



CITY OF HAYWARD
AGENDA REPORT

AGENDA DATE 05/04/99
AGENDA ITEM 3
WORK SESSION ITEM _____

TO: Mayor and City Council

FROM: Director of Community and Economic Development
Fire Chief

SUBJECT: Adoption of the Uniform Building Code, Fire Code, Mechanical Code, Housing Code, and the Plumbing Code (1997 Editions) and the National Electrical Code (1996 Edition)

RECOMMENDATION:

It is recommended that Council adopt the attached resolutions of findings and introduce the attached ordinances adopting the 1997 editions to the Uniform Building Code, Fire Code, Mechanical Code, Housing Code and Plumbing Code, and the 1996 Edition of the National Electrical Code.

BACKGROUND:

Every three years the Council reviews State and local revisions to the Uniform Codes which govern all building construction in the City. This action is exempt from CEQA review. In 1995, Council reviewed and adopted the 1994 editions of the Codes, as amended. The purpose of this evening's item is to introduce and take public input on the Ordinances adopting the above new editions of the Codes and any City amendments. Adoption of the ordinances is tentatively scheduled for May 11, 1999.

The Building Code Review Committee held a meeting to review staff proposals for adoption of the latest State approved edition of the six codes listed above and the City's amendments to the Codes. The Committee met on April 1, 1999 and voted to recommend approval of the proposed amendments.

The members of the Committee are:

Carl Franson, Chairman, P.E., Civil Engineer
Chuck Bettencourt, retired plumbing contractor
Richard Larson, A.I.A., Architect
Donald Trimble, P.E., Civil and Mechanical Engineer

The Committee reviewed each of the codes and discussed all proposed administrative and technical changes. Notices of the Committee meetings were sent to contractors, developers and interested agencies.

The Committee and staff have reviewed the code proposals with the goal of recommending adoption of the Uniform Codes, including the State Amendments. As you will note during your review, the codes are recommended for adoption with a minimum of administrative and technical changes in order to retain as much uniformity as possible. Nearly all the amendments are administrative in nature, For example, clarification of fees and cross-references to the City's building security, pool fencing and grading ordinances have been added to avoid duplication or conflicts between regulations.

Deletion of some appendix chapters, which are neither required by the State nor are relevant to the City are also recommended, for example, Appendix Chapters 16, 19, 21, 23 and 30, which deal with construction in areas where it regularly snows, freezes or is subject to high winds. (The detailed design requirements, which affect Hayward, are already covered in the main body of the Building Code). The numerous minor technical changes between the existing codes and the codes proposed for adoption are designed to accommodate new materials, technology and methods of construction. All the significant changes to the Plumbing, Building, Fire, Electrical and Mechanical Codes are described below

Building Code Changes

All Building Code changes are administrative in nature. There are no technical changes.

Electrical Code Changes

The only substantial change proposed is to incorporate proposed amendments to the 1998 Edition of the California Electrical Code to require color coding of wires and to clarify requirements for grounding to enhance public safety.

Mechanical Code Changes

Amendments to the City's Mechanical Code are administrative in nature with one exception. This change would ban the use of flexible corrugated metal conduit for gas lines, unless the piping has been tested and listed by the manufacturer as an integral part of an appliance. This is a relatively new material and staff does not yet have experience with its durability.

Plumbing Code Changes

Changes to the City's Plumbing Code are administrative in nature. The 1998 California Plumbing Code has placed plastic pipe on the list of approved materials, subsequent to the certification of the EIR on the safety of plastic pipe. The previous City Plumbing Code did not allow the use of plastic pipe as an approved material. The 1998 California Plumbing Code would allow the use of Schedule 40 ABS in drain, waste and vent (DWV) and Schedule 40 PVC in DWV and limit installation of ABS or PVC to residential construction not more than two stories in height. Staff is recommending that the Council adopt the California Plumbing Code as is to allow use of ABS and PVC in drain, waste and vent in the City of Hayward.

Housing Code Changes

All Housing Code changes are administrative in nature. There are no technical changes.

Fire Code Changes

All Fire Code changes are administrative in nature. There are no technical changes.

Effective Date

It is recommended that the Building, Fire, Housing, Plumbing, Mechanical and Electrical Codes become effective 30 days after adoption, and no later than July 1, 1999.

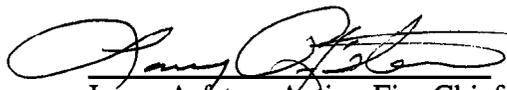
Prepared by:


Harry Attri, Building Official

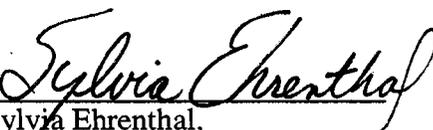
Prepared by:


Michael Hyde, Acting Fire Marshal

Recommended by:


Larry Arfsten, Acting Fire Chief

Recommended by:


Sylvia Ehrental,
Director of Community and
Economic Development

Approved by:

A handwritten signature in black ink that reads "Jesús Armas". The signature is written in a cursive style with a large initial "J" and "A".

Jesús Armas, City Manager

Attachments: Resolutions
Ordinances

DRAFT *ms 4/23/92*

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A BUILDING CODE FOR THE CITY OF HAYWARD; REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO, 95-25 C.S. AND ALL AMENDMENTS THERETO

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 95-25 C.S., and all amendments thereto, is hereby repealed and in substitution thereof a new Building Code for the City of Hayward is hereby enacted to read as follows:

BUILDING CODE
OF THE CITY OF HAYWARD

SEC. 1.00 UNIFORM BUILDING CODE, 1997 EDITION, ADOPTION BY REFERENCE. The Uniform Building Code, 1997 Edition, including volumes 1, 2, & 3, and Appendix thereto, published by the International Conference of Building Officials, as modified by the State of California pursuant to Health and Safety Code section 17922, and as further modified by the amendments, additions, and deletions as set forth hereinafter, is hereby adopted by reference as the Building Code of the City of Hayward.

A printed copy of such Uniform Building Code which is in three volumes, together with the State and local amendments thereto, is on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Reference is also made to the States' Matrix Adoption Tables which identify local Building Official responsibility to enforce certain amendments.

SEC. 2.00 AMENDMENTS, ADDITIONS, AND DELETIONS TO THE UNIFORM BUILDING CODE. Set forth below are the local amendments, additions and deletions to the Uniform Building Code, 1997 Edition. Chapter and section numbers used herein are those of said Uniform Building Code.

VOLUME I

**CHAPTER I
ADMINISTRATIVE**

SEC. 101 TITLE, PURPOSE AND SCOPE.

SEC. 101.1 TITLE. (Amendment) This ordinance may be cited and shall be known as the "Building Code of the City of Hayward."

SEC. 103 VIOLATIONS. (Amendment) It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done, contrary to or in violation of the provisions of this code or any order issued by the Building Official hereunder.

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, section 1-3.00 et seq. of the Hayward Municipal Code.

SEC. 104 ORGANIZATION AND ENFORCEMENT.

SEC. 104.2 POWERS AND DUTIES OF BUILDING OFFICIAL.

SEC. 104.2.3 RIGHT OF ENTRY. (Amendment) Upon presentation of proper credentials, the Building Official or his or her duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon him or her by this code. Except in emergency situations, the Building Official or his or her duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Building Official possesses an inspection warrant obtained and issued in the manner provided by section 1822.50 et. seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or his or her duly authorized representative, while in the performance of the duties described above, from entering upon and into any building, structure, or premises under this jurisdiction, at all reasonable hours, during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

SEC. 105 BOARD OF APPEALS.

SEC. 105.1 GENERAL. (Amendment) In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by the City Manager as the occasion arises. The Building Advisory Committee shall have no jurisdiction over third party appeals.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as Secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by a determination of the Building Official relative to the suitability of alternate materials and methods of construction may request a review of the determination by the Building Advisory Committee. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final. Any reference in this

code to "Board of Appeals" shall mean the Building Advisory Committee and its decision shall be final.

SEC. 106 PERMITS.

SEC. 106.3.3.5 PROPERTY SURVEY. (Addition) Any person, firm or corporation applying for a permit for the erection or construction of a building or structure, or moving an existing building to a new location, and required by the provisions of this section to file with his application for such permit a complete set of plans and specifications of the proposed building or structure, shall file with said set of plans and specifications, a duplicate polyester plastic tracing of the plat or a survey, and two prints thereof, of the property proposed to be improved by said building or structure, on which plat shall be delineated the accurate location of said proposed improvement and the grades at which it is to be constructed, the location of the proposed house sewer from the building or structure to the main sewer, or septic tank where permitted, the location of every existing building on the lot, the location of existing curbs, sidewalks and main sewers and the location of waterways and culverts affecting the lot. Said plat shall be not larger than 18 x 26 inches and shall show contours of not more than five-foot intervals, which contours shall extend to the center of the street when said street is unimproved. All grades and contours shall be based on United States Coast and Geodetic Survey datum except when authorized by the Building Official. The said survey shall have been made by a licensed land surveyor or registered civil engineer of the State of California and shall be signed by him or her and endorsed with his or her license or certificate number and shall clearly outline by appropriate stakes or marks with elevations thereon, the exterior lines of said property to be improved and location by map or deed distance to the nearest street intersection.

Details of Plat Survey: The plat survey shall show in permanent markings the following information:

1. The exterior lines of said property to be improved defined by appropriate stakes or marks.
2. The elevation of such stakes or marks.
3. The location of said exterior lines by map or deed distance to the nearest intersecting street.
4. Ties to existing permanent monuments.
5. Contours of not more than five-foot intervals, which contours shall extend to the center of the street when said street is unimproved. On relatively flat lots where the existing ground slope is less than 5percent, spot elevations may be shown

with horizontal controls in lieu of contours or else closer contours shall be shown.

6. The location of every building on the property.
7. The location of existing curbs, sidewalks, reserves, main sewers, waterways, drains, and culverts affecting the property.
8. Additional information shall be added to the plat survey in permanent markings prior to submission to the Building Inspection Division as follows:
 - (a) The location, dimensions, and finished floor elevations of the proposed improvements.
 - (b) The location of the proposed house sewer from the building or structure to the main sewer.

SEC. 106.4.1.1. TO WHOM PERMIT MAY BE ISSUED.

"(Addition) Permit may be issued only to a person holding a valid unexpired State of California General Contractors license. Permit may be issued to the owner of the property as Owner-Builder.

SEC. 107 FEES AND PLAN REVIEW.

SEC. 107.2 PERMIT FEES. (Addition)

EXCEPTION: The Building Official is hereby authorized to waive building permit fees for minor repairs or rehabilitation to single family dwellings where the applicant's total verified household income is no more than:

- \$28,150 per year - 1 person family
- \$32,150 per year - 2 person family
- \$36,200 per year - 3 person family
- \$40,200 per year - 4 person family
- \$43,400 per year - 5 person family
- \$46,650 per year - 6 person family
- \$49,850 per year - 7 person family
- \$53,000 per year - 8 person family

Where work for which a permit is required by this code is started prior to obtaining said permit, the fees specified shall be double, with a minimum fee of \$86.00 or such other minimum established from time to time by City Council resolution. The payment of such

double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

SEC. 107.3 PLAN REVIEW FEES. (Addition) When submittal documents are required by section 106.3.2, a plan review fee shall be paid at the time the application and documents are submitted . The plan review fee shall be set by the Master Fee Schedule adopted by the City Council from time to time .

SEC. 109 CERTIFICATE OF OCCUPANCY.

SEC. 109.1 USE OR OCCUPANCY. (Amendment) No building or structure in Groups A, B, E, F, H, I, M, R, S and U shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof, shall be made until the Building Official has issued a Certificate of Occupancy therefor as provided herein. (Delete exception for Group R-3 and U.)

SEC. 109.5 POSTING. (Delete)

TABLE 1-A BUILDING PERMIT FEES:(Delete)

Delete the entire table and notes 1 through 5 beneath "Other Inspections and Fees", and the footnotes 1 and 2. Add the following note:

NOTE: Fees for Building Permits and inspections are as established from time to time by a City Council Master Fee Resolution.

CHAPTER 2
DEFINITIONS AND ABBREVIATIONS

SEC. 228 ADDITIONAL WORDS AND PHRASES. (Addition)

"CITY OF" or "THE CITY" shall mean the City of Hayward, as the text may require.

"CITY COUNCIL" shall mean the City Council of the City of Hayward. "MAYOR" shall mean the Mayor of the City of Hayward.

"BOARD OF APPEALS" shall mean the "Building Advisory Committee" of the City of Hayward.

"BUILDING DEPARTMENT" or "ADMINISTRATIVE AUTHORITY" shall mean the Building Official.

"HAZARDOUS FIRE AREA" is land which is covered with grass, grain brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated by the Fire Chief on a map are maintained in the office of the Fire Marshal. The "Hazardous Fire Area" has been generally defined as:

The areas East of Mission Blvd. from the South side of D Street to the city limits South to Union City.

(Refer to Resolution No. 93-037, City of Hayward hillside design and urban/wildland interface guidelines)

"Security" shall mean the Building Security.

(Refer to Ordinance No. 90-26 C.S.)

CHAPTER 4 SPECIAL USE AND OCCUPANCY

SEC. 402 ATRIA.

SEC. 402.3 ENCLOSURE OF ATRIA. (Amend first exception, number 2)

Open exit balconies may be permitted within the atrium, provided sprinkler protection and smoke removal requirements are established to be effective and reliable as determined by the Fire Chief.

CHAPTER 5 GENERAL BUILDING LIMITATIONS

SEC. 502.1 PREMISES IDENTIFICATION (Addition - Existing Buildings)

When the valuation of any building construction, addition, alteration, or repair exceeds \$1,000.00 and a permit is required, approved numbers or addresses shall be provided unless already existing in such a manner as to be plainly visible and legible from the street or road fronting the property. Such numbers or addresses shall comply with the requirements of the Fire Code.

CHAPTER 9
FIRE PROTECTION SYSTEMS

SEC. 904 FIRE EXTINGUISHING SYSTEMS.

SEC. 904.2.1 Where required. Amend section to read: An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in this section.

For provision on special hazards, hazardous materials, and hazardous fire areas (as designated by the Fire Marshal), see UBC Section 228 and UFC Section 1001.9, Articles 79, 80, and 81.

SEC. 904.2.1.1 NEW CONSTRUCTION. (Addition) An automatic fire extinguishing system shall be installed in all new construction, regardless of occupancy classification, where the total floor area is 5,000 square feet (465 m²) or more. (Area Separation Walls may not be used in lieu of a sprinkler system except when buildings are separated by continuous area separation walls of at least four-hour fire-resistive construction without openings), building height exceeds two stories, or floor heights exceed 15 feet (4572 mm) from the lowest level of Fire Department access, or as provided in section 904.2.2 In cases where multiple requirements may apply, the most restrictive requirement shall prevail. Floor areas of mezzanines shall be included in calculating the total floor area to be used in determining automatic fire-extinguishing requirements.

SEC. 904.2.1.2 EXISTING BUILDINGS. (Addition) An automatic fire extinguishing system shall be installed in an existing building when cumulative additions, repairs, or alterations are made to the building and such additions, repairs, or alterations meet any of the following conditions:

1. Additions, repairs, or alterations are valued at 50 percent or more of the current assessed value of the building. (Value is based only on the structure involved. If owner disputes valuation, an appraisal can be performed at the owner's expense, by an appraiser acceptable to the Fire Chief.)
2. Any addition or additions to the original building which will add 10 percent or more to the total floor area of the existing building and the resulting floor area is 5,000 square feet (465 m²) or more, except where the occupancy classification for the building is Group H, Division 4, in which case, the resulting total floor area required is 3,000 square feet (279m²) or more.
3. Additions where items 1 or 2 do not apply that will result in a total floor area that exceeds the maximum floor area allowed by the Building Code under which the building was originally constructed.

4. Additions, repairs, or alterations that will result in a change in occupancy or use shall comply with section 3405, UBC 1997 Edition.

SEC. 904.5 STANDPIPES.

TABLE 9-A STANDPIPE REQUIREMENTS. Amend to substitute a reference to "3 Stories" rather than "4 Stories" in the second item in the occupancy column.

SEC. 904.5.5 LOCATION OF CLASS III STANDPIPE AND HOSE CONNECTIONS. Add new subsection 904.5.5.1 to read:

DUAL OUTLETS. All Class III standpipe outlets located as required in section 904.5.5 shall have added outlets located in enclosed corridors adjacent to enclosed stairway access doors at each level of every required stairway.

SEC. 904.6 BUILDINGS UNDER CONSTRUCTION. Amend subsection 904.6.2 to read:

WHERE REQUIRED. Every building three stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipe shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a 2 ½-inch valve outlet for Fire Department use. Where construction height requires installation of a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

**CHAPTER 15
ROOFS AND ROOF STRUCTURES**

SEC. 1503 ROOFING REQUIREMENTS.

SEC. 1503.3.1 MINIMUM ROOF COVERING REQUIREMENTS (Addition)
Roof covering shall be a minimum Class "C" classification or better. All wood shake and shingle roof covering shall be fire retardant treated wood with a minimum class "C" classification. In areas designated by the Fire Chief as "Hazardous Fire Areas" roof covering shall be a minimum Class "B" classification or better.

SEC. 1506.5 OVER PUBLIC PROPERTY

(Delete) The exception for Group R-3 and Group U occupancies.

(Add) The Building Official may grant an exception for minor damage or special circumstances.

(Add) SEC. 1506.5.1 When roof gutters are installed, the down spouts shall be properly terminated with a splash block and shall carry water away from the foundations.

Table 15-A MINIMUM ROOF CLASSES. (Amendment)

Delete all references to non-rated (NR) roof classes and replace with a class "C" roof classification.

(Reference is made to Plumbing Code of the the City of Hayward Chapter 11)

CHAPTER 18
FOUNDATIONS AND RETAINING WALLS

SEC. 1801 SCOPE.

SEC. 1801.1 GENERAL. (Amendment) This chapter sets forth requirements for excavation and fills for any buildings or structure and for foundations and retaining structures.

Reference is also made to the City of Hayward grading ordinance, Hayward Municipal Code, Chapter 10, Article 8, for requirements governing excavation, grading, and earth-work construction including fills and embankments. When retaining walls are required due to grading or drainage conditions, a separate Building Permit shall be required for each retaining wall.

CHAPTER 30
ELEVATORS, DUMBWAITERS, ESCALATORS, AND MOVING WALKS

SEC. 3001 SCOPE. (Addition) Where rules and regulations of Title 24 of the California Code of Regulations, Part 2 - the California Building Code, Chapter 51 of Part 7 - the California Elevator Safety Regulations Code, apply, such rules and regulations shall be considered to pre-empt provisions of this chapter.

CHAPTER 31
SPECIAL CONSTRUCTION

SEC. 3102 CHIMNEYS, FIREPLACES AND BARBECUES.

SEC. 3102.3.8 SPARK ARRESTER. Delete the exception.

CHAPTER 34
EXISTING STRUCTURES

SEC. 3403.1 ADDITIONS, ALTERATIONS, OR REPAIRS. (Amendment)

Amend first sentence of the first paragraph to read:

Except as otherwise required in this code, additions, alterations, or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of this code, provided the addition, alteration, or repair conform to that required for a new building or structure. The Building Official may require correction of existing violation and/or upgrades of certain aspects, if in his or her judgment such is warranted.

APPENDIX CHAPTER 3
USE OR OCCUPANCY

DIVISION III - REQUIREMENTS FOR GROUP R, DIVISION 3 OCCUPANCIES

Delete Division 3 - R-3 Occupancies
Delete Sec. 332 - One and two family dwelling code adopted.

APPENDIX CHAPTER 4 (Delete)

Delete entire Chapter 4

(Refer to Hayward Municipal Code, Chapter 4, Article 5 for barriers for swimming pools, spas and hot tubs,

APPENDIX CHAPTER 10 (Delete)

Delete entire Chapter 10

(Refer to Hayward Municipal Ordinance 90-26 Building Security Standards)

APPENDIX CHAPTER 11(Delete)

Delete entire Chapter 11

APPENDIX CHAPTER 13
ENERGY CONSERVATION IN NEW BUILDING CONSTRUCTION

(ADD) NOTE: Energy conservation shall be as provided in Title 24 of the California Code of Regulations, Part 2.

APPENDIX CHAPTER 15

SEC. 1514 GENERAL. (Amendment) All re-roofing shall conform to the applicable provisions of Chapter 15 of this code.

Roofing materials and methods of application shall comply with the U.B.C. standards or shall follow manufacturers installation requirements and Section 1503 of the U.B.C.

Add new subsection (a) to section 1515.

SEC. 1515 (a) PERMITS. A building permit shall be required for re-roofing all structures.

Re-roofing requiring a permit shall mean replacement of 25 percent or more of the existing roof covering within any 12 month period.

SEC. 1515.2.2.

(Add) When a building is re-roofed and there are existing fire places, spark arresters shall be installed prior to permit final for residential buildings.

Exception: Re-roofing material other than wood shake and wood shingle.

APPENDIX CHAPTER 16 (Delete)

Delete entire Chapter 16

APPENDIX CHAPTER 18 (Delete)

Delete entire Chapter 18

APPENDIX CHAPTER 19 (Delete)

Delete entire Chapter 19

APPENDIX CHAPTER 21 (Delete)

Delete entire Chapter 21

APPENDIX CHAPTER 23 (Delete)

Delete entire Chapter 23

APPENDIX CHAPTER 30 (Delete)

Delete entire Chapter 30

APPENDIX CHAPTER 33 (Amended)

(Refer to Hayward Municipal Code Chapter 9, Article 4)

EXCAVATION AND GRADING

Delete entire Appendix Chapter and add the following note.

NOTE: For regulations covering excavation and grading, see Article 8, Chapter 10 of the Hayward Municipal Code.

(Add) Maximum grade of private driveways shall not exceed 12.5% or the limits imposed by Chapter 10 and 11 of the Building Code.

VOLUME II
STRUCTURAL ENGINEERING DESIGN PROVISIONS

CHAPTER 23
WOOD

Division 1 - GENERAL DESIGN REQUIREMENTS

SEC. 2310 EXTERIOR WALL COVERINGS.

SEC. 2310.4 SHINGLES OR SHAKES. (Addition) Add the following exception after the first paragraph.

EXCEPTION: Shingles or shakes used within 10 feet of any side or rear property line shall be approved fire retardant treated Class B or better.

**APPENDIX CHAPTER 16
STRUCTURAL FORCES**

Division 1 - Snow Load Design (Delete)

Delete entire Chapter 16.

**APPENDIX CHAPTER 18
WATER PROOFING AND DAMAGE PROOFING FOUNDATIONS**

Delete entire Chapter 18.

**APPENDIX CHAPTER 19 (Delete)
PROTECTION OF RESIDENTIAL CONCRETE EXPOSED TO FREEZING AND
THAWING**

Delete entire Chapter 19.

**APPENDIX CHAPTER 21
PRESCRIPTIVE MASONRY CONSTRUCTION IN HIGH WIND AREAS**

Delete entire Chapter 21.

**APPENDIX CHAPTER 23
CONVENTIONAL LIGHT FRAME CONSTRUCTION IN HIGH WIND AREAS.**

Delete entire Chapter 23.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held
the ____ day of _____, 1999, by Council Member _____ .

ADOPTED at a regular meeting of the City Council of the City of Hayward held
the ____ day of _____, 1999, by the following votes of members of said City
Council.

AYES:

NOES:

ATTEST:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT MS 4/29/99

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING A FIRE PREVENTION CODE FOR THE CITY OF HAYWARD; ADOPTING THE CALIFORNIA FIRE CODE, 1999 EDITION, AND THE CALIFORNIA FIRE CODE STANDARDS, 1997 EDITION, WITH CERTAIN AMENDMENTS THERETO; PRESCRIBING REGULATIONS GOVERNING CONDITIONS HAZARDOUS TO LIFE AND PROPERTY FROM FIRE OR EXPLOSION; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; PROVIDING FOR PENALTIES FOR VIOLATION; AND REPEALING ORDINANCE NO. 95-24, AS AMENDED, AND ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 95-24 and all amendments thereto, is hereby repealed and in substitution thereof a new fire code for the City of Hayward is hereby enacted to read as follows:

SEC. 1. FIRE PREVENTION CODE OF THE CITY OF HAYWARD.
ADOPTION OF CALIFORNIA FIRE CODE. It is hereby adopted by the City Council of the City of Hayward for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code and standards known as the California Fire Code and California Fire Code Standards recommended by the Western Fire Chiefs Association and the International Conference of Building Officials being particularly the 1997 edition thereof and the whole thereof (including 1998 Supplements and Appendices I-A through VI-F) save and except such portions as are hereunder deleted, modified, or amended as set forth hereinafter, is hereby adopted as the Fire Code of the City of Hayward. A copy of each said California Fire Code and the California Fire Code Standards is on file in the office of the City Clerk, to which reference is hereby made for further particulars.

Said code is adopted by reference pursuant to section 50022.2 et seq. of the Government Code of the State of California, and the same is hereby adopted and incorporated as fully as if set out at length herein and, from the date on which this ordinance shall take effect, the provisions thereof shall be controlling within the limits of the City of Hayward except as otherwise noted herein.

SEC. 2. ESTABLISHMENT AND DUTIES OF THE FIRE PREVENTION OFFICE.

- 2.1 The California Fire Code shall be enforced by the Fire Prevention Bureau and the Operations Division in the Fire Department of the City of Hayward.
- 2.2 The chief officer in charge of the Fire Prevention Bureau shall be appointed by the Fire Chief.
- 2.3 The Chief of the Fire Department shall recommend to the City Manager the employment of technical personnel responsible for code enforcement. The Chief of the Fire Department may also detail such members of the Fire Department as inspectors as shall from time to time be necessary.

SEC. 3. DEFINITIONS.

- 3.1 Whenever the word "jurisdiction" is used in the California Fire Code, it shall be held to mean the City of Hayward.
- 3.2 Whenever the term "Corporation Counsel" is used in the California Fire Code, it shall be held to mean the City Attorney of the City of Hayward.
- 3.3 Whenever the term "Chief of the Bureau of Fire Prevention" or "Fire Marshal" is used, it shall be held to mean the Chief Officer in charge of the Fire Prevention Bureau for the fire department or his or her designated representative.

SEC. 4. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF FLAMMABLE OR COMBUSTIBLE LIQUIDS IN OUTSIDE ABOVEGROUND TANKS IS TO BE PROHIBITED.

- 4.1 The limits referred to in sections 7902.2.2.1 and 7904.2.5.4.2 of the California Fire Code in which storage of flammable or combustible liquids in outside aboveground tanks is prohibited, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.
- 4.2 The limits referred to in which new bulk plants for flammable or combustible liquids are prohibited, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 5. ESTABLISHMENT OF LIMITS IN WHICH BULK STORAGE OF LIQUEFIED PETROLEUM GASES IS TO BE RESTRICTED. The limits referred to in section 8204.2 of the California Fire Code, in which bulk storage of liquefied petroleum gas is restricted, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety and welfare of the population of Hayward or to neighboring properties.

SEC. 6. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH STORAGE OF EXPLOSIVES AND BLASTING AGENTS IS TO BE PROHIBITED. The limits referred to in section 7701.7.2 of the California Fire Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 7. ESTABLISHMENT OF LIMITS OF DISTRICTS IN WHICH THE STORAGE OF COMPRESSED NATURAL GAS IS TO BE PROHIBITED. The limits referred to in section 5204.5.2 of the California Fire Code, in which storage of compressed natural gas is prohibited, are hereby established as follows: Within the city limits of Hayward unless approved by the Fire Chief upon a finding that such an approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties.

SEC. 8. AMENDMENTS MADE IN THE CALIFORNIA FIRE CODE. The California Fire Code is amended in the following respects, with the reference numbers being taken from the California Fire Code, including deletions, additions and text changes.

GENERAL
ARTICLE 1 - ADMINISTRATION

SECTION 103 INSPECTION AND ENFORCEMENT.

103.1.4.1. Page 1-2. Amend section to read:

103.1.4.1. FIRE APPEALS BOARD ORGANIZATION. In order to determine the suitability of alternate materials and type of construction, there shall be and hereby is created an appropriate board consisting of five members who are qualified by experience and training to pass judgment upon pertinent matters. The Fire Chief shall be an ex officio member and shall act as secretary of the board. The Fire Appeal Board shall be appointed by the City Manager and shall hold office at his or her pleasure. The Board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the Fire Chief, with a duplicate copy to the appellant, and may recommend to the executive body such new legislation as is consistent therewith.

SECTION 104 CONTROL AND INVESTIGATION OF EMERGENCY

SCENES.

104.2. Page 1-4. Amend section to read:

104.2 INVESTIGATIONS. The Fire Department shall investigate promptly the cause, origin, and circumstances of each and every fire occurring in the jurisdiction involving loss of life or injury to person or destruction or damage to property and, if it appears that such fire is of suspicious origin, the department shall then initiate efforts for the immediate collection of all physical evidence relating to the cause of the fire.

The Fire Chief is authorized to investigate the cause, origin, and circumstances of unauthorized releases of hazardous materials.

The Police Department shall assist the Fire Department in its investigations whenever requested to do so, unless otherwise directed by the Chief of Police.

SECTION 105 PERMITS.

105.4 Page 1-4 Amend section to read:

105.4 INSPECTION REQUIRED. Before a permit is issued, the Fire Chief or his or her designated representative is authorized to inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces, or areas to be used. In instances where laws or regulations are enforceable by departments other than the Fire Department, joint approval shall be obtained from all departments concerned.

Page 1-8 Add subsection 105.9 to read:

105.9 PERMIT FEES. The City Council of the City of Hayward may, if it so desires establish by resolution, permit fees in connection with any permit required or authorized to be issued by the Fire Chief or any other authorized representative of the fire department.

DEFINITIONS AND ABBREVIATIONS
ARTICLE 2 - DEFINITIONS AND ABBREVIATIONS

SECTION 209-H. Page 1-16. Amend Hazardous Fire Area definition to read:

HAZARDOUS FIRE AREA is land which is covered with grass, grain brush or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are

designated by the chief on a map maintained in the office of the chief. The "Hazardous Fire Area" has been defined as:

"The areas East of Mission Blvd. from the South side of D Street to the city limits South to Union City."

**GENERAL PROVISIONS FOR SAFETY
ARTICLE 9 - FIRE DEPARTMENT ACCESS AND WATER SUPPLY**

SECTION 902 - FIRE DEPARTMENT ACCESS.

902.2 FIRE APPARATUS ACCESS ROADS. Page 1-27 Add new subsection 902.2.2.7 to read:

902.2.2.7 FIRE LANES. Where necessary to maintain adequate emergency vehicle approaches to buildings or fire apparatus access roads, the Fire Chief may establish designated "Fire Lanes."

1. Restrictions and requirements as specified in the California Vehicle Code sections 22500.1 and 22658 shall apply to fire lanes established by this section.
2. Minimum clearances or widths shall be the same as those required for fire apparatus access roads.
3. Turning radius shall be the same as provided for in section 902.2.2.3.

SECTION 903 - WATER SUPPLY AND FIRE HYDRANTS.

903.4 FIRE HYDRANT SYSTEMS.

903.4.1 GENERAL.

903.4.1.1 APPLICABILITY. Page 1-28. Amend subsection to read:

903.4.1.1 APPLICABILITY. Fire hydrant systems and fire hydrants shall be in accordance with section 903.4. Hydrants shall be of the City of Hayward approved type and have not less than a six-inch connection with the mains. A shutoff valve shall be installed in the hydrant connection a minimum distance of five feet from the hydrant. The number, size, and arrangements of outlets, the size of the main valve opening, and the size of barrel shall be suitable for the protection to be provided and shall be approved by the Fire Chief. Hydrants should be tested annually for proper functioning in accordance with the requirements of the authority having jurisdiction or upon request of the Fire Chief.

Hydrants shall be placed at least 50 feet from the buildings to be protected. Where it is not feasible to place them at that distance they may be in closer proximity in locations approved by the Chief.

903.4.2 REQUIRED INSTALLATIONS. Page 1-29. Add new subsections to read:

903.4.2.1 TYPE REQUIRED. The Fire Chief shall designate the type and number of fire appliances to be installed and maintained in and upon all buildings and premises in the jurisdiction. This shall be done according to the relative severity of probable fire, including the rapidity with which it may spread. Such appliances shall be of a type suitable for the probable class of fire associated with such building or premises and shall have approval of the Chief.

903.4.2.2 UNDETERMINED USE. When fire sprinkler systems are required in buildings of undetermined use, they shall be designed and installed to have a sprinkler density of .33 GPM for 3750 square feet with a maximum coverage of 100 square feet per head. Use is considered undetermined if not classified at time permit is issued. Where subsequent use requires a system with greater capability, the system shall be reinforced to the required code in order to obtain clearance for the new use. Responsibility for compliance will be as set forth in section 103.4.3.

ARTICLE 10 - FIRE PROTECTION SYSTEMS AND EQUIPMENT

SECTION 1003 - FIRE EXTINGUISHING SYSTEMS.

1003.1 INSTALLATION REQUIREMENTS. Page 1-32. Add new subsection 1003.1.4 to read:

1003.1.4 FIRE SPRINKLER CONTRACTORS. All design and on-site installation work for automatic fire sprinkler systems shall be done by people whose qualifications satisfy applicable State of California requirements and whose expertise in the field is demonstrable through documentation of their appropriate education, experience, or license to the Chief's satisfaction.

1003.2 REQUIRED INSTALLATIONS.

1003.2.1 GENERAL. Page 1-32. Amend section to read: An automatic fire-extinguishing system shall be installed in the occupancies and locations as set forth in section 1003.2.

For provisions on special hazards, hazardous materials and hazardous fire areas, see section 1001.9, Articles 79, 80, and 81, and Appendix II-A-25.

Add new subsections 1003.2.1.1 and 1003.2.1.2 to read:

1003.2.1.1 NEW CONSTRUCTION. An automatic fire-extinguishing system shall be installed in all new construction, regardless of occupancy classification, where the total floor area is 5,000 square feet (465 m²) or more (area separation walls may not be used in lieu of a sprinkler system except when buildings are separated by continuous area separation walls of at least four-hour fire-resistive construction without openings), building height exceeds two stories, or floor heights exceed 15 feet (4572 mm) from the lowest level of Fire Department access, or as provided in Section 1003.2.2. In cases where multiple requirements may apply, the most restrictive requirement shall prevail. Floor areas of mezzanines shall be included in calculating the total floor area to be used in determining automatic fire-extinguishing requirements.

1003.2.1.2 EXISTING BUILDINGS. An automatic fire extinguishing system shall be installed in an existing building when cumulative additions, repairs, or alterations are made to the building and such additions, repairs, or alterations meet any of the following conditions:

1. Additions, repairs, or alterations are valued at 50 percent or more of the current assessed value of the building. (Value is based only on the structure involved. If owner disputes valuation, an appraisal can be performed at the owner's expense, by an appraiser acceptable to the Fire Chief.)
2. Any addition or additions to the original building which will add 10 percent or more to the total floor area of the existing building and the resulting floor area is 5,000 square feet (465 m²) or more, except where the occupancy classification for the building is Group H, Division 4, in which case, the resulting total floor area required is 3,000 square feet (279 m²) or more.
3. Additions where items 1 or 2 do not apply that will result in a total floor area that exceeds the maximum floor area allowed by the Building Code under which the building was originally constructed.
4. Additions, repairs, or alterations that will result in a change in occupancy or use shall comply with section 3405 UBC, 1994 edition.

SECTION 1004 - STANDPIPES.

TABLE 1004-A STANDPIPE REQUIRED SYSTEMS. Page 1-40 Amend Table 1004-A to substitute a reference to "3 Stories" rather than "4 Stories" in the second item in the occupancy column.

1004.5 LOCATION OF CLASS III STANDPIPE HOSE CONNECTIONS.

Page 1-35. Add new subsection 1004.5.1 to read:

1004.5.1 DUAL OUTLETS. All Class III standpipe outlets located as required in Section 1004 shall have added outlets located in enclosed corridors adjacent to enclosed stairway access doors at each level of every required stairway.

ARTICLE 11 - GENERAL SAFETY PRECAUTIONS

SECTION 1103 - COMBUSTIBLE MATERIALS.

1103.2.3. Page 1-42. Add item #4 to the subsection to read:

4. Baled storage under any roof or overhang shall be protected by an approved automatic sprinkler system.

SECTION 1109 - CONTROL OF SOURCES OF IGNITION.

1109.7 SPARKS FROM CHIMNEYS. Page 1-44. Delete exception.

ARTICLE 28 - STORAGE AND HANDLING OF COMBUSTIBLE FIBERS

SECTION 2805 - BALED STORAGE. Page 1-67. Add new subsection 2805.4 to read:

2805.4 FIRE PROTECTION. Baled storage under any roof or overhang shall be protected by an approved automatic fire sprinkler system.

ARTICLE 61 - OIL-BURNING EQUIPMENT

SECTION 6106 - Portable Unvented Oil-Burning Heating Appliances.

6106.3 LOCATION. Page 1-129. Amend section to read:

6106.3 LOCATION. The use of listed portable unvented oil-burning heating appliances shall be limited to supplemental heating in Group U-1 Occupancies.

EXCEPTION: When approved by the chief, portable unvented oil-burning heating appliances may be used in any occupancy during construction when such use is necessary for the construction and the use does not represent a hazard to life or property.

ARTICLE 79 - FLAMMABLE AND COMBUSTIBLE LIQUIDS

SECTION 7901 - GENERAL

7901.3 PERMITS AND PLANS.

7901.3.2 PLANS. Page 1-163. Amend the subsection to read:

7901.3.2. Plans shall be submitted with each application for a permit to store more than 60 gallons of liquids in drums or tanks. The plans shall indicate the methods of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities, and provisions for drainage and runoff. Storage shall be in accordance with approved plans.

SECTION 7902 - STORAGE.

7902.1.1 APPLICABILITY. Page 1-168. Amend the subsection to read:

7902.1.1 APPLICABILITY. Storage of flammable and combustible liquids in containers, cylinders, and tanks shall be in accordance with sections 7901 and 7902. Storage in portable tanks over 60 gallons and in aboveground tanks outside of buildings is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. For permits see section 4.101 and 7901.3.

For motor vehicle fuel-dispensing stations, see Article 52.

SECTION 7904 - SPECIAL OPERATIONS

7904.2 STORAGE AND DISPENSING OF FLAMMABLE AND COMBUSTIBLE LIQUIDS ON FARMS AND CONSTRUCTION SITES.

7904.2.1 GENERAL. Page 1-194. Amend the subsection to read:

7904.2.1 GENERAL. Permanent and temporary storage and dispensing of Class I and II liquids for private use on farms and rural areas and at construction sites, earth-moving projects, gravel pits or borrow pits shall be in accordance with section 7904.2. The storage of Class I or Class II liquids in aboveground tanks is prohibited within the city limits of Hayward unless approved by the Fire Chief upon a finding that such approval would not pose a danger to the health, safety, and welfare of the population of Hayward or to neighboring properties. For permits see section 105 and 7901.3.

EXCEPTION: Storage and use of fuel-oil in containers connected with oil-burning equipment regulated by Article 61 and the Mechanical Code.

7904.2.8 DISPENSING FROM TANK VEHICLES.

7904.2.8.1 GENERAL. Page 1-194. Add item #10 to read:

10. Tank vehicles shall not be permitted to serve as portable or temporary storage tanks.

ARTICLE 87 - FIRE SAFETY DURING CONSTRUCTION, ALTERATION OR DEMOLITION OF A BUILDING

SECTION 8704 FIRE SAFETY DURING CONSTRUCTION. Page 1-251
Amend subsection 8704.4.3.1 to read:

8704.4.3.1 WHERE REQUIRED. Every building three stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipe shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a 2 ½-inch (64 mm) valve outlet for Fire Department use. Where construction height requires installation of a Class III standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

**SPECIAL HAZARDS
APPENDIX II-A
SUPPRESSION AND CONTROL OF HAZARDOUS FIRE AREAS**

Page 1-275. Add section 25 to read:

SECTION 25 CITY OF HAYWARD HILLSIDE DESIGN AND URBAN/WILDLAND INTERFACE GUIDELINES. As adopted by Resolution No. 93-037.

**FIGURE A-11-E-1
SAMPLE FORMAT
HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP) INSTRUCTIONS
Page 1-285 to Page 1-290**

Delete in its entirety. (See Hayward Municipal Code Chapter 3 Article 8.)

APPENDIX III-A
FIRE FLOW REQUIREMENTS FOR BUILDINGS Pages 1-301 AND 1-302

SECTION 5. FIRE FLOW REQUIREMENTS FOR BUILDINGS. Amend subsections 5.1 and 5.2 to read:

5.1 ONE-AND TWO-FAMILY DWELLINGS. The minimum fire-flow requirements for one- and two-family dwellings shall be 1500 gallons per minute, at 20 p.s.i.

EXCEPTION: Fire flow may be reduced 50 percent when the building is provided with automatic sprinkler system.

5.2 BUILDINGS OTHER THAN ONE-AND TWO-FAMILY Dwellings. The fire flow for buildings other than one- and two-family dwellings shall be not less than that specified in Table No. A III-A-1.

EXCEPTION: A reduction in required fire flow of up to 75 percent, as approved by the chief, is allowed when the building is provided with an approved automatic sprinkler system. The resulting fire flow shall not be less than 1,500 gallons per minute (5677.5 L\min.).

APPENDIX III-B
FIRE HYDRANT LOCATIONS AND DISTRIBUTION

TABLE A-III-B-1. Page 1-303. AMEND TO READ:

**TABLE A-III-B-1
NUMBER AND DISTRIBUTION OF FIRE HYDRANTS**

DISTRICT	FIRE FLOW REQUIREMENT (gpm) (1,2)	MINIMUM NO OF HYDRANTS	AVERAGE SPACING(3,4,5) BETWEEN HYDRANTS (FEET)	MAXIMUM DISTANCE FROM HYDRANT TO ANY POINT ON STREET OR ROADWAY FRONTAGE AND TYPE REQUIRED (6) (FEET)
<u>RESIDENTIAL</u>				
Low Density	1,500	1	400	200 mod. steamer
Med Density	3,000	3	400	150 double "
High Density	4,500	5	300	150 double "
<u>Commercial</u>	5,000	5	300	150 double "
<u>Industrial</u>	5,000	5	300	150 double "
<u>Civic</u>	4,000	4	300	150 double "
Hospitals/ Schools/etc.				

1. Minimum flow at 20 p.s.i.
2. The approved fire-flow is required to be within 500'.
3. Reduce by 100 feet for dead-end streets or roadways.
4. Where streets are provided with median dividers or arterial streets are provided with four or more traffic lanes per hydrant.
5. Where new water mains are extended along streets, where hydrants are not needed for protection of structures or similar fire problems, fire hydrants should be provided at not less than 1000-foot spacing to provide for transportation hazards.
6. Reduce by 50 feet for dead-end streets or roadways.

**APPENDIX VI-D MODEL CITATION PROGRAM
Page 1-329 through 1-336**

Appendix VI-D. Delete in its entirety.

SEC. 9. APPEALS.

Whenever the Fire Chief shall disapprove an application or refuse to grant a permit or when it is claimed that the provisions of the code do not apply or that the true intent and meaning of the

code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Chief to the City Manager.

SEC. 10. FEES. Fees may be established by resolution of the City Council for permits required by the code, and the fee required for any permit shall accompany the application for such permit. Unless the permit specifies otherwise, the permit shall be issued for a one-year period.

SEC. 11. PENALTIES.

- 11.1 Any person who shall violate any of the provisions of this code hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the City Council of the City of Hayward or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively, be guilty of a criminal offense and subject to the penalties set forth in the Hayward Municipal Code, Chapter 1, Article 3, section 1-3.00 et. seq.
- 11.2 The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions or to prohibit the use of any other criminal or civil remedy.

SEC. 12. REPEAL OF CONFLICTING ORDINANCES.

All former ordinances or parts thereof conflicting or inconsistent with the provisions of this ordinance or of the California Fire Code as adopted and amended herein are hereby repealed.

SEC. 13. VALIDITY.

The City Council of the City of Hayward hereby declares that should any section, paragraph, sentence, or word of this ordinance or of the code hereby adopted be declared for any reason to be invalid, it is the intent of the City Council of the City of Hayward that it would have passed all other portions of this ordinance independent of the elimination herefrom of any such portion as may be declared invalid.

SEC. 14. DATE OF EFFECT.

This ordinance shall take effect and be in force from and after its approval as required by law.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 1999, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1999, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT 4/23/99

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A MECHANICAL CODE FOR THE CITY OF HAYWARD, REGULATING THE ALTERATION, CONSTRUCTION, INSTALLATION AND REPAIR OF VENTILATING, REFRIGERATION, AND HEAT PRODUCING EQUIPMENT (MECHANICAL EQUIPMENT); PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES AND PRESCRIBING PENALTIES FOR VIOLATION OF SAID MECHANICAL CODE; AND REPEALING ORDINANCE NO. 95-28 C.S. AND ALL AMENDMENTS THERETO

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 95-28 C.S., and all amendments thereto, is hereby repealed and in substitution thereof a new Mechanical Code for the City of Hayward is hereby enacted to read as follows:

MECHANICAL CODE
OF THE CITY OF HAYWARD

SEC. 1.00 MECHANICAL CODE ADOPTION BY REFERENCE. The 1998 California Mechanical Code which is based on the 1997 edition of the Uniform Mechanical Code and Appendix thereto, published by the International Conference of Building Officials as amended by the State pursuant to Health and Safety Code Section 17922, and as further modified by these amendments, additions, alterations and deletions set forth hereinafter, is hereby adopted by reference as the Mechanical Code of the City of Hayward

A printed copy of such Mechanical Code is on file in the office of the City Clerk to which reference is hereby made for further particulars.

Reference is also made to the State's Matrix Adoption Tables which identify local Building Official responsibility to enforce certain amendments.

SEC. 2.00 AMENDMENTS, ADDITIONS, AND DELETIONS TO UNIFORM MECHANICAL CODE. Set forth below are the local amendments, additions, and deletions to the Uniform Mechanical Code, 1997 Edition. Chapter and section numbers used herein are those of the Uniform Mechanical Code.

PART I
ADMINISTRATIVE

CHAPTER I
TITLE AND SCOPE

SEC. 101 TITLE. (Amendment.) This ordinance may be cited and shall be known as the "Mechanical Code of the City of Hayward."

Reference is made to Chapter 1 Administration, of 1998 California Building Code, which is based on the 1997 Uniform Building Code as published by the International Conference of Building Officials including local amendments.

PART II
ORGANIZATION AND ENFORCEMENT

SEC. 108 POWERS AND DUTIES OF BUILDING OFFICIAL.

SEC. 108.3 RIGHT OF ENTRY. (Amendment.) Upon presentation of proper credentials, the Building Official or his or her duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight

hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon the Building Official by this code, except in emergency situations.

The Building Official or his or her duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Building Official possesses an inspection warrant obtained and issued in the manner provided by sections 1822.50 et seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or his or her duly authorized representative, while in the performance of the duties described above, from entering upon and into any building structure, or premises under this jurisdiction, at all reasonable hours during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, section 1-3.00 et seq. of the Hayward Municipal Code.

SEC. 109 UNSAFE EQUIPMENT.

SEC. 109.1 HAZARDOUS CONDITIONS. (Amendment.) Any equipment regulated by this code which is unsafe or which constitutes a fire or health hazard or is otherwise dangerous to human life is, for the purpose of this section, unsafe. Any use of equipment regulated by this code constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is, for the purpose of this section, an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition, or removal in accordance with the procedures set forth in the Dangerous Building Code of the City of Hayward or such alternate procedure as may be adopted by this jurisdiction. As an alternative, the Building Official or other employee or official of this jurisdiction as designated by the governing body may institute any other appropriate action to prevent, restrain, correct, or abate the violation.

SEC. 110.1 BOARD OF APPEALS. (Amendment.) In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by the City Manager as the occasion arises. The Building Advisory Committee is the Board of Appeals.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by the determination of the Building Official may request a review of a determination of the Building Official by the Building Advisory Committee on a subject within the reviewing jurisdiction of the Building Advisory Committee. The Building Advisory Committee shall not have any jurisdiction over third party appeal. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision is final.

SEC. 114 PERMIT ISSUANCE.

SEC. 114.6 TO WHOM PERMIT MAY BE ISSUED. (Addition) Permits may only be issued to a person holding a valid, unexpired State of California Mechanical License except when otherwise provided in this section.

Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the applicant is the owner and occupant of such buildings, accessory buildings, or quarters.

SEC. 115 FEES.

SEC. 115.2. Permit Fees. The fee(s) for each permit shall be as established from time to time by resolution of City Council.

SEC. 115.6.4 WAIVER OF FEES. (Addition) The Building Official is hereby authorized to waive permit fees for minor repairs and rehabilitation for single-family dwellings where the applicants total verified housing income is no more than:

- \$28,150 per year - 1 person family
- \$32,150 per year - 2 person family
- \$36,200 per year - 3 person family
- \$40,200 per year - 4 person family
- \$43,400 per year - 5 person family
- \$46,650 per year - 6 person family
- \$49,850 per year - 7 person family
- \$53,000 per year - 8 person family

SEC. 115.6.5 PENALTY FEE. (Addition) Any person who begins any heating, ventilating, refrigeration equipment, or cooling work for which a permit is required without first having obtained a permit, if subsequently permitted to obtain a permit, shall pay double the permit fee, with a minimum of \$52.00 or such other minimum established from time to time by City Council resolution. The payment of such double fee shall not relieve any persons from fully complying with the requirements of this code in the execution of the work nor from any other penalties prescribed herein.

TABLE NO. 1-A MECHANICAL PERMIT FEES. (Delete schedules and add the following note.)

NOTE: Mechanical permit fees are established from time to time by City Council resolution. For current fee schedule refer to such resolution.

SEC. 1311 MATERIAL FOR GAS PIPING

SEC. 1311.1 GENERAL

(Delete) The last sentence at the end of the paragraph that deals with corrugated structural steel tubing.

(Add) Any appliance that comes with corrugated stainless steel tubing manufactured and listed as an integral part of the appliance which consumes gas may be allowed to be connected to the Gas Piping system as per section 1313.

CHAPTER II

SEC. 229 ADDITIONAL WORDS AND PHRASES. (Addition)

"CITY OF" or "THE CITY" shall mean the City of Hayward as the text may require.

"CITY COUNCIL" shall mean the City Council of the City of Hayward.

"H.M.C." shall mean the Hayward Mechanical Code.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 1999, by Council member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1999, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

4/23/99 JTB

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING A HOUSING CODE FOR THE CITY OF HAYWARD; ESTABLISHING MINIMUM SPACE AND OCCUPANCY STANDARDS, STRUCTURAL REQUIREMENTS, MECHANICAL REQUIREMENTS, EXITS, FIRE PROTECTION AND OTHER REQUIREMENTS FOR RESIDENTIAL BUILDINGS; REGULATING THE USE AND OCCUPANCY OF RESIDENTIAL BUILDINGS; PROVIDING FOR THE REPAIR, REHABILITATION, OR DEMOLITION OF SUBSTANDARD RESIDENTIAL BUILDINGS, AND PRESCRIBING PENALTIES FOR THE VIOLATION OF SAID HOUSING CODE; AND REPEALING ORDINANCE NO. 95-27 C.S. AND ALL AMENDMENTS THERETO

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 95-27 C.S., and all amendments thereto, is hereby repealed and in substitution thereof a new Housing Code for the City of Hayward is hereby enacted to read as follows:

HOUSING CODE
OF THE CITY OF HAYWARD

SEC. 1.00 UNIFORM HOUSING CODE, 1997 EDITION, ADOPTION BY REFERENCE. The Uniform Housing Code, 1997 Edition, published by the International Conference of Building Officials, as modified by the amendments, additions, and deletions set forth hereinafter, is hereby adopted by reference as the Housing Code of the City of Hayward.

Reference is made to the Building Code of the City of Hayward and to the State Housing Code.

A printed copy of such Housing Code is on file in the office of the City Clerk to which reference is hereby made for further particulars.

SEC. 2.00 AMENDMENTS, ADDITIONS, AND DELETIONS TO UNIFORM HOUSING CODE. Set forth below are the local amendments, additions, and deletions to the Uniform Housing Code, 1997 Edition. Chapter and section numbers used herein are those of said Uniform Housing Code, 1997 Edition.

(Reference is made to the Residential Rental Inspection, Article 5 Hayward Municipal Code)

CHAPTER 1
TITLE AND SCOPE

SEC. 101 TITLE. (Amendment) This ordinance may be cited and shall be known as the "Housing Code of the City of Hayward" and will be referred to herein as "this code."

CHAPTER 2
ENFORCEMENT

SEC. 201 GENERAL.

SEC. 201.2 RIGHT OF ENTRY. (Amendment) Upon presentation of proper credentials, the Building Official or his or her duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon him or her by this code. Except in emergency situations, the Building Official or his or her duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Building Official possesses an inspection warrant obtained and issued in the manner provided by sections 1822.50 et seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or his or her duly authorized representative, while in the performance of the duties described above, from entering upon and into any building, structure, or premises under his or her jurisdiction, at all reasonable hours during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

SEC. 203 HOUSING ADVISORY AND APPEALS BOARD BUILDING ADVISORY COMMITTEE IS THE HOUSING ADVISORY AND APPEALS BOARD.

(Amendment) In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction, shall be appointed by the City Manager as the occasion arises.

The Building Official shall be an Ex-officio member of the Building Advisory Committee and shall act as Secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected the determination of the Building Official may request a review of a determination of the Building Official by the Building Advisory Committee on a subject within the reviewing jurisdiction of the Building Advisory Committee. The building Advisory Committee shall not entertain third party appeals. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the committee in connection with the appeal. The committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision is final.

**CHAPTER 3
PERMITS AND INSPECTIONS**

SEC. 302 PERMIT FEES. (Addition.) The fee(s) for each permit required pursuant to this code shall be as established from time to time by resolution by the City Council.

EXCEPTION: The Building Official is hereby authorized to waive permit fees for minor repairs and rehabilitation for single family dwellings where the applicant's total verified household income is no more than:

\$28,150 per year - 1 person family
\$32,150 per year - 2 person family
\$36,200 per year - 3 person family
\$40,200 per year - 4 person family
\$43,400 per year - 5 person family
\$46,650 per year - 6 person family
\$49,850 per year - 7 person family
\$53,000 per year - 8 person family

**CHAPTER 4
DEFINITIONS**

SEC. 402 ADDITIONAL WORDS AND PHRASES. (Addition)

"CITY OF" or "THE CITY" shall mean the City of Hayward as the text may require.

"CITY COUNCIL" shall mean the City Council of the City of Hayward.

"H.H.C." shall mean the Hayward Housing Code.

"HOUSING ADVISORY APPEALS BOARD" or "BOARD OF APPEALS" shall mean the Building Advisory Committee.

**CHAPTER 13
PROCEDURES FOR CONDUCT
OF HEARINGS APPEALS**

Delete.

**CHAPTER 14
ENFORCEMENT OF THE ORDER
OF THE BUILDING OFFICIAL
OR THE BOARD OF APPEALS**

Delete.

CHAPTER 15
PERFORMANCE OF WORK OR
REPAIR OR DEMOLITION

Delete.

CHAPTER 16
RECOVERY OF COST OF REPAIR
OR DEMOLITION

Delete.

SECTION 2 In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 1999, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1999, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

JB 4/23/99

ORDINANCE NO. ____

AN ORDINANCE ESTABLISHING A PLUMBING CODE FOR THE CITY OF HAYWARD, REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF PLUMBING; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 95-29 C.S. AND ALL AMENDMENTS THERETO

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

SECTION 1. Ordinance No. 95-29 C.S. and all amendments thereto, is hereby repealed and in substitution thereof a new Plumbing Code for the City of Hayward is hereby enacted to read as follows:

PLUMBING CODE
OF THE CITY OF HAYWARD

SEC. 1.00 UNIFORM PLUMBING CODE, 1997 EDITION, ADOPTION BY REFERENCE. The Uniform Plumbing Code, 1997 Edition, and Appendix thereto, published by the International Association of Plumbing and Mechanical Officials, as modified by the California Building Standards Commission and as further modified by the amendments, additions, and deletions set forth herein, is hereby adopted as the Plumbing Code of the City of Hayward.

A copy of such Plumbing Code is on file in the office of the City Clerk, to which reference is hereby made for further particulars. Reference is also made to the State's Matrix Adoption Tables which identify local Building Official responsibilities and enforce certain amendments.

SEC. 2.00 AMENDMENTS, ADDITIONS AND DELETIONS TO THE UNIFORM PLUMBING CODE. Set forth below are the local amendments, additions, and deletions to the Uniform Plumbing Code, 1997 Edition. Chapter and section numbers used herein are those of the Uniform Plumbing Code.

PART I
ADMINISTRATION

SEC. 101.0 TITLE. (Amendment) This ordinance may be cited and shall be known as the "Plumbing Code of the City of Hayward."

Reference is made to Chapter 1 Administration of 1998 California Building Code, which is based on the 1997 Uniform Building Code as published by the International Conference of Building Officials including local amendments

In case of a conflict between administrative requirements of the Building Code Chapter 1 and Chapter 1 of the 1998 California Mechanical Code and the Plumbing Code, including local amendments, the most stringent shall govern.

SEC. 102.2 DUTIES AND POWERS OF THE BUILDING OFFICIAL.

(b) RIGHT OF ENTRY. (Amendment) Upon presentation of proper credentials, the Building Official or his or her duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon the Building Official by this code.

Except in emergency situations, the Administrative Authority or his or her duly authorized representative, shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless the Administrative Authority possesses an inspection warrant obtained and issued in the manner provided by sections 1822.50 et. seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Administrative Authority or his or her duly authorized representative, while in the performance of the duties described above, from entering upon and into any building, structure, or premises under this jurisdiction, at all reasonable hours, during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of this code are observed therein.

SEC.102.2.7 BUILDING ADVISORY COMMITTEE. (Addition)

In order to review the determinations made by the Building Official relative to the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by the City Manager as the occasion arises.

The Building Official shall be an ex-officio member of the Building Advisory Committee and shall act as secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected by a determination of the Building Official relative to the suitability of alternate materials and methods of construction may request a review of the determination by the Building Advisory Committee. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final.

SEC. 102.3 VIOLATIONS AND PENALTIES.

SEC. 102.3.1 VIOLATIONS. (Amendment) It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sub-lessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done contrary to or in violation of the provisions of this code or any order issued by the Building Official hereunder.

SEC. 102.3.2 PENALTIES. Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, section 1-3.00 et seq. of the Hayward Municipal Code.

SEC. 103.2 APPLICATION FOR PERMIT.

SEC. 103.2.4. COST OF PERMIT. (Addition) Every applicant for a permit to do work regulated by this code shall state in writing, on the application form provided for that purpose, the character of work proposed to be done and the amount and kind in connection therewith, together with such information pertinent thereto, as may be required.

Such applicant shall pay for each permit, at the time of issuance, a fee in accordance with the applicable fees established by City Council resolution.

EXCEPTION: The Administrative Authority is hereby authorized to waive plumbing permit fees for minor repairs and rehabilitation to single family residences where the applicant's total household income is no more than:

- \$28,150 per year - 1 person family
- \$32,150 per year - 2 person family
- \$36,200 per year - 3 person family
- \$40,200 per year - 4 person family
- \$43,400 per year - 5 person family
- \$46,650 per year - 6 person family
- \$49,850 per year - 7 person family
- \$53,000 per year - 8 person family

SEC. 103.3 PERMIT ISSUANCE.

SEC. 103.3.6 TO WHOM PERMIT MAY BE ISSUED. (Addition)

- (a) Permits may only be issued to a person holding a valid unexpired State of California Plumbing Contractors license except when otherwise provided in this section.
- (b) Any permit required by this code may be issued to any person to do any work regulated by this code in a single-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the applicant is the owner and occupant of such buildings, accessory buildings, or quarters.

103.4 FEES.

SEC. 103.4.1 PERMIT FEES. (Amendment) For the purpose of this section, a sanitary plumbing outlet on or to which a plumbing fixture or appliance may be set or attached shall be construed to be a fixture. Fees for reconditioning and retesting of plumbing systems in relocated buildings shall be based on the number of plumbing fixtures, gas systems, water heaters, etc., involved.

When a permit has been obtained to connect an existing building or existing work to the public sewer or to connect to a new private disposal facility, backfilling of private sewage disposal facilities abandoned consequent to such connection is included in the permit.

Permit fees are established by City Council resolution in a Master Fee Schedule and are required to be paid at the time of permit issuance.

SEC. 103.4.4.1. INVESTIGATION FEES: WORK WITHOUT A PERMIT.
(Addition) Such investigation fee shall be a minimum of \$86.00, or such other minimum established from time to time by City Council resolution.

TABLE 1-1 (Delete)
PLUMBING PERMIT FEES

(Add) Permit fees are established by the City Council by a resolution.

INSTALLATION REQUIREMENTS

CHAPTER 2
DEFINITIONS

SEC. 202.0 DEFINITION OF TERMS.

(c) ADMINISTRATIVE AUTHORITY. (Amendment) "ADMINISTRATIVE AUTHORITY" shall mean the City Building Official of the City of Hayward or his or her duly authorized representative.

APPENDIX D
SIZING STORMWATER DRAINAGE SYSTEM

D1 ROOF DRAINAGE. (Amendment) When required by the Building Code, provide drainage from roof areas, courts and courtyards, vent shafts, light wells, and paved or covered areas to collect storm water and deliver to an approved point of disposal which is not in conflict with other ordinances or regulations. This appendix provides a design guide for sizing of drainage systems.

The water from the roofs of all buildings shall be conveyed from the roof through downspouts to one or more points where the discharge of water will neither damage structures nor cause soil erosion; and where the grade is such that water may drain under the footings of the building. Drain tile or other approved conduits shall be installed to prevent such damage.

All such water which could flow by gravity over the public right of way or onto adjacent property shall be carried in approved conduits sufficient in size to convey accumulated water, through the curb to the street gutter, as required by City Standard Detail SD-118 or, when required, shall be connected to a storm sewer.

Conduits under the sidewalk, when conducted through the curb, shall be steel or cast iron piping, or other approved material. If grade conditions do not permit gravity flow of such water to the street gutter, an approved storm water disposal system shall be installed.

EXCEPTION: Conveying of water to an approved disposal area shall not be required in lots where the average natural ground gradient is less than six percent unless otherwise determined by the Administrative Authority to be necessary to protect the property and structures.

Casual water from uncovered paved area shall drain or discharge through the curb face as detailed in City Standard Detail SD-118 into a storm drain or as otherwise approved by the City Engineer, and shall in no case drain over public walks and right of way. For the purpose of this section, casual water shall include all water used to clean vehicles or equipment. Casual water shall not include any water containing detergents, soaps, grease, or any waters discharging from sand and grease interceptors connected to steam cleaners, etc.

ROOF DRAINAGE-ALL OCCUPANCY GROUPS

a .1 (Amendment) Rainwater piping placed within interior of a building or run within a vent or shaft shall be of cast iron, galvanized steel, wrought iron, brass, copper, or other approved materials.

a.1.1 (Amendment) Rainwater piping located on the exterior building shall be not less than 26 gauge galvanized sheet metal or other approved material.

a.1.2 (Amendment) Rainwater piping located underground within a building shall be of service weight cast iron soil pipe, Type DWV copper tube, or other approved materials.

APPENDIX E MOBILE HOME PARK STANDARDS

Delete the entire chapter.

APPENDIX G
GRAY WATER SYSTEM

Delete the entire chapter.

APPENDIX K
PRIVATE SEWAGE DISPOSAL SYSTEMS

Delete the entire chapter.

Section 2. In accordance with the provisions of section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 1999, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1999, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

JB 4/22/99

ORDINANCE NO. _____

AN ORDINANCE TO BE KNOWN AND DESIGNATED AS THE ELECTRICAL CODE OF THE CITY OF HAYWARD; REGULATING THE INSTALLATION, ALTERATION, REPAIR, AND MAINTENANCE OF ELECTRICAL WIRING, ELECTRICAL FIXTURES, AND OTHER ELECTRICAL APPLIANCES AND EQUIPMENT; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 95-26 C.S. AND ALL AMENDMENTS THERETO.

THE CITY COUNCIL OF THE CITY OF HAYWARD DOES ORDAIN AS FOLLOWS:

Section 1. Ordinance No. 95-26 C.S., and all amendments thereto, are hereby repealed and, in substitution thereof, a new Electrical Code for the City of Hayward is hereby enacted to read as follows:

ELECTRICAL CODE
OF THE CITY OF HAYWARD

SEC. 100. CALIFORNIA ELECTRICAL CODE. ADOPTION BY

REFERENCE. (Addition) The 1998 Triennial Edition of the California Electrical Code, Part 3, Title 24, California Code of Regulations (which is based upon the National Electrical Code, 1996 Edition, published by the National Fire Protection Association) and the Uniform Administrative Code Provisions for the National Electrical Code, 1996 Edition published by the International Conference of Building Officials, as contained in the 1996 National Electrical Code, as modified by the amendments, additions, and deletions set forth hereinafter, are hereby adopted by reference as the Electrical Code of the City of Hayward, regulating the installation, alteration, repair, and maintenance of electrical wiring, electrical fixtures, and other electrical appliances and equipment in the City of Hayward.

A copy of the California Electrical Code is on file in the office of the City Clerk, to which reference is hereby made for further particulars. Reference is also made to the State's Matrix Adoption Tables which identify local Building Official responsibilities and enforce certain amendments.

Reference is further made to the Administrative provisions of the building Code of the City of Hayward. Whenever there is a conflict in the administrative portions of the various standards referenced the more restrictive shall govern.

CHAPTER 1
GENERAL

SEC. 101 TITLE. (Amendment) This ordinance may be cited and shall be known as the "Electrical Code of the City of Hayward."

CHAPTER 2
ORGANIZATION AND ENFORCEMENT

SEC. 201.3 RIGHT OF ENTRY. (Amendment) Upon presentation of proper credentials, the Building Official or his or her duly authorized representative, after having obtained the consent of the owner or occupant, may enter at reasonable times during daylight hours and for probable cause, any structure, building, or premises in the City to perform any duty imposed upon him by this code. Except in emergency situations, the Building Official or his or her duly authorized representative shall not enter any building, structure, or premises without the consent of the owner or occupant thereof, unless he possesses an inspection warrant obtained and issued in the manner provided by section 1822.50 et seq. of the Code of Civil Procedure of the State of California or any amendments to or replacements thereof.

Except as hereinabove permitted, no person shall hinder or prevent the Building Official or his or her duly authorized representative, while in the performance of the duties described above, from entering upon and into any building, structure, or premises under the Building Official's jurisdiction, at all reasonable hours during daylight hours and for probable cause, for the purpose of inspecting the same to determine whether or not the provisions of the Code are observed therein.

SEC. 203 BUILDING ADVISORY COMMITTEE - ORGANIZATION.

(Amendment) In order to review the determinations made by the Building Official concerning the suitability of alternate materials and methods of construction and to make recommendations to the City Council concerning amendments to this or any other applicable Code, a Building Advisory Committee consisting of five members qualified by experience and training to pass upon matters pertaining to building construction shall be appointed by the City Manager as the occasion arises. The committee shall be the Board of Appeals.

The Building Official shall be an Ex-officio member of the Building Advisory Committee and shall act as secretary. The Building Advisory Committee shall adopt reasonable rules and regulations for conducting its hearings and investigations.

Any person directly affected may request a review of the determination of the Building Official by the Building Advisory Committee on a subject within the reviewing jurisdiction of the Building Advisory Committee. The committee shall not have any jurisdiction over the third party appeals. The appeal shall be in writing and filed at the office of the Building Official within 30 days of the Building Official's determination. The appellant shall agree to bear the expense of any tests required by the Committee in connection with the appeal. The Committee shall render its findings and decisions to the Building Official with a copy to the appellant. The Committee's decision shall be final.

SEC. 204 VIOLATIONS AND PENALTIES. (Amendment) It shall be unlawful for any person, firm, or corporation, whether as owner, lessee, sublessee, or occupant, to erect, construct, enlarge, alter, repair, move, improve, remove, demolish, equip, use, occupy, or maintain any building or premises, or cause or permit the same to be done contrary to or in violation of the provisions of this Code or any order issued by the Building Official hereunder.

Any person, firm, or corporation violating any of the provisions of this code shall be guilty of a criminal offense and subject to the penalties set forth in Chapter 1, Article 3, Section 1-3.00 et seq. of the Hayward Municipal Code.

CHAPTER 3
PERMITS AND INSPECTIONS

APPLICATION FOR PERMITS

SEC. 302.4 TO WHOM PERMITS MAY BE ISSUED. (Addition) Permit may be issued only to a person holding a valid, unexpired State of California Electrical Contractor's license except when otherwise provided in this section.

Any permit required by this code may be issued to any person to do any work regulated by this code in a single family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters in connection with such buildings, provided the applicant is the owner and occupant of such buildings, accessory buildings, or quarters.

SEC. 304.1 PERMIT FEES. (Amendment) Before any permit required by this code is issued, the applicant shall pay to the Building Official the fees for each building or structure as established from time to time by resolution of the City Council, except as otherwise provided for herein.

EXCEPTION: The Building Official is hereby authorized to waive electrical permit fees for minor repairs and rehabilitation for single family dwellings where the applicant's total verified household income is no more than:

\$28,150 per year - 1 person family
\$32,150 per year - 2 person family
\$36,200 per year - 3 person family
\$40,200 per year - 4 person family
\$43,400 per year - 5 person family
\$46,650 per year - 6 person family
\$49,850 per year - 7 person family
\$53,000 per year - 8 person family

SEC. 304.2 PLAN REVIEW FEES. (Amendment) When a plan or other data is required to be submitted by subsection (b) of section 302 and not otherwise included in the plan review of a new building or addition, a plan review fee shall be paid at the time of issuance of the permit. When plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate established for labor costs from time to time by applicable resolution of the City Council.

SEC. 304.4.2. FEE. (Amendment) An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in section 304 (b).

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

SEC. 304.6 PENALTY FEE. (Addition) Any person who begins any electrical work for which a permit is required without first having applied for a permit, if subsequently permitted to obtain a permit, shall pay double the permit fee, with a minimum of \$86.00. Notwithstanding the foregoing, the payment of such double fee shall not relieve any person from fully complying with the requirements of this Code in the execution of the work nor from any other penalties prescribed herein.

SEC. 305.5 REINSPECTION. (Amend the second to last paragraph to read as follows):

To obtain a reinspection, the applicant shall pay the prescribed fee as set forth in the City Council resolution establishing fees. Payment shall be made prior to reinspection.

SEC. 305.6 INSPECTION RECORD CARD. (Addition) Work requiring a permit shall not be commenced until the permit holder or their agent shall have posted an inspection record card in a conspicuous place on the premises and in such position as to allow the Building Official conveniently to make the required entries thereon regarding inspection of the work. This card shall be maintained in such position by the permit holder until final approval has been granted by the Building Official.

There shall be a final inspection and approval on all buildings and structures when completed and ready for occupancy or use.

TABLE 3-A ELECTRICAL PERMIT FEES

(Delete Schedule and Add the Following Note)

NOTE: Fees are as established from time to time by City Council resolution.

AMENDMENTS, ADDITIONS, AND DELETIONS TO UNIFORM ELECTRICAL CODE. Set forth below are the local amendments, additions, and deletions to the Uniform Electrical Code, 1998 Edition. Chapter and section numbers used herein are those of the Uniform Electrical Code.

CHAPTER 1
GENERAL

ARTICLE 100
DEFINITIONS

C. ADDITIONAL WORDS AND PHRASES (Addition)

CITY or THE CITY: "City" or "The City" shall mean the City of Hayward unless the context requires otherwise.

CITY COUNCIL: "City Council" shall mean the City Council of the City of Hayward.

ELECTRICAL CONTRACTOR: "Electrical Contractor" means a contractor in possession of a valid license issued in accordance with the provisions of the State of California Contractors License Law.

ELECTRICAL INSPECTOR: The "Electrical Inspector" is the Building Official of the City of Hayward or his or her authorized representative.

ELECTRICAL WORK: "Electrical Work" means and includes the installation, construction, maintenance, and repair of electrical equipment.

EXPOSED WIRING: "Exposed Wiring" means electric wiring not rendered inaccessible by the structure or finish of the building. Open wiring within basements or under floors rendered accessible by means of doors or openings shall be considered as exposed wiring.

H.E.C.: "H.E.C." means Hayward Electrical Code.

PERSON: "Person" is a natural person, his or her heirs, executors, administrators, or assignees, and also includes a firm, partnership, or corporation, its or their successors or assignees, or the agent of any of the aforesaid.

SINGLE FAMILY DWELLING: "Single Family Dwelling" shall mean a building designed for the occupancy of one family.

ARTICLE 210
BRANCH CIRCUITS

SEC. 210.5 (c) UNDERGROUNDED CONDUCTORS OF MULTIWIRE BRANCH CIRCUITS IN RACEWAY. (Addition) Ungrounded conductors of a multiwire branch circuit shall each be of a color or other distinguishing marking to identify the feeder

phase by which it is supplied and each conductor of the same identification shall be connected to the same feeder.

Required colors for identification are as follows:

120/240 volt 3 wire conductors: Black, Red

120/208 volt 4 wire conductors: Black, Red, Blue

277/480 volt 4 wire conductors: Brown, Purple, Yellow

This subsection (c) applies to industrial and commercial construction only.

ARTICLE 230 SERVICES

SEC. 230.70 (a) LOCATION. (Amendment) The service disconnecting means shall be installed on the exterior of any residential structure or within a cabinet or electrical equipment room with Fire Department access provided.

ARTICLE 250

SEC. 250.94. (Amendment) Amended by deleting Exception No. (a) and (b)

ARTICLE 300

SEC. 300.11 (a). (Addition) Low voltage (50 volts and less) communications, alarm, signaling systems, and similar systems shall be supported as provided above at not to exceed 4-1/2 foot intervals within buildings.

EXCEPTION: In suspended ceilings, low voltage (50 volts and less) systems referred to above shall be supported at intervals not to exceed eight feet.

ARTICLE 770 OPTICAL FIBER CABLE AND RACEWAYS

SEC. 770-8. (Add) Optical fiber cables shall be supported at intervals not to exceed 4-1/2 feet.

EXCEPTION: See Section 300-11 (a) exception

SECTION 2. In accordance with the provisions of Section 620 of the City Charter, this ordinance shall become effective 30 days from and after the date of its adoption.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the ____ day of _____, 1999, by Council Member _____.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the ____ day of _____, 1999, by the following votes of members of said City Council.

AYES:

NOES:

ABSTAIN:

ABSENT:

APPROVED: _____
Mayor of the City of Hayward

DATE: _____

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT

1/23/99 JRB

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION FINDING AND DETERMINING THE NEED
FOR CHANGES OR MODIFICATIONS TO THE UNIFORM
BUILDING CODE, 1997 EDITION**

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and the California Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, Health and Safety Code section 17958.5 permits a city to make such changes or modifications to the uniform industry codes as are deemed reasonably necessary because of local conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, pursuant to the requirements of Health and Safety Code section 17958.7, does hereby find and determine the need to adopt changes or modifications to the following sections of the Uniform Building Code, 1997 Edition, (U.B.C.) by reason of local climatic, geological, and topographical conditions:

ADMINISTRATIVE CHANGES

VOLUME I

1. Certain sections in Chapters 1 and 2 have been modified or changed to conform with provisions of other ordinances and the Charter of the City of Hayward; such changes are not technical in nature, but are administrative only, and as to those, pursuant to California Code of Regulations Title 25, Section 52, they are deemed equivalent to procedures provided by the state.

2. SEC. 402.3. Amend first exception, number 2, to read:

Open exit balconies may be permitted within the atrium provided sprinkler protection and smoke removal requirements are established to be effective and reliable as determined by the Fire Chief.

3. Section 502.1 has been amended to require premises identification on all buildings in compliance with City security ordinance.
4. CHAPTER 9, SEC. 904.2.1 - 904.5.5. Amended to parallel the requirements as set forth in the Fire Code. Amendments to the Uniform Building Code, 1997 Edition (published by the International Conference of Building Officials) have been recognized by the City of Hayward to address the fire problems, concerns, and future directions by which this City can establish and maintain an environment which will afford a level of fire and life safety to its citizens and guests. The proposed Fire and Building Code change sets a lower mandatory limit, further reducing the allowable size to 5,000 square feet of total building floor area and reduces reference to 3 stories rather than 4 stories on Table 9-A. These proposed changes will provide increased ability to control fires.
5. SEC. 904.6. Buildings under construction. This change parallels a similar requirement in the Fire Code.
6. SEC. 1503. (Amendment) Amended to coincide with the state requirements and the Hayward Fire Department wood shake and shingle fire resistive roof requirement, as roof-to-roof fire transfer in the City poses a life threatening problem. This change also parallels other City ordinance requirements in "Hazardous Fire Areas."
7. SEC. 1504. This section has been amended to delete non-rated wood shakes and wood shingles as roof coverings to comply with requirements of amended section 1503.
8. TABLE 15-1. (Amendment) Amended to coincide with requirement that roof covering shall be a minimum "Class 'C'" classification or better.
9. SEC. 1801. General. Amended section clarifies which grading ordinance is in effect within the City of Hayward. (Administrative change) This section also clarifies the limitation on the maximum grade for private driveways.
10. SEC. 3001. Scope. Amendment clarifies scope of Chapter 30 with respect to provisions of state law. (Administrative change)
11. SEC. 3102. Require spark arrester in case of a combustible roof.
12. SEC. 3403. Existing structure. Amendment clarifies requirements in existing buildings. (Administrative change)
13. APPENDIX CHAPTER 3 R-3 OCCUPANCIES. (Deleted) The City considers provisions of the 1997 U.B.C. adequate to cover construction of one and two family buildings.

14. APPENDIX CHAPTER 4 (Deleted). The City considers Hayward's ordinance for barriers around pools adequate.
15. APPENDIX CHAPTER 51. (Deleted) Energy conservation regulations are provided by State Law in Title 24.
16. APPENDIX CHAPTER 10. (Deleted) The City considers its Building Security Ordinance adequate.
17. APPENDIX CHAPTER 11 (Deleted) The City considers its Chapter 11 in the main body adequate.
18. APPENDIX CHAPTER 15 RE-ROOFING. Amendment provides clarification for roofing material's and requires spark arresters for shake and shingle roofing.
19. APPENDIX CHAPTER 16. (Deleted) The requirements contained in the appendix are already covered in the main Chapter 16.
20. APPENDIX CHAPTER 18. (Deleted) The requirements are properly covered elsewhere.
21. APPENDIX CHAPTER 19 (Deleted) There is no alternate freezing and thawing in Hayward.
22. APPENDIX CHAPTER 21 (Deleted) There is no High-wind area in Hayward.
23. APPENDIX CHAPTER 23. (Deleted) There is no light-frame construction high-wind areas in Hayward.
24. APPENDIX CHAPTER 30. (Deleted) Chapter 30 has been deleted since requirement contained therein is preempted by State of California Division of Industrial Safety.
25. APPENDIX CHAPTER 33 EXCAVATION, GRADING. (Deleted) Existing City ordinance regulates excavation and grading requirements. Chapter has been deleted but a clarification has been added for limitation on driveway slopes.

VOLUME II

26. SEC. 2310. This section is amended to require the use of fire retardant treated wood shingles or shakes on the sides of buildings closer than 10 feet to rear and side property lines. The Fire Department is concerned about the spread of fire from abutting properties.

27. APPENDIX CHAPTER 16 DIVISION 1. (Deleted) Alternate snow loads for roofing are not necessary in this City.

28. APPENDIX CHAPTER 19. (Deleted) This chapter is being deleted because freezing and thawing are not a climatic concern in Hayward.

BE IT FURTHER RESOLVED that the aforementioned amendments to the Uniform Building Code, 1997 Edition, are based on local climatic, geological, or topographical conditions. The "Findings of Facts" contained herein addresses present local conditions which either singularly or in combination cause the aforementioned amendments to be adopted. The following local conditions have an adverse effect on the prevention and control of major loss fires, thereby making necessary the above changes or modifications in the Uniform Building Code and the state Building Code in order to provide a reasonable degree of fire and life safety in this community.

1. CLIMATIC

- a. Precipitation: Precipitation ranges from 15 to 24 inches per year with an average of approximately 17.58 inches per year. 95 percent falls during the months of October through April, and 5 percent from May through September.
- b. Relative Humidity: Humidity remains in the middle range most of the time. It ranges from 41 percent to 68 percent during the year.
- c. Temperatures: High temperatures have been recorded in the low 100's F. Average summer highs are in the 73° F. range with an average annual maximum temperature of 66° F.
- d. Winds: Prevailing winds are from the west, northwest (WNW). However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 to 23 mile-per-hour range, gusting to 25 to 35 miles per hour. Forty mile-per-hour winds are experienced occasionally, and higher have been registered. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days, creating extremely dry conditions.
- e. Summary: These local climatic conditions affect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall, of low humidity and high temperatures, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and fires involving buildings. During wildland and

wood shake and shingle roof fires, winds can carry sparks and burning brands to other roofs, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fire back into buildings and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

2. GEOLOGICAL AND TOPOGRAPHIC

- a. Vegetation: Dry grass and brush are common in the hills and open-space areas adjacent to built-up locations during six to eight months of each year. Many of these areas frequently experience wildland fires which threaten nearby buildings, particularly those with wood roofs or sidings.
- b. Hills, Creeks, Canals, Freeways, Railways, Housing Tracts, Large Buildings, Building Complexes, and the Airport: All of these surface features, both natural and man-made, have a major adverse effect upon the road and street layout in the City, including major traffic routes. These conditions limit the number and cause indirect routing of major arterial streets for normal traffic as well as emergency vehicle response.
- c. Terrain: Areas with buildings include level, sloping, and rolling terrain. This terrain is not dissimilar to terrain in other locations which have experienced major conflagrations.
- d. Roads and Streets: As noted above, the limited number and the indirect routing of roads and streets in the City create heavy, slow traffic conditions and excessively long travel routes from point to point.
- e. Population: The current and rapidly growing population in the City creates two fire protection problems:
 - 1) The more people, the more emergency incidents requiring Fire Department response. The greater the frequency of alarms, the greater the chance there will be simultaneous emergency incidents requiring Fire Department response. This results in longer response times or fewer fire companies to respond to any emergency within the City; and
 - 2) The more people, the more traffic congestion during a greater part of the day. Such traffic congestion not only slows Fire Department response but often restricts access to fire scenes.

- f. Buildings, Landscaping and Clearances: Many building complexes are of designs which greatly limit the approach to and accessibility by Fire Department resources. Many houses and other buildings with wood roofs or sidings are close together and fire will readily spread from one to another by both radiation and convection of flying brands.
- g. Summary: Essentially, the above local geological and topographical conditions present fire frequency, magnitude, exposure, and accessibility problems and have a negative impact upon the response capability of the Fire Department. The quantity of Fire Department resources that can arrive within an effective time is limited. The time in which they can respond is extended due to lengthy travel distances and traffic congestion.

3. CONCLUSION. Local climatic, geological, and topographic conditions have a definite impact upon the frequency, spread and acceleration, intensity, and size of fire involving buildings in Hayward. Furthermore, they have an adverse impact upon the number of Fire Department resources which can be brought to bear upon such fires within an expeditious period of time. Therefore, it is found to be reasonably necessary that the Uniform Building Code and the state Building Code be changed or modified to mitigate the effects of the above conditions.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the Uniform Building Code, to be filed with the California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT JB 4/29/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION FINDING AND DETERMINING THE NEED
FOR CHANGES OR MODIFICATION TO THE CALIFORNIA
FIRE CODE, 1997 EDITION, WITH 1998 SUPPLEMENTS**

WHEREAS, California Health and Safety Code sections 13143.2 and 13143.5 permit a city to make such changes or modifications as deemed reasonably necessary because of local conditions to be made in specified uniform industry codes; and

WHEREAS, it is necessary that the City's Fire Code be revised to conform with parallel provisions in the City's Building Code as well as to address specialized needs presented by local conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward does hereby find and determine as follows:

1. In connection with the adoption by reference of the California Fire Code, 1998 Edition, the City needs to adopt changes or modifications to the following sections of the California Fire Code, 1998 Edition, by reason of local conditions: 1, 2, 3, 4, 5, 6, 7, 8, 103.1.4.1, 104.2, 105.4, 105.9, 209-H, 902.2.2.7, 903.4.1.1, 903.4.2.1, 903.4.2.2, 1003.1.4, 1003.2.1, 1003.2.1.1, 1003.2.1.2, TABLE 1004-A, 1004.5.1, 1103.2.3, 1109.7, 2805.4, 6105.3, 7901.3.2, 7902.1.1, 7904.2.1, 7904.2.8.1, 8704.4.3.1, APPENDIX II-A, SECTION 25, APPENDIX II-E, APPENDIX II-E-1, APPENDIX III-A, SECTION 5.1, 5.2, APPENDIX III-B, TABLE A-III-B-1, APPENDIX VI-C, SECTION 9, 10, 11, 12, 13, and 14.

2. The amendments to the California Fire Code, 1998 Edition (published by the International Fire Code Institute) have been recognized by the City of Hayward to address the fire problems, concerns, and future directions by which this City can establish and maintain an environment which will afford an acceptable level of fire and life safety to its citizens and guests.

3. The "Findings of Facts" contained herein addresses present local conditions which either singularly or in combination cause the aforesaid amendments to be adopted. The following local conditions have an adverse effect on the prevention and control of major loss fires, thereby making it necessary to adopt the above changes or modifications in the California Fire Code in order to provide a reasonable degree of fire and life safety in this community.

CLIMATIC

- (a) Precipitation: Precipitation ranges from 15 to 24 inches per year with an average of approximately 17.58 inches per year. 95 percent falls during the months of October through April, and five percent from May through September.
- (b) Relative Humidity: Humidity during May through November ranges between 20 to 40 percent going as low as 10 percent on an average of 10 days during this period. During December through April, the humidity ranges from 41 to 68 percent.
- (c) Temperatures: High temperatures have been recorded in the low 100's F. Average summer highs are in the 73° F. range with an average annual maximum temperature of 66° F.
- (d) Winds: Prevailing winds are from the west, northwest (WNW). However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 to 23 miles-per-hour range, gusting to 25 to 35 miles-per-hour. Forty miles-per-hour winds are experienced occasionally, and higher have been registered. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days, creating extremely dry conditions.
- (e) Summary: These local climatic conditions effect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall, of low humidity, and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and fires involving buildings. During wildland and wood shake and shingle roof fires, winds can carry sparks and burning brands to other roofs, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fire back into buildings and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

GEOLOGICAL AND TOPOGRAPHIC

- (a) Vegetation: Dry grass and brush are common in the hills and open-space areas adjacent to built-up locations during six to eight months of each year. Many of these areas frequently experience wildland fires which threaten nearby buildings, particularly those with wood roofs or sidings.
- (b) Hills, Creeks, Canals, Freeways, Railways, Housing Tracts, Large Buildings, Building Complexes, and the Airport: All of these surface features, both natural

and man-made, have a major adverse effect upon the road and street layout in the City including major traffic routes. These conditions limit the number, and cause indirect routing of major arterial streets for normal traffic as well as emergency vehicle response.

- (c) Terrain: Areas with buildings include level, sloping, and rolling terrain. This terrain is not dissimilar to terrain in other locations which have experienced major conflagrations.
- (d) Roads and Streets: As noted above, the limited number, and the indirect routing of roads and streets in the City create heavy, slow traffic conditions and excessively long travel routes from point to point.
- (e) Population: The current and rapidly growing population in the City creates two fire protection problems:
 - (1) The more people, the more emergency incidents requiring Fire Department response. The greater the frequency of alarms, the greater the chance there will be simultaneous emergency incidents requiring Fire Department response. This results in longer response times and/or fewer fire companies to respond to any emergency within the City; and
 - (2) The more people, the more traffic congestion during a greater part of the day. Such traffic congestion not only slows Fire Department response but often restricts access to fire scenes.
- (f) Buildings, Landscaping, and Clearances: Many building complexes are of designs which greatly limit the approach to and accessibility by Fire Department resources. Many houses and other buildings with wood roofs or sidings are close together, and fire will readily spread from one to another by both radiation and convection of flying brands.
- (g) Summary: Essentially, the above local geological and topographical conditions present fire frequency, magnitude, exposures, and accessibility problems and have a negative impact upon the response capability of the Fire Department. The quantity of Fire Department resources that can arrive within an effective time is limited. The time in which they can respond is extended due to lengthy travel distances and traffic congestion.

4. CONCLUSION. Local climatic, geological, and topographic conditions have a definite impact upon the frequency, spread, acceleration, intensity and size of fire involving buildings in Hayward. Furthermore, they have an adverse impact upon the number of Fire Department resources which can be brought to bear upon such fires within an

expeditious period of time. Therefore, it is found to be reasonably necessary that the California Fire Code be changed or modified to adopt more stringent requirements to mitigate the effects of the above conditions.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the California Fire Code, to be filed with the State of California Department of Housing and Community Development, the state Building Standards Commission, and the state Fire Marshal, by registered mail.

BE IT FURTHER RESOLVED that, should any finding contained herein be declared for any reason invalid, it is the intent of the City Council that it would have passed all remaining portions of this resolution.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT JPS 4/23/97

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION FINDING AND DETERMINING THE NEED
FOR CHANGES OR MODIFICATIONS TO THE UNIFORM
MECHANICAL CODE, 1997 EDITION**

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and California Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, said Health and Safety Code section 17958.5 permits a city to make changes or modifications to the uniform industry code as deemed reasonably necessary because of local conditions; and

WHEREAS, pursuant to section 17958.7 of the Health and Safety Code, local substantive amendments shall be based upon findings of local climatic, geological, or topographical conditions, but such findings are not necessary for merely administrative changes, or changes unrelated to apartment houses, hotels, motels, and dwellings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines the need to adopt the administrative, commercial, or industrial changes or modifications to the following sections of the Uniform Mechanical Code, 1997 Edition, by reason of local conditions:

ADMINISTRATIVE PROVISIONS.

Certain administrative provisions in Part I, Chapters 1 and 2 have been amended to conform with provisions of the City Charter and other City ordinances; such changes are not technical in nature, but are administrative only. The City Council finds pursuant to California Code of Regulations Title 25, Section 52, that enforcement procedures of local ordinances are equivalent to those provided by the State for abatement of violations of this code.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the Uniform Mechanical Code, to be filed with the California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT *ms 4/23/98*

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION FINDING AND DETERMINING THE NEED
FOR CHANGES OR MODIFICATIONS TO THE UNIFORM
HOUSING CODE, 1997 EDITION**

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and Housing and Community Development Commission regulations promulgated thereunder;

WHEREAS, Health and Safety Code section 17958.5 permits a city to make such changes or modifications to the uniform industry codes as are deemed reasonably necessary because of local conditions; and

WHEREAS, pursuant to section 17958.7 of the Health and Safety Code, local substantive amendments shall be based upon findings of local climatic, geological, or topographical conditions, but such findings are not necessary for merely administrative changes, or changes unrelated to apartment houses, hotels, motels, and dwellings.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines the need to adopt the administrative, commercial, or industrial changes or modifications to the following sections of the Uniform Housing Code, 1994 Edition, by reason of local conditions.

1. **ADMINISTRATIVE PROVISIONS.** Certain administrative provisions in Chapters 1, 2, 3, and 4 have been amended to conform with provisions of the City Charter and other City ordinances.

2. **CHAPTERS 13 through 16.** The appeal, enforcement, and abatement provisions of these chapters are addressed by the procedures outlined in the City of Hayward Building Abatement Ordinance, (Hayward Municipal Code, Chapter 9, Article 3), which is applicable to all occupancies. Pursuant to the California Code of Regulations Title 25, Section 52, the enforcement agency has determined that the local government housing abatement procedure provides the equivalent of procedures outlined in CCR Title 25, Sec. 48, et. seq.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the Uniform Housing Code, to be filed with the California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT JB 4/23/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION FINDING AND DETERMINING THE NEED
FOR CHANGES OR MODIFICATIONS TO THE UNIFORM
PLUMBING CODE, 1997 EDITION**

WHEREAS, section 17958 of the State of California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain uniform industry codes as specified in Health and Safety Code section 17922 and State of California Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, Health and Safety Code section 17958.5 permits a city to make changes or modifications to the uniform industry codes as deemed reasonably necessary because of local climatic, geological or topographical conditions.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward, pursuant to the requirements of Health and Safety Code section 17958.7, does hereby find and determine the need to adopt changes or modifications to the following sections of the Uniform Plumbing Code (UPC), 1997 Edition, by reason of local climatic, geological and topographical conditions:

1. ADMINISTRATIVE CHANGES. Certain administrative provisions in Part I, Chapters 1 and 2 have been amended to conform with provisions of the City Charter and other City ordinances of the City of Hayward. Such changes are not technical in nature, but are administrative only.
2. APPENDIX D. SIZING STORMWATER DRAINAGE SYSTEMS. This amendment is necessary to clarify the requirement of carrying roof drainage to an acceptable point of discharge and set forth standards in relation thereto.
3. APPENDIX E. MOBILE HOME PARK STANDARDS. These regulations are preempted by state law.
4. APPENDIX G. GRAYWATER SYSTEM FOR SINGLE FAMILY DWELLINGS. The use of graywater is not allowed due to health and safety concerns.
5. APPENDIX K. PRIVATE SEWAGE DISPOSAL SYSTEMS. The City of Hayward does not allow private sewage disposal systems.

6. **FINDINGS.** The aforesaid local amendments are reasonably necessary in order to lessen the threat to life, safety, and property presented by certain local climatic, geological, and topographical conditions existing in the City of Hayward. The aforesaid local amendments are enacted pursuant to the authority of section 17958.5 of the California Health and Safety Code, for the purpose of addressing the aforesaid conditions which are more specifically described as follows:

- a. The Hayward fault lies within the City of Hayward and in fact, a substantial portion of the residential area of the City lies within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development. This fact increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage is often accompanied by structural fire. Fire or burning of combustibles emits toxic gases and acids, and generates large amounts of smoke, its presence in interior water distribution systems an increase the threat to life and property in the event of a seismic disturbance.
- b. The travel time to a fire or other emergency within Hayward may be impeded by the following conditions:
 - (1) Three major railway lines, the elevated BART line, two major freeways, and natural creeks divide the City into numerous sections, and equipment responding to emergencies face potential delays and obstruction of access in crossing these barriers.
 - (2) The City of Hayward contains five major water reservoirs which, upon failure, would inundate a large portion of the City, further delaying the response to a fire or other emergency.
 - (3) A growing community of single-family and multi-family dwellings presently exists on the easterly side of the proposed Highway 238, which is itself a potential physical barrier impeding response to a fire or other emergency.
 - (4) The major north-south and east-west emergency response routes aside from the freeways are dependent upon bridges and grade separations. Failure of structures or systems would isolate a heavily populated section of the City.
 - (5) In the event of a fire, toxic gases and smoke generated would increase life hazard, and since most loss of life in fires is from

asphyxiation, a rapid response by emergency equipment becomes more critical.

- c. All drain and waste pipes flow into the City of Hayward Waste Water Treatment Plant. Any chemical reaction due to waste flowing may produce contaminants, threatening the biological process of the treatment Plant itself and in turn thereby threatening the marine life in the San Francisco Bay.
- d. High wind conditions normally exist in the hillside and shoreline areas of the City, increasing the potential for fire spread.
- e. A substantial portion of the residential area of Hayward is the natural habitat of various species of animals and rodents.
- f. Because of the geographic location of Hayward's waste water treatment ponds abutting one of California's larger wetlands and San Francisco Bay, the possibility of damage to these environmentally sensitive areas system is considerable.

The City Council hereby takes official notice of the General Plan (and all elements thereof) of the City of Hayward, all documents on file with the City relating to the Alquist-Priolo Act Special Studies Zone and the findings and recommendations of the Building Advisory Committee in this matter.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the Uniform Plumbing Code, to be filed with the State of California Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward

DRAFT DB 4/23/99

HAYWARD CITY COUNCIL

RESOLUTION NO. _____

Introduced by Council Member _____

**RESOLUTION FINDING AND DETERMINING THE NEED
FOR CHANGES OR MODIFICATIONS TO THE
CALIFORNIA ELECTRICAL CODE, 1998 TRIENNIAL
EDITION**

WHEREAS, section 17958 of the California Health and Safety Code requires the adoption by the City of Hayward of regulations imposing the same requirements of certain National Industry Codes as specified in Health and Safety Code section 17922 and Housing and Community Development Commission regulations promulgated thereunder; and

WHEREAS, Health and Safety Code section 17958.5 permits a city to make changes or modifications to the National Industry Codes as deemed reasonably necessary.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Hayward hereby finds and determines that, in addition to administrative changes, there is a need to adopt the modifications of the following sections of the California Electrical Code, 1998 Triennial Edition, by reason of local climatic, geological, and topographical conditions.

1. CHAPTERS 1, 2, and 3. GENERAL AND ADMINISTRATIVE PROVISIONS. The California Electrical Code, as printed, does not include detailed administrative provisions, thereby requiring the City of Hayward to adopt its own.

2. ARTICLE 210. BRANCH CIRCUITS. Many neutral conductors of multi-wire branch circuits are overloaded due to improper phasing of conductors, splices, and connection of devices. Color coding of the ungrounded conductors of a multiline branch circuit is a safety as well as a design consideration of safe and proper wiring. Much electrical work is installed with the NEC minimum requirements as the only design criteria. Failure to connect the proper conductor to receptacles supplied by multiline branch circuits can result in overloading of the unprotected neutral conductor to as much as three times its allowable ampacity or, in the case of two four-wire circuits, to as much as six times its allowable ampacity. The resultant overheating of a neutral wire is no less a hazard than that of an ungrounded conductor.

The identification of ungrounded conductors of a multiline branch circuit permits the electrician to install devices in a manner that will result in a balancing of the phase loadings and neutral load. Detection of improper phasing of a multiline circuit by the inspecting authority is extremely difficult without conductor identification and virtually impossible when making a final inspection of work that is not energized, as is often the case. The proposal, as

written, would offer a simple means for the electrician, inspector, and subsequent electricians to determine and maintain correct circuit phasing in industrial and commercial construction where this is likely to occur.

Due to the rapid increase in the number of hand held electrical appliances in and about bathrooms and laundry areas, ground fault interrupter (GFI) protection is needed in these additional locations. The proposal, as written, would provide additional necessary safety to citizens.

This last amendment is enacted pursuant to earthquake vulnerability as a result of having a substantial portion of the residential areas of the City of Hayward within the Alquist-Priolo Act Special Studies Zone, requiring special geologic studies prior to development. This fact increases the likelihood of seismic disturbances of substantial magnitude occurring and causing consequent damage. Such damage could cause plumbing fixtures and pipes to break, allow large amounts of water close to electrical outlets without GFI protection, and, as a result, increase the threat to life and property.

3. ARTICLE 230. SERVICES. The need for this addition to the model code requirements is justified by safety considerations. The need to disconnect all current carrying conductors within a structure by occupants or Fire Department personnel in case of fire or other emergency, and the replacement of wire seals by locking rings on meter bases by Pacific Gas and Electric, make this requirement necessary.

4. ARTICLE 300. WIRING METHODS. The need for this addition to the model code is for the purpose of increasing safety within buildings in an active seismic area. By requiring that these systems be supported, the proposal as written, should increase safety in low voltage circuits and avoid the problem of cables falling through the ceiling in case of seismic activity. It should also provide easier response for emergency personnel as they conduct rescue operations through the building.

5. ARTICLE 770. OPTICAL FIBER CABLES (See UPS). The proposal, as written, will bring it into conformity with Article 300 requirements, and should also provide the increased safety needed in an active seismic area as a result of these cables being supported.

BE IT FURTHER RESOLVED that the aforementioned amendments to the California Electrical Code, 1998 Triennial Edition, are based on local climatic, geological, or topographical conditions. The "Findings of Facts" contained herein address present local conditions which either singularly or in combination cause the aforementioned amendments to be adopted. The following local conditions have an adverse effect on the prevention and control of major loss fires, thereby making necessary the above changes or modifications in the National Electrical Code and the California Electrical Code in order to provide a reasonable degree of fire and life safety in this community.

1. CLIMATIC

- a. **Precipitation:** Precipitation ranges from 15 to 24 inches per year with an average of approximately 17.58 inches per year. 95 percent falls during the months of October through April, and 5 percent from May through September.
- b. **Relative Humidity:** Humidity remains in the middle range most of the time. It ranges from 41 percent to 68 percent during the year.
- c. **Temperatures:** High temperatures have been recorded in the low 100's F. Average summer highs are in the 73 range with an average annual maximum temperature of 66 F.
- d. **Winds:** Prevailing winds are from the West, Northwest (WNW). However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 14 mph to 23 mph range, gusting to 25 to 35 mph. Forty mile-per-hour winds are experienced occasionally and higher have been registered. During the winter half of the year, strong, dry, gusty winds from the north move through the areas for several days, creating extremely dry conditions.
- e. **Summary:** These local climatic conditions affect the acceleration, intensity, and size of fires in the community. Times of little or no rainfall or of low humidity and high temperatures create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and fires involving buildings. During wildland and wood shake and shingle roof fires, winds can carry sparks and burning brands to other roofs, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fire back into buildings and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

2. GEOLOGICAL AND TOPOGRAPHIC

- a. **Vegetation:** Dry grass and brush are common in the hills and open-space areas adjacent to built-up locations during six to eight months of each year. Many of these areas frequently experience wildland fires which threaten nearby buildings, particularly those with wood roofs or sidings.
- b. **Hills, Creeks, Canals, Freeways, Railways, Housing Tracts, Large Buildings, Building Complexes, and the Airport:** All of these surface features, both natural and man-made, have a major adverse effect upon the road and street layout in the City of Hayward, including major traffic routes. These conditions limit the

number, and cause indirect routing, of major arterial streets for normal traffic as well as emergency vehicle response.

- c. Terrain: Areas with buildings include level, sloping, and rolling terrain. This terrain is not dissimilar to terrain in other locations which have experienced major conflagrations. The City of Hayward is in an active seismic area and may be subject to ground shaking and surface rupture.
- d. Roads and Streets: As noted above, the limited number and the indirect routing of roads and streets in the City of Hayward create heavy, slow traffic conditions and excessively long travel routes from point to point.
- e. Population: The current and rapidly growing population in the City creates two fire protection problems:
 - 1) The more people, the more emergency incidents requiring fire department response. The greater the frequency of alarms, the greater the chance there will be simultaneous emergency incidents requiring fire department response. This results in longer response times and/or few fire companies to respond to any emergency within this jurisdiction; and
 - 2) The more people, the more traffic congestion during a greater part of the day. Such traffic congestion not only slows fire department response but often restricts access to fire scenes.
- f. Buildings, Landscaping and Clearances: Many building complexes are of designs which greatly limit the approach to and accessibility by Fire Department and other emergency resources. Many houses and other buildings with wood roofs and/or sidings are close together and fire will readily spread from one to another by both radiation and convection of flying brands.
- g. Summary: Essentially, the above local geological and topographical conditions present fire frequency, magnitude, exposure, and accessibility problems and have a negative impact upon the response capability of the Fire Department and other emergency response efforts. The quantity of emergency resources that can arrive within an effective time is limited. The time in which they can respond is extended due to lengthy travel distances and traffic congestion.

3. CONCLUSION. Local climatic, geological and topographic conditions have a definite impact upon the frequency, spread and acceleration, intensity and size of fire and other structural threats involving buildings in Hayward. Furthermore, they have an adverse impact upon the number of Fire Department and other emergency resources which can be brought to bear in an expeditious period of time to resolve or reduce threats to life and property.

Therefore, it is found to be reasonably necessary that the California Electrical Code as adopted by the City of Hayward be changed or modified to mitigate the effects of the above conditions.

BE IT FURTHER RESOLVED THAT THE City Clerk is hereby directed to cause a copy of this resolution, together with the modifications or changes to the California Electrical Code, to be filed with the state Department of Housing and Community Development.

IN COUNCIL, HAYWARD, CALIFORNIA _____, 1999

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

ATTEST: _____
City Clerk of the City of Hayward

APPROVED AS TO FORM:

City Attorney of the City of Hayward