207.4 (1) to read as follows:

1. The unit shall have a living room not less than ~~220~~ 150 square feet (~~20.4~~ 13.9 m²) of floor area. An additional 100 square feet (9.3 m²) of floor area shall be provided for each occupant of such unit in excess of two.

Amend Section 1505.1 by deleting the last sentence and the referenced Table 1505.1.

Exception [Unchanged]

Sections 1505.1.1 and 1505.1.2. [Unchanged]

Amend Section 1505.1.3 to read as follows:

1505.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class ~~C-A~~.

Amend Section 1505.1.4 to read as follows:

1505.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements" for structures located in a Wildland-Urban Interface Fire Area shall be a fire-retardant roof covering that is least class A and shall also comply with Section 705A.

Add Section 1807.4 to read as follows:

1807.4 Wooden retaining walls. Wooden retaining walls may not be used to support any building surcharge or vehicular way. In addition, wooden retaining walls shall not be employed to retain soils above or below a building where failure of the wall may subject the building to damage.

Amend Section 3202.2.3 to read as follows:

3202.2.3 Awnings. The vertical clearance from the public right-of-way to the lowest part of any awning, including valances, shall be not less than 7 feet (2134 mm) 8 feet (2439 mm).

CHAPTER 12.210 - CALIFORNIA ELECTRICAL CODE AMENDMENTS

12.210.010 No amendment. The 2019 California Electrical Code is not amended or modified.

CHAPTER 12.220 - CALIFORNIA ENERGY CODE AMENDMENTS

12.220.010 No amendment. The 2019 California Energy Code is not amended or modified.

CHAPTER 12.230 - CALIFORNIA EXISTING BUILDING CODE AMENDMENTS

12.230.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.230.020 Amendments. The 2019 California Existing Building Code is amended or modified as follows:

Add Section 406.2.1 & 406.2.2 to read as follows:

406.2.1 Existing Hotels. The provisions of sections 406.2 shall apply retroactively to all existing hotels.

406.2.2 Clear area adjacent to hotel window opening. There shall be no furniture, fixed or moveable, aed within thirty-six inches (36") of any openable portion of a window. Hotels shall also provide notice to prospective guests of this requirement.

CHAPTER 12.235 - CALIFORNIA GREEN BUILDING CONSTRUCTION STANDARDS CODE AMENDMENTS

12.235.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.235.020 Amendments. The 2019 California Green Building Construction Standards is amended or modified as follows:

Delete Section 101.4

Amend Section 101 by adding the following:

101.4 Appendices. In addition to complying with the mandatory provisions of the California Green Building Standards Code, new buildings for which an application for a building permit is submitted on or after January 1, 2020, shall comply with Tier 1 measures of Appendix A4, or Tier 1 measures of Appendix A5, depending on occupancy type,

CHAPTER 12.240 - CALIFORNIA HISTORICAL BUILDING CODE AMENDMENTS

12.240.010 No amendment. The 2019 California Historical Building Code is not amended or modified.

CHAPTER 12.245 - CALIFORNIA MECHANICAL CODE AMENDMENTS

12.245.010 No amendment. The 2019 California Mechanical Code is not amended or modified.

CHAPTER 12.250 - CALIFORNIA PLUMBING CODE AMENDMENTS

12.250.010 No amendment. The 2019 California Plumbing Code is not amended or modified.

CHAPTER 12.255 - CALIFORNIA RESIDENTIAL CODE AMENDMENTS

12.255.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.255.020 Amendments. The 2019 California Residential Code is amended or modified as follows:

Amend Section R202 to read as follows:

The definition of "Kitchen" is amended as follows:

KITCHEN. An area in which the preparation of food for eating occurs that has provisions for cooking or heating of food, or washing and storing of dishware and utensils, or refrigeration or storing of food.

The definition of "Substantial Remodel" is added to read as follows:

SUBSTANTIAL REMODEL. Substantial remodel shall mean the alteration of any structure which combined with any additions to the structure, performed within any three (3) year period, affects a floor area which exceeds fifty percent (50%) of the existing floor area of the structure. When any changes are made in the building, such as walls, columns, beams or girders, floor or ceiling joists and coverings, roof rafters, roof diaphragms, foundations, piles or retaining walls or similar components, the floor area of all rooms affected by such changes shall be included in computing floor areas for purposes of applying this definition. This definition does not apply to the replacement and upgrading of residential roof coverings or exterior wall finishes.

Delete exception to Section R313.1 and amend Section R313.1 to read as follows:

R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in all newly constructed townhouses and in existing townhouses where alterations and/or additions to the existing structure, performed over any 3-year period, qualify as a "Substantial Remodel" as defined in this code. Any addition to a building with an existing fire sprinkler system shall have that system extended to the new portions) of the building irrespective of the size of the addition.

R313.1.1 [Unchanged]

Amend Section R313.2 to read as follows:

R313.2 One-and two-family dwellings automatic fire systems. An Automatic residential fire sprinkler system shall be installed in all newly constructed one-and two-family dwellings and in existing one-and two-family dwellings where alterations and/or additions to the existing structure, performed over any 3-year period, qualify as a "Substantial Remodel" as defined in this code. Any addition to a building with an existing fire sprinkler system shall have that system extended to the new portions) of the building irrespective of the size of the addition.

R313.2.1. [Unchanged]

Amend Section R313.3.1.2 by deleting exception #4.

Amend Section R314.7.2 by adding the following:

Smoke alarms shall be tested and maintained in accordance with the manufacturer's instructions. Smoke alarms that no longer function shall be replaced. Replacement of an existing smoke alarm which is hardwired, and/or interconnected shall be made with an alarm of the same functionality.

Amend Section R902.1.3 to read as follows:

R902.1.3 Roof coverings within all other areas. The entire roof covering of every existing structure, where more than 50% of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-

retardant roof covering that is at least Class ~~G-A~~ and shall also comply with Section R337.5.

Amend Section R902.1.4 to read as follows:

R902.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements" for structures located in a Wildland-Urban Interface Fire Area shall be a fire-retardant roof covering that is least class A and shall also comply with Section R337.5.

CHAPTER 12.260 – INTERNATIONAL PROPERTY MAINTENANCE CODE AMENDMENTS

12.260.010 General. For purpose of this Chapter only:

Deleted language from the base code has been ~~stricken through~~.
Added language to the base code has been underlined.

12.260.020 Amendments. The 2018 International Property Maintenance Code is amended or modified as follows:

Delete Section 101.1, 103, 104, 106, and 107

Amend Section 108.3 to read as follows:

108.3 Notice. Whenever the code official has condemned a structure or equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner, owner's authorized agent or the person or persons responsible for the structure or equipment in accordance with Section ~~407.3~~ 1.08.060 of the San Rafael Municipal Code. If the notice pertains to equipment, it shall also be placed on the condemned equipment. The notice shall be in the form prescribed in Section ~~407.2~~ 1.08.060 of the San Rafael Municipal Code.

Amend Section 109.2, 109.3 and 109.4 to read as follows:

109.2 Temporary safeguards. Notwithstanding other provisions of this code, whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official ~~shall~~ may order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

109.3 Closing streets. When necessary for public safety, the code official ~~shall~~ may temporarily close structures and close or order the authority having jurisdiction to close, sidewalks, streets, public ways and places adjacent to unsafe structures, and prohibit the same from being utilized.

109.4 Emergency repairs. For the purposes of this section, the code official ~~shall~~ may employ the necessary labor and materials to perform the required work as expeditiously as possible.

Delete Section 109.5 and 109.6.

Amend Section 110.1 to change "two years" to "one year" in the first sentence.

Amend Section 110.2 and 110.3 to read as follows:

110.2 Notices and orders. All notices and orders shall comply with Section 107 Chapter 1.46 of San Rafael Municipal Code.

110.3 Failure to comply. If the owner of a premises fails to comply with a demolition order within the time prescribed, the code official ~~shall~~may cause the structure to be demolished and removed, either through the forces of the an available public agency or by contract or arrangement with private persons, and the cost of such demolition and removal shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

Delete Section 111 and 112.

Amend Section 202 to read as follows:

The definition for "Code Official" is added as follows:

CODE OFFICIAL. Where used in this code, the term code official shall mean the planning manager, code enforcement manager, or the building official of the City of San Rafael, and their designees.

Amend Section 302.4 to read as follows:

302.4 Weeds. Premises and exterior property shall be maintained free from weeds or plant growth in excess of 6 inches tall. Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs, provided however, this term shall not include cultivated flowers and gardens. [Rest of section to remain unchanged.]

Amend Section 304.14 to read as follows:

304.14 Insect Screens. ~~During the period from [DATE] to [Date] every~~ 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 tightly fitting screens of not less than 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 [Unchanged.]

Amend Section 308.2.2 to add these words to the end of the sentence:

or securing the doors in an approved manner.

Amend Section 308.3.1 by adding the following:

Every person maintaining or using any solid waste can or receptacle shall keep the same clean and sanitary.

Amend Section 308.3.2 by adding the following:

Within all residential districts in the city, no person shall use, locate or maintain (store) any solid waste can, garbage container or other waste receptacle within the public right-of-way other than on the day of removal service. Such waste receptacles shall be stored out of public view on non-service dates, whenever practical, or stored nearest the main structure.

Amend Section 602.3 to read as follows:

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 ~~during the period from [DATE] to [DATE]~~ to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms.

Exceptions [Unchanged.]

Amend Section 602.4 to read as follows:

602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat ~~during the period from [DATE] to [DATE]~~ to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions [Unchanged.]

CHAPTER 12.265 – INTERNATIONAL SWIMMING POOL AND SPA CODE AMENDMENTS

12.265.010 General. For purpose of this Chapter:

Deleted language from the base code has been ~~stricken through~~.

Added language to the base code has been underlined.

12.265.020 Amendments. The 2018 International Swimming Pool and Spa Code is amended or modified as follows:

Amend Section 202 to add the following definition:

PRIVATE SWIMMING POOL means a swimming pool or pool located at and intended primarily for the use of the occupants of a single or two-family dwelling unit.

Amend Section 301 by adding the following:

301.2 Existing swimming pools. Any person who owns or is in possession of an existing private swimming pool that does not conform to the requirements of this section shall make the pool conform to the requirements of this section within ninety (90) days from its effective date.

Exceptions: The chief building official is hereby authorized to exempt any private swimming pool from the provisions of Health and Safety Code 115922:

1. If it is secured from unauthorized entry by a natural or artificial barrier that provides

the same or a greater degree of protection than would an enclosure.

An application for exception shall be filed in writing with the chief building official. The application shall contain a brief statement evidencing that the applicant is entitled to the exception and such other information as the chief building official may prescribe.

Delete Section 302 and 305.

Amend Section 305 by adding the following:

305.1 General. Pool barriers and enclosure shall meet the requirements of the California Swimming Pool Safety Act. The text in CBC 3109.2 contains the statutory language that is required to be duplicated and published in California Code of Regulations, Title 24. As such the section numbers reflect those within the Health and Safety Code.

305.2 Enclosure required for private swimming pools. Every person who owns or is in possession of any land on which there is situated a private swimming pool shall secure the pool from unauthorized entry by an enclosure that meets all of the requirements of Health and Safety Code 115923. The enclosure shall be specifically designed to prevent unauthorized entry from adjacent private and/or public property. This enclosure shall be in addition to the "safety features" required by Health and Safety Code 115922.

CHAPTER 12.300 - ADDRESSING OF BUILDINGS AND PROPERTIES

12.300.010 General. Regulations regarding address numbers of residential and commercial buildings and properties.

12.300.020 Intent. The purpose of this regulation is to provide minimum standards under which the city can provide a logical and consistent system for addressing which is easily recognizable by emergency response personnel and others trying to locate an address. The regulations and standards prescribed in this section shall be followed for address assignment or reassignment.

12.300.030 Duty of owner or agent. Every property owner or agent thereof, shall apply for and receive from the building official an assigned address number for every residential, multi-residential, and every commercial building located within the City of San Rafael which does not have address numbers complying with the provisions this code.

12.300.040 Duty of the building official. It shall be the duty of the building official or his designee to decide on a number and assign addressing in conformance with this code and the recognized standards of the City. Whenever the building official has knowledge of any violation of this chapter, the building official may notify and direct the property owner to correct the violation within 30 days. If the owner cannot be located, the agent or occupant of the premises where said violation occurs shall be notified. If after 30 days the complaint has not been corrected, the building official may act to enforce this chapter.

12.300.050 Standards. The recognized standards used to determine the location, method or configuration of the addressing used by City are the recommended address standards.

12.300.060 Unlawful use of numbers; size of figures. All buildings shall have the assigned address numbers posted. It shall be unlawful for any person, whether the owner or occupant of

the building or any apartment therein, to place, maintain or allow to remain thereon, any number other than the one required by this section. The address number shall be posted in the location specified in this code. The required, posted numbers shall be Arabic numerals and be visible from the street.

1. Residential dwellings shall have numbers not less than 4 inches in height with a proportionate width.
2. All commercial buildings shall have numbers not less than 6 inches in height with a proportionate width. For multi-tenant buildings, assigned unit numbers 4 inches in height may be posted on the doors in lieu of the street number provided that the street address is posted in a location that is clearly visible and distinguishable from the unit numbers.
3. The address number shall be a lighted sign or shall be at a minimum constructed with a contrasting color and background or with a reflective surface. All numbers shall be made of substantial and permanent material and shall be so placed or fixed so as not to be easily effaced or removed.
4. The assigned address must be posted for all buildings or structures under construction.

12.300.070 Location. Residential address numerals shall be posted to the immediate left of the front door of the dwelling, unless the garage is the furthest projecting building element, then the numerals shall be posted to the immediate left of the garage door. When such location is not visible from the street or access roadway fronting such residential dwelling, the required numerals shall be posted on a sign at the driveway entrance on the road which it departs. The sign shall not be located within the road right-of-way and shall be mounted to a minimum 4x4-redwood post or equivalent, set to a height range of 42 inches to 60 inches.

Commercial address numerals shall be posted over the main entrance doors, as well as on the rear door of the business. For multi-tenant buildings, assigned unit numbers may be posted on the front doors in lieu of street address, provided that the street address numerals are posted in locations that are clearly visible and distinguishable from the unit numbers. When such location is not visible from the street or roadway fronting such commercial building, the required numerals shall be at a location and a size specified by the Public Works Department and the Fire Department.

12.300.080 Use of odd and even numbers. For streets running east and west, all buildings located on the north side shall be numbered with odd numbers and all buildings located on the south side shall be numbered with even numbers. For streets running north and south, all buildings located on the west side shall odd numbers and all buildings located on the east side shall be numbered with even numbers.

12.300.090 Allotment of numbers. The City's address system is based on the grid system outlined within recognized standards. The City shall have 1,000 addresses per mile, or 528 feet per hundred block and shall be in numerical sequence beginning from the baseline. Some neighborhood areas may have a baseline different than noted above and such baseline is isolated to that specific geographic area. When assigning the address numbers, the middle of a structure shall determine the address number or driveway at the discretion of the building official.

12.300.100 Retention of old numbers; limitation. Whenever any property owner or agent of any property owner has been notified to change the numbers of the building, the old numbers may be temporarily retained, in addition to the new numbers. In no case shall the old numbers be retained for a period longer than 60 days after the final notice to change has been mailed.

12.300.110 Additional numbering on curbs permissible. A person or agent thereof, owning any building otherwise in compliance with the above provisions of this chapter, may pursuant to this section, paint or cause to be painted upon the curb the address number of such building. The number shall be located on the outer (street) side of the city curb located in front of said building, and within the extended property lines. No other number or letter shall be used. The use of curb numbering authorized by this section is not required, nor shall it take the place of those requirements for numbering set forth above. All building numbers placed on curbs shall be of good quality black enamel paint, nearly centered upon a 16 inch background of good quality white outdoor reflective paint. The curb numbers themselves shall be 4 inches high and formed by use of standard stencil series "C". Whenever possible, when the property is serviced by one or more driveways, the curb numbers shall be placed not less than one foot and not more than three feet from the driveway edge nearest the main front entrance to the building. Curb numbers permitted by this section shall not be painted on any curb when such painting or numbering would conflict with any required restricted curb zones set forth by the Public Works Department, including the "blue," "red," "yellow," "green," "white," and "orange" zones.

Every person desirous of painting house numbers on curbs as a business venture or in conjunction with any business venture shall have obtained a city business license.

It is unlawful for any person, firm, partnership, corporation or other association to paint or cause to be painted any house number on a curb without first having obtained the permission of the owner or occupant of the property adjacent to the curb.

CHAPTER 12.310 - APARTMENTS AND HOTELS - PERIODIC HOUSING INSPECTION PROGRAM AND CARETAKER REQUIREMENTS

12.310.010 Declaration of purpose. The council finds that the establishment of a periodic housing inspection program for apartments and hotels, and the specification of caretaker requirements for apartments, is necessary to protect the public health, safety and welfare, by ensuring the proper maintenance of such housing, by identifying and requiring correction of substandard housing conditions in such housing, and by preventing conditions of deterioration and blight in such housing that could adversely affect economic conditions and the quality of life in the city.

12.310.020 Definitions. The following words and phrases whenever used in this chapter shall be construed as defined in this section:

1. "Apartment" means any building or buildings, located on one parcel of property, containing three (3) or more rental dwelling units as defined in Section 14.03.030 of this code.
2. "Hotel" means any building or buildings, located on one parcel of property, containing six (6) or more guest rooms, intended or designed to be used, or that are used, rented or hired out to be occupied, or that are occupied for sleeping purposes by guests.
3. "Guest" is any person hiring or occupying a room for living or sleeping purposes.
4. "Guest room" means any room or rooms used or intended to be used by a guest for sleeping purposes.
5. "Occupant" means a person occupying a dwelling unit in an apartment or a guest occupying a guest room in a hotel.
6. "Owner" means the record owner of the property on which an apartment or hotel is located, as shown on the official records of the county assessor for the county of Marin,

or the person or persons who own the business operating the hotel or apartment if different than the record owner of the property.

Words and phrases used in this chapter, but not specifically defined herein, shall have the meanings stated elsewhere in this code or in the adopted codes. Where not defined in this chapter or this code, words and phrases used in this chapter shall have the meaning generally prescribed by dictionary definition.

12.310.030 Periodic housing inspections. Every owner of an apartment or hotel located within the city of San Rafael shall permit the city's periodic inspection of the apartment and hotel, and the property on which such apartment or hotel is located, following notice from the city. The community development director, or his or her designee, shall cause each apartment and hotel to be inspected by the city's code enforcement officials once every five (5) years, or more frequently as needed, to ensure compliance with all applicable city ordinances or other laws relating to such housing, including the substandard housing provisions of this code.

12.310.040 Scope of chapter. This chapter shall not apply to:

1. A dwelling unit occupied by the record owner of the property on which the dwelling unit is located, as shown on the official records of the county assessor for the county of Marin;
2. A dwelling unit in a residential condominium as defined in San Rafael Municipal Code Section 15.50.020(b);
3. Housing accommodations in any hospital; state-licensed community care facilities; housing accommodations in any convent, monastery, or other facility occupied exclusively by members of a religious order; extended medical care facilities; asylum; on-campus fraternity or sorority houses; or on-campus housing accommodations owned, operated or managed by an institution of higher education, a high school, or an elementary school for occupancy by students;
4. Housing accommodations which a government unit, agency or authority owns, operates or manages, or which are specifically exempted from municipal regulation by state or federal law or administrative regulation. This exception shall not apply once the governmental ownership, operation, or management regulation is discontinued;
5. Mobile homes, or mobile home parks, or recreation vehicles, or recreational vehicle parks as defined in California Civil Code and California Health and Safety Code.;
6. Housing accommodations in buildings that have been vacated and secured against entry to the satisfaction of the city.

12.310.050 Complaint-based inspections. Nothing contained herein shall prevent or restrict the authority of the city's code enforcement officials to inspect any apartment or hotel, or the premises thereof, in response to a citizen complaint alleging code violations or other violations of law at such an apartment or hotel, and to pursue all code enforcement remedies permissible under this code or other laws following such a complaint-based inspection of an apartment or hotel.

12.310.060 Notices. The community development director, or his or her designee, shall give a minimum of five (5) business days advance written notice of the date and time of the periodic inspection to the owner of the apartment or hotel and to the occupants thereof. Such notice shall provide the address and phone number where additional information concerning the inspection may be obtained. Notice to the owner of the apartment or hotel shall be mailed by first class mail to the owner's last known address as it appears in the records of the county assessor. Notice

shall be given to the occupants of the apartment or hotel by posting an official notice of such inspection in a public area on the premises of such apartment or hotel.

12.310.070 Right of entry. Upon presentation of proper credentials, the city's code enforcement officials, after having obtained the consent of the owner of the apartment or hotel, or of the occupant, may enter the apartment or hotel at reasonable times during daylight hours to perform the inspection. If consent for such an inspection is refused or cannot be obtained, the city's code enforcement officials are authorized to obtain an inspection warrant to conduct such an inspection pursuant to Code of Civil Procedure Sections 1822.50 et seq.

12.310.080 Violations. If an inspection of an apartment or hotel, or the premises thereof, conducted pursuant to this chapter reveals the existence of any violations of applicable city ordinances or other laws relating to such housing, including the substandard housing provisions, the city's code enforcement officials may seek to remedy such violations as permitted by law, including the provisions of Chapters 1.42, 1.44 or 1.46 of this code.

12.310.090 Certificate of compliance. Following completion of an inspection of an apartment or hotel and correction of any violations of applicable city ordinances or other laws related to such housing, the city shall issue to the owner a certificate of compliance indicating satisfaction of the provisions of this chapter as of the date of such certificate.

12.310.100 Inspection fee. The city may collect from any owner of an apartment or hotel, for which the owner is receiving compensation from the occupants, an annual housing inspection fee sufficient to cover the city's administrative costs and expenses for the periodic housing inspection program provided in this chapter. The annual housing inspection fees shall be established by resolution adopted by the city council pursuant to the provisions of Chapter 3.34 of this code. The city may collect the annual housing inspection fees by billing the owners directly for the amount due or by collecting the amount due from the owners as part of their property tax bills issued by the county tax collector pursuant to an agreement between the city and the county of Marin.

12.310.110 Failure to pay inspection fee. If the owner of an apartment or hotel fails to pay the annual housing inspection fees as provided hereunder, the city may recover the unpaid fees, plus accrued interest at the maximum rate permitted by law, from the owner in a civil action in which the city may be entitled to recover its reasonable attorney's fees. Alternatively, the city may record a lien for any unpaid annual housing inspection fees against the property to which the fees relate in the manner provided in Section 12.310.120.

12.310.120 Housing inspection fee lien. Prior to recording a lien for unpaid annual housing inspection fees against a property, the community development director, or his or her designee, shall prepare and file with the city clerk a report identifying the property, the owner, and the amount of a proposed housing inspection fee lien to cover such unpaid fees.

The city clerk shall fix a time, date and place of hearing said report and any protests or objections thereto by the city council and shall cause written notice of such hearing to be served on the owner not less than ten (10) days prior to the date of such hearing. Notice shall be given by regular first-class mail addressed to the owner at the last known address as shown on the records of the county assessor for the county of Marin.

After conducting the hearing, the city council shall adopt a resolution confirming, discharging, or modifying the amount of the proposed housing inspection fee lien.

The city clerk shall cause to be recorded in the county recorder's office a notice of housing inspection fee lien to which the city council's supporting resolution shall be attached. Such notice shall specify the amount of the lien, the name of the city of San Rafael on whose behalf the lien is imposed, the street address, legal description, the assessor's parcel number of subject property and name and address of the owner as shown on the records of the county assessor for the county of Marin. Upon recordation of such notice of housing inspection fee lien, it shall attach as a lien against the subject property and shall have the same effect and priority as recordation of an abstract of judgment.

Upon receiving a report from the director of management services that payment in full has been received by the city of the amount specified in the notice of housing inspection fee lien, the city clerk shall record a notice of satisfaction of the inspection fee lien with the county recorder. Recordation of such notice of satisfaction shall cancel the city's lien against the property.

12.310.130 Caretaker requirements for apartments. Regardless of the number of dwelling units in an apartment, the owner shall post in a conspicuous public place on the premises of the apartment a notice containing the name, address and telephone number of the resident caretaker or resident owner who is responsible for management of the apartment, or of the nonresident owner or nonresident owner's agent who is responsible for management of the apartment.

In any apartment with sixteen (16) or more dwelling units, a caretaker employed by the owner shall reside upon the apartment premises and shall be responsible for management of the apartment, unless the owner resides upon the premises and has assumed such management responsibility. Alternatively, in any apartment with sixteen (16) or more dwelling units, there shall be a designated caretaker's office which shall be staffed during the hours of eight a.m. (8:00 a.m.) to five p.m. (5:00 p.m.) by the owner or a caretaker employed by the owner and responsible for management of the apartment during such hours, and there shall be a posted telephone number for the owner or the owner's agent, to which a telephone complaint may be made during all other hours, a response to which shall be made within a reasonable time period.

CHAPTER 12.315 - EXPEDITED PERMITTING PROCESS FOR ELECTRIC VEHICLE CHARGING STATIONS

12.315.010 Purpose. The purpose of this section is to promote and encourage the use of electric vehicles by creating an expedited, streamlined permitting process for electric vehicle charging stations while promoting public health and safety and preventing specific adverse impacts due to the installation and use of such charging stations. This chapter implements California Government Code Section 65850.7.

12.315.20 Definitions. For purposes of this section, the following definitions shall apply:

1. "Electric vehicle charging station" or "charging station" means any level of electric vehicle supply equipment station that is designed and built and installed in compliance with Article 625 and other general requirements of the California Electrical Code in effect at the time of installation and delivers electricity from a source outside an electric vehicle into a plug-in electric vehicle.
2. "Specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or condition as they existed on the date the application was deemed complete.
3. "Electronic submittal" means the utilization of one or more of the following: electronic

mail or email, the internet, or facsimile.

4. A "feasible method to satisfactorily mitigate or avoid the specific adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed on an application for a permit.

12.315.030 Expedited permit process. The building official shall develop, maintain and administer an application checklist of all requirements for which electric vehicle charging stations shall comply in order to be eligible for expedited review. The application checklist shall be published and made available on the city website. The checklist shall include information on how and where to file an application including instructions for electronic submittal, necessary worksheet, and an application form.

12.315.040 Permit application processing. The city building division shall make every attempt to review and approve for permit issuance all applications for electric vehicle charging stations in an expedited fashion when completed applications are received which meet all the requirements of the application checklist, as follows:

1. The city shall administratively approve an application to install an electric vehicle charging station through the issuance of a building permit or similar nondiscretionary permit.
2. For outdoor electric vehicle charging stations that are not attached to a building, zoning review and clearance from the planning division shall be required prior to the issuance of a building permit or similar nondiscretionary permit. Single-family residences are exempt from this zoning review and clearance.
3. Review of the application to install an electric vehicle charging station shall be limited to the building official's review of whether the application meets all health and safety requirements of local, state, federal law, and the local utility authority. The requirements of local law shall be limited to those standards and regulations necessary to ensure that the electric vehicle charging station will not have a specific, adverse impact upon the public health or safety.
4. Upon city confirmation that the application and supporting documents are complete and meet the requirements of the federal, state and local codes, the city shall approve the application and issue all required permits or authorizations.
5. In the event the application and supporting documents are incomplete, the city shall issue a written correction notice to the applicant detailing all deficiencies in the application and list any additional information required to be eligible for expedited permit issuance.
6. In the event the building official, in consultation with the community development director, makes a finding, based on substantial evidence, that the electric vehicle charging station could have a specific, adverse impact upon the public health or safety, the city may require the applicant to apply for a use permit, which shall be subject to the following:
 - a. An application for a use permit shall be filed and processed pursuant to Title 14 (zoning) of this Code. The city zoning administrator shall conduct the required public hearing and take action on the use permit application.
 - b. The zoning administrator may not deny an application for a use permit to install an electric vehicle charging station unless it makes written findings based upon substantial evidence in the record, that the proposed installation would have a specific, adverse impact upon the public health or safety, and there is no feasible method to satisfactorily mitigate or avoid the specific, adverse impact. The findings