

**ORDINANCE NO. 3015-13**

**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 GREEN BUILDING CODE, WITH CERTAIN DELETIONS AND AMENDMENTS THERETO, 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. REPEAL. Ordinance No. 2939-10, codified as Chapter 16.43 of the Sunnyvale Municipal Code, and all prior ordinances pertaining to this subject are hereby repealed.

SECTION 2. CHAPTER 16.43 ADDED. Sunnyvale Municipal Code Chapter 16.43 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 the 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, 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

## Chapter 16.43.

## GREEN BUILDING CODE

**16.43.010. Title.****16.43.020. Adoption by reference.****16.43.030. Fireplaces and wood-burning appliances.****16.43.040. Pre-wiring for electric car chargers.****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 “2013 California Green Building Standards Code” adopted by the State Building Standards Commission in California Code of Regulations (CCR) Title 24, Part 11 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.**

2013 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.

## EXHIBIT A

(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.

### **16.43.040. Pre-wiring for electric car chargers.**

2013 California Green Building Code Section 4.106.4 is hereby added:

(a) **Section 4.106.4 Pre-Wiring for Electric Car Chargers.** Effective July 1, 2012, parking spaces shall be pre-wired to accommodate Level 2 electric car chargers in accordance with Chapter 16.32, as follows:

- (1) All garages or carports accessory to single-family dwelling;
- (2) All garages or carports in residential developments with attached individual garages or carports;
- (3) Twelve and one-half percent of the total required parking spaces in residential developments that provide common shared parking.