DRAFT 11/20/13 RLM

ORDINANCE NO. 3013-13

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 2013 CALIFORNIA HISTORICAL BUILDING CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, AS THE 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. 2937-10, codified as Chapter 16.34 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.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. 619-13.

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, 2014.

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 November 19, 2013, and adopted as an ordinance of the City of Sunnyvale at a regular meeting of the City Council held on November 26, 2013, by following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

ATTEST:

APPROVED:

_____
City Clerk

_____
Mayor

Date of Attestation: _____
(SEAL)

APPROVED AS TO FORM:

_____
Rebecca Moon, Assistant City Attorney

EXHIBIT A

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 "2013 California Historical Building Code" adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 8 is hereby adopted by reference as the historical building code of the city of Sunnyvale.