REPORT TO MAYOR AND COUNCIL

NO: 10-296

November 16, 2010

SUBJECT: Adoption by Reference of the 2010 California Building Codes

REPORT IN BRIEF

The State of California Building Standards Commission has adopted the 2010 California building codes and has set an implementation date of January 1, 2011. The City Council introduced these ordinances at the November 9, 2010 meeting and set the adoption date as November 16, 2010 (pursuant to Government Code 50022.3). Required notices of publication were published on October 22 and 29, 2010 in The Sun newspaper. The 2010 editions of the California Building Codes will bring the City of Sunnyvale up to the current code standard in the State of California. Staff is recommending that the City Council adopt the codes with amendments.

BACKGROUND

The California Building Standards Commission (CBSC) is responsible for administering the adoption, publication, and implementation of the California building codes which are contained in the California Code of Regulations, Title 24, Part 6. Since 1989, the CBSC has published triennial editions of these codes. Local jurisdictions are mandated to enforce the codes adopted by the State.

Included in the 2010 California Building Codes are two new codes; the 2010 California Residential Code (CRC) and the 2010 California Green Building Standards (CALGreen). The new CRC addresses the building requirements for one- and two- family dwellings which includes single-family homes, duplexes, and townhouses. California also adopted the nation's first mandatory green building standards. The CALGreen Code sets the minimum sustainability standards for new residential and non-residential construction.

In January 2010, the State of California adopted the 2010 California Building Codes and published the documents on July 4, 2010. All local jurisdictions are required to adopt these codes with appropriate amendments by January 1, 2011, or be mandated to accept by default the version adopted by the State.

EXISTING POLICY

The City of Sunnyvale is presently using the 2007 California Building Code, Plumbing Code, Mechanical Code, and Electrical Code, Historical Building Code, Existing Building Code, Building Standards Administration Code, 2006

International Property Maintenance Code, and the 2005 Energy Code. In order to use the updated versions of the building codes an ordinance for each code must be adopted.

The Fire Protection System standards for the California Building Code (Chapter 9) are recommended by the Public Safety Department and will be presented to Council for consideration separately from this report.

Green Building Ordinance
In March 2009, the City Council adopted a green building ordinance that became effective on January 1, 2010. It sets the standards for sustainable design for new constructions, additions, and alterations. This green building requirement is based on the U.S. Green Building Councils' Leadership in Energy and Environmental Design (LEED) program for non-residential building and the Build It Green's GreenPoint Rated system for residential buildings. These two rating systems are generally accepted and common in the building construction industry. Also, the City's green building ordinance does allow for the use of alternative green building rating systems when it can be shown they are equivalent to the LEED and GreenPoint Rated programs. Implementation of the green building ordinance, which includes additional construction standards, has been smooth and continues without major problems or concerns from the development community.

DISCUSSION
Following is a list of codes adopted by the State of California for implementation on January 1, 2011 that are proposed to be adopted by the City:

- 2010 California Building Code (based on the 2009 International Building Code)
- 2010 California Residential Code (based on the 2009 International Residential Code)
- 2010 California Mechanical Code (based on the 2009 Uniform Mechanical Code)
- 2010 California Plumbing Code (based on the 2009 Uniform Plumbing Code)
- 2010 California Electrical Code (based on the 2008 National Electrical Code)
- 2010 California Building Standards Administrative Code
- 2010 California Energy Code
- 2010 California Historical Building Code
- 2010 California Existing Building Code (based on the 2009 International Existing Building Code)
- 2010 California Green Building Standards Code

- 2009 International Property Maintenance Code

Every city and county in California is required to adopt these codes, with local amendments as may be appropriate, and implement them on January 1, 2011.

Pursuant to Government Code 50022.3, there shall be a public hearing scheduled after the first reading of the title of the adopting ordinance(s) and notice of the hearing shall be published once a week for two successive weeks. The adoption of the codes is scheduled for the November 16, 2010 City Council meeting.

In the past, the City of Sunnyvale coordinated with other Bay Area jurisdictions to coordinate and limit the amendments to the State adopted building codes. During the past year, staff has participated in monthly meetings with other jurisdictions from the Peninsula, East Bay, and Monterey Bay communities and agreed on recommended amendments to the State codes. These coordinated amendments have been kept to a minimum. However, there are still some structural amendments proposed that are related to structural design due to the Bay Area's high potential for seismic activity. Additional amendments are proposed that maintain the current administrative provisions and practices of the Building Safety Division.

Fire Sprinkler Amendment to California Residential Code
With the current code adoption cycle, for the first time, fire sprinklers will be required national-wide for all new residential construction. The City of Sunnyvale has required fire sprinklers to be installed in all residential buildings, including single family homes, since May 1987. The City's ordinance includes new construction and additions to existing buildings (where the additional square footage is over 50% of the existing square footage). Amendments are proposed to the California Residential Code to maintain the current requirement for fire sprinkler installation in residential additions.

CALGreen
As part of the 2010 California Building Codes update, the State has adopted CALGreen, the nation's first mandatory green building standards. CALGreen applies to most new construction and includes mandatory green building measures as well as two voluntary levels of higher standards deemed Tier 1 and Tier 2. The mandatory measures will be required throughout the State beginning on January 1, 2011. The two voluntary levels, Tier 1 and Tier 2, allow local jurisdictions an easy method of adopting stricter green building measures if desired.

Based on the result of a recent study by the Green Building Code Educational Collaborative (composed of the American Institute of Architect's California Council, Build It Green, San Francisco Department of the Environment, Simon

and Associates, StopWaste.org, and USGBC-Northern California Chapter), CALGreen's mandatory requirements are much less restrictive in comparison to Sunnyvale's current green building program, which uses the LEED and the GreenPoint Rated systems. A summary of the results of this study are provided in Attachment A. Additionally, the CALGreen standards are typically less specific and quantitative than the LEED and GreenPoint Rated systems. CALGreen is a new standard and needs to be further developed.

Due to the success of the current green building program and because CALGreen contains a lesser level of green building measures, staff recommends maintaining the current green building ordinance and adopting only the mandatory provisions of CALGreen. Staff has analyzed the CALGreen mandatory measures and found that many of the provisions are already required by other codes, others will provide LEED or GreenPoint Rated points, and only a few will result in a new requirement. This will allow for continuation of the City's current green building program without reducing our current green building standards. Additionally, the CALGreen mandatory measures will only apply to new construction.

Wood-Burning Fireplaces
In 2001 the City Council adopted an ordinance to prohibit the installation of new wood-burning fireplaces (with a few exceptions) due to the pollution that is generated from them. The current ordinance allows for remodeling or rehabilitation of existing wood-burning fireplaces. The new CALGreen also includes standards for new wood-burning fireplaces. Since CALGreen includes similar standards, staff is recommending retracting the current wood-burning fireplace ordinance (Municipal Code Section 8.14) and amending CALGreen to include provisions for remodeling and rehabilitating existing wood-burning fireplaces (which is currently covered in Municipal Code Section 8.14).

FISCAL IMPACT
The new CALGreen code includes mandatory green building measures that are required to be reviewed, tracked, inspected, and approved by the local jurisdiction. Implementation of the mandatory measures will have an impact on the work load of the Building Division. Depending on the amount of additional staff resources required for implementation and the volume of building permit activity, a budget modification may be needed later this fiscal year.

PUBLIC CONTACT
Public contact was made through posting of the Council agenda on the City's official notice bulletin board at City Hall, the Community Center, and the Senior Center; posting of the agenda and report on the City's Web site; publication of the Council agenda in the San Jose Mercury News; and the availability of the report in the Library and the City Clerk's Office. Notice of this

meeting was also published in the Sunnyvale Sun newspaper and the San Jose City Times newspaper on November 5 and 12, 2010 (pursuant to Government Code 50022.3 requiring notice of the hearing to be published once a week for two successive weeks).

ALTERNATIVES

1. Repeal prior ordinances, adopt all 12 proposed ordinances in Attachments C-1 to C-12, and adopt the Resolution of Findings Determining the Need of Modification of the Codes.
2. Repeal prior ordinances, adopt all 12 proposed ordinances in Attachments C-1 to C-12 with modifications, and adopt the Resolution of Findings Determining the Need of Modification of the Codes.
3. Do not take an action.

RECOMMENDATION

Staff recommends Alternative 1 that the City Council repeal prior ordinances, adopt all proposed ordinances in Attachments C-1 to C-12, and adopt the Resolution of Findings Determining the Need of Modification of the Codes.

The recommended ordinance includes the adoption of the mandatory measures of CALGreen. The City's current green building program which contains higher standards than CALGreen will be maintained. The mandatory CALGreen requirements will apply to new construction only.

As noted under the Discussion section, staff has been working with other Bay Area jurisdictions to limit and coordinate local amendments to the building codes. As part of these efforts, the amendments that are recommended will be generally made throughout local jurisdiction in the Bay Area. Staff is also recommending other modifications to the 2010 California Building Codes to maintain conformance with our current administrative policies and procedures.

The adoption of these codes and amendments will have a positive impact as it will allow the public to avail themselves of current and upgraded construction and life safety provisions that have been revised under these codes.

Reviewed by:

Hanson Hom, Director of Community Development

Reviewed by: Ali Fatapour, Building Inspection Superintendent
Prepared by: Carol Lau, Senior Plan Check Engineer

Approved by:

Gary Luebbers
City Manager

Attachments

A. CALGreen Mandatory Measures Comparison to Current Sunnyvale Green Building Requirements
B. Resolution Finding and Determining the Need for Modifications to the California Building Codes
C. Proposed Ordinances for Adoption of the 2010 California Building Codes

Attachment A

CALGreen Mandatory Measures Comparison to Current Sunnyvale Green Building Requirements*

CALGreen Category	RESIDENTIAL Mandatory Measures (28 prerequisites)	COMMERCIAL Mandatory Measures (32 prerequisites)
Planning and Design	0	1-2
Energy Efficiency	0	0
Water Efficiency and Conservation	7-10	2
Material Conservation and Resource Efficiency	3	1
Environmental Quality	8-15	4-6
	18 - 28 **B.I.G. Green Points**	**8 - 11** **LEED points**
Current Sunnyvale Green Building Requirement for New Construction	**70 B.I.G.Green Points** (new construction > 1500 s.f.)	**LEED Certified: 40-49 points** (new construction > 5,000 s.f.) **LEED Silver: 50-59 points** (new construction > 50,000 s.f.)

* Summary of this comparison is based on the study results provided by the Green Building Code Educational Collaborative. Build It Green GreenPoint Rated version 4.2 and LEED for New Construction 2009 were used in the study.

Attachment B

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE FINDING AND DETERMINING THE NEED FOR MODIFICATIONS TO THE 2010 CALIFORNIA BUILDING CODE

WHEREAS, the City of Sunnyvale is adopting the 2010 California Building Codes with numerous changes and modifications;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SUNNYVALE that it finds and determines there is a need to adopt the changes or modifications because of local climatic, topographic, geological and related geographic conditions.

General Findings

1. Climatic

a. Precipitation. Precipitation ranges from 4.83 to 30.30 inches per year with an average of approximately 13.86 inches per year. Approximately 90% falls during the months of November through April and 10% from May through October. This area experienced a major drought in 1977-78 and a moderate drought the next five years; it is possible that more droughts will occur in the future. The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the expansive characteristics of soil.

b. Relative Humidity. Humidity generally ranges from 60% during daytime to 80% at night. It drops to 20% during the summer months and occasionally drops lower.

c. Temperatures. Temperatures have been recorded as high as 108° F. Average summer highs are in the 78°-82° F. range.

d. Winds. Prevailing winds are from the Northwest or Southeast. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 5-mph to 15-mph range, gusting to 7.4 mph to 30 mph, particularly during the summer months. Extreme winds, up to 60 mph, have been known to occur.

e. Summary. These local climatic conditions affect the acceleration, intensity and size of fire 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 conflagrations. The winds experienced in this area can have a tremendous impact upon structure fires of buildings in close proximity to one another commonly found in Sunnyvale. During wood shake and shingle roof fires, or exposure fires, winds can carry sparks and burning brands to other structures, thus spreading the fire and causing conflagrations. In building fires, winds can literally force fires back into the building and can create a blowtorch effect, in addition to preventing "natural" ventilation and cross-ventilation efforts.

2. Geological, Geographic and Topographic

a. Geographic Location. Sunnyvale is located in the Santa Clara Valley. It has taken its place as the second largest city in the heart of the "Silicon Valley," the center for an expanding and changing technology industry.

b. Seismic Location. Sunnyvale is situated on alluvial soils between San Francisco Bay and the San Andreas Fault zone. The City's location makes it particularly vulnerable to damage to taller and older structures caused by seismic events. The relatively young geological processes that have created the San Francisco Bay Area are still active today. Seismically, the City sits between two active earthquake faults (San Andreas and the Hayward/Calaveras) and numerous potentially active faults.

c. Seismic and Fire Hazards. Gypsum wallboard and exterior portland cement plaster have performed poorly during recent California seismic events. The shear values for gypsum wallboard and portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of these products until cyclic loading testing are performed and evaluated. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself.

Hazardous materials, particularly toxic gases, could pose the greatest threat to the largest number, should a significant seismic event occur. Public safety resources would have to be prioritized to mitigate the greatest threat, and may likely be unavailable for smaller single dwelling or structure fires.

Other variables may tend to intensify the situation:

1. The extend of damage to the water system;
2. The extent of isolation due to bridge and/or freeway overpass collapse;
3. The extent of roadway damage and/or amount of debris blocking the roadways;
4. Climatic conditions (hot, dry weather with high winds);
5. Time of day will influence the amount of traffic on roadways and could intensify the risk to life during normal business hours;
6. The availability of timely mutual aid or military assistance;
7. The large portion of dwellings with wood shingle roof coverings could result in conflagrations.

d. Size and Population. The City has an area over 24 square miles in size and a population estimated to be 140,450.

e. Development. Sunnyvale is a community, which is projected to add 7,200 new residential units within the next twenty-five years, primarily in multi-family con-figurations, for which building security is a matter of acute importance.

f. Public Safety Department. Sunnyvale utilizes a public safety (joint police/fire) department with personnel who function as both fire suppression and police officers, resulting in fewer personnel than otherwise would be required for a city of its size. A premium is therefore placed on built-in physical techniques and devices as crime preventative measures. It is therefore also imperative that fire detection and suppression occur as quickly as possible to minimize loss of property and life. For these reasons the most stringent provisions are required concerning fire detection, alarm and suppression systems.

g. Roads and Streets. The number of vehicle miles driven in the City is steadily increasing and considerable efforts in traffic and roadway improvements are being made to ease the crush of commuters to and through the City to their homes and places of work. Because of the City's high concentration of jobs, much of the peak traffic is made by nonresidents traveling to or from Sunnyvale. The impact of planned developments and traffic flow will continue to have an effect on the Department of Public Safety and delivery of fire services.

h. Industry. Sunnyvale is the site of many manufacturing and research industries which use toxic, flammable and explosive chemicals and materials in potentially hazardous combinations. Special precautions thus are required to minimize the risk of damage to adjoining persons and properties.

i. Mixed Industrial/Residential Uses. High-density residential uses are located near high-risk industries, necessitating special precautions.

j. Transportation. Sunnyvale is divided by an interstate highway, which potentially could affect response times of fire suppression equipment.

k. Soil Conditions and Topography. Sunnyvale lies at the southern end of San Francisco Bay and is built atop the alluvial deposits that surround the margins of the Bay. The alluvium was created by the flooding of the many streams emptying into the San Francisco Bay depression, and from intermittent seawater inundation that has occurred over the last 2 or 3 million years. The areas closest to the Bay are overlain by unconsolidated fine silty clay, known as "Bay Mud" which varies in thickness from a few feet to as much as 30 feet. Generally, the older, more stable alluvium is to the south and the younger, less stable material is to the north. Bedrock lies beneath the area at depths generally 300' or more. The topography is essentially flat, dropping from an elevation of 300 feet to sea level. The slope across the City is in a northeasterly direction from the high point in the southwest corner to the Bay. The average slope is approximately 0.9%.

The Silicon Valley is within a very active seismic area and local soil conditions can be highly expansive (clay soils). The Northridge earthquake provided hundreds of examples of damage to plain concrete footings. This type of damage is extremely expensive to repair, in contrast to the small expense of providing nominal footing reinforcement. Footing reinforcement is also necessary to prevent damage due to pumping action caused by local expansive soils, which shrink and swell during seasonal drying and wetting conditions.

Most of the surface soils in the Silicon Valley are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are particularly corrosive in nature. Much of the surface soil in the Silicon Valley is highly expansive (i.e., shrink-swell behavior) and has low bearing strength.

l. Water/Sewer. Some parts of the Silicon Valley have hard water, which is corrosive to ferrous pipe. The groundwater table is unusually high in many places. Expansive soils create unstable conditions, which increase the potential of breaks in sewer laterals. To maintain health and sanitary services, it is necessary to gain access, to periodically maintain public sanitary laterals.

m. Buildings, Landscaping and Clearances. Many of the newer large buildings and building complexes are of designs, which greatly limit visibility and approach to and accessibility by Public Safety resources. Many houses and other buildings with wood roofs and/or sidings are so close together that fire will readily spread from one to another by both radiation and convection.

n. Summary. The stated local geological, geographic and topographical conditions increase the magnitude, exposure, accessibility problems and fire hazards presented to the Department of Public Safety. Lying beneath Sunnyvale are thick layers of sand, gravel and clay, known as alluvium, which amplify the effects of earthquakes. Based on the damage caused in Santa Clara Valley by the 1906 earthquake and the poor performance of alluvial deposits during earthquakes, this area could be subject to severe damage.

Findings.

With the exception of changes justified on administrative grounds, the local amendments of the 2010 California Building Codes are justified by all of the aforementioned general findings.

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to cause a copy of this resolution, together with the ordinances making the changes and modifications to the enumerated uniform codes, to be filed with the State Department of Housing and Community Development.

Adopted by the City Council at a regular meeting held on _____, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____

City Clerk Mayor

(SEAL)

APPROVED AS TO FORM AND LEGALITY:

_____

David E. Kahn, City Attorney

Attachment C

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2010 CALIFORNIA ADMINISTRATIVE CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE ADMINISTRATIVE CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2851-07 and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.08 ADDED. Sunnyvale Municipal Code Chapter 16.08 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____
(SEAL)

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

EXHIBIT A

ATTACHMENT C-1

Chapter 16.08.

ADMINISTRATIVE CODE

16.08.010. Title.
16.08.020. Adoption by reference.
16.08.030. Hours of construction—Time and noise limitations.

16.08.010. Title.

This chapter shall be known and may be cited and referred to as the "Administrative Code for California Codes Adopted by the City of Sunnyvale."

16.08.020. Adoption by reference.

The "2010 California Administrative Code" is hereby adopted by reference as the Administrative Code for all California codes adopted by the City of Sunnyvale.

16.08.030. Hours of construction—Time and noise limitations.

Construction activity shall be permitted between the hours of seven a.m. and six p.m. daily Mondays through Fridays. Saturday hours of operation shall be between eight a.m. and five p.m. There shall be no construction activity on Sundays or national holidays when city offices are closed.

No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent residential neighborhoods.

Exceptions:

(a) Construction activity is permitted for detached single-family residential properties when the work is being performed by the owner of the property, provided no construction activity is conducted prior to seven a.m. or after seven p.m. Mondays through Fridays, prior to eight a.m. or after seven p.m. on Saturdays and prior to nine a.m. or after six p.m. on Sundays and national holidays when city offices are closed. It is permissible for up to two persons to assist the owner of the property so long as they are not hired by the owner to perform the work. For purposes of this section, "detached single-family residential property" refers only to housing that stands completely alone with no adjoining roof, foundation or sides.

(b) As determined by the chief building official:

(1) No loud environmentally disruptive noises, such as air compressors without mufflers, continuously running motors or generators, loud playing musical instruments, radios, etc., will be allowed where such noises may be a nuisance to adjacent properties.

(2) Where emergency conditions exist, construction activity may be permitted at any hour or day of the week. Such emergencies shall be completed as rapidly as possible to prevent any disruption to other properties.

(3) Where additional construction activity will not be a nuisance to surrounding properties, based on location and type of construction, a waiver may be granted to allow hours of construction other than as stated in this section.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2010 CALIFORNIA BUILDING CODE (BASED ON THE 2009 INTERNATIONAL BUILDING CODE), AS THE BUILDING CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2852-07 and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.16 ADDED. Sunnyvale Municipal Code Chapter 16.16 is hereby added to read as set forth in Exhibit "A" attached and incorporated herein.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.16.
BUILDING CODE

16.16.010. Title.
16.16.020. Adoption by reference.
16.16.030. Standards for High-Rise Buildings.
16.16.040. Fire extinguishing systems.
16.16.050. Definitions.
16.16.060. Roof material rating.
16.16.070. Modifications to ASCE 7.
16.16.080. Modifications to ACI 318.
16.16.090. Concrete construction.
16.16.100. Moved structures.
16.16.110. Administration.

16.16.010. Title.

This chapter shall be known and may be cited and referred to as the "Building Code for the City of Sunnyvale."

16.16.020. Adoption by reference.

The "2010 California Building Code," including appendices C, I, and J, is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the Building Code of the City of Sunnyvale.

16.16.030. Standards for High-Rise Buildings.

California Building Code Section 403 is hereby replaced by the applicable provisions of Chapter 16.54.

16.16.040. Fire extinguishing systems.

Except for the application of Sections 504.2 and 506.3 of the California Building Code, the installation requirements for fire-extinguishing systems, including California Building Code Section 903, shall be governed by the applicable provisions of the California Fire Code as adopted by Chapter 16.52, and by the applicable provisions of Chapter 16.54.

16.16.050. Definitions.

California Building Code Chapter 2 is hereby amended to include:

For the purpose of the California Building Code, certain terms are defined as follows:

(1) "Board of appeals" means the board created to hear and determine appeals from a decision or order of the building inspection superintendent.

(2) "Building inspection superintendent" means the officer or other person charged with the administration and enforcement of the following codes of the city:

(A) Building Code,

(B) Residential Code,

(C) Existing Building Code,

(D) Plumbing Code,

(E) Mechanical Code,

(F) Electrical Code,

(G) Historical Buildings Code,

(H) Energy Code,

(I) Green Building Code.

(3) "Building official" or "chief building official" means building inspection superintendent.

(4) "The codes" mean each and all of the following codes of the city:

(A) Building Code,

(B) Residential Code,

(C) Existing Building Code,

(D) Plumbing Code,

(E) Mechanical Code,

(F) Electrical Code,

(G) Historical Buildings Code,

(H) Fire Code,

(I) Energy Code,

(J) Green Building Code,

(K) Property Maintenance Code.

16.16.060. Roof material rating.

2010 California Building Code Section 1505.1.3 is amended to read as follows:

1505.1.3 Roof Coverings in All Other Areas. The entire roof covering of every existing structure where more than fifty percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B as defined in the California Building Code.

16.16.070. Modifications to ASCE 7.

Modification to ASCE 7, Section 12.8.1.1. Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows:

$C_s = 0.044\ S_{DS}\ I \geq 0.01$ (Eq. 12.8-5)

Modification to ASCE 7, Section 12.8.7. Modify ASCE 7 Section 12.8.7 by amending Equation 12.8-16 as follows:

$$\theta = \frac{P_x \Delta I}{V_x h_{sx} C_d} \qquad \text{(Eq. 12.8-16)}$$

16.16.080. Modifications to ACI 318.

2010 California Building Code Section 1908.1.8 is amended to read as follows:

1908.1.8 ACI 318, section 22.10. Delete ACI 318, section 22.10, and replace with the following:

22.10 - Plain concrete in structures assigned to seismic design category C, D, E or F.

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

(a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.
Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.
Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross –sectional area of the footing.

16.16.090. Concrete construction.

California Building Code Section 1704.4 is hereby amended to read:

1704.4 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1704.4.

Exceptions: Special inspections shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 MPa).

2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:

2.1. The footings support walls of light-frame construction;

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

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

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

4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.

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

16.16.100. Moved structures.

California Building Code Section 3410 is hereby amended to read:

3410.1 Conformance. Structures moved into or within the jurisdiction shall comply with the provisions of this code for new structures.

Exception: Moved apartment houses and dwellings may retain existing materials and methods of construction, provided the apartment house or dwelling complies with the building standards for foundations applicable to new construction and does not become or continue to be a substandard building. For additional information, see Health and Safety Code Section 17958.9.

16.16.110. Administration.

2010 California Building Code, Chapter 1, Division II, is hereby amended as follows:

101.2. Scope.

(a) The provisions of this chapter shall apply to grading and to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolitions of every building or structure within the city, including all plumbing and drainage systems, mechanical systems, and electrical wiring and fire safety systems, or parts thereof, within and serving such building or structure, excluding therefrom the following:

(1) Any building or structure located on real property belonging to:

(A) United States of America,

(B) State of California, or any political subdivision thereof,

(C) Any chartered city or non-chartered city, or

(D) Any school district, except when the proposed use is for non-classroom facilities;

(2) Work located primarily in a public way;

(3) Public utility towers and poles;

(4) Mechanical equipment not specifically regulated in any of the codes; and

(5) Hydraulic flood control structures.

(6) Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the California Residential Code.

105.3.2 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been expired 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official is authorized to grant one or more extensions of time for additional period not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and other documents and pay a new plan review fee.

105.5 Permit Expiration.

(1) Every permit issued under the provisions of this title shall expire by limitation and become null and void, if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days.

(2) For purposes of this title, the failure of the permittee to call for an inspection within one hundred eighty days of the date the permit was originally issued, or within one hundred eighty days of the last inspection, shall create a rebuttable presumption that the work authorized by the permit has been suspended or abandoned, and the chief building official may make a determination that the permit has expired.

(3) Upon a determination by the chief building official that a permit has expired, the permittee shall be notified in writing that such a determination has been made.

(4) If a permit has expired, no work may be recommenced until a new permit is obtained. The fee for a new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that the period of suspension or abandonment was not in excess of one year, in which case the permittee shall pay a new, full permit fee and plan review fee.

(5) Any permittee holding an unexpired permit may apply for an extension of the time within which to commence or complete work under the permit. Such requests must be submitted in writing. The building official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

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

107.5 Retention of Construction Documents. One set of approved construction documents shall be retained by the building official for a period of not less than 90 days from the date of completion of the permitted work, or as required by state and local law.

Note: Reference Building Standards Law, Health and Safety Code Sections 19850 and 19851, for provisions related to permanent retention of plans.

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the current fee resolution approved by the city council.

109.4 Work commencing before permit issuance. When ever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for such permit shall be double the fee established by the current fee resolution approved by the city council.

109.4.1 Investigation fees: work without a permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit a special investigation may be made before a permit may be issued for such work.

109.4.2 Fee. 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.

109.6 Refunds. The building official my authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this section.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid with an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except by written request filed by the original permittee and for building permits that are not expired.

109.7 Plan review fees. When a plan review is required a plan checking fee shall be paid at the time of submitting plans and specifications for checking.

When submittal documents are incomplete or changes so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee may be charged as deemed necessary by the building official at rate established in the current fee resolution adopted by the city council.

110.3.8 Other inspections. In addition to the inspections specified above the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency.

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

110.8 Reinspections. A reinspection fee may be assessed as deemed necessary by the building official for each inspection or reinspection when such potion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection records card is not posted or otherwise available on the work site, the approved plans re not readily available to the inspector, for failure to provide access on the date for which inspection is required, or for deviating from plans requiring the approval of the building official.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required reinspection fees have been paid.

The reinspection fee shall be in accordance with the current fee resolution adopted by the city council.

111.2 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building safety division, the building official shall either sign the approved inspection record card or issue a certificate of occupancy that contains the following:

1. The building permit number.

2. The address of the structures.

3. The name and address of the owner.

4. A description of that portion of the structure for which the certificate is issued.

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

6. The name of the building official.

7. The edition of the code under which the permit was issued.

8. The use and occupancy, in accordance with the provisions of Chapter 3.

9. The type of construction as defined in Chapter 6.

10. The design occupant load.

11. If an automatic sprinkler system is provided, whether the sprinkler system is required.

12. Any special stipulations and conditions of the building permit.

114.1. Unlawful acts. It is unlawful for any person to perform any grading, or to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or to install or maintain any plumbing or drainage systems, or any mechanical systems, or any electrical wiring or fire safety systems in or about any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the administrative or technical code. Each such person is guilty of a separate offense for each and every day during any portion of which a violation of any provision of any codes continued, or permitted by such person and shall be punishable accordingly.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ADDING CHAPTER 16.17 (RESIDENTIAL CODE) TO TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2010 CALIFORNIA RESIDENTIAL CODE (BASED ON THE 2009 INTERNATIONAL RESIDENTIAL CODE) AS THE RESIDENTIAL CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. CHAPTER 16.17 ADDED. Sunnyvale Municipal Code Chapter 16.17 (Residential Code) is hereby added to Title 16 (Building and Construction) of the Sunnyvale Municipal Code to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation:_____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.17.

RESIDENTIAL CODE

16.17.010. Title.
16.17.020. Adoption by reference.
16.17.030. Fire extinguishing systems.
16.17.040. Definitions.
16.17.050. Roof material rating.
16.17.060. Sound transmission.
16.17.070. Concrete Construction.
16.17.080. Gypsum board and plaster as wall bracing materials.
16.17.090. Administration.

16.17.010. Title.

This chapter shall be known and may be cited and referred to as the "Residential Code for the City of Sunnyvale."

16.17.020. Adoption by reference.

The "2010 California Residential Code," including appendix H, is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the Residential Code of the city of Sunnyvale.

16.17.030. Fire extinguishing systems.

California Residential Code Section R313.1 is hereby amended by deleting the following provision:

R313.1 Exception

California Residential Code Section R313.1 is hereby amended by adding the following provision:

1. Existing Townhouses. An automatic residential fire sprinkler system shall be installed in existing townhouses when additions are made that are in excess of 50 percent of the original building area.

   Firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

   Exception: A one-time addition to existing townhouses that do not exceed 500 square feet of building area.

California Residential Code Section R313.2 is hereby amended by deleting the following provision:

R313.2 Exception

California Residential Code Section R313.1.1 is hereby amended to read:

R313.1.1 Design and Installation. Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with NFPA 13D and local standards.

California Residential Code Section R313.2 is hereby amended by adding the following provision:

1. Existing one and two family dwellings. An automatic residential fire sprinkler system shall be installed in existing one and two-family dwellings when additions are made that are in excess of 50 percent of the original building area.

   Firewalls used to separate building areas shall be constructed in accordance with the California Building Code and shall be without openings or penetrations.

   Exception: One-time additions to one and two-family dwellings that do not exceed 500 square feet of building area.

2. Group U private garages and carports shall comply with Section 903.2.18 of the California Fire Code.

California Residential Code Section R313.2.1 is hereby amended to read:

R313.2.1 Design and Installation. Automatic residential fire sprinkler systems shall be designed and installed in accordance with NFPA 13D and local standards.

California Residential Code Section R313.3 is hereby amended by deleting the following provisions:

R313.3 Dwelling unit fire sprinkler systems.

16.17.040. Definitions.

California Building Code Chapter 2 is hereby amended to include:

For the purpose of the California Code, certain terms are defined as follows:

(1) "Board of appeals" means the board created to hear and determine appeals from a decision or order of the building inspection superintendent.

(2) "Building inspection superintendent" means the officer or other person charged with the administration and enforcement of the following codes of the city:

(A) Building Code,

(B) Residential Code,

(C) Existing Building Code,

(D) Plumbing Code,

(E) Mechanical Code,

(F) Electrical Code,

(G) Historical Buildings Code,

(H) Energy Code,

(I) Green Building Code

(3) "Building official" or "chief building official" means building inspection superintendent.

(4) "The codes" mean each and all of the following codes of the city:

(A) Building Code,

(B) Residential Code,

(C) Existing Building Code,

(D) Plumbing Code,

(E) Mechanical Code,

(F) Electrical Code,

(G) Historical Buildings Code,

(H) Fire Code,

(I) Energy Code,

(J) Green Building Code.

(K) Property Maintenance Code.

16.17.050. Roof material rating.

2010 California Residential Code Section R902.1.3 is amended to read as follows:

R902.1.3 Roof Coverings in All Other Areas. The entire roof covering of every existing structure where more than fifty percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class B as defined in the California Residential Code.

16.17.060. Sound transmission.

The title for 2010 California Residential Code Section R303 is amended to read as follows:

LIGHT, VENTILATION, HEATING, AND SOUND TRANSMISSION

2010 California Residential Code Section R303.9 is added to Chapter 3 of the 2010 California Residential Code to read as follows:

R303.9 Sound transmission. For sound transmission control between attached dwelling units, see Section 1207 of the California Building Code.

16.17.070. Concrete Construction.

2010 California Residential Code Section R403.1.3 is amended to read as follows:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

In Seismic Design Categories D0, D1 and D2 where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than

4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

In Seismic Design Categories D0, D1 and D2 where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

In Seismic Design Categories D0, D1 and D2 masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family *dwellings* which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

16.17.080. Gypsum board and plaster as wall bracing materials.

Title for the 2010 California Residential Code Table R602.10.1.2(2) is amended to read as follows:

TABLE R602.10.1.2(2)[a,b,c,d]
BRACING REQUIREMENTS BASED ON SEISMIC DESIGN CATEGORY
(AS A FUNCTION OF BRACED WALL LINE LENGTH)

2010 California Residential Code Table R602.10.1.2(2) footnote "d" is added to the end of the table to read as follows:

[d.] In Seismic Design Categories D_0, D_1, and D_2, Methods GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

2010 California Residential Code Section R602.10.2.1.1 is added to Chapter 6 of the 2010 California Residential Code to read as follows:

R602.10.2.1.1 Limts on methods GB and PCP. In Seismic Design Categories D_0, D_1, and D_2, Methods GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D_0, D_1, and D_2, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

16.17.090. Administration.

2010 California Residential Code Chapter 1 Division II is hereby amended as follows:

R101.2. Scope.

(a) The provisions of this chapter shall apply to grading and to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolitions of detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures within the city, including all plumbing and drainage systems, mechanical systems, and electrical wiring and fire safety systems, or parts thereof, within and serving such buildings or structures, excluding therefrom the following:

(1) Any building or structure located on real property belonging to:

(A) United States of America,

(B) State of California, or any political subdivision thereof,

(C) Any chartered city or non-chartered city, or

(D) Any school district, except when the proposed use is for non-classroom facilities;

(2) Work located primarily in a public way;

(3) Public utility towers and poles;

(4) Mechanical equipment not specifically regulated in any of the codes; and

(5) Hydraulic flood control structures.

R105.3.2 Time limitation of application.

An application for a permit for any proposed work shall be deemed to have been expired 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued, the plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. The building official is authorized to grant one or more extensions of time for additional period not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated. In order to renew action on an application after expiration, the applicant shall resubmit plans and other documents and pay a new plan review fee.

R105.5 Permit Expiration.

(1) Every permit issued under the provisions of this title shall expire by limitation and become null and void, if the work authorized by the permit is not commenced within 180 days from the date of the permit, or if the work authorized by the permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty days.

(2) For purposes of this title, the failure of the permittee to call for an inspection within 180 days of the date the permit was originally issued, or within one hundred eighty days of the last inspection, shall create a rebuttable presumption that the work authorized by the permit has been suspended or abandoned, and the chief building official may make a determination that the permit has expired.

(3) Upon a determination by the chief building official that a permit has expired, the permittee shall be notified in writing that such a determination has been made.

(4) If a permit has expired, no work may be recommenced until a new permit is obtained. The fee for a new permit shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work, and provided further that the period of suspension or abandonment was not in excess of one year, in which case the permittee shall pay a new, full permit fee and plan review fee.

(5) Any permittee holding an unexpired permit may apply for an extension of the time within which to commence or complete work under the permit. Such requests must be submitted in writing. The building official is authorized to grant one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R105.7 Placement of Permit. The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.

R106.5 Retention of Construction Documents. One set of approved construction documents shall be retained by the building official for a period of not less than 90 days from the date of completion of the permitted work, or as required by state and local law.

Note: Reference Building Standards Law, Health and Safety Code Sections 19850 and 19851, for provisions related to permanent retention of plans.

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the current fee resolution approved by the city council.

R108.6 Work commencing before permit issuance. When ever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for such permit shall be double the fee established by the current fee resolution approved by the city council.

R108.6.1 Investigation fees: work without a permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit a special investigation may be made before a permit may be issued for such work.

R108.6.2 Fee. 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.

R108.5 Refunds. The building official my authorize refunding of any fee paid hereunder which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this section.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid with an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan reviewing is done.

The building official shall not authorize refunding of any fee paid except by written request filed by the original permittee and for building permits that are not expired.

R108.7 Plan review fees. When a plan review is required a plan checking fee shall be paid at the time of submitting plans and specifications for checking.

When submittal documents are incomplete or changes so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee may be charged as deemed necessary by the building official at rate established in the current fee resolution adopted by the city council.

R109.1.5 Other inspections. In addition to the inspections specified above the building official may make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws which are enforced by the code enforcement agency.

R109.5 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

R109.6 Reinspections. A reinspection fee may be assessed as deemed necessary by the building official for each inspection or reinspection when such potion of work for which inspection is called is not complete or when corrections called for are not made.

This section is not to be interpreted as requiring reinspection fees the first time a job is rejected for failure to comply with the requirements of this code, but as controlling the practice of calling for inspections before the job is ready for such inspection or reinspection.

Reinspection fees may be assessed when the inspection records card is not posted or otherwise available on the work site, the approved plans re not readily available to the inspector, for failure to provide access on the date for which inspection is required, or for deviating from plans requiring the approval of the building official.

In instances where reinspection fees have been assessed, no additional inspection of the work will be performed until the required reinspection fees have been paid.

The reinspection fee shall be in accordance with the current fee resolution adopted by the city council.

R110.3 Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the building safety division, the building official shall either sign the approved inspection record card or issue a certificate of occupancy that contains the following:

1. The building permit number.

2. The address of the structures.

3. The name and address of the owner.

4. A description of that portion of the structure for which the certificate is issued.

5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.

6. The name of the building official.

7. The edition of the code under which the permit was issued.

8. If an automatic sprinkler system is provided, whether the sprinkler system is required.

9. Any special stipulations and conditions of the building permit.

R113.1. Unlawful acts. It is unlawful for any person to perform any grading, or to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy, or maintain any building or structure in the city, or to install or maintain any plumbing or drainage systems, or any mechanical systems, or any electrical wiring or fire safety systems in or about any building or structure in the city, or cause the same to be done, contrary to or in violation of any of the provisions of the administrative or technical code. Each such person is guilty of a separate offense for each and every day during any portion of which a violation of any provision of any codes continued, or permitted by such person and shall be punishable accordingly.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2010 CALIFORNIA EXISTING BUILDING CODE AS THE EXISTING BUILDING CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2853-07 and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.18 ADDED. Sunnyvale Municipal Code Chapter 16.18 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.18.
EXISTING BUILDING CODE

16.18.010. Title.
16.18.020. Adoption by reference.

16.18.010. Title.

This chapter shall be known and may be cited and referred to as the "Existing Building Code for the City of Sunnyvale."

16.18.020. Adoption by reference.

The "2010 California Existing Building Code," and the 2009 International Existing Building Code Appendix A, Chapters A2, A3, A4, and A5, are hereby adopted by reference as the Existing Building Code of the City of Sunnyvale.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2010 CALIFORNIA PLUMBING CODE (BASED ON THE 2009 UNIFORM PLUMBING CODE) AS THE PLUMBING CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2854-07 and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.24 ADDED. Sunnyvale Municipal Code Chapter 16.24 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.24.

PLUMBING CODE

16.24.010. Title.
16.24.020. Adoption by reference.
16.16.025. Administration.

16.24.010. Title.

This chapter shall be known and may be cited and referred to as the "Plumbing Code for the City of Sunnyvale."

16.24.020. Adoption by reference.

The "2010 California Plumbing Code" is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the Plumbing Code of the City of Sunnyvale.

16.16.025. Administration.

2010 California Plumbing Code Chapter 1 Division II is hereby amended as follows:

California Plumbing Code Chapter 1 Division II is hereby replaced by the applicable provisions of Chapters 16.16 and 16.17.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2010 CALIFORNIA MECHANICAL CODE (BASED ON THE 2009 UNIFORM MECHANICAL CODE) AS THE MECHANICAL CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2755-07 and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.28 ADDED. Sunnyvale Municipal Code Chapter 16.28 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.28.

MECHANICAL CODE

16.28.010. Title.
16.28.020. Adoption by reference.
16.28.025. Administration.

16.28.010. Title.

This chapter shall be known and may be cited and referred to as the "Mechanical Code for the City of Sunnyvale."

16.28.020. Adoption by reference.

The "2010 California Mechanical Code," with State amendments, is hereby adopted by reference with changes and modifications as hereinafter set forth, as the Mechanical Code of the City of Sunnyvale.

16.28.025. Administration.

2010 California Mechanical Code Chapter 1 Division II is hereby amended as follows:

California Mechanical Code Chapter 1 Division II is hereby replaced by the applicable provisions of Chapters 16.16 and 16.17.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE, TO ADOPT BY REFERENCE THE 2010 CALIFORNIA ELECTRICAL CODE (BASED ON THE 2008 NATIONAL ELECTRICAL CODE) AS THE ELECTRICAL CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2856-07 and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.32 ADDED. Sunnyvale Municipal Code Chapter 16.32 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.32.

ELECTRICAL CODE

16.32.010. Title.
16.32.020. Adoption by reference.
16.32.030. Administration.

16.32.010. Title.

This chapter shall be known and may be cited and referred to as the "Electrical Code for the City of Sunnyvale."

16.32.020. Adoption by reference.

The "2010 California Electrical Code" is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the Electrical Code of the City of Sunnyvale.

16.32.030. Administration.

2010 California Electrical Code section 89.101 is hereby amended as follows:

California Electrical section 89.101 is hereby replaced by the applicable provisions of Chapters 16.16 and 16.17.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE, TO ADOPT BY REFERENCE THE 2010 CALIFORNIA HISTORICAL BUILDING CODE AS THE EXISTING HISTORICAL BUILDING CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2857-07 and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.34 ADDED. Sunnyvale Municipal Code Chapter 16.34 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.34.

HISTORICAL BUILDING CODE

16.34.010. Title.
16.34.020. Adoption by reference.

16.34.010. Title.

This chapter shall be known and may be cited and referred to as the "Historical Building Code for the City of Sunnyvale."

16.34.020. Adoption by reference.

The "2010 California Historical Building Code" is hereby adopted by reference as the Historical Building Code of the City of Sunnyvale.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2010 CALIFORNIA ENERGY CODE AS THE ENERGY CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Ordinance No. 2858-07 and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.42 ADDED. Sunnyvale Municipal Code Chapter 16.42 is hereby added to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.42.

ENERGY CODE

16.42.010. Title.
16.42.020. Adoption by reference.

16.42.010. Title.

This chapter shall be known and may be cited and referred to as the "Energy Code for the City of Sunnyvale."

16.42.020. Adoption by reference.

The "2010 California Energy Code" is hereby adopted by reference as the Energy Code of the City of Sunnyvale.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE ADDING CHAPTER 16.43 (GREEN BUILDING CODE) TO TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2010 CALIFORNIA GREEN BUILDING STANDARDS CODE AS THE GREEN BUILDING CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. CHAPTER 16.43 ADDED. Sunnyvale Municipal Code Chapter 16.43 (Green Building Code) is hereby added to Title 16 (Building and Construction) of the Sunnyvale Municipal Code to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.43.

GREEN BUILDING CODE

16.43.010. Title.
16.43.020. Adoption by reference.
16.43.030. Fireplaces and Wood-Burning Appliances.

16.43.010. Title.

This chapter shall be known and may be cited and referred to as the "Green Building Code for the City of Sunnyvale."

16.43.020. Adoption by reference.

The "2010 California Green Building Standards Code" is hereby adopted by reference, with changes and modifications as hereinafter set forth, as the Green Building Code of the City of Sunnyvale.

16.43.030. Fireplaces and Wood-Burning Appliances.

California Green Building Code Section 4.503 is amended to read:

(a) **Section 4.503 Fireplaces and Wood-Burning appliances.** Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed wood-burning fireplace, stove, or pellet stove shall comply with U.S. EPA Phase II emission limits where applicable.

(b) This section shall not apply to the repair, reconstruction or replacement of any lawful, existing wood-burning appliance.

(c) This section shall not apply to a gas fireplace. However, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of this chapter.

(d) It is unlawful to burn the following in any fireplace or wood-burning appliance:

(1) Coal;

(2) Garbage;

(3) Glossy or colored paper;

(4) Paint;

(5) Paint solvent;

(6) Particle board;

(7) Plastic or items made from plastic;

(8) Rubber or items made from rubber;

(9) Salt water driftwood;

(10) Treated wood; and

(11) Waste petroleum products.

California Green Building Code Section 5.503 is amended to read:

(a) **Section 5.503 Fireplaces and Wood-Burning appliances.** Any installed gas fireplace shall be a direct-vent sealed-combustion type. Any installed wood-burning fireplace, stove, or pellet stove shall comply with U.S. EPA Phase II emission limits where applicable.

(b) This section shall not apply to the repair, reconstruction or replacement of any lawful, existing wood-burning appliance.

(c) This section shall not apply to a gas fireplace. However, the conversion of a gas fireplace to burn wood shall constitute the installation of a wood-burning appliance and shall be subject to the requirements of this chapter.

(d) It is unlawful to burn the following in any fireplace or wood-burning appliance:

(1) Coal;

(2) Garbage;

(3) Glossy or colored paper;

(4) Paint;

(5) Paint solvent;

(6) Particle board;

(7) Plastic or items made from plastic;

(8) Rubber or items made from rubber;

(9) Salt water driftwood;

(10) Treated wood; and

(11) Waste petroleum products.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE AMENDING TITLE 16 (BUILDING AND CONSTRUCTION), OF THE SUNNYVALE MUNICIPAL CODE TO ADOPT BY REFERENCE THE 2009 INTERNATIONAL PROPERTY MAINTENANCE CODE AS THE PROPERTY MAINTENANCE CODE OF THE CITY OF SUNNYVALE

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

SECTION 1. REPEAL. Repeal Ordinance Nos. 2859-07 and all prior ordinances pertaining to the subject are hereby repealed.

SECTION 2. CHAPTER 16.50 ADDED. Sunnyvale Municipal Code Chapter 16.50 is hereby added to Title 16 of the Sunnyvale Municipal Code to read as set forth in Exhibit "A" attached and incorporated.

SECTION 3. STATUTORY REFERENCES, INCLUSIONS OF AMENDMENTS AND ADDITIONS. Whenever reference is made to any portion of this ordinance, or of any other chapter or section of the Sunnyvale Municipal Code, or of any other ordinance of the City of Sunnyvale, or of any law of the State of California, the reference applies to all amendments and additions now or thereafter made.

SECTION 4. INTERPRETATIONS. In interpreting and applying the provisions of this ordinance, the requirements contained herein are declared to be minimum requirements for he purposes set forth. The provisions of this ordinance, insofar as they are substantially the same as existing statutory provisions relating to the same subject matter, shall be construed as restatements and continuations and not as new enactments. This ordinance shall not nullify the more restrictive provisions of covenants, agreements or other ordinances or laws, but shall prevail as to such provisions which are less restrictive.

SECTION 5. CONSTITUTIONALITY, SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Sunnyvale declares that it would have passed this ordinance and every section, subsection, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

SECTION 6. FINDINGS. The deletions, amendments and/or additions to the California Building Codes as set out in Exhibit "A" and which are the subject of this ordinance, are based upon the General and Specific findings by the City Council of the City of Sunnyvale, which findings are set forth in Resolution No. _____.

SECTION 7. EXEMPTION FROM CEQA. The City Council finds, pursuant to Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment.

SECTION 8. EFFECTIVE DATE. This ordinance shall be in full force and effect on January 1, 2011.

SECTION 9. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST: APPROVED:

_____ _____
City Clerk Mayor

Date of Attestation: _____

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney

Chapter 16.50.

PROPERTY MAINTENANCE CODE

16.50.010. Title.
16.50.020. Adoption by reference.

16.50.010. Title.

This chapter shall be known and may be cited and referred to as the "Property Maintenance Code for the City of Sunnyvale."

16.50.020. Adoption by reference.

The "2009 International Property Maintenance Code" is hereby adopted by reference as the Property Maintenance Code of the City of Sunnyvale. All references to jurisdictional requirements are found in the Sunnyvale Municipal Code or other appropriate schedules.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SUNNYVALE DELETING CHAPTER 8.14 (WOODBURNING APPLIANCES) OF TITLE 8 (HEALTH AND SANITATION) OF THE SUNNYVALE MUNICIPAL CODE

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

SECTION 1. CHAPTER 8.14 DELETED. Chapter 8.14 (Woodburning Appliances) of Title 8 (Health and Sanitation) of the Sunnyvale Municipal Code is hereby deleted in its entirety, as follows:

~~Chapter 8.14.~~

~~WOODBURNING APPLIANCES~~

~~8.14.010. Purpose.~~
~~8.14.020. Definitions.~~
~~8.14.030. Unauthorized appliances prohibited.~~
~~8.14.040. Limitations.~~
~~8.14.050. Enforcement.~~

~~8.14.010. Purpose.~~

~~The purpose of this chapter is to reduce wood smoke pollution and enhance health and quality of life of citizens, as well as to contribute to improvements in regional air quality by reducing air pollutant emissions from woodburning appliances.~~

~~8.14.020. Definitions.~~

~~(a) "Fireplace" means any permanently installed masonry or factory built woodburning appliance except a pellet fueled wood heater, designed to be used with an air-to fuel ratio greater than or equal to thirty-five to one.~~

~~(b) "Garbage" means all solid, semisolid and liquid wastes generated from residential, commercial and industrial sources, including trash, refuse, rubbish, industrial wastes, asphaltic products, manure, vegetable or animal solids and semisolid wastes, and other discarded solid and semisolid wastes.~~

~~(c) "Gas fireplace" means any device designated to burn natural gas in a manner that simulates the appearance of a woodburning fireplace.~~

~~(d) "Kitchen" means any room used or intended or designed to be used for cooking and preparing of food. Rooms that contain appliances or equipment such as microwaves, gas or electric ovens, gas or electric cooktops, toaster ovens and similar appliances shall be considered a room or area intended or designed as a kitchen.~~

~~(e) "Masonry fireplace" means a fire chamber of solid masonry units such as bricks, stones, or masonry units constructed on a foundation and provided with a suitable chimney.~~

~~(f) "New construction" means construction of new structures as well as new additions to existing structures.~~

~~(g) "Paint" means all exterior and interior house and trim paints; enamels, varnishes, lacquers, stains, primers, sealers, undercoating, roof coatings, wood preservatives, shellacs and other paints or paint-like products:~~

~~(h) "Paint solvent" means all original solvents sold or used to thin paints or to clean up painting equipment.~~

~~(i) 'Pellet fueled wood heater" means any wood heater that operates on wood pellets.~~

~~(j) "Solid fuel" means wood or any other non-gaseous or non-liquid fuel.~~

~~(k) "Treated wood" means wood of any species that has been chemically impregnated, painted or similarly modified to improve resistance to insects or weathering.~~

~~(l) "Waste petroleum products" means any petroleum product other than gaseous fuel that has been refined from crude oil and has been used, and as a result of use, has been contaminated with physical or chemical impurities.~~

~~(m) "Woodburning appliance" means fireplace, wood heater, or pellet fired wood heater or any similar device burning any solid fuel used for aesthetic or space heating purposes.~~

~~8.14.030. Unauthorized appliances prohibited.~~

~~(a) It is unlawful to install or construct in any new construction a woodburning appliance that is not one of the following:~~

~~(1) A pellet fueled wood heater;~~

~~(2) A masonry fireplace; or~~

~~(3) A woodburning appliance designed primarily for food preparation.~~

~~(b) This section shall not apply to the repair, reconstruction or replacement of any lawful, existing woodburning appliance.~~

~~(c) This section shall not apply to a gas fireplace. However, the conversion of a gas fireplace to burn wood shall constitute the installation of a woodburning appliance and shall be subject to the requirements of this chapter.~~

~~8.14.040. Limitations.~~

~~(a) It is unlawful to burn the following in any fireplace or woodburning appliance:~~

~~(1) Coal;~~

~~(2) Garbage;~~

~~(3) Glossy or colored paper;~~

~~(4) Paint;~~

~~(5) Paint solvent;~~

~~(6) Particle board;~~

~~(7) Plastic or items made from plastic;~~

~~(8) Rubber or items made from rubber;~~

~~(9) Salt water driftwood;~~

~~(10) Treated wood; and~~

~~(11) Waste petroleum products.~~

~~8.14.050. Enforcement.~~

~~The department of community development and the department of public safety shall have concurrent jurisdiction to administer the provisions of this chapter.~~

SECTION 2. CONSTITUTIONALITY; SEVERABILITY. If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid by a court of competent jurisdiction, such decision or decisions shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have adopted this ordinance, and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more section, subsection, sentence, clause or phrase be declared invalid.

SECTION 3. EFFECTIVE DATE. This ordinance shall be in full force and effect thirty (30) days from and after the date of its adoption.

SECTION 4. POSTING AND PUBLICATION. The City Clerk is directed to cause copies of this ordinance to be posted in three (3) prominent places in the City of Sunnyvale and to cause publication of a notice once in The Sun, the official newspaper for publication of legal notices of the City of Sunnyvale, setting forth the date of adoption, the title of this ordinance, and a list of places where copies of this ordinance are posted, within fifteen (15) days after adoption of this ordinance.

Introduced at a regular meeting of the City Council held on _____, 2010, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on _____, 2010, by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

_____
City Clerk
Date of Attestation: _____

_____
Mayor

SEAL

APPROVED AS TO FORM AND LEGALITY:

_____
David E. Kahn, City Attorney