



AGENDA

REGULAR JOINT MEETINGS

* * *

CLAYTON CITY COUNCIL
and
CLAYTON SUCCESSOR AND SUCCESSOR
HOUSING AGENCIES
and
CLAYTON FINANCING AUTHORITY

TUESDAY, JANUARY 7, 2014

7:00 p.m.

*Hoyer Hall, Clayton Community Library
6125 Clayton Road, Clayton, CA 94517*

Mayor: Hank Stratford
Vice Mayor: David T. Shuey

Council Members

Jim Diaz
Howard Geller
Julie K. Pierce

- A complete packet of information containing staff reports and exhibits related to each public item is available for public review in City Hall located at 6000 Heritage Trail on Monday prior to the Council meeting.
- Agendas are posted at: 1) City Hall, 6000 Heritage Trail; 2) Library, 6125 Clayton Road; 3) Ohm's Bulletin Board, 1028 Diablo Street, Clayton; and 4) City Website at www.ci.clayton.ca.us
- Any writings or documents provided to a majority of the City Council after distribution of the Agenda Packet and regarding any public item on this Agenda will be made available for public inspection in the City Clerk's office located at 6000 Heritage Trail during normal business hours.
- If you have a physical impairment that requires special accommodations to participate, please call the City Clerk's office at least 72 hours in advance of the meeting at (925) 673-7304.

*** CITY COUNCIL ***

January 7, 2014

7:00 P.M.

1. **CALL TO ORDER THE CITY COUNCIL** – Mayor Stratford.

2. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.

3. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by the City Council with one single motion. Members of the Council, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or input may request so through the Mayor.

(a) Approve the minutes of the regular meeting of December 17, 2013. ([View Here](#))

(b) Approve Financial Demands and Obligations of the City. ([View Here](#))

(c) Adopt a Resolution approving a two (2) month Addendum No. 8 to the base Memorandum of Understanding (MOU) between the City of Clayton and the Clayton Police Officers' Association, effective 01 January 2014 through 28 February 2014. ([View Here](#))

4. **RECOGNITIONS AND PRESENTATIONS** - None.

5. **REPORTS**

(a) Planning Commission – No meeting held.

(b) Trails and Landscaping Committee – No meeting held.

(c) City Manager/Staff

(d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

(e) Other

6. **PUBLIC COMMENT ON NON - AGENDA ITEMS**

Members of the public may address the City Council on items within the Council's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the City Clerk. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Mayor's discretion. When one's name is called or you are recognized by the Mayor as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Council may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the City Council.

7. **PUBLIC HEARINGS** – None.

8. **ACTION ITEMS**

- (a) Consider the Introduction and First Reading of Ordinance No. 452 amending designated Chapters of the *Clayton Municipal Code* to bring the City's Building, Electrical, Plumbing and Mechanical Codes into compliance with the 2013 Editions of the respective California Building Standards Codes with changes, additions, and deletions as allowed by State law. (ZOA-06-13)
(Community Development Director) ([View Here](#))

Staff recommendations: **1).** Receive the staff presentation; **2).** Open the Public Hearing and receive public comments; **3).** Close the Public Hearing; **4).** Following City Council discussion and any modifications to the Ordinance, approve a motion to have the City Clerk read Ordinance No. 452 by title and number only and waive further reading; **5).** Upon completion of the City Clerk's reading, adopt a motion to approve Ordinance No. 452 for First Reading with findings the adoption will not have a significant adverse effect on the environment and is therefore exempt under CEQA; and **6).** By separate motion, approve the setting of a Public Hearing on February 4, 2014 to consider adoption of Ordinance No. 452.

- (b) Consider the Introduction and First Reading of Ordinance No. 453 amending Chapter 15.09 of the *Clayton Municipal Code* to adopt the 2013 California Fire Code with changes, additions and deletions as allowed by State law. (ZOA-07-13) ([View Here](#))
(Community Development Director)

Staff recommendations: **1).** Receive the staff presentation; **2).** Open the Public Hearing and receive public comments; **3).** Close the Public Hearing; **4).** Following City Council discussion and any modifications to the Ordinance, approve a motion to have the City Clerk read Ordinance No. 453 by title and number only and waive further reading; **5).** Upon completion of the City Clerk's reading, adopt a motion to approve Ordinance No. 453 for First Reading with findings the adoption will not have a significant adverse effect on the environment and is therefore exempt under CEQA; and **6).** By separate motion, approve the setting of a Public Hearing on February 4, 2014 to consider adoption of Ordinance No. 453.

- (c) City Council discussion to determine the date, time and location for the City Council's annual Goals and Objectives Setting Session with its City Manager. (City Manager) ([View Here](#))

Staff recommendation: That Council determine a suitable date and time to hold its annual Goals Setting Session, and then by motion approve the calling of a City Council special meeting for the purpose, date, time and location.

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.

10. **ADJOURNMENT**– the next regularly scheduled City Council meeting is January 21, 2014.

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*** CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCIES ***

January 7, 2014

1. CALL TO ORDER AND ROLL CALL – Mayor Stratford.

2. PUBLIC COMMENT ON NON - AGENDA ITEMS

Members of the public may address the Board on items within the Board's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the Chair's discretion. When one's name is called or you are recognized by the Chair as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Board may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed when each item is considered by the Board.

3. CONSENT CALENDAR

Consent Calendar items are typically routine in nature and are considered for approval by the Board with one single motion. Members of the Board, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment, question or input may request so through the Chair.

(a) Approve the minutes of the regular meeting of November 19, 2013.

[\(View Here\)](#)

(b) Acceptance of the Successor Agencies' "unmodified opinion" Audited Financial Statement for the Fiscal Period of February 1, 2012 through June 30, 2012, prepared by Cropper Accountancy Corporation, independent Certified Public Accountants. [\(View Here\)](#)

4. PUBLIC HEARINGS – None.

5. ACTION ITEMS – None.

6. BOARD ITEMS – limited to requests and directives for future meetings.

7. ADJOURNMENT – the next regular Successor Agency meeting will be scheduled as needed.

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*** CLAYTON FINANCING AUTHORITY ***

January 7, 2014

1. **CALL TO ORDER AND ROLL CALL** – President Stratford.

2. **CLOSED SESSION** – None.

3. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**

Members of the public may address the Board on items within the Board's jurisdiction, (which are not on the agenda) at this time. To facilitate the recordation of comments, it is requested each speaker complete a speaker card available on the Lobby table and submit it in advance to the Secretary. To assure an orderly meeting and an equal opportunity for everyone, each speaker is limited to 3 minutes, enforced at the President's discretion. When one's name is called or you are recognized by the President as wishing to speak, the speaker shall approach the public podium and adhere to the time limit. In accordance with State Law, no action may take place on any item not appearing on the posted agenda. The Board may respond to statements made or questions asked, or may at its discretion request Staff to report back at a future meeting concerning the matter.

Public comment and input on Public Hearing, Action Items and other Agenda Items will be allowed as each item is considered.

4. **CONSENT CALENDAR**

Consent Calendar items are typically routine in nature and are considered for approval by the Financing Authority with one single motion. Members of the Financing Authority, Audience, or Staff wishing an item removed from the Consent Calendar for purpose of public comment or input may request so through the President.

(a) Approve the minutes of the regular meeting of March 19, 2013. ([View Here](#))

(b) Approve the Clayton Financing Authority's Annual Report for Calendar Year 2013. ([View Here](#))

5. **ACTION ITEMS** - None.

6. **BOARD ITEMS** – limited to requests and directives for future meetings.

7. **ADJOURNMENT** – the Clayton Financing Authority's next meeting will be scheduled when necessary.

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**MINUTES
OF THE
REGULAR MEETING
CLAYTON CITY COUNCIL**

Agenda Date: 1-7-2014

Agenda Item: 3a

TUESDAY, December 17, 2013

1. **CALL TO ORDER & ROLL CALL** – The meeting was called to order at 7:00 p.m. by Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Councilmembers present: Mayor Stratford, Vice Mayor Shuey, Councilmembers Diaz and Pierce. Councilmembers absent: Councilmember Geller. Staff present: City Manager Gary Napper, City Attorney Mala Subramanian, Assistant to the City Manager Laura Hoffmeister, and Interim City Clerk Janet Brown.
2. **PLEDGE OF ALLEGIANCE** – led by Mayor Stratford.
3. **CONSENT CALENDAR**- It was moved by Councilmember Pierce, seconded by Vice Mayor Shuey, to approve the Consent Calendar as submitted (Passed; 4-0).
 - (a) Information Only – No Action necessary.
 1. City Attorney memo regarding new Brown Act governing body public voting requirements, effective 01 January 2014.
 - (b) Approved the minutes of the regular meeting of December 3, 2013.
 - (c) Approved Financial Demands and Obligations of the City.
 - (d) Adopted a Resolution setting, adjusting and approving the City Manager's salary range and ordering employee compensation and benefits adjustments.
 - (e) Adopted a Resolution accepting completion of the City's 2013 Neighborhood Street Pavement Rehab Project (CIP No. 10417) and ordered the City Clerk to file the Notice of Completion.
 - (f) Approved the Mayoral re-appointment of Joyce Atkinson to serve on the Contra Costa County Library Commission and Jeanne Boyd as the Alternate Library Commissioner, each with a term of office ending June 30, 2016.
 - (g) Approved the Mayoral re-appointment of Peggie Howell to serve as a Trustee on the Contra Costa County Mosquito and Vector Control District.
 - (h) Adopted a Resolution approving and appropriating a total of \$182,671 in General Fund excess monies from FY 2011-12 into two City Funds and one Account in FY 2013-14 for organizational priorities of the City's general governmental operations.
 - (i) Approved the Mayoral appointment of the Community Development Director as the replacement City member to the Oversight Board of the Clayton Successor Agency, pursuant to Section 34179 of the California Redevelopment Law.
4. **RECOGNITIONS AND PRESENTATIONS** – Recognition of appreciation to Merry Pelletier, City Finance Manager retiring on December 31, 2013, following thirteen years of service to the City and community of Clayton.

Mayor Stratford thanked Merry for assisting the City in preparing the Budget within the guidelines and on time, and then presented her with a appreciation plaque.

Merry thanked the City Council, City Manager, and the Assistant to the City Manager for being supportive and patient. During her retirement, Merry plans to still be involved with the City of Clayton by volunteering.

5. REPORTS

- (a) Planning Commission – Commissioner David Bruzzone reported there was Planning Commission meeting held on December 10, 2013. There was one item on the Agenda: approve a Development Plan Time Extension, Creekside Terrace Mixed Use Project; applicant- City of Clayton. Planning Commission Resolution 06-13 extending for one year the Creekside Terrace Development plan from January 6, 2014 through January 6, 2015 was approved 5-0 vote.
- (b) Trails and Landscaping Committee – No meeting held.
- (c) City Manager/Staff – The City Manager thanked Merry Pelletier for a great work over the last thirteen years and recognized her as the first employee to receive the Employee of the Year award when he became the City Manager. He introduced Kevin Mizuno to the City Council as the new Finance Manager and invited him to the podium to share some remarks.

Kevin Mizuno introduced himself to the City Council and gave a brief summary of his background in auditing, specializing in city and county agencies. Kevin provided some history of growing up in the city of Clayton and attending Clayton Valley High School. He is happy to be back in Clayton and is looking forward to working with the City Council.

The City Manager made an announcement of the upcoming City Hall closures: Tuesday and Wednesday, December 24th and 25th due to Furlough and Christmas Day, and Tuesday and Wednesday, December 31st and January 1st due to Furlough and New Year's Day. He advised the Police Department will still provide services during the City Hall closures.

- (d) City Council - Reports from Council liaisons to Regional Committees, Commissions and Boards.

Councilmember Diaz attended the Citizen of the Year dinner in Concord. He also attended the Annual Tree Lighting and dinner with the Clayton Business & Community Association on December 7th.

Councilmember Pierce attended the Association of Bay Area Governments Regional Planning Committee meeting on December 4th, updating Priority Development Areas (PDAs) and Priority Conservation Areas (PCAs). She announced her election as President for the Contra Costa Transportation Authority on December 5th. The Contra Costa Transportation Authority recently announced the Caldecott tunnel opened on time and below budget. The project received funding from a number of sources, the two largest sources were American Recovery and Reinvestment Act (ARRA) and Contra Costa Measure J Funds. State Route Highway 4 Operational Improvements (Project 6006) passed which began negotiations and Notice to Proceed with Mark Thomas & Company, Inc. for Project Initiation services for Measure J projects such as I-680/State Route 4 (Phase 3). The current corridor was designed over 60 years ago, an upgrade to

three lanes is needed. Councilmember Pierce attended the Clayton Business & Community Association Annual Tree Lighting and the Historical Society's Christmas Homes Tour. She also attended the Transportation Partnership and Cooperation (TRANSPAC) meeting on December 12th. She reported TRANSPAC has been ordered by CalPERS to disassociate itself from the City of Pleasant Hill as a separate public agency, and it is considering the formation of a joint powers authority to do so.

Councilmember Shuey attended a Charter High School meeting and the Mugs and Cocoa after school study event. Volunteers from Clayton and Concord assisted with this one week event. Student Services would like to sponsor more of these events with the help of volunteers creating an after school safe haven for the students.

Mayor Stratford attended the Contra Costa County Mayors Conference hosted by the City of Pittsburg on December 5th. He also attended the Clayton Business & Community Association Annual Tree Lighting and Hospice Tree Lighting in Concord along with Concord Mayor Grayson. Mayor Stratford attended the East Contra Costa Habitat Conservancy meeting that was held on December 9th. He discussed the Roddy Ranch parcel located in Antioch owned by the East Bay Regional Parks District with the intent of keeping it as open-space.

(e) Other- None.

6. PUBLIC COMMENT ON NON-AGENDA ITEMS –

Bruce Albont expressed concern over the Silver Oaks development project. He inquired about the awareness of the City Council on the project, specifically the Rezoning. He stated that he has tried to contact the Mayor's office with no response and has felt insulted and ignored. He stated that Developers may not have Clayton's best interest at heart and requested that City Council try to find ways around the Silver Oaks development project.

Mayor Stratford advised that the City Council receives updates of proposed Planning projects through the City Manager's weekly report.

Denise Pursche spoke to the City Council of her findings about Common Core. She has been in attendance at Mt Diablo Unified School District Board Meetings for the past 3 months. She believes that Board has not been informed of the issues surrounding Common Core. Ms. Pursche quoted Diane Ravitch (a historian of education, an educational policy analyst, and a research professor at New York University's Steinhardt School of Culture, Education, and Human Development) by stating the standards/process was and is fundamentally flawed. She indicated that she does not know Ravitch or is she affiliated with any group that is either for or against Common Core; rather, she is a parent that happened across an article about Common Core and Data Mining, and is seeking truthful information to share with other parents and constituents.

Councilmember Pierce asked if Ms. Pursche would share some of links to Common Core Information she has found.

7. PUBLIC HEARINGS- None.

8. ACTION ITEMS

- (a) Consideration of the City's Annual Report concerning the City's levy, collection and disposition of development impact mitigation fees during Fiscal Year 2011-2012, in compliance with the California Government Code (AB 1600).
(Assistant to the City Manager)

The Assistant to the City Manager acknowledged new Finance Manager, Kevin Mizuno's assistance in the preparation of the attached staff report. The Assistant to the City Manager presented the staff report to the City Council. Section 66006 (b)(1) of the Government Code of the Government Code requires each local agency to make public a report on developer fees within 180 days after the last day of each fiscal year. Section 66006 (2) also requires each local agency to review the report at a public meeting not earlier than 15 days after the information is made available to the public. The City of Clayton presented its year-end audited financial statement and closing reports for fiscal year ended June 30, 2013 at the City Council meeting on November 19, 2013. There are eight reporting requirements on fees that the local agency must adhere to each fiscal year. The City is in full compliance with seven of the eight reporting requirements. Compliance is obtained by adopting a resolution that makes a finding that there remains a reasonable relationship between the current need for the fees and the purpose for which they were originally proposed. The developer fees that require further compliance findings are the collections for Childcare Facility. Offsite Arterial Improvement, Fire Protection and Community Facilities fees have not been used to fund expenditures in excess of 5 years. It is important the City Council make these findings to ensure continuance of funding resources for these important programs. The Assistant to the City Manager indicated on attachment 2 and 3, status of the Marsh Creek Road Sewer, Police Impact and Open Space In-Lieu Fees were included. Attachment 4 and 5 reflects the History of the Summary of Fees and Balances over \$7 Million dollars.

Councilmember Pierce commented on attachment 3(k) Library Upgrades project Category under "Streets" instead of Community Facility on the Project Attachment page?

The Assistant to the City Manager indicated it is clerical error and confirmed the correct category as Community Facility.

Mayor Stratford asked for Public Comments. No public comments were received.

It was moved by Councilmember Pierce, and seconded by Councilmember Diaz, to approve the City's Annual Report concerning the City's levy, collection and disposition of development impact mitigation fees during Fiscal Year 2011-2012, in compliance with the California Government Code (AB 1600). (Passed; 4-0 vote).

- (b) Review and determination of City Council ad-hoc, committee, inter-governmental and regional board assignments for 2014.
(Mayor Stratford)

Mayor Stratford requested review of the current assignments to ensure City Council schedules still meet the needs of the various committees. Changes were proposed for the Citizens Corps Council (CERT), Clayton Financing Authority, Oakhurst Geological Hazard Abatement District (GHAD) and Trails and Landscaping Committee (TLC) Liaison. The Clayton "Unsung Heroes" Recognition Program committee was eliminated as any such recognition could be accomplished through the "Do the Right Thing" program.

It was moved by Councilmember Pierce, and seconded by Councilmember Diaz, to approve the City Council ad-hoc, committee, inter-governmental and regional board assignments for 2014. (Passed; 4-0 vote).

9. **COUNCIL ITEMS** – limited to requests and directives for future meetings.
None.

10. **7:47 p.m. CLOSED SESSIONS** – on call by Mayor Stratford, the City Council adjourned into Closed Session for the following purposes:

(a) Government Code Section 54956.9(d)(1)
Conference with Legal Counsel – Existing Litigation
City of Brentwood, et al. v. Campbell – Superior Court Case No. A138268

(b) Government Code Section 54957.6, Conference with Labor Negotiator
Instructions to City-designated labor negotiator: City Manager.

1. Employee Organization: Clayton Police Officers' Association (CPOA).

8:32 p.m. Reports out from Closed Session: Mayor Stratford announced Council received information and gave direction to Legal Counsel and Labor Negotiator.

11. **ADJOURNMENT**– on call by Mayor Stratford the meeting adjourned at 8:33 p.m.

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Respectfully submitted,

Janet Brown, Interim City Clerk

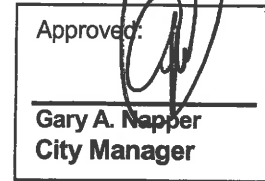
APPROVED BY CLAYTON CITY COUNCIL

Hank Stratford, Mayor



Agenda Date 1/7/2014

Agenda Item: 3b



STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: Kevin Mizuno, FINANCE MANAGER

DATE: 1/7/2014

SUBJECT: INVOICE SUMMARY

RECOMMENDATION:

Approve the following Invoices:

1/3/2014 Cash Requirements Report

\$267,462.90

Total:

\$267,462.90

Attachments:

Cash Requirements Report dated 1/3/2014 (5 pages)

City of ayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
All City Management Services, Inc.								
All City Management Services, Inc.	1/7/2014	11/26/2013	33381	School Crossing Guard Services 11/10/13-11/11/13	\$420.93	\$0.00		\$420.93
				Totals for All City Management Services, Inc.:	\$420.93	\$0.00		\$420.93
American Fidelity Assurance Company								
American Fidelity Assurance Company	1/7/2014	12/23/2013	1020586A	January Billing 2014	\$518.34	\$0.00		\$518.34
American Fidelity Assurance Company	1/7/2014	12/14/2013	B087187	January Billing 2014	\$156.64	\$0.00		\$156.64
				Totals for American Fidelity Assurance Company:	\$674.98	\$0.00		\$674.98
AT&T/ CalNet 2								
AT&T/ CalNet 2	1/7/2014	12/22/2013	000004980391	phone and long distance 11/19/13-12/8/13	\$1,716.03	\$0.00		\$1,716.03
				Totals for AT&T/ CalNet 2:	\$1,716.03	\$0.00		\$1,716.03
Best Best & Kreiger LLP								
Best Best & Kreiger LLP	1/7/2014	12/10/2013	716428	retainer for November 2013	\$8,000.00	\$0.00		\$8,000.00
Best Best & Kreiger LLP	1/7/2014	12/10/2013	716429	Silver Oaks Estates	\$10,887.55	\$0.00		\$10,887.55
Best Best & Kreiger LLP	1/7/2014	12/10/2013	716430	Retainer - Admin/Finance	\$1,706.36	\$0.00		\$1,706.36
				Totals for Best Best & Kreiger LLP:	\$20,593.91	\$0.00		\$20,593.91
CA Association of Code Enforcement								
CA Association of Code Enforcement	1/7/2014	12/10/2013	2014 CACEO	2014 CACEO Membership Dues	\$75.00	\$0.00		\$75.00
				Totals for CA Association of Code Enforcement:	\$75.00	\$0.00		\$75.00
CalPERS Health								
CalPERS Health	1/7/2014	12/17/2013	1274	Health Benefits for January 2014	\$32,843.76	\$0.00		\$32,843.76
				Totals for CalPERS Health:	\$32,843.76	\$0.00		\$32,843.76
CalPERS Retirement								
CalPERS Retirement	1/7/2014	12/26/2013	PPE 12/22/13	PPE 12/22/13, Pay 12/24/13	\$24,817.02	\$0.00		\$24,817.02
				Totals for CalPERS Retirement:	\$24,817.02	\$0.00		\$24,817.02
Caltronics Business Systems, Inc								
Caltronics Business Systems, Inc	1/7/2014	12/19/2013	1448047	billing for return of copier lease 25079777	\$350.00	\$0.00		\$350.00
Caltronics Business Systems, Inc	1/7/2014	12/16/2013	1445476	contract fro 11/15/13-12/14/13	\$295.23	\$0.00		\$295.23
				Totals for Caltronics Business Systems, Inc:	\$645.23	\$0.00		\$645.23
City of Concord								
City of Concord	1/17/2014	12/1/2013	30584	Dispatch Services for November 2012	\$13,285.00	\$0.00		\$13,285.00
City of Concord	1/7/2014	12/20/2013	36820	printing window envelopes	\$116.13	\$0.00		\$116.13
				Totals for City of Concord:	\$13,401.13	\$0.00		\$13,401.13
Clean Street								
Clean Street	1/7/2014	12/31/2013	72863	Monthly Sweep Fee December 2013	\$3,500.00	\$0.00		\$3,500.00
				Totals for Clean Street:	\$3,500.00	\$0.00		\$3,500.00
Comcast								
Comcast	1/7/2014	12/5/2013	01/01/14	high speed internet December 2013	\$395.70	\$0.00		\$395.70

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount Expires On	Net Amount Due
Contra Costa County Sheriff - Forensic Svc Div (Lab)							
Contra Costa County Sheriff - Forensic S	1/7/2014	11/20/2013	CLPD-1310	Testing - October 2013	\$2,350.00	\$0.00	\$2,350.00
				Totals for Contra Costa County Sheriff - Forensic Svc Div (Lab):	\$2,350.00	\$0.00	\$2,350.00
CR Fireline Inc							
CR Fireline Inc	1/7/2014	8/1/2013	96819	W O 76217	\$515.00	\$0.00	\$515.00
				Totals for CR Fireline Inc:	\$515.00	\$0.00	\$515.00
CSAC Excess Insurance Authority							
CSAC Excess Insurance Authority	1/7/2014	1/1/2014	14401055	EAP for January to March 2014 - 25 employee	\$300.00	\$0.00	\$300.00
				Totals for CSAC Excess Insurance Authority:	\$300.00	\$0.00	\$300.00
De Lage Landen Financial Services, Inc.							
De Lage Landen Financial Services, Inc.	1/7/2014	12/23/2013	20701233	konica contract 25079777	\$432.68	\$0.00	\$432.68
				Totals for De Lage Landen Financial Services, Inc.:	\$432.68	\$0.00	\$432.68
Devils' Mountain Awards & Recognition							
Devils' Mountain Awards & Recognition	1/7/2014	12/10/2013	15557	PD Awards	\$372.71	\$0.00	\$372.71
				Totals for Devils' Mountain Awards & Recognition:	\$372.71	\$0.00	\$372.71
Globalstar LLC							
Globalstar LLC	1/7/2014	11/16/2013	100000005207010	service 10/16/13-11/15/13	\$54.03	\$0.00	\$54.03
				Totals for Globalstar LLC:	\$54.03	\$0.00	\$54.03
Goldfarb & Lipman							
Goldfarb & Lipman	1/7/2014	12/16/2013	110732	Current Fees through 11/30/13	\$49.00	\$0.00	\$49.00
				Totals for Goldfarb & Lipman:	\$49.00	\$0.00	\$49.00
Grainger, Inc.							
Grainger, Inc.	1/7/2014	12/10/2013	9314588295	Order # 1197335832	\$293.07	\$0.00	\$293.07
				Totals for Grainger, Inc.:	\$293.07	\$0.00	\$293.07
Hammons Supply Company							
Hammons Supply Company	1/7/2014	12/12/2013	81173	supplies EH	\$49.62	\$0.00	\$49.62
Hammons Supply Company	1/7/2014	12/12/2013	81175	Supplies - CCP	\$237.89	\$0.00	\$237.89
Hammons Supply Company	1/7/2014	12/12/2013	81174	Supplies - Library	\$150.23	\$0.00	\$150.23
				Totals for Hammons Supply Company:	\$437.74	\$0.00	\$437.74
Dayna Hughes							
Dayna Hughes	1/7/2014	12/20/2013	25993	Deposit refund for EH 11/1 & 11/2/13	\$342.00	\$0.00	\$342.00
				Totals for Dayna Hughes:	\$342.00	\$0.00	\$342.00
J & R Floor Services							
J & R Floor Services	1/7/2014	1/1/2014	twelve	December Billing	\$4,910.00	\$0.00	\$4,910.00
				Totals for J & R Floor Services:	\$4,910.00	\$0.00	\$4,910.00

City of Dayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Jarvis Fay Doporto & Gibson, LLP								
Jarvis Fay Doporto & Gibson, LLP	1/7/2014	12/17/2013	5865	Chevron Property Tax Refund Dispute Novem	\$41.06	\$0.00		\$41.06
				Totals for Jarvis Fay Doporto & Gibson, LLP:	\$41.06	\$0.00		\$41.06
Jobs Available								
Jobs Available	1/7/2014	12/17/2013	1326005	Ad for City Clerk	\$472.50	\$0.00		\$472.50
Jobs Available	1/7/2014	12/31/2013	1401007	City Clerk Employment Ad	\$236.25	\$0.00		\$236.25
				Totals for Jobs Available:	\$708.75	\$0.00		\$708.75
LarryLogic Productions								
LarryLogic Productions	1/7/2014	12/18/2013	1380	city council meeting 12/17/13	\$300.00	\$0.00		\$300.00
				Totals for LarryLogic Productions:	\$300.00	\$0.00		\$300.00
MailFinance (Neopost Leasing)								
MailFinance (Neopost Leasing)	1/7/2014	12/6/2013	N4367852	lease 1/7/14-2/6/14	\$158.20	\$0.00		\$158.20
				Totals for MailFinance (Neopost Leasing):	\$158.20	\$0.00		\$158.20
Marken Mechanical Services Inc								
Marken Mechanical Services Inc	1/7/2014	12/3/2013	413-1151-12	Maintenance for City Hall - December 2013	\$150.00	\$0.00		\$150.00
Marken Mechanical Services Inc	1/7/2014	12/3/2013	413-1152-12	Maintenance for Library - December 2013	\$150.00	\$0.00		\$150.00
Marken Mechanical Services Inc	1/7/2014	11/27/2013	313-18035	Replace 3 hot water valve actuators City Hall 1	\$2,390.00	\$0.00		\$2,390.00
				Totals for Marken Mechanical Services Inc:	\$2,690.00	\$0.00		\$2,690.00
Maximus, Inc								
Maximus, Inc	1/7/2014	8/15/2013	1010532 -005	Contract # 101712.01.01/01.116.003	\$1,111.20	\$0.00		\$1,111.20
				Totals for Maximus, Inc:	\$1,111.20	\$0.00		\$1,111.20
MPA								
MPA	1/7/2014	12/30/2013	January 2014	LTD, Life for January 2014	\$1,365.70	\$0.00		\$1,365.70
				Totals for MPA:	\$1,365.70	\$0.00		\$1,365.70
MuniTemps - Government Staffing Services, Inc								
MuniTemps - Government Staffing Ser	1/7/2014	12/20/2013	124219	Interim City Clerk - ending 12/15/13	\$2,348.50	\$0.00		\$2,348.50
MuniTemps - Government Staffing Ser	1/7/2014	12/6/2013	124189	Interim City Clerk - week ending 12/1/13	\$654.50	\$0.00		\$654.50
MuniTemps - Government Staffing Ser	1/7/2014	1/3/2014	124252	Interim City Clerk week ending 12/29/2013	\$1,804.69	\$0.00		\$1,804.69
				Totals for MuniTemps - Government Staffing Services, Inc:	\$4,807.69	\$0.00		\$4,807.69
NBS Govt. Finance Group								
NBS Govt. Finance Group	1/7/2014	12/20/2013	12130132	Quarterly Admin Fees for 1/1/14-3/31/14	\$5,053.94	\$0.00		\$5,053.94
				Totals for NBS Govt. Finance Group:	\$5,053.94	\$0.00		\$5,053.94
NSP3								
NSP3	1/7/2014	8/7/2013	14444	P O # 13-6475	\$1,098.11	\$0.00		\$1,098.11
				Totals for NSP3:	\$1,098.11	\$0.00		\$1,098.11
Pacific Telemanagement Svc								
Pacific Telemanagement Svc	1/7/2014	12/26/2013	603414	Pay Phone for January, 2014	\$73.00	\$0.00		\$73.00

City of Clayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount Expires On	Net Amount Due
Paramount Elevator Corp.							
Paramount Elevator Corp.	1/7/2014	12/18/2013	191179	Totals for Pacific Telemanagement Svc:	\$73.00	\$0.00	\$73.00
				elevator oil and grease	\$220.00	\$0.00	\$220.00
				Totals for Paramount Elevator Corp.:	\$220.00	\$0.00	\$220.00
PERMCO, Inc.							
PERMCO, Inc.	1/7/2014	12/23/2013	10122	Retainer - General Services	\$3,466.00	\$0.00	\$3,466.00
PERMCO, Inc.	1/7/2014	12/23/2013	10123	General Stormwater Tasks/Inspections	\$427.00	\$0.00	\$427.00
PERMCO, Inc.	1/7/2014	12/23/2013	10124	Silver Oaks Estates - review initial environmer	\$225.00	\$0.00	\$225.00
PERMCO, Inc.	1/7/2014	12/23/2013	10125	Diablo Pointe Construction Inspection	\$1,500.00	\$0.00	\$1,500.00
PERMCO, Inc.	1/7/2014	12/23/2013	10126	Construction Activity Permit Inspection, non u	\$41.50	\$0.00	\$41.50
PERMCO, Inc.	1/7/2014	12/23/2013	10127	2013 Pavement Rehabilitation Project	\$1,098.00	\$0.00	\$1,098.00
PERMCO, Inc.	1/7/2014	12/23/2013	10130	Skipolini's	\$305.00	\$0.00	\$305.00
				Totals for PERMCO, Inc.:	\$7,062.50	\$0.00	\$7,062.50
PG&E							
PG&E	1/7/2014	12/16/2013	12/16/13	gas and electric 11/14/13-12/15/13	\$17,071.26	\$0.00	\$17,071.26
PG&E	1/7/2014	12/22/2013	12/22/13	Electric Service 11/20/13-12/19/13	\$2,874.93	\$0.00	\$2,874.93
				Totals for PG&E:	\$19,946.19	\$0.00	\$19,946.19
PMC (Planning)							
PMC (Planning)	1/7/2014	12/10/2013	38928	professional services 10/26/13-11/29/13	\$1,866.27	\$0.00	\$1,866.27
				Totals for PMC (Planning):	\$1,866.27	\$0.00	\$1,866.27
Raney Planning & Management, Inc.							
Raney Planning & Management, Inc.	1/7/2014	12/13/2013	1322E-5	Labor - November 2013	\$1,298.00	\$0.00	\$1,298.00
				Totals for Raney Planning & Management, Inc.:	\$1,298.00	\$0.00	\$1,298.00
Riso Products of Sacramento							
Riso Products of Sacramento	1/7/2014	11/20/2013	117653	contract 11/18/13-12/17/13	\$94.86	\$0.00	\$94.86
				Totals for Riso Products of Sacramento:	\$94.86	\$0.00	\$94.86
San Diego Police Equipment Co.							
San Diego Police Equipment Co.	1/7/2014	12/5/2013	609447	Ammo - order # 0076412	\$1,818.01	\$0.00	\$1,818.01
				Totals for San Diego Police Equipment Co.:	\$1,818.01	\$0.00	\$1,818.01
Sprint Comm (PD)							
Sprint Comm (PD)	1/7/2014	11/29/2013	703335311-114	service 10/26/13-11/25/13	\$260.15	\$0.00	\$260.15
				Totals for Sprint Comm (PD):	\$260.15	\$0.00	\$260.15
TTI Polygraph							
TTI Polygraph	1/7/2014	12/8/2013	13-002	pre employment polygraph exam	\$300.00	\$0.00	\$300.00
				Totals for TTI Polygraph:	\$300.00	\$0.00	\$300.00
US Bank Ops Center							
US Bank Ops Center	1/7/2014	1/7/2014	95465560	Debt Service Payment Bond Ser 1999	\$107,746.99	\$0.00	\$107,746.99

City of ayton Cash Requirements Report

Vendor Name	Due Date	Invoice Date	Invoice Number	Invoice Description	Invoice Balance	Potential Discount	Discount Expires On	Net Amount Due
Watch Guard Watch Guard	1/7/2014	11/22/2013	SRINV0008455	Totals for US Bank Ops Center: repair unit DV10-138563 GP 47109 -PO CS-5	\$107,746.99	\$0.00		\$107,746.99
Carolyn Weigand Carolyn Weigand	1/7/2014	12/16/2013	26060	Totals for Watch Guard: Deposit refund for 7/27/13 Library Room	\$102.36	\$0.00		\$102.36
				Totals for Carolyn Weigand:	\$102.36	\$0.00		\$102.36
					\$200.00	\$0.00		\$200.00
					\$200.00	\$0.00		\$200.00
				GRAND TOTALS:	\$267,462.90	\$0.00		\$267,462.90



Agenda Date: 1-7-2014

Agenda Item: 3c

Approved: 

Gary A. Napper
City Manager

AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 07 JANUARY 2014
**SUBJECT: PROPOSED 2-MONTH TIME EXTENSION TO EMPLOYMENT TERMS
CLAYTON POLICE OFFICERS' ASSOCIATION (CPOA)**

RECOMMENDATION

It is recommended the City Council adopt the attached Resolution approving a third (3rd) time extension to the existing terms and conditions of employment and compensation with the Clayton Police Officers' Association (CPOA). The extension, Addendum No. 8, will be effective retroactive to 01 January 2014 and continue through 28 February 2014.

BACKGROUND

By state law the City and its recognized employee bargaining units must meet and confer over matters related to compensation, benefits and terms of public employment. In September 2012, the City and the CPOA (i.e. sworn law enforcement personnel, except the chief of police) agreed to a nine (9)-month extension of existing terms and conditions of employment that included a continuing freeze on salary merit advances and suspension of premium pay when working various City holidays. The latter concession equated to a continuous 4.1% pay reduction for all employees of this unit.

That nine month extension expired on 30 June 2013. In anticipation of its expiration the parties expectantly rely on the release of the proposed City Budget each year to determine the financial status of the City for framework during the collective bargaining process. Due to organizational delays, the proposed City Budget for FY 2013-14 was not yet prepared for release and the parties recognized its delay impacts the opportunity for meaningful negotiation as to new or revised terms of public employment in FY 2013-14.

Consequently, on 04 June 2013 and again on 01 October 2013 both parties agreed to extend the existing terms and conditions of employment for subsequent ninety (90) day periods. The second ninety-day extension, Addendum No. 7, will expire (expired) on 31 December 2013. During this 6-month time period the City enacted its budget for FY 2013-14 and received/approved its Audited Financial Statement for FY 2011-12. The City's FY

2012-13 Audited Financial Statement has not yet been completed but is tentatively scheduled for presentation at the City Council's public meeting on 21 January 2014.

The City Manager and CPOA representatives discussed the current negotiation status and each has agreed it would be beneficial to extend the existing terms and conditions of public employment (set to expire 31 December 2013) for an additional two (2) month time period through 28 February 2014. It is expected this extension should allow adequate time for each party to determine respective positions on a subsequent Memorandum of Understanding (MOU) without disrupting current compensation and employment terms.

FISCAL IMPACT

The expiring MOU contains a number of CPOA concessions as well as City [Employer] continuation of compensation and Employer-paid benefits. During the past and current transitional periods, the parties recognize the least-disruptive approach would be to maintain the status-quo, including members of this Unit agreeing to accept the approximate 4.1% reduction to employee compensation relative to the suspension of premium pay for the eleven (11) City-recognized holidays per fiscal year (note: sworn police personnel must work holidays, 24/7 operation). In addition, employees of this Unit have experienced frozen pay advancements for meritorious performance adjustments over the last four years (5 of 11 officers).

However, as employee health insurance premiums (provided through CalPERS PEMHCA) will rise on 01 January 2014 and the existing terms of employment cap the employer's (City's) contribution toward such benefit, members of the CPOA will now experience bi-weekly payroll deductions for the increased premium according to one's enrolled subscription in the health insurance plan. Such premium increases are slightly offset by a nominal reduction in employee dental plan premiums effective the same date.

The upcoming negotiations between the parties must still address the issue of retroactivity of compensation and benefits to 01 July 2013 with any modifications to and permanent approval of a successor MOU.

Attachments: 1. City Resolution with Exhibit 1 [4 pp.]

RESOLUTION NO. - 2014

**A RESOLUTION APPROVING A TWO (2) MONTH ADDENDUM NO. 8
TO THE BASE MEMORANDUM OF UNDERSTANDING WITH
THE CLAYTON POLICE OFFICERS' ASSOCIATION
EFFECTIVE JANUARY 1, 2014**

**THE CITY COUNCIL
City of Clayton, California**

WHEREAS, authorized representatives of the City of Clayton and the Clayton Police Officers' Association (CPOA) have been conversing and conferring in good faith regarding the status of certain matters including, but not limited to, wages, hours, and terms and conditions of employment with the City, pursuant to *California Government Code* Section 3500, et. seq.; and

WHEREAS, due to organizational delays in assembling and providing financial data for preparation and consideration of Audited Financial Statements for FY 2011-12 and FY 2012-13, both parties mutually acknowledge it is beneficial to await information on the City's current financial status before negotiating and obligating oneself to new or revised terms and conditions of public employment and compensation with the City of Clayton; and

WHEREAS, in consideration thereof the parties to the aforementioned discussions have set forth a two (2) month Addendum No. 8 to bridge the expiration of Addendum No. 7 to the base Memorandum of Understanding (MOU), which document does encompass the full and complete agreements reached between the parties for the time period of January 1, 2014 through February 28, 2014, unless a mutually-agreeable contract is achieved and approved within that time frame; and

WHEREAS, the City Manager, as the City's designated labor negotiator, does herein recommend approval of proposed Addendum No. 8 to this Unit's base MOU, as outlined in its entirety in "Exhibit 1".

NOW, THEREFORE, BE IT RESOLVED that the City Council of Clayton, California does hereby accept and approve Addendum No. 8 ("Exhibit 1") to the underlying Memorandum of Understanding between the City and the Clayton Police Officers' Association during the term thereof, retroactive to January 1, 2014 and effective through February 28, 2014, unless replaced or extended sooner by mutual agreement, and does duly authorize and instruct its City Manager to implement the agreed-upon terms and conditions accordingly.

Resolution No. - 2014
2-Month Addendum No. 8 to Base MOU with Clayton Police Officers' Association
07 January 2014

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held the 7th day of January 2014 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

THE CITY COUNCIL OF CLAYTON, CA

Hank Stratford, Mayor

ATTEST:

Janet Brown, Interim City Clerk

ADDENDUM NO. 8

This Addendum No. 8 is a two (2) month time extension to that 1-year underlying Memorandum of Understanding (MOU) entered into by and between the City of Clayton ("City") and the Clayton Police Officers' Association ("CPOA"), previously approved and authorized by the Clayton City Council at a regular public meeting thereof held on the 18th day of September 2012, and as further amended by Addenda Nos. 1-7 adopted by the City Council.

WHEREAS, by California Government Code section 3500, et seq., the City is required by law to negotiate in good faith with recognized collective bargaining units and groups of the City organization concerning certain public employment matters including, but not limited to, wages, hours, benefits, and other terms and conditions of employment with the City; and

WHEREAS, the Clayton Police Officers' Association (CPOA) is a recognized public employee collective bargaining unit within the City public agency covering employment terms, conditions, compensation and employee benefits of the sworn law enforcement employees of the City (except for the Chief of Police); and

WHEREAS, by City Resolution No. 32-2013 the Clayton City Council did adopt, at a regular public meeting thereof on 01 October 2013, Addendum No. 7 by and between the City and the CPOA that modified or restated specific employment terms and conditions for the CPOA for a three (3) month period of time to commence on 01 Oktober 2013; and

WHEREAS, terms and conditions of public sector employment by and between the City and the CPOA contained in Addendum No. 7 expire on 31 December 2013, potentially causing immediate expense to both the City and members of the CPOA; and

WHEREAS, while the City and CPOA representatives have met together on several occasions as required by California Government Code section 3500, et seq., to discuss or negotiate in good faith matters involving the continuation or modification of terms and conditions of public employment for the CPOA, such discussions have not resulted in a mutually-agreeable employment contract before the expiration of Addendum No. 7 will occur on 31 December 2013; and

WHEREAS, each party to the underlying MOU and Addenda desires to continue to meet in good faith and are willing within the next two (2) month time period to negotiate and hopefully arrive at acceptable successor terms and conditions of public employment between the City and the CPOA on or before 28 February 2014.

NOW, THEREFORE, BE IT RESOLVED by and between the City of Clayton and the Clayton Police Officers' Association (CPOA) as follows:

1. **ARTICLE 20: TERM**

Addendum No. 8 is herewith retroactively effective on 01 January 2014 and shall continue through 28 February 2014, at which time it ends effective midnight on 28 February 2014 unless terminated or extended sooner by mutual agreement and approval of both the City and the CPOA.

2. All other and existing terms and conditions of the underlying MOU and Addenda Nos. 1-7 by and between the parties remain in full force and effect through 28 February 2014 to the extent each are not in conflict with Addendum No. 8 provisions recited above. In the event such a conflict arises, Addendum No. 8 does and shall prevail in effect and implementation.

IN WITNESS THEREOF, this Addendum No. 8 is entered into this 31st day of December 2013 pursuant to the provisions of California Government Code section 3500, et seq., for presentation and recommendation for approval by the City Council of Clayton, California at its regular public meeting thereof to be held on 07 January 2014.

CLAYTON POLICE OFFICERS' ASSOCIATION (CPOA)

By:

Allen White, CPOA President

Date: _____



Bud Stone, CPOA Labor Representative

Date: 1/2/2014

CITY OF CLAYTON, CA (CITY)

By:



Gary A. Napper, City Manager

Date: 03 JAN. 2014

#



Agenda Date: 1-7-2014

Agenda Item: 8a

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHARLIE MULLEN, COMMUNITY DEVELOPMENT DIRECTOR *CM*

DATE: JANUARY 7, 2014

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTERS 15.01, 15.02, 15.03, 15.04 and 15.05 OF THE CLAYTON MUNICIPAL CODE TO BRING THE CITY'S BUILDING, ELECTRICAL, PLUMBING AND MECHANICAL CODES INTO COMPLIANCE WITH THE 2013 EDITIONS OF THE RESPECTIVE CALIFORNIA BUILDING STANDARDS CODES WITH CHANGES, ADDITIONS, AND DELETIONS AS ALLOWED BY STATE LAW (ZOA-06-13).

RECOMMENDATION

Staff recommends the City Council receive and consider the staff report, receive any public comment; by motion have the City Clerk read the 2013 Building Code Ordinance (Attachment 1) by title and number only and waive further reading; and following the City Clerk's reading, the City Council by motion approve the introduction and first reading of the Ordinance, then set a public hearing for adoption of the Ordinance for February 4, 2014.

BACKGROUND

On December 3, 2013, the County Board of Supervisors acting for the Contra Costa County Building Inspection Division (the Building Division that serves the City of Clayton) adopted Ordinance 2013-24, adopting the 2013 California Building Standards Code (CBSC) with amendments. Representatives of the Building Division, subsequently, asked the jurisdictions served by this Division to adopt the same modified code. The CBSC is State-mandated, although it can be amended as long as the proposed requirements are more restrictive and required for operational needs or limitations and related to local conditions of climate, geology, and/or topography. The CBSC Code is updated every three years. The CBSC was last updated in 2010.

City staff was recently provided with the County's adopted ordinance adopting the 2013 CBSC with amendments and Findings from the Division's Deputy Director to implement in

the City of Clayton. Staff has incorporated the County ordinance into the City's proposed Ordinance No. 452 to assure that the City of Clayton is consistent with the Contra Costa Building Inspection Division's adopted version of the 2013 CBSC.

DISCUSSION

The proposed City-initiated Ordinance to amend portions of the *Clayton Municipal Code* would specifically amend the text and sections of existing Chapters 15.01, 15.02, 15.03, 15.04 and 15.05 to bring the City's Building, Electrical, Plumbing and Mechanical codes into compliance with the respective 2013 CBSC with changes, additions, and deletions as allowed by State Law. The following is a summary of proposed amendments while the specific amendments are fully contained in Exhibit A of the attached draft Ordinance. A red-lined version of the proposed Ordinance text changes is provided as Attachment 2, to assist the City Council and public in clearly seeing the changes made to the current Building Code provisions.

The California Building Standards Commission has adopted the 2013 CBSC, replacing the 2010 CBSC. The CBSC includes the California Building, Residential, Electrical, Plumbing, Mechanical, Energy and Green Building Standards Codes. These State-wide codes became effective on January 1, 2014. Although the CBSC applies statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change the CBSC and establish more restrictive standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological or topographical conditions. Contra Costa County has adopted Ordinance No. 2013-24 implementing the 2013 CBSC and amends it to address local conditions.

The County's adopted Ordinance No. 2013-24 and the City's proposed Ordinance No. 452 would amend the 2013 CBSC to address certain local climatic, geological and topographic conditions. These conditions are described in the attached Findings (Exhibit B to the City's Ordinance). The Ordinance would amend the CBSC by increasing standards for some building foundations to better withstand the seismic forces found in this region of California. The ordinance would also amend the CBSC by requiring the installation of hard-wired smoke detectors in existing flat roof buildings when a pitch roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed.

All of the recommended amendments continue existing amendments or clarify omissions in the CBSC. The local amendments recommended to be continued through this proposed ordinance are predominantly designed to address the risk of seismic activity within the County of Contra Costa and City of Clayton and to protect public health and safety.

Other minor section numbering clean-up and changes to section references are included along with the deletion of code sections that are no longer necessary due to inclusion in the 2013 CBSC.

Following City Council introduction of this Ordinance and setting of the public hearing date, staff will provide noticing in accordance with California Government Code Section 6066.

CEQA

Pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3) it can be seen with certainty there is no possibility the proposed amendments to the *Clayton Municipal Code* may have a significant effect on the environment, and therefore it is not subject to CEQA.

FISCAL IMPACT

Some staff time as well as printing cost have and will be associated with the preparation of this Ordinance.

Attachments:

1. Ordinance No. 452 – Regarding 2013 Building Code Amendments with following Exhibits:
 - Exhibit A – 2013 Building Code Text
 - Exhibit B – Findings of Fact
2. Redlined Version of Proposed 2013 Building Code Ordinance Text Amendments

ORDINANCE NO. 452

**AN ORDINANCE AMENDING CHAPTERS 15.01, 15.02, 15.03, 15.04, AND 15.05 OF
THE CLAYTON MUNICIPAL CODE TO BRING THE CITY'S BUILDING,
ELECTRICAL, PLUMBING AND MECHANICAL CODES INTO COMPLIANCE
WITH THE 2013 EDITIONS OF THE RESPECTIVE
CALIFORNIA BUILDING STANDARDS CODES
(ZOA-06-13)**

**THE CITY COUNCIL
City of Clayton, California**

**THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY ORDAIN AS
FOLLOWS:**

Section 1 Purpose, Intent, and Findings

This ordinance is adopted by the City Council of the City of Clayton ("City") to adopt the California Building Standards Commission's adopted and published 2013 Building Standards Code, which is comprised of the 2013 California Building, Residential, Green Building Standards, Electrical, Plumbing, and Mechanical codes. This Ordinance adopts the 2013 California Building Code (Volume I & Volume II), the 2013 California Residential Code, the 2013 California Green Building Standards Code, the 2013 California Electrical Code, the 2013 California Plumbing Code, and the 2013 California Mechanical Code, with changes, additions, and deletions that are necessary because of unique local conditions as set forth in Exhibit A to this Ordinance. It is adopted to mirror the Codes of the County of Contra Costa as required by the contract entered into between the City of Clayton and the County of Contra Costa wherein the County Building Inspection Division provides permitting and enforcement of these Codes for the City of Clayton. As of the effective date of this Ordinance, the provisions of this Building Code are controlling and enforceable within the limits of this jurisdiction. Further, this Ordinance is adopted pursuant to Health and Safety Code sections 17922, 17958, 17958.5, and 17958.7, and Government Code sections 50020 through 50022.10, based upon the findings set forth in attached Exhibit B, which are incorporated herein by reference.

Section 2 Action to Challenge This Ordinance

Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after its effective date.

Section 3 Conflicting Ordinances Repealed

Any ordinance or part thereof, or regulations in conflict with the provisions of this ordinance, are hereby repealed. The provisions of this ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this ordinance.

Section 4 **Severability**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Clayton City Council has declared that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase thereof be declared unconstitutional, invalid or ineffective.

Section 5 **Public Hearing and Notice**

The City held a public hearing on February 4, 2014 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting this ordinance. The City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on January 21, 2014 and January 28, 2014.

Section 6 **Effective Date and Publication**

This ordinance shall become effective thirty (30) days from and after its passage. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933.

Section 7 **Penalty for Violations**

Any violation of this ordinance shall be subject to applicable provisions of Clayton Municipal Code Section 1.20.010. Penalty for Violations - Infractions and Misdemeanors.

Section 8 **CEQA**

The City Council finds that it can be seen with certainty that adoption of this ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a notice of exemption within five (5) days of the adoption of this ordinance.

The foregoing Ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 7th day of January, 2014.

Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on February 4, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, California

Hank Stratford, Mayor

ATTEST:

Janet Brown, Interim City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on the 7th day of January, 2014 and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on February 4, 2014.

Janet Brown, Interim City Clerk

Attachments:

Exhibit A: Amended Chapter 15.09 of the Clayton Municipal Code

Exhibit B: Findings for Adoption of Ordinance No. 452

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EXHIBIT A

Chapter 15.01

GENERAL PROVISIONS

Sections:

15.01.002	Application of general provisions.
15.01.020	Reference to officials in adopted codes.
15.01.101	Construction working hours.
15.01.202	Permits.
15.01.204	Fees.
15.01.206	State license required.
15.01.208	Misrepresentations in permit application.
15.01.210	Permit not approval of violations or determination of ownership.
15.01.211	Liability of City.
15.01.212	Expiration of permit.
15.01.214	Refunds.
15.01.402	Abatement procedure.
15.01.404	Stop work orders.
15.01.406	Entry on premises.
15.01.408	Correction notice.
15.01.410	Withhold permit.
15.01.412	Disconnection of utility service.
15.01.414	Power companies to notify City building official.
15.01.416	Enforcement of state law.
15.01.602	Reference to officials in adopted codes
15.01.604	General safety.
15.01.606	Liability of county.

15.01.002 Application of general provisions. These general provisions shall apply to all Chapters of this Title.

15.01.020 Reference to officials in adopted codes. Whenever reference is made in this Title or the codes adopted by reference in this title, to the “building inspector”, “inspector”, “electrical inspector”, “plumbing inspector”, “mechanical inspector”, “building official”, “Director of the Building Inspection Department”, “City building inspector” or “City building official”, it shall mean the Contra Costa County director of building inspection, county building official, building inspector, or any of his or her duly authorized deputies during such period when the County of Contra Costa is providing building inspection services for the City of Clayton an while such officials are acting as the City’s representatives in such matters. These terms shall also include the City Manager, Community Development Director or City Engineer and their designees when enforcing the provisions of this title. Furthermore, references to “state” shall mean the State of California, to “Housing Act” shall mean the Housing Act of this state, to “county

building official, administrative authority, or fire chief” shall mean the director of building inspection of Contra Costa County, and to “county” shall mean the County of Contra Costa.

15.01.101 Construction working hours. All grading and excavation, construction, demolition, renovation, and other works of improvement within the City of Clayton and the on-site maintenance and servicing of construction equipment in the City shall occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Any such work beyond said hours and days is strictly prohibited unless previously specifically authorized in writing by the City Engineer or designee or by project conditions of approval. This provision shall not apply to homeowner home improvements.

15.01.202 Permits. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this title, or cause the same to be done, or install or connect any equipment regulated by this title, or perform any work regulated by this title, without first obtaining the necessary permits from the City building official.

15.01.204 Fees.

- (a) Fees shall be paid with the submission of an application for any permit required by this title. No application may be filed and accepted as complete until all required fees have been paid. Any permit issued without the payment of all required fees is invalid and of no force and effect. Permit fees and other fees will be in amounts set forth in fee schedules adopted by the City Council and the Contra Costa County Board of Supervisors.
- (b) A person who starts any work for which a permit is required under this title without first having obtained a permit shall, if later issued a permit for such work, pay double the permit fee. This provision does not apply to emergency work if the City building official determines that the emergency work was urgently necessary and that it was not practicable to obtain a permit before starting the work. In all such cases, a permit must be obtained as soon as it is practicable to do so, and if there is an unreasonable delay in obtaining the permit, a double fee shall be charged.

15.01.206 State license required.

- (a) No permit shall be issued to a person to do or cause to be done any work regulated by this title except to the holder of a valid, unexpired and unrevoked license in good standing, issued under Chapter 9, Division 3 of the California Business and Professions Code. Permits may be issued to persons and for work exempt from that statute, and as otherwise provided in this section.
- (b) Building permits. A building permit may be issued to a person holding a valid, unexpired, unrevoked California general contractor’s license. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a building permit may

be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(c) Electrical permits.

(1) An electrical permit may be issued to a person holding a valid, unexpired, unrevoked California electrical contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, an electrical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(2) Instead of a separate permit for each building, structure, premises, installation or alteration, an annual electrical permit may be issued to any person regularly employing one or more electricians for electrical work in premises owned or occupied by the applicant for the permit. In the first 15 days of each calendar month, the holder of an annual permit shall report to the City building official on all electrical work done under the annual permit during the preceding month.

(d) Plumbing permits. A plumbing permit may be issued to a person holding a valid, unexpired, unrevoked California plumbing contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a plumbing permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(e) Mechanical permits. A permit for the erection, installation, moving alteration, repair or replacement of any heating or cooling equipment may be issued to a person holding a valid California warm air heating, ventilating, and air conditioning contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a mechanical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

15.01.208 Misrepresentations in permit application. No person shall make a false statement or misrepresentation in or in connection with an application for a permit under this title. Any permit issued under this title may be revoked or suspended at any time by the City building official for fraud, misrepresentation or false statement contained in an

application for a permit, or for violation of this title in connection with work done under the permit.

15.01.210 Permit not approval of violations or determination of ownership. The issuance of a permit or approval of plans and specifications shall not be construed as a permit for an approval of any violation of this title or code or determination that the permittee is the owner of the subject property or otherwise authorized to do the work for which the permit has been issued. No permit presuming to give authority to violate or cancel the provisions of this title shall be valid except insofar as the work or use which it authorizes is lawful. The issuance of a permit based on plans and specifications shall not prevent the City building official from later requiring the correction of errors in the plans and specifications or from preventing building operations being carried on under the permit in violation of this title or other regulation of this City.

15.01.211 Liability of City. This title shall not be construed to impose on the City any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the City, or any official or employee of the City, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the City that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued or shall it be construed as permission or license to enter on, occupy or otherwise utilize private or non-city property without the express consent of the owner or agent in possession thereof.

15.01.212 Expiration of permit. Every permit issued by the City building official becomes void if the building or work authorized is not begun within 180 days from the permit's date, or if it is suspended or abandoned for 180 continuous calendar days without excuse satisfying the City building official as being beyond control and remedy by the permittee. Evidence of starting work shall consist of at least one required inspection within 180 days of the permit issuance date or the date the permit was suspended or the work was abandoned. Once a permit becomes void, a new permit shall be obtained before any work is commenced or recommenced, and a new permit fee shall be paid. Any permittee holding an unexpired permit may apply for a permit extension upon a showing of good and satisfactory reason acceptable to the City building official. If the permittee is unable to commence work within the time required by this section, the City building official may extend the time of the permit for a period not exceeding 180 days upon written request by the permittee. No permit shall be renewed more than once.

15.01.214 Refunds. The City building official may authorize the refund of required permit fees as follows:

- (a) **Unused Building Permit.** On the voiding of a permit within 60 days after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen (15) dollars but not more than 80 percent of the permit fee paid. On the voiding of a permit during the period between sixty days and one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen (15) dollars or one-half the total amount paid for the

permit, whichever is smaller. No refunds of plan check fees for issued permits shall be allowed. Any unused plumbing, electrical, or mechanical permit(s) taken in conjunction with a building permit are governed by the refund procedures in subsection (b) of this section.

- (b) Unused plumbing, electrical, or mechanical permits. No refund of deposits for these permits (including subpermits issued in conjunction with building permits, and miscellaneous permits) shall be allowed, except that on the voiding of a permit within one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of ten (10) dollars.

15.01.402 Abatement procedure. Any condition existing in violation of this title is a public nuisance. The procedure for the abatement of any building or any other condition declared to be a public nuisance in violation of this title is the procedure specified in the Clayton Municipal Code as set forth in Chapter 8.08. As an alternative to this procedure, abatement may be performed pursuant to the procedure specified in Article 6 (Action and Proceedings) of Subchapter 1 (State Housing Law Regulations) of Chapter 1 of Division 1 of Title 25 (Housing and Community Development) of the California Code of Regulations (25 C.C.R., § 48 et seq.). That procedure is adopted by this reference as though fully set forth herein.

15.01.404 Stop work orders. Whenever any work is being done contrary to this title or any other law or regulation (including, but not limited to, the following: zoning, health, sanitation, grading, fire protection and safety, or flood control) relating to or affecting the work, the City building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing of the work; and these persons shall stop work immediately until authorized by the City building official to proceed with the work. The stop work order will state the reason for the order and the conditions under which the cited work may be permitted to resume. If the work continues after the issuance of a stop work order, each day the work continues is a separate code violation.

15.01.406 Entry on premises.

- (a) Whenever it is necessary to make an inspection to enforce the provisions of this title, or whenever the City building official has cause to believe that there exists in any building or upon any premises any violation of this title or any condition that makes the building or premises unsafe, unsanitary, dangerous or hazardous, the City building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the City building official by this code. If entry is refused, the City building official has recourse to every remedy provided by law to secure entry.
- (b) No person shall conceal any work until it is inspected and written approval to proceed is given. No person shall cover electrical work, or allow it to be covered, to prevent or hinder its inspection, or remove any notice not to cover placed by the City building officials.

15.01.408 Correction notice. If the City building official finds any work as out of compliance with this title, the building official will give written notice to the person engaged in the work. Within 10 days after this notice, or within any reasonable further time that the City building official may prescribe, the person doing the work shall change or remove the work or equipment as the City building official may require to make it comply fully with this division.

15.01.410 Withhold permit. The City building official may, in his or her sole discretion, withhold the issuance or reinstatement of a permit for any structure on a parcel of land concerning either or both of which there exists any violation of law or regulation (including but not limited to the following: building, grading, zoning, fire protection and safety, health, sanitation, or flood control) relating to or affecting that permit. In determining whether a permit shall be issued, the City building official will also consider whether the existing violation constitutes an unlawful occupancy or a hazard to life or property. The City building official may require correction of a violation before issuing a permit, or as a condition of issuance within a stated period of time including any extensions granted for good cause shown. Failure to comply with such condition is a ground for revocation as provided by law.

15.01.412 Disconnection of utility service.

- (a) The City building official may shut off or disconnect any or all utility service to any structure or facility or to any electrical conductor or apparatus that is in violation of any state, City or county law or regulation relating thereto or that endangers the public health, safety or welfare, or the City building official may order this done.
- (b) If the City building official finds that the violation involves an immediate danger to person(s) or properties or to the public health, safety or welfare, the City building official may have the action taken as quickly as he or she deems necessitated by the danger; otherwise the City building official will give 10 days advance notice thereof by mail to the utility and to the owner as shown on the last assessment roll and by conspicuous posting on the property; and the City building official will post notice of the orders and the action taken, which no person shall remove, tamper with or disobey. The City building official will rescind or modify such action which it becomes proper to do so in view of the danger or violation.

15.01.414 Power companies to notify City building official.

- (a) Notice. Whenever in, on or about any building any person engaged in the distribution or sale of electrical energy or natural gas sets, resets, installs or reinstalls any meter for the measurement of electrical energy or natural gas, or connects or reconnects to, or supplies or services any installation of electrical equipment or natural gas, or change the nominal voltage of electrical supply or service to any installation of electrical equipment, or changes any electrical supply or service from two-wire to three-wire or vice versa, or from single-phase to polyphase or vice versa, or from direct current to alternating current or vice versa,

that person shall within two (2) days thereafter, exclusive of Sundays and holidays, give written notice thereof to the City building official specifying the location and address of the installation affected.

- (b) **Thirty-Day Exception.** This notice need not be given for work expressly approved by the City building official within 30 days after inspection approval.
- (c) **Authorization Required.** No person engaged in the distribution or sale of electrical energy shall connect a distribution system, including windpower generators, or any live supply or service conductor(s) therefrom, to any electrical equipment in, on or about any building or cause or allow any energizing of such connections, including windpower or emergency/stand by electrical generation until the City building official inspects the electrical equipment and authorizes such connections. No gas utility provider engaged in the distribution or sale of natural gas shall connect a distribution system to any natural gas equipment in, on or about any building until the City building official inspects the natural gas installation and authorizes such connections.
- (d) **Permit required.** A permit shall be obtained from the City building official to restore electrical or gas service to any structure that has been without such service for 90 days or more. The City building official will notify the servicing utility that the electrical service equipment and associated wiring has been inspected and approved before electrical or gas service may be reinstated.
- (e) **Waiver.** The City building official may, at his or her discretion, temporarily or permanently waive any or all requirements of this article by giving written notice of such waiver to all persons involved. The City building official may likewise at any time revoke such waiver by similar notice.

15.01.416 Enforcement of state law. By authority of Section 18300 of the Health and Safety Code, the county assumes the responsibility for enforcement of Part 2.1 of Division 13 of the Health and Safety Code relating to mobilehomes and mobilehome parks, including regulations adopted thereunder and contained in Chapter 2 (Mobilehome Parks Act) of Division 1 of Title 25 of the California Code of Regulations (25 C.C.R. §§ 1000 et seq.) and to the extent allowed by such laws and regulations, may enforce by the remedies allowed under Division 14 of this code.

15.01.602 Reference to officials in adopted codes. In the codes adopted by reference in this title, references to “city” mean the City of Clayton; to “city council or mayor” mean the City Council and Mayor of Clayton; to “state” mean the state of California; and to “building official,” “chief building inspector,” “administrative authority,” or “authority enforcing this code” mean the director of building inspection referred to in Section 15.01.020.

15.01.604 General safety. All work shall be performed, and all equipment shall be constructed, installed, protected, operated, repaired, used and maintained, in accordance with the requirements of this division and in such manner as to be reasonably safe and

free from risk of accident or injury to person or property. No person shall act contrary to this general regulation or neglect to act as required hereby.

15.01.606 Liability of county. This title shall not be construed to impose on the county any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the county, or any official or employee of the county, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the county that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued nor shall it be construed as permission or license to enter on, occupy or otherwise utilize private or noncounty property without the express consent of the owner or agent in possession thereof.

CHAPTER 15.02

2013 CALIFORNIA BUILDING CODE WITH AMENDMENTS

Sections:

- 15.02.001 Adoption.
- 15.02.002 Amendments (California Building Code).
- 15.02.003 Amendments (California Residential Code).

15.02.001 Adoption.

- (a) The building code of this City is the 2013 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2013 California Residential Code (California Code of Regulations, Title 24, Part 2.5), and the 2013 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), as amended by the changes, additions, and deletions set forth in this ordinance and Division 72 of the Contra Costa County Code.
- (b) The 2013 California Building Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code is adopted by this reference as though fully set forth in this ordinance.
- (c) The 2013 California Residential Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- (d) The 2013 California Green Building Standards Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- (e) At least one copy of this building code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (f) As of the effective date of this ordinance, the provisions of the building code are controlling and enforceable within the City.

15.02.002 Amendments. The 2013 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2013 California Building Code.

- (a) CBC Chapter 1 is amended by the provisions of Division 72 Section of this code and as follows:

- (1) Sections 103, 109, 112, 113, 114, and 116 of CBC Chapter 1 are deleted.
- (2) Section 105.2 (Work Exempt from Permit) of CBC Chapter 1, subsection 4 is amended to provide that a building permit is not required for the following work:

4. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding class I, II, or III-a liquids.

All other work listed in Section 105.2 of CBC Chapter 1 is also exempt from a permit.

- (3) Section 107.1 (Submittal Documents-General) of CBC Chapter 1 is amended by deleting the exception.

- (4) Section 107.2.1 (Information on Construction Documents) of CBC Chapter 1 is amended to read:

107.2.1 Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be sufficient clarity to indicate the location, nature and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the name and address of the owner and of the person who prepared the plans. Plans shall include a plot plan showing all existing property lines labeled and fully dimensioned, the elevation of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and of every existing building on the property. Instead of detailed specifications, the building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

- (5) Section 110:1 (Inspections – General) is amended by adding the following to the end of the section:

At the time of first inspection by the City building official, a licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures.

- (b) Section 907.2.11.5.6 (Existing Group R-3 Occupancies) of CBC Chapter 9 (Fire Protection Systems), is amended to read:

907.2.11.5.6 Existing Group R Occupancies. In existing flat roof buildings, the installation of a smoke detector that complies with Section R314.4 shall be required when a pitch roof is added on top of the existing flat roof and the solid seating of the flat roof is not removed.

- (c) Section 1406.5 is added to Section 1406 (Combustible Materials on the Exterior Side of Exterior Walls) of CBC Chapter 14 (Exterior Walls), to read:

1406.5 Wood shakes or shingles. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line of all sides, except for any sides of exterior walls facing the street.

- (d) In Section 1705.3 (Concrete Construction) of CBC Chapter 17 (Structural Tests and Special Inspections), Exception 1 is amended to read:

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 of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

- (e) Section 1809.8 (Plain Concrete Footings) of CBC Chapter 18 (Soils and Foundations) is deleted.
- (f) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception No. 3.
- (g) Section 1905.1 (Modification of ACI 318 – General) of CBC Chapter 19 (Concrete) is amended to read:

1905.1 General. The text of ACI 318 shall be modified as indicated in Sections 1905.1.1 through 1905.1.9.

- (h) Section 1906 (Structural Plain Concrete) of CBC Chapter 19 (Concrete) is deleted.
- (i) Section 1907.1 (Minimum Slab Provisions – General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to that section:

Slabs shall have six inches by six inches by ten gauge wire mesh or equal at midheight.

- (j) Appendix C and Appendix I of the CBC are incorporated into the City building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix

G, Appendix H, Appendix J, Appendix K, Appendix L and Appendix M of the CBC are excluded from the City building Code.

15.02.002 Amendments to CRC. The 2013 California Residential Code (“CRC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2013 California Residential Code.

- (a) Sections R103, R108, R111, R112, R113, and R114 of CRC Chapter 1 are deleted.
- (b) In Section R105.2 (Work exempt form permit) of CRC Chapter 1 (Scope and Application), subsection 3 of the paragraph exempting certain building work from the requirement to obtain a permit is amended to exempt the following retaining wall from the requirement to obtain a permit:

- 3. Retaining walls that are not more than three feet in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or ground slope exceeding 1(vertical):2(horizontal) or impounding class I, II, or III-a liquids.

- (c) Section R403.1.3 (Seismic reinforcing) of CRC Chapter 4 (Foundations) is amended to delete the exception.
- (d) Section R404.1.4.1 (Masonry foundation walls) of CRC Chapter 4 (Foundations) is amended to read:

R404.1.4.1 Masonry foundation walls. In addition to the requirements of Table R404.1.1(1), plain masonry walls in buildings assigned to Seismic Design Category D₀, D₁, or D₂ shall comply with the seismic requirements of Section 1.18.4.4 of TMS 402, ACI 530, or ASCE 5.

- (e) Section R404.1.4.2 (Concrete foundation walls) of CRC Chapter 4 (Foundations) is amended to read:

Section R404.1.4.2 Concrete foundation walls. Concrete foundation walls in buildings assigned Seismic Design Category D₀, D₁, or D₂ shall comply with ACI 318, ACI 332, or PCA 100.

CHAPTER 15.03

2013 CALIFORNIA ELECTRICAL CODE WITH AMENDMENTS

Sections:

- 15.03.002 Adoption.
- 15.03.606 Unlawful wiring, electric fences, warning.
- 15.03.608 Power from generators.
- 15.03.612 Public nuisance lighting.

15.03.002 Adoption.

- (a) The electrical code of this City is the 2013 California Electrical Code (California Code of Regulations, Title 24, Part 3, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2013 California Electrical Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code are adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this electrical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the electrical code are controlling and enforceable within the City.

15.03.606 Unlawful wiring, electric fences, warning.

- (a) Prohibition. Except as hereinafter provided, no person shall construct or maintain any spring gun, or any electric wiring device, designated or intended to injure and/or shock animals or persons, or any contrivance or apparatus for such purpose.
- (b) Livestock Exception. Persons principally engaged in the business of handling livestock as a primary means of production or income may electrify fences to control or confine livestock upon complying with all the following requirements:
 - (1) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.
 - (2) Any electrical fence to which the public may have access, except cross fences to confine and control livestock, shall be posted with a warning notice containing the following or similar wording: "DANGER.

ELECTRIC FENCE,” or “DANGER. HIGH VOLTAGE.” This notice shall be posted along any such main fence at intervals of not more than 200 feet and in letters at least two inches high.

15.03.608 Power from generators.

- (a) All occupancies that have commercially supplied electricity shall connect to the commercial supplier.
- (b) Any occupancy that has commercially supplied electricity shall not use a permanent or temporary generator(s), provided that a generator(s) may be used for commercial purposes when authorized by the building official.

15.03.612 Public nuisance lighting. Lighting fixtures shall be so installed, controlled or directed that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property.

CHAPTER 15.04

2013 CALIFORNIA PLUMBING CODE WITH AMENDMENTS

Sections:

15.04.002 Adoption.

15.04.002 Adoption.

- (a) The plumbing code of this City is the 2013 California Plumbing Code (California Code of Regulations, Title 24, Part 5, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2013 California Plumbing Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this plumbing code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the plumbing code are controlling and enforceable within the City.

CHAPTER 15.05

2013 CALIFORNIA MECHANICAL CODE WITH AMENDMENTS

Sections:

15.05.002 Adoption.

15.05.002 Adoption.

- (a) The mechanical code of this City is the 2013 California Mechanical Code (California Code of Regulations, Title 24, Part 4 [based on the 2006 Uniform Mechanical Code]), as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2013 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this mechanical code is now on file with the building inspection division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the mechanical code are controlling and enforceable within the City.

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EXHIBIT B

City of Clayton

FINDINGS IN SUPPORT OF CHANGES, ADDITIONS, AND DELETIONS TO STATEWIDE 2013 BUILDING STANDARDS CODE

The California Building Standards Commission has adopted and published the 2013 Building Standards Code, which is comprised of the 2013 California Building, Residential, Green Building Standards, Electrical, Plumbing, and Mechanical codes. These codes are enforced in the City of Clayton by the City and Contra Costa County Building Inspection Division of the Department of Conservation and Development.

Although these codes apply statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change these codes and establish more restrictive building standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological or topographical conditions.

City of Clayton Ordinance No. 452 adopts the statewide codes and amends them to address local conditions, consistent with Contra Costa County.

Pursuant to Health and Safety Code section 17958.7, the Clayton City Council finds that the more restrictive standards contained in Ordinance No. 452 are reasonably necessary because of the local climatic, geological, and topographic conditions that are described below.

I. Local Conditions

A. Geological and Topographic

1. Seismicity

(a) Conditions

Are reasonably necessary as Contra Costa County is located in Seismic Design Categories D and E, which is the worst earthquake area in the United States. Buildings and other structures in these zones can experience major seismic damage. Contra Costa County is in close proximity to numerous earthquake faults including the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras faults have the potential for a Richter 7

earthquake. Minor tremblers from seismic activity are not uncommon in the area.

A study released in 1990 by the United States Geological Survey says that there is a 67% chance of another earthquake the size of Loma Prieta during the next 30 years, and that the quake could strike at any time, including today. Scientists, therefore, believe that an earthquake of a magnitude 7 or larger is now twice as likely to happen as to not happen.

Interstates 680, 80, 580 and State Route 4 run the length throughout Contra Costa County. These interstates and state routes divide the County into a west, south, north and east. An overpass or undercrossing collapse would significantly alter the response route and time for responding emergency equipment. This is due to limited crossings of the interstate and that in some areas there is only one surface street, which runs parallel to the interstate, which would be congested during a significant emergency.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities and to gas and electrical lines in buildings, which in turn start fires throughout the County. The occurrence of multiple fires will quickly deplete existing fire department resources; thereby reducing and/or delaying their response to any given fire.

(b) Impact

A major earthquake could severely restrict the response of all Contra Costa County Fire Districts and their capability to control fires involving buildings of wood frame construction, with ordinary roofing materials and flammable exteriors, or with large interior areas not provided with automatic smoke and fire control systems. Also, when buildings not equipped with earthquake structural support move off their foundations, gas pipes may rupture. Fires develop from line ruptures and spread from house to house, causing an extreme demand for fire protection resources. The proximity of large areas within the County to fault traces, necessitates adopting stricter structural construction standards.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil

conditions are moderately to severely prone to swelling and shrinking, are plastic and tend to liquefy.

Throughout Contra Costa County, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. The majority of these roads are private with no established maintenance program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be unpassable so as to prevent fire protection resources from reaching fires cause by gas line ruptures or other sources.

3. Topographic

(a) Conditions

i. Vegetation

Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout Contra Costa County, especially in those developed and developing areas of the County. Earthquake gas fires due to gas line ruptures can ignite grasslands and stress fire district resources.

ii. Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets and roads, combine to limit feasible response routes for Fire District resources in and to District areas.

iii. Buildings, Landscaping and Terrain

Many of the newer large buildings and building complexes have building access and landscaping features and designs, which preclude or greatly limit

any approach or operational access to them by Fire District vehicles. In addition, the presence of security gates and roads of inadequate width and grades that are too steep for Fire District vehicles adversely affect fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires that fire personnel both in numbers and in stamina. Access problems often result in severely delaying, misdirecting or making impossible fire and smoke control efforts. In existing structures where pitch roofs have been built over an existing roof, smoke detectors should be required to warn residents of smoke and fire before the arrival of fire personnel.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the County fire resources. Fire following an earthquake has the potential of causing greater loss of life and damage than the earthquake itself. Most earthquake fires are created by natural gas developed from gas line ruptures. 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 dwellings that were caused by broken gas lines.

Other variables may tend to intensify the situation:

1. The extent 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 condition (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 shake or shingle coverings (both on the roof diaphragm and

- sides of the dwellings) could result in conflagrations.
8. The large number of dwellings that slip off their foundations and rupture gas lines and electrical systems resulting in further conflagrations.

B. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely. Gas fires due to gas line ruptures can also spark and engulf a single family residence during these dry periods.

Because of dryness, a rapidly burning gas fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks or embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 114° F. Average summer highs are in the 75° to 90° range, with average maximums of 105° F in some areas of unincorporated Contra Costa County.

(b) Impact

High temperatures cause rapid fatigue and heat

exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building, wildland fires, and fires caused by gas line ruptures.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more fire resources in order to control a fire on a hot day. High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire Districts in Contra Costa County. The change of temperatures throughout the County between very low and extreme highs contributes to a voltage drop in conductors used for power pole lines. This necessitates that voltage drops be considered.

3. Winds

(a) Conditions

Prevailing winds in many parts of Contra Costa County are from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities can reach fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do exacerbate fires, both interior and exterior, to burn, and spread rapidly. Fires involving non-irrigated weeds, grass, brush, and fires caused by gas line ruptures can grow to a magnitude and be fanned to an intensity beyond the control capabilities of the fire services very quickly even by relatively moderate winds. When such fires are not controlled; they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by all Contra Costa County Fire Districts on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor toward causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas, or lacking automatic fire protection systems, or lacking proper gas shut-off devices to shut off gas when pipes are ruptured, or lacking proper electrical systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

II. Necessity of More Restrictive Standards

Because of the conditions described above, the Clayton City Council finds that there are building and fire hazards unique to the City that require the increased fire protection and structural and design load requirements set forth in Ordinance No. 452. The ordinance amends the statewide codes by requiring the installation of a smoke detector in existing flat roof buildings when a pitch roof is added on top of the existing flat roof and the solid sheathing of the flat roof is not removed. (§15.02.002(b).) The ordinance amends the statewide codes by requiring most wood shakes or shingles used for exterior wall covering to be fire treated. (§15.02.002(c).) The ordinance amends the statewide code by requiring special inspections for concrete at certain foundations to be consistent with code requirements for concrete at other locations. (§15.02.002(d).) The ordinance modifies the statewide codes by requiring masonry foundation walls and concrete foundation walls of residential structures to comply with more restrictive seismic requirements. (§ § 15.02.003(d), (e).)

EXHIBIT A
(Redlined Version)

Chapter 15.01

GENERAL PROVISIONS

Sections:

15.01.002	Application of general provisions.
15.01.020	Reference to officials in adopted codes.
15.01.101	Construction working hours.
15.01.202	Permits.
15.01.204	Fees.
15.01.206	State license required.
15.01.208	Misrepresentations in permit application.
15.01.210	Permit not approval of violations or determination of ownership.
15.01.211	Liability of City.
15.01.212	Expiration of permit.
15.01.214	Refunds.
15.01.402	Abatement procedure.
15.01.404	Stop work orders.
15.01.406	Entry on premises.
15.01.408	Correction notice.
15.01.410	Withhold permit.
15.01.412	Disconnection of utility service.
15.01.414	Power companies to notify City building official.
15.01.416	Enforcement of state law.
15.01.602	Reference to officials in adopted codes
15.01.604	General safety.
15.01.606	Liability of county.

15.01.002 Application of general provisions. These general provisions shall apply to all Chapters of this Title.

15.01.020 Reference to officials in adopted codes. Whenever reference is made in this Title or the codes adopted by reference in this title, to the “building inspector”, “inspector”, “electrical inspector”, “plumbing inspector”, “mechanical inspector”, “building official”, “Director of the Building Inspection Department”, “City building inspector” or “City building official”, it shall mean the Contra Costa County director of building inspection, county building official, building inspector, or any of his or her duly authorized deputies during such period when the County of Contra Costa is providing building inspection services for the City of Clayton an while such officials are acting as the City’s representatives in such matters. These terms shall also include the City Manager, Community Development Director or City Engineer and their designees when enforcing the provisions of this title. Furthermore, references to “state” shall mean the

State of California, to “Housing Act” shall mean the Housing Act of this state, to “county building official, administrative authority, or fire chief” shall mean the director of building inspection of Contra Costa County, and to “county” shall mean the County of Contra Costa.

15.01.101 Construction working hours. All grading and excavation, construction, demolition, renovation, and other works of improvement within the City of Clayton and the on-site maintenance and servicing of construction equipment in the City shall occur only between the hours of 7:00 a.m. and 5:00 p.m., Monday through Friday. Any such work beyond said hours and days is strictly prohibited unless previously specifically authorized in writing by the City Engineer or designee or by project conditions of approval. This provision shall not apply to homeowner home improvements. (~~Ord. 351, Sec. 2, 1999; Ord. 263, 1988~~)

15.01.202 Permits. No person, firm, or corporation shall erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish any building or structure regulated by this title, or cause the same to be done, or install or connect any equipment regulated by this title, or perform any work regulated by this title, without first obtaining the necessary permits from the City building official.

15.01.204 Fees.

- (a) Fees shall be paid with the submission of an application for any permit required by this title. No application may be filed and accepted as complete until all required fees have been paid. Any permit issued without the payment of all required fees is invalid and of no force and effect. Permit fees and other fees will be in amounts set forth in fee schedules adopted by the City Council and the Contra Costa County Board of Supervisors.
- (b) A person who starts any work for which a permit is required under this title without first having obtained a permit shall, if later issued a permit for such work, pay double the permit fee. This provision does not apply to emergency work if the City building official determines that the emergency work was urgently necessary and that it was not practicable to obtain a permit before starting the work. In all such cases, a permit must be obtained as soon as it is practicable to do so, and if there is an unreasonable delay in obtaining the permit, a double fee shall be charged.

15.01.206 State license required.

- (a) No permit shall be issued to a person to do or cause to be done any work regulated by this title except to the holder of a valid, unexpired and unrevoked license in good standing, issued under Chapter 9, Division 3 of the California Business and Professions Code. Permits may be issued to persons and for work exempt from that statute, and as otherwise provided in this section.
- (b) Building permits. A building permit may be issued to a person holding a valid, unexpired, unrevoked California general contractor’s license. If the permit

applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a building permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(c) Electrical permits.

(1) An electrical permit may be issued to a person holding a valid, unexpired, unrevoked California electrical contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, an electrical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(2) Instead of a separate permit for each building, structure, premises, installation or alteration, an annual electrical permit may be issued to any person regularly employing one or more electricians for electrical work in premises owned or occupied by the applicant for the permit. In the first 15 days of each calendar month, the holder of an annual permit shall report to the City building official on all electrical work done under the annual permit during the preceding month.

(d) Plumbing permits. A plumbing permit may be issued to a person holding a valid, unexpired, unrevoked California plumbing contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a plumbing permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

(e) Mechanical permits. A permit for the erection, installation, moving alteration, repair or replacement of any heating or cooling equipment may be issued to a person holding a valid California warm air heating, ventilating, and air conditioning contractor's license, or to a person holding a valid, unexpired, unrevoked California general contractor's license where the contractor is working on a permitted job and is performing two or more crafts on the permitted job. If the permit applicant is the owner of the structure occupied by or designed to be occupied by the owner and the owner performs all work under the permit, a mechanical permit may be issued to the owner for work in a one-family dwelling used exclusively for living purposes, including the usual accessory buildings and quarters.

15.01.208 Misrepresentations in permit application. No person shall make a false statement or misrepresentation in or in connection with an application for a permit under

this title. Any permit issued under this title may be revoked or suspended at any time by the City building official for fraud, misrepresentation or false statement contained in an application for a permit, or for violation of this title in connection with work done under the permit.

15.01.210 Permit not approval of violations or determination of ownership. The issuance of a permit or approval of plans and specifications shall not be construed as a permit for an approval of any violation of this title or code or determination that the permittee is the owner of the subject property or otherwise authorized to do the work for which the permit has been issued. No permit presuming to give authority to violate or cancel the provisions of this title shall be valid except insofar as the work or use which it authorizes is lawful. The issuance of a permit based on plans and specifications shall not prevent the City building official from later requiring the correction of errors in the plans and specifications or from preventing building operations being carried on under the permit in violation of this title or other regulation of this City.

15.01.211 Liability of City. This title shall not be construed to impose on the City any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the City, or any official or employee of the City, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the City that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued or shall it be construed as permission or license to enter on, occupy or otherwise utilize private or non-city property without the express consent of the owner or agent in possession thereof.

15.01.212 Expiration of permit. Every permit issued by the City building official becomes void if the building or work authorized is not begun within 180 days from the permit's date, or if it is suspended or abandoned for 180 continuous calendar days without excuse satisfying the City building official as being beyond control and remedy by the permittee. Evidence of starting work shall consist of at least one required inspection within 180 days of the permit issuance date or the date the permit was suspended or the work was abandoned. Once a permit becomes void, a new permit shall be obtained before any work is commenced or recommenced, and a new permit fee shall be paid. Any permittee holding an unexpired permit may apply for a permit extension upon a showing of good and satisfactory reason acceptable to the City building official. If the permittee is unable to commence work within the time required by this section, the City building official may extend the time of the permit for a period not exceeding 180 days upon written request by the permittee. No permit shall be renewed more than once.

15.01.214 Refunds. The City building official may authorize the refund of required permit fees as follows:

- (a) Unused Building Permit. On the voiding of a permit within 60 days after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen (15) dollars but not more than 80 percent of the permit fee paid. On the voiding of a permit during the period between sixty days and one year after

issuance, no work having been done, the holder may be allowed a refund of the amount in excess of fifteen (15) dollars or one-half the total amount paid for the permit, whichever is smaller. No refunds of plan check fees for issued permits shall be allowed. Any unused plumbing, electrical, or mechanical permit(s) taken in conjunction with a building permit are governed by the refund procedures in subsection (b) of this section.

- (b) Unused plumbing, electrical, or mechanical permits. No refund of deposits for these permits (including subpermits issued in conjunction with building permits, and miscellaneous permits) shall be allowed, except that on the voiding of a permit within one year after issuance, no work having been done, the holder may be allowed a refund of the amount in excess of ten (10) dollars.

15.01.402 Abatement procedure. Any condition existing in violation of this title is a public nuisance. The procedure for the abatement of any building or any other condition declared to be a public nuisance in violation of this title is the procedure specified in the Clayton Municipal Code as set forth in Chapter 8.08. As an alternative to this procedure, abatement may be performed pursuant to the procedure specified in Article 6 (Action and Proceedings) of Subchapter 1 (State Housing Law Regulations) of Chapter 1 of Division 1 of Title 25 (Housing and Community Development) of the California Code of Regulations (25 C.C.R., § 48 et seq.). That procedure is adopted by this reference as though fully set forth herein.

15.01.404 Stop work orders. Whenever any work is being done contrary to this title or any other law or regulation (including, but not limited to, the following: zoning, health, sanitation, grading, fire protection and safety, or flood control) relating to or affecting the work, the City building official may order the work stopped by notice in writing served on any persons engaged in the doing or causing of the work; and these persons shall stop work immediately until authorized by the City building official to proceed with the work. The stop work order will state the reason for the order and the conditions under which the cited work may be permitted to resume. If the work continues after the issuance of a stop work order, each day the work continues is a separate code violation.

15.01.406 Entry on premises.

- (a) Whenever it is necessary to make an inspection to enforce the provisions of this title, or whenever the City building official has cause to believe that there exists in any building or upon any premises any violation of this title or any condition that makes the building or premises unsafe, unsanitary, dangerous or hazardous, the City building official may enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the City building official by this code. If entry is refused, the City building official has recourse to every remedy provided by law to secure entry.
- (b) No person shall conceal any work until it is inspected and written approval to proceed is given. No person shall cover electrical work, or allow it to be covered,

to prevent or hinder its inspection, or remove any notice not to cover placed by the City building officials.

15.01.408 Correction notice. If the City building official finds any work as out of compliance with this title, the building official will give written notice to the person engaged in the work. Within 10 days after this notice, or within any reasonable further time that the City building official may prescribe, the person doing the work shall change or remove the work or equipment as the City building official may require to make it comply fully with this division.

| 15.01.410 Withhold permit. The City building official may, in his or her ~~sound~~-sole discretion, withhold the issuance or reinstatement of a permit for any structure on a parcel of land concerning either or both of which there exists any violation of law or regulation (including but not limited to the following: building, grading, zoning, fire protection and safety, health, sanitation, or flood control) relating to or affecting that permit. In determining whether a permit shall be issued, the City building official will also consider whether the existing violation constitutes an unlawful occupancy or a hazard to life or property. The City building official may require correction of a violation before issuing a permit, or as a condition of issuance within a stated period of time including any extensions granted for good cause shown. Failure to comply with such condition is a ground for revocation as provided by law.

15.01.412 Disconnection of utility service.

- (a) The City building official may shut off or disconnect any or all utility service to any structure or facility or to any electrical conductor or apparatus that is in violation of any state, City or county law or regulation relating thereto or that endangers the public health, safety or welfare, or the City building official may order this done.
- (b) If the City building official finds that the violation involves an immediate danger to person(s) or properties or to the public health, safety or welfare, the City building official may have the action taken as quickly as he or she deems necessitated by the danger; otherwise the City building official will give 10 days advance notice thereof by mail to the utility and to the owner as shown on the last assessment roll and by conspicuous posting on the property; and the City building official will post notice of the orders and the action taken, which no person shall remove, tamper with or disobey. The City building official will rescind or modify such action which it becomes proper to do so in view of the danger or violation.

15.01.414 Power companies to notify City building official.

- (a) Notice. Whenever in, on or about any building any person engaged in the distribution or sale of electrical energy or natural gas sets, resets, installs or reinstalls any meter for the measurement of electrical energy or natural gas, or connects or reconnects to, or supplies or services any installation of electrical equipment or natural gas, or change the nominal voltage of electrical supply or service to any installation of electrical equipment, or changes any electrical supply

or service from two-wire to three-wire or vice versa, or from single-phase to polyphase or vice versa, or from direct current to alternating current or vice versa, that person shall within two (2) days thereafter, exclusive of Sundays and holidays, give written notice thereof to the City building official specifying the location and address of the installation affected.

- (b) **Thirty-Day Exception.** This notice need not be given for work expressly approved by the City building official within 30 days after inspection approval.
- (c) **Authorization Required.** No person engaged in the distribution or sale of electrical energy shall connect a distribution system, including windpower generators, or any live supply or service conductor(s) therefrom, to any electrical equipment in, on or about any building or cause or allow any energizing of such connections, including windpower or emergency/stand by electrical generation until the City building official inspects the electrical equipment and authorizes such connections. No gas utility provider engaged in the distribution or sale of natural gas shall connect a distribution system to any natural gas equipment in, on or about any building until the City building official inspects the natural gas installation and authorizes such connections.
- (d) **Permit required.** A permit shall be obtained from the City building official to restore electrical or gas service to any structure that has been without such service for 90 days or more. The City building official will notify the servicing utility that the electrical service equipment and associated wiring has been inspected and approved before electrical or gas service may be reinstated.
- (e) **Waiver.** The City building official may, at his or her discretion, temporarily or permanently waive any or all requirements of this article by giving written notice of such waiver to all persons involved. The City building official may likewise at any time revoke such waiver by similar notice.

15.01.416 Enforcement of state law. By authority of Section 18300 of the Health and Safety Code, the county assumes the responsibility for enforcement of Part 2.1 of Division 13 of the Health and Safety Code relating to mobilehomes and mobilehome parks, including regulations adopted thereunder and contained in Chapter 2 (Mobilehome Parks Act) of Division 1 of Title 25 of the California Code of Regulations (25 C.C.R. §§ 1000 et seq.) and to the extent allowed by such laws and regulations, may enforce by the remedies allowed under Division 14 of this code.

15.01.602 Reference to officials in adopted codes. In the codes adopted by reference in this title, references to “city” mean the City of Clayton; to “city council or mayor” mean the City Council and Mayor of Clayton; to “state” mean the state of California; and to “building official,” “chief building inspector,” “administrative authority,” or “authority enforcing this code” mean the director of building inspection referred to in Section 15.01.020.

15.01.604 General safety. All work shall be performed, and all equipment shall be

constructed, installed, protected, operated, repaired, used and maintained, in accordance with the requirements of this division and in such manner as to be reasonably safe and free from risk of accident or injury to person or property. No person shall act contrary to this general regulation or neglect to act as required hereby.

15.01.606 Liability of county. This title shall not be construed to impose on the county any liability or responsibility for damage resulting from defective building, plumbing, mechanical or electrical work; nor shall the county, or any official or employee of the county, be held to assume this liability or responsibility because of the inspection authorized under this title. The issuance of a building permit under this title shall not be construed as a determination by the county that the permittee has legally sufficient proprietary rights to perform the work on the property for which the permit has been issued nor shall it be construed as permission or license to enter on, occupy or otherwise utilize private or noncounty property without the express consent of the owner or agent in possession thereof.

CHAPTER 15.02

2010-2013 CALIFORNIA BUILDING CODE WITH AMENDMENTS

Sections:

- 15.02.001 Adoption.
- 15.02.002 Amendments (California Building Code).
- 15.02.003 Amendments (California Residential Code).

15.02.001 Adoption.

- (a) The building code of this City is the 2010-2013 California Building Code (California Code of Regulations, Title 24, Part 2, Volumes 1 and 2), the 2013 California Residential Code (California Code of Regulations, Title 24, Part 2.5), and the 2010-2013 California Green Building Standards Code (California Code of Regulations, Title 24, Part 11), as amended by the changes, additions, and deletions set forth in this ordinance and Division 72 of the Contra Costa County Code.
- (b) The 2010-2013 California Building Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code is adopted by this reference as though fully set forth in this ordinance.
- (c) The 2010-2013 California Residential Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- (d) The 2010-2013 California Green Building Standards Code, with changes, additions, and deletions set forth in this chapter and the previously referenced Division 72, is adopted by this reference as though fully in this ordinance.
- (e) At least one copy of this building code is now on file with the building inspection ~~department~~division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (f) As of the effective date of this ordinance, the provisions of the building code are controlling and enforceable within the City.

15.02.002 Amendments. The 2010-2013 California Building Code ("CBC") is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of the 2010 2013 California Building Code.

- (a) CBC Chapter 1 is amended by the provisions of Division 72 Section of this code and as follows:
 - (1) Sections 103, 109, 112, 113, 114, and 116 of CBC Chapter 1 are deleted.

(2) Section ~~15.2~~105.2 (Work Exempt from Permit) of CBC Chapter 1, subsection 4 is amended to provide that a building permit is not required for the following work:

- ~~4.~~ Retaining walls that are not more than three feet in height, measured from ~~the top of the footing to the top of the wall~~, unless supporting a ~~surcharge or ground~~ slope exceeding 1 ~~(vertical):2(horizontal)~~ or impounding class I, II, or III- ~~a liquids~~.

All other work listed in Section 105.2 of CBC Chapter 1 is also exempt from a permit.

(3) Section 107.1 (Submittal Documents-General) of CBC Chapter 1 is amended by deleting the exception.

(4) Section 107.2.1 (Information on Construction Documents) of CBC Chapter 1 is amended to read:

107.2.1 ~~Plans and specifications shall be drawn to scale on substantial paper or cloth and~~ Construction documents shall include dimensions and shall be drawn to scale on suitable material. Electronic media documents may be submitted when approved in advance by the building official. Construction documents shall be sufficient clarity to indicate the location, nature and extent of the work proposed and to show in detail that it will conform to this code and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the house and street address of the work and the name and address of the owner and of the person who prepared the plans. Plans shall include a plot plan showing ~~the location of the lot corners as established on the ground, all existing property lines labeled and fully dimensioned,~~ the elevation of the top and toe of cuts and fills, and the location of the proposed building with distances to all property lines and of every existing building on the property. Instead of detailed specifications, the ~~City~~ building official may approve references on the plans to a specific section or part of this code or other ordinances or laws.

~~Sections 107.2.2, 107.2.5, and 107.3 are not amended and remain in effect.~~

(5) Section 110.1 (Inspections – General) is amended by adding the following to the end of the section:

At the time of first inspection by the City building official, a licensed Land Surveyor or Civil Engineer shall certify in writing that the structure is placed according to the approved set of plans. The written certification must include the site address and permit

~~number. This requirement does not apply to alterations or repairs to existing structures that do not affect the exterior limits of the existing structures. property corners (including angle points) shall be identified with monuments in accordance with the legal description furnished with the application to build, sufficient to locate the proposed structure in relation to the lot lines, except that this requirement shall not apply to minor alterations or repairs to existing structures not affecting the exterior limits thereof, and construction of accessory buildings or structures of a building permit value of less than \$500. The plot plan required by Section 107.2.1 shall indicate the locations and identification of all property corner monuments. Property corner monuments shall consist of one of the following:~~

~~(A) — Redwood hub not less than two inches square and twelve inches long;~~

~~(B) — Galvanized iron pipe not less than one inch in diameter and thirty inches long filled with concrete; or~~

~~(C) — Other material of sufficient durability, placed as not to be readily disturbed, acceptable to the City building official.~~

~~Monuments shall be driven flush with the ground and tagged as required by the Land Surveyor Act (Business and Professions Code section 8772).~~

- (b) Section 907.2.11.5. ~~16~~ is added to Section ~~907.2.11.5~~ (Existing Group R-3 Occupancies) of CBC Chapter 9 (Fire Protection Systems), is amended to read:

907.2.11.5.16 Existing Group R Occupancies. In existing flat roof buildings, the installation of a smoke detector that complies with Sections ~~907.2.10~~ **907.2.10R314.4** shall be required when a pitch roof is added on top of the existing flat roof and the solid seating of the flat roof is not removed.

- (c) Section 1406.5 is added to Section 1406 (Combustible Materials on the Exterior Side of Exterior Walls) of CBC Chapter 14 (Exterior Walls), to read:

1406.5 Wood shakes or shingles. Wood shakes or shingles used for exterior wall covering shall be fire treated unless there is a minimum of 10 feet from the exterior wall (including shakes or shingles) to the property line of all sides, except for any sides of exterior walls facing the street.

- ~~(d) — Section 1615A.1.7 ASCE 7, Section 12.8.1.1 of CBC Chapter 1614A (Structural Design) is amended to read:~~

~~Section 1614A.1.7 ASCE 7, Section 12.8.1.1. Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows:~~

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

where S_{DS} is the 5 percent damped design spectral response acceleration parameter at short periods as defined in Section 11.4.4 and I is the importance factor in Section 11.5.1.

- (d) In Section 1705.3 (Concrete Construction) of CBC Chapter 17 (Structural Tests and Special Inspections), Exception 1 is amended to read:

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 of no greater than 2,500 pound per square inch (psi) (17.2 Mpa).

- (e) Section 1809.8 (Plain Concrete Footings) of CBC Chapter 18 (Soils and Foundations) is deleted.
- (f) Section 1810.3.9.3 (Placement of reinforcement) of CBC Chapter 18 (Soils and Foundations) is amended by deleting Exception No. 3.
- (g) Section ~~1908.1~~1905.1 (Modification of ACI 318 – General) of CBC Chapter 19 (Concrete) is amended to read:

1908.1-1905.1 General. The text of ACI 318 shall be modified as indicated in Sections ~~1908.1.1~~1905.1.1 through ~~1908.1.1~~1905.1.9.

- (h) Section ~~1909~~1906 (Structural Plain Concrete) of CBC Chapter 19 (Concrete) is deleted.
- (i) Section ~~1910.1~~1907.1 (Minimum Slab Provisions – General) of CBC Chapter 19 (Concrete) is amended by adding the following sentence to ~~Section 1910.1~~that section:

Slabs shall have six inches by six inches by ten gauge wire mesh or equal at ——— midheight.

- (j) Appendix C, ~~Appendix F~~, and Appendix I of the CBC are incorporated into the City ——— building code. Appendix A, Appendix B, Appendix D, Appendix E, Appendix F, Appendix G, Appendix H, ——— Appendix J, Appendix K, Appendix L and Appendix M of the CBC are excluded from the City building Code.

15.02.002 Amendments to CRC. The ~~2010-2013~~ California Residential Code (“CRC”) is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code. Section numbers used below are those of

the ~~2010~~ 2013 California Residential Code.

(a) Sections R103, R108, R111, R112, R113, and R114 of ~~the~~ CRC Chapter 1 are deleted.

(b) In Section R105.2 (Work exempt form permit) of CRC Chapter 1 (Scope and Application), subsection 3 of the paragraph exempting _____ certain building work from the requirement to obtain a permit is amended to exempt _____ the following retaining wall from the requirement to obtain a permit:

_____ 3. Retaining walls that are not more than three feet in height, measured from _____ the top of the footing to the top of the wall, unless supporting a surcharge _____ or ground slope exceeding 1 (vertical):2 (horizontal) or impounding class I, II, or III-a liquids.

(c) Section R403.1.3 (Seismic reinforcing) of CRC Chapter 4 (Foundations) is amended to delete the exception.

(d) Section R404.1.4.1 (Masonry foundation walls) of CRC Chapter 4 (Foundations) is amended to read:

R404.1.4.1 Masonry foundation walls. In addition to the requirements of Table R404.1.1(1), plain masonry walls in buildings assigned to Seismic Design Category D₀, D₁, or D₂ shall comply with the seismic requirements of Section 1.17.4.4 1.18.4.4 of TMS 402, ACI 530, or ASCE 5.

(e) Section R404.1.4.2 (Concrete foundation walls) of CRC Chapter 4 (Foundations) is amended to read:

Section R404.1.4.2 Concrete foundation walls. Concrete foundation walls in buildings assigned Seismic Design Category D₀, D₁, or D₂ shall comply with ACI 318, ACI 332, or PCA 100.

CHAPTER 15.03

2010-2013 CALIFORNIA ELECTRICAL CODE WITH AMENDMENTS

Sections:

15.03.002 Adoption.

~~15.03.202 General.~~

~~15.03.1002 Authorization.~~

~~15.03.404 Approved equipment.~~

~~15.03.406 Moved buildings.~~

~~15.03.408 Application of Chapters 2, 3, and 5, Division 1, Title 25, C.C.R.~~

~~15.03.602 City building official's approval required.~~

~~15.03.604 Unlawful reconnections.~~

15.03.606 Unlawful wiring, electric fences, warning.

15.03.608 Power from generators.

15.03.612 Public nuisance lighting.

~~15.03.614 Time of service.~~

15.03.002 Adoption.

- (a) The electrical code of this City is the 2010-2013 California Electrical Code (California Code of Regulations, Title 24, Part 3, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2010-2013 California Electrical Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code are adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this electrical code is now on file with the building inspection ~~department~~division, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the electrical code are controlling and enforceable within the City.

~~15.03.202 General. The 2010 California Electrical Code is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code.~~

~~15.03.1002 Authorization. The City building official is authorized to inspect all~~

~~electrical equipment and work, including electrical equipment and work that is listed in CEC Section 90-2(B)(4) and CEC Section 90-2(B)(5) but is otherwise not covered by the CEC. When the City building official finds any electrical equipment to be dangerous or unsafe, the building official will so notify the person owning, using or operating it, who shall make the repairs or changes required to make the equipment safe, and complete this work within ten (10) days after notice or such further time as the City building official may set. Any electrical system deemed an immediate, imminent hazard to life and property shall be de-energized immediately by the owner, his representative or the City building official.~~

~~15.03.404 — Approved equipment.~~

- ~~(a) — When obtainable, electrical equipment that an approved testing laboratory has examined, listed or labeled as conforming to applicable standards shall be used in preference to others.~~
- ~~(b) — Listing or labeling conforming to the Standards of the Underwriters' Laboratories, Ind., the United States Bureau of Standards, the United States Bureau of Mines, or other similar institutions of recognized standing shall be prima facie evidence of conformity with the requirements of this section. The maker's name, trademark, or other identification symbol shall be placed on all electrical equipment used or installed under this division.~~
- ~~(c) — Old or used electrical equipment shall not be used in any work under this Chapter without the specific approval of the City building official.~~

~~15.03.406 — Moved buildings. — Electrical systems that are part of buildings or structures moved into this jurisdiction shall comply with the provisions of this code for new buildings.~~

~~15.03.408 — Application of Chapters 2, 3, and 5, Division 1, Title 25, C.C.R. — Electrical work in mobilehome parks and campgrounds shall comply with Chapters 2, 3, and 5 of Division 1 of Title 25 of the California Code of Regulations.~~

~~15.03.602 — City building official's approval required. — No person shall connect a source of electrical energy, or supply electric service, to any electrical equipment for the installation of which a permit is required without first obtaining the City building official's written authorization.~~

~~15.03.604 — Unlawful reconnections. — No person shall connect a source of electrical energy, or supply electric service, to any electrical equipment which the City building official has disconnected or ordered disconnected until the building official authorizes in writing its reconnection and use. The City building official will notify the serving utility of the order to discontinue use.~~

15.03.606 Unlawful wiring, electric fences, warning.

- (a) Prohibition. Except as hereinafter provided, no person shall construct or maintain any spring gun, or any electric wiring device, designated or intended to injure and/or shock animals or persons, or any contrivance or apparatus for such purpose.
- (b) Livestock Exception. Persons principally engaged in the business of handling livestock as a primary means of production or income may electrify fences to control or confine livestock upon complying with all the following requirements:
 - (1) Any contrivance or mechanism to control electrical current in such fences shall be listed by an approved testing laboratory, and shall include a suitable interrupting device and such other safety devices to prevent dangerous currents getting on the fence at any time.
 - (2) Any electrical fence to which the public may have access, except cross fences to confine and control livestock, shall be posted with a warning notice containing the following or similar wording: "DANGER. ELECTRIC FENCE," or "DANGER. HIGH VOLTAGE." This notice shall be posted along any such main fence at intervals of not more than 200 feet and in letters at least two inches high.

15.03.608 Power from generators.

- (a) All occupancies that have commercially supplied electricity shall connect to the commercial supplier.
- (b) Any occupancy that has commercially supplied electricity shall not use a permanent or temporary generator(s), provided that a generator(s) may be used for commercial purposes when authorized by the ~~City~~ building official.

15.03.612 Public nuisance lighting. Lighting fixtures shall be so installed, controlled or directed that the light will not glare or be blinding to pedestrians or vehicular traffic or on adjoining property.

~~15.03.614 Time of service.~~

- ~~(a) On alteration jobs requiring a change of service, the service shall be changed and inspected at the frame or rough wiring state.~~
- ~~(b) On swimming pool jobs requiring a change of service, the service shall be changed and completed prior to the approval for pouring or cementing of the pool or steel inspection of the pool cavity.~~

CHAPTER 15.04

2010-2013 CALIFORNIA PLUMBING CODE WITH AMENDMENTS

Sections:

15.04.002 Adoption.

~~15.04.202 General.~~

~~15.04.270 Gas Shut Off Devices~~

15.04.002 Adoption.

- (a) The plumbing code of this City is the 2010-2013 California Plumbing Code (California Code of Regulations, Title 24, Part 5, as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2010-2013 California Plumbing Code, with the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this plumbing code is now on file with the building inspection department, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the plumbing code are controlling and enforceable within the City.

~~15.04.202 General. The 2010 California Plumbing Code is amended by the changes, additions, and deletions set forth in this chapter and Division 72 of the Contra Costa County Code.~~

~~15.04.270 Gas Shut Off Devices~~

~~A. Definitions. For the purpose of this section certain terms shall be defined as follows:~~

- ~~1. "Downstream of Gas Utility Meter" shall refer to all customers owned gas piping.~~
- ~~2. "Residential Building" shall mean any single family dwelling, duplex, multifamily dwelling, apartment building, condominium building, townhouse building, lodging house, congregate residence, hotel, or motel~~
- ~~3. "Excess Flow Gas Shut Off Device" shall mean those valves or devices that are not actuated by motion, but are activated by significant gas leaks or overpressure surges, which can occur when pipes rupture inside the structure. The design of the device shall provide a proven method to provide automatically for expedient and safe gas shutoff in an emergency. The design of the device shall provide a capability for ease of consumer or owner resetting in a safe manner. The device shall be certified by the State~~

~~Architect or the operational and functional design of the device shall meet or exceed the device certified by the Office of the State Architect. The determination of whether the operational and functional design of the device is at least equal to the device certified by the State Architect may be made by one of the following: the Independent Laboratory of the International Association of Plumbing and Mechanical Officials (IAPMO), or other recognized listing and testing agency.~~

- ~~4. "Seismic Gas Shut Off Device" shall mean a system consisting of a Seismic sensing means and actuating means designed to actuate automatically a companion gas shut off means installed in a gas piping system in order to shut off the gas downstream of the location of the gas shutoff means in the event of a severe seismic disturbance. The system may consist of separable components or may incorporate all functions in a single body. The device shall be certified by the State Architect and the operational and functional design of the device shall meet or exceed the device certified by the Office of the State Architect. The determination of whether the operational and functional design of the device is at least Equal to the device certified by the State Architect may be made by one of the following: the Independent Laboratory of the International Approval Services (IAS), Underwriter's Laboratory (UL), International Association of Plumbing and Mechanical Officials (IAPMO), or other recognized listing and testing agency.~~
- ~~5. "Upstream of Gas Utility Meter" shall refer to all gas piping installed by the utility up to and including the meter and the utilities bypass tee at the connection to the customer owned piping.~~
- ~~6. "Gas Shut Off Device" shall refer to either a Seismic Gas Shut Off Device or Excess Flow Gas Shut Off Device.~~
- ~~7. "Building Inspection Department" shall mean the Contra Costa County Building Inspection Department while the county is providing permitting and enforcement services under this Plumbing Code of Clayton.~~

~~B. Scope.~~

- ~~1. The following devices shall be installed at the following locations in the buildings specified in subsection 2.~~
 - ~~(a) An approved seismic gas shut off device (motion sensitive) or an approved excess flow gas shut off device (non-motion sensitive) shall be installed downstream of the gas utility meter at the beginning of each rigid gas piping system that serves any of the buildings specified in subsection 2.; and~~
 - ~~(b) An approved excess flow gas shut off device (non-motion sensitive) shall be installed at each connection of a gas appliance to a gas line within any of the buildings specified in subsection 2.~~
- ~~2. The devices specified in subsection 1. shall be installed in the following buildings and structures:~~
 - ~~(a) In any new building construction (commercial, industrial or residential) containing fuel gas piping for which a building permit is first issued on or after the effective date of this ordinance.~~
 - ~~(b) In any existing residential building that is altered or added to; and~~

- ~~(1) The building has fuel gas piping supplying the existing building or the addition to the building; and~~
- ~~(2) A building permit for the work is first issued on or after the effective date of this ordinance; and~~
- ~~(3) The value of the alteration/addition is either:
 - ~~(i) More than \$5,000 where fuel gas piping is involved in the alteration or addition. Alterations or additions to individual condominium or apartment units shall require an approved gas shut-off device to be installed for all gas piping serving the building and a device at each connection of a gas appliance to a gas line in each individual unit that is being altered or added to; or~~
 - ~~(ii) More than \$50,000 where fuel gas piping is not involved in the alteration or addition. Alterations or additions to individual condominium or apartment units shall require an approved gas shut-off device to be installed for all gas piping serving the building and a device at each connection of a gas appliance to a gas line in each individual unit that is being altered or added to.~~~~

~~(c) In any existing commercial or industrial building that is altered or added to; and~~

- ~~(1) The building has fuel gas piping supplying the existing building or the addition to the building; and~~
- ~~(2) A building permit for the work is first issued on or after the effective date of this ordinance; and~~
- ~~(3) The value of the alteration/addition is either:
 - ~~(i) More than \$5,000 where fuel gas piping is involved in the alteration or addition. Alterations or additions to individual units or tenant spaces shall require an approved gas shut-off device to be installed for all gas piping serving the building and a device at each connection of a gas appliance to a gas line in each individual unit that is being altered or added to; or~~
 - ~~(ii) More than \$50,000 where fuel gas piping is not involved in the alteration or addition. Alterations or additions to individual units or tenant spaces shall require an approved gas shut-off device to be installed for all gas piping serving the building and a device at each connection of a gas appliance to a gas line in each individual unit that is being altered or added to.~~~~

~~C. Exceptions.~~

- ~~1. Gas shut-off devices are not required to be installed downstream of the~~

~~gas utility meter where gas shut-off devices have been installed by the gas utility or a contractor authorized by the gas utility upstream of the gas utility meter and downstream of the meter service regulator and the installations are in accordance with this ordinance and with the manufacturer's specifications.~~

- ~~2. Gas shut-off devices installed on a building before the effective date of this ordinance are exempt from the requirements of this section provided they remain installed on the building or structure and are maintained for the life of the building or structure.~~
- ~~3. Gas shut-off devices installed on a gas distribution system owned or operated by a public utility are not be subject to the requirements of this chapter (Health & Safety Code § 19201(b)).~~
- ~~4. This chapter does not apply to mechanical or process equipment used in manufacturing.~~
- ~~5. This ordinance does not apply to gas shut-off devices installed with gas lines (Health & Safety Code § 19204).~~

~~D. General Requirements. Gas Shut-Off Devices installed inhere in compliance with this ordinance or voluntarily, with a permit issued on or after the effective date of this ordinance, shall comply with all of the following requirements:~~

- ~~1. Be installed by a contractor licensed in the appropriate classification by the State of California and in accordance with the manufacturer's instructions.~~
- ~~2. In the case of Seismic Gas Shut-Off Devices (motion sensitive) only, such devices must be mounted rigidly to the exterior of the building or structure containing the fuel gas piping. This requirement need not apply if the Building Inspector Department determines that the seismic gas shutoff device (motion sensitive) has been tested and listed for an alternate method of installation.~~
- ~~3. In the case of Seismic Gas Shut-Off Devices (motion sensitive) only, be certified by the State Architect and be listed by an approved listing and testing Agency such as IAS, IAMPO< UL or the office of the State Architect. In the case of Excess Flow Gas Shut-Off Devices only, be certified by the State Architect or be listed by an approved listing and testing agency such as IAS, IAMPO, UL or the office of the State Architect.~~
- ~~4. Have a thirty (30) year warranty, which warrants that the valve or device is free from defects, and will continue to operate properly for thirty (30) years from the date of installation.~~
- ~~5. Where Gas Shut-Off Devices are installed Voluntarily or as required by this section, they shall be maintained for the life of the building or structure or be replaced with a valve or device complying with the requirements of this section.~~

~~E. List of Approved Valves and Devices. The Building Inspection Department shall maintain a list of all Seismic Gas Shut-Off Devices (motion sensitive) and Excess Flow Gas Shut-Off Devices (non-motion sensitive) which meet or exceed the requirements of devices certified by the Office of the State Architect for installation in the State of California~~

~~and which comply with the standards and criteria set forth in Health and Safety Code section 19180 et seq, including quality and design regulation for earthquake-actuated automatic gas shutoff systems (see 24 Cal. Code Regs. Ch. 12-16-1).~~

CHAPTER 15.05

2010-2013 CALIFORNIA MECHANICAL CODE WITH AMENDMENTS

Sections:

15.05.002 Adoption.

15.05.002 Adoption.

- (a) The mechanical code of this City is the 2010-2013 California Mechanical Code (California Code of Regulations, Title 24, Part 4 [based on the 2006 Uniform Mechanical Code]), as amended by the changes, additions, and deletions set forth in this ordinance.
- (b) The 2010-2013 California Mechanical Code, with the changes, additions, and deletions set forth in Division 72 of the Contra Costa County Code, is adopted by this reference as though fully set forth in this ordinance.
- (c) At least one copy of this mechanical code is now on file with the building inspection department~~division~~, and the other requirements of Government Code section 50022.6 have been and shall be complied with.
- (d) As of the effective date of this ordinance, the provisions of the mechanical code are controlling and enforceable within the City.

ZOA\2008\01-08-Ordinance—Exhibit—Draft 2

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Agenda Date: 1-7-2014

Agenda Item: 8b

Approved:

Gary A. Napper
City Manager

STAFF REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS

FROM: CHARLIE MULLEN, COMMUNITY DEVELOPMENT DIRECTOR 

DATE: JANUARY 7, 2014

SUBJECT: INTRODUCTION OF AN ORDINANCE AMENDING CHAPTER 15.09 OF THE CLAYTON MUNICIPAL CODE THEREBY ADOPTING THE 2013 CALIFORNIA FIRE CODE WITH CHANGES, ADDITIONS, AND DELETIONS AS ALLOWED BY STATE LAW (ZOA-07-13).

RECOMMENDATION

Staff recommends the City Council receive and consider the staff report, receive any public comment; by motion have the City Clerk read the Fire Code amendment Ordinance (Attachment 1) by title and number only and waive further reading; and following the City Clerk's reading, the City Council by motion approve the introduction and first reading of the Ordinance, then set a public hearing for adoption of the ordinance for February 4, 2014.

BACKGROUND

On October 22, 2013, the County Board of Supervisors, acting as the Board of Directors of the Contra Costa County Fire Protection District (the Fire District that serves the City of Clayton) adopted Ordinance 2013-22, adopting the 2013 California Fire Code with specified changes, additions, and deletions. Representatives of the Fire District, subsequently, asked the jurisdictions served by this District to adopt the same modified code. This Fire Code is State-mandated, although it can be amended as long as the proposed requirements are more restrictive and required for operational needs or limitations and related to local conditions of climate, geography, and/or topography. Fire and Building Codes, typically, are updated every three years. The Fire Code was last updated in 2010.

City staff was recently provided with the County's adopted 2013 Fire Code and Findings from the District Fire Marshal to implement in the City of Clayton. Staff has incorporated the County Ordinance amendments into the City's proposed Ordinance No. 453 to assure that the City of Clayton is consistent with the Contra Costa Fire Protection District's adopted version of the 2013 California Fire Code.

The Fire Marshal from the Contra Costa County Fire Protection District will attend the City Council meeting on January 7, 2014, and be available to answer questions regarding this Code.

DISCUSSION

The proposed City-initiated Ordinance to amend portions of the *Clayton Municipal Code* would specifically amend the text and sections of existing Chapter 15.09 - 2010 California Fire Code With Amendments. The following is a summary of proposed amendments while the specific amendments are fully contained in the Exhibits of the attached draft Ordinance. A red-lined version of the proposed Ordinance text changes is provided as Attachment 2, to assist the City Council and public in clearly seeing the changes made to the current Fire Code provisions.

The California Building Standards Commission has adopted and published the 2013 Building Standards Code, which includes the 2013 California Fire Code prepared and adopted by the State Fire Marshal. The statewide code became effective January 1, 2014. Although the code applies statewide, Health and Safety Code sections 17958.5 and 18941.5 authorize a local jurisdiction to modify or change the statewide code and establish more restrictive standards if the jurisdiction finds that the modifications and changes are reasonably necessary because of local climatic, geological or topographical conditions. Contra Costa County has adopted Ordinance No. 2013-22 implementing the 2013 California Fire Code and amends it to address local conditions.

The attached ordinance amends the 2013 California Fire Code by establishing automatic sprinkler system requirements throughout all Group R (residential) occupancies, which is more restrictive than the sprinkler requirements in the statewide code. The automatic sprinkler system requirements are set forth in Section 903.2 of the attached Ordinance. These new Fire Code amendments proposed by the Fire District will now clarify that new manufactured and mobile homes are also required to provide automatic sprinkler systems. While Clayton does not have any or provide for any mobile home parks, it is possible that pre-manufactured homes could be proposed or constructed and thus this provision would be applicable. The current 2010 California Fire Code already requires and mandates all new single-family and multi-family housing units to be constructed with automatic sprinkler systems and that requirement will not change. The Fire District believes the more restrictive requirements are necessary due to Contra Costa County's climatic, geological and topographical conditions, which impact fire prevention efforts and the frequency, spread, acceleration, intensity and size of fire involving buildings.

The Fire District also proposes amendments to the existing weed abatement program incorporated into Section 319 of the ordinance. This program authorizes the Fire District to declare certain weeds that pose a fire hazard as a public nuisance, to abate those weeds, and to recover abatement costs from property owners. This ordinance also prohibits untethered sky lanterns.

At the recommendation of the City Attorney, the City's Fire Code Ordinance deletes Section 103.2 of the 2013 California Fire Code, as this section deals with employment matters of the Fire Marshal not appropriate for local adoption.

Other minor section numbering changes, clean-up and section references changes are included along with the deletion of code sections that are no longer necessary due to inclusion in the 2013 California Fire Code.

Following City Council introduction of this Ordinance and setting of the public hearing date, staff will provide noticing in accordance with California Government Code Section 6066.

CEQA

Pursuant to California Environmental Quality Act (CEQA) Guideline 15061(b)(3) it can be seen with certainty there is no possibility the proposed amendments to the *Clayton Municipal Code* may have a significant effect on the environment, and therefore it is not subject to CEQA.

FISCAL IMPACT

Some staff time as well as printing cost have and will be associated with the preparation of this is Ordinance.

Attachments:

1. Ordinance No. 453 – Regarding 2013 Fire Code Amendments with following Exhibits:
 - Exhibit A – 2013 Fire Code Text
 - Exhibit B – Findings of Fact
2. Redlined Version of Proposed Ordinance Text Amendments

ORDINANCE NO. 453

AN ORDINANCE AMENDING CHAPTER 15.09 OF THE CLAYTON MUNICIPAL CODE THEREBY ADOPTING THE 2013 CALIFORNIA FIRE CODE WITH CHANGES, ADDITIONS, AND DELETIONS AS ALLOWED BY STATE LAW (ZOA-07-13)

**THE CITY COUNCIL
City of Clayton, California**

THE CITY COUNCIL OF THE CITY OF CLAYTON DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Purpose, Intent, and Findings

This ordinance is adopted by the City Council of the City of Clayton ("City") to adopt the 2013 California Fire Code (California Code of Regulations, Title 24, Part 9 [based on the 2012 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J and Appendix K, as amended by the changes, additions, and deletions as set forth in Exhibit A to this ordinance. The 2013 California Fire Code, with the changes, additions, and deletions set forth in attached Exhibit A, is adopted by this reference as though fully set forth in this ordinance and added to the Clayton Municipal Code as Chapter 15.09. As of the effective date of this ordinance, the provisions of this Fire Code are controlling and enforceable within the limits of this jurisdiction. Further, this ordinance is adopted based upon the findings set forth in attached Exhibit B, which are incorporated herein by reference.

The action of the City Council to place into force this State-mandated Fire Code is in accordance with Government Code Section 50022.2.

Section 2. Action to Challenge This Ordinance

Any action or proceeding to attack, review, set aside, void or annul this ordinance must be commenced and the service made on the City no later than ninety (90) days after its effective date.

Section 3. Conflicting Ordinances Repealed

Any ordinance or part thereof, or regulations in conflict with the provisions of this ordinance, are hereby repealed. The provisions of this ordinance shall control with regard to any provision of the Clayton Municipal Code that may be inconsistent with the provisions of this ordinance.

Section 4. Severability

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The Clayton City Council has declared that it would have passed this ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that any one or more section, subsection, sentence, clause or phrase thereof be declared unconstitutional, invalid or ineffective.

Section 5. Public Hearing and Notice

The City held a public hearing on February 4, 2014 at which time all interested persons had the opportunity to appear and be heard on the matter of adopting this ordinance. The City published notice of the aforementioned public hearing pursuant to California Government Code Section 6066 on January 21, 2014 and January 28, 2014.

Section 6. Effective Date and Publication

This ordinance shall become effective thirty (30) days from and after its passage. The City Clerk shall certify to the adoption of this ordinance and shall cause a summary thereof to be published at least five (5) days prior to the meeting at which the proposed ordinance is to be adopted and shall post a certified copy of the proposed ordinance in the office of the City Clerk, and within fifteen (15) days of its adoption, shall cause a summary of it to be published, including the vote for and against the same, and shall post a certified copy of the adopted ordinance in the office of the City Clerk, in accordance with California Government Code Section 36933.

Section 7. Penalty for Violations

Any violation of this ordinance shall be subject to applicable provisions of Clayton Municipal Code Section 1.20.010. Penalty for Violations - Infractions and Misdemeanors.

Section 8. CEQA

The City Council finds that it can be seen with certainty that adoption of this ordinance will not have a significant adverse effect on the environment and is therefore exempt from California Environmental Quality Act pursuant to Section 15061(b)(3) of the CEQA Guidelines. Staff is directed to file a notice of exemption within five (5) days of the adoption of this ordinance.

The foregoing ordinance was introduced at a regular meeting of the City Council of the City of Clayton held on the 7th day of January, 2014.

Passed, adopted and ordered posted at a regular meeting of the City Council of the City of Clayton on February 4, 2014, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

The City Council of Clayton, California

Hank Stratford, Mayor

ATTEST:

Janet Brown, Interim City Clerk

APPROVED AS TO FORM:

APPROVED AS TO ADMINISTRATION:

Malathy Subramanian, City Attorney

Gary A. Napper, City Manager

I hereby certify that the foregoing Ordinance was duly introduced at a regular meeting of the City Council of the City of Clayton held on the 7th day of January, 2014 and was duly adopted, passed and ordered posted at a regular meeting of the City Council held on February 4, 2014.

Janet Brown, Interim City Clerk

Attachments:

Exhibit A: Amended Chapter 15.09 of the Clayton Municipal Code

Exhibit B: Findings for Adoption of Ordinance No. 453

EXHIBIT A

CHAPTER 15.09

2013 CALIFORNIA FIRE CODE WITH AMENDMENTS

Sections:

15.09.001	Adoption.
15.09.002	Amendments
15.09.003	Repeal of 2010 Fire Code
15.09.004	References to Prior Code

15.09.001 **Adoption.**

The fire code of this City is the 2013 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the 2012 International Fire Code published by the International Code Council]), including Chapters 1-10 and 12-80, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, Appendix J, and Appendix K, as amended by the changes, additions and deletions set forth in this ordinance. The 2013 California Fire Code, with the changes, additions, and deletions set forth in this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this Ordinance, the provisions of this Fire Code are controlling and enforceable within the City and shall be enforced by the Contra Costa Fire Protection District and its Fire Official.

15.09.002 **Amendments.**

The 2013 California Fire Code is amended by the changes, additions and deletions set forth in this chapter. Chapter and Section numbers used below are those of the 2013 California Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of the City of Clayton, and is hereinafter referred to as “this code”.

Section 102.1 is amended to add item 5, to read:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 103.2 is deleted in its entirety without replacement.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.54.

Section 105.6 is amended by adding subsections 105.6.48 through 105.6.54, to read:

105.6.48 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section 3318.

105.6.49 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.50 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.51 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter 56 of this code.

105.6.52 Model rockets. A permit is required to sell model rockets equipped with model rocket motors or to launch model rockets more than three times from the same site on any day pursuant to California Code of Regulations, Title 19, Division 1, Article 17.

105.6.53 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section 3312.1.

105.6.54 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter 34.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.21.

Section 105.7 is amended by adding sections 105.7.17 through 105.7.22 as follows:

105.7.17 Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.18 Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

105.7.19 Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section 5306.

105.7.20 Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6.

105.7.21 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.22 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 507.

Section 105.8 is added to read:

105.8 Responsibility of permittee. Work performed under a construction permit shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval relieves or exonerates any person from the responsibility of complying with the provisions of this code, nor does any Fire District approval establish any vested rights with respect to any work performed that is performed or completed in violation of this code.

Section 108.1 is amended to read:

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 108.3 is deleted.

Section 109.4 is amended in its entirety to read:

109.4 Violation penalties. Every person who violates any provision of this fire code is guilty of an infraction or misdemeanor, which will be determined by the Fire District, in accordance with Health and Safety Code Section 13871. Each infraction or misdemeanor will be punishable by an administrative fine, in accordance with Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions. This section is a declaration of Health and Safety Code section 13871 and is not intended to create a different or separate penalty.

Section 111.4 is amended to read:

111.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions

Section 202 is amended by adding the following definitions to read:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District, the Fire Code Official is the Fire Chief.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Firetrail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse, of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

Sky Lantern. An airborne lantern typically, but not necessarily, made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material, or other open flame that serves as a heat source, which heats the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons, and airborne paper lanterns are considered sky lanterns under this code.

Sprinkler Alarm and Supervisory System (SASS): A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree litter. Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section 319.

Section 304.1.4 is added to read:

304.1.4 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4 Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 308.1.6.3 is added to read:

308.1.6.3 Sky lanterns. No person shall release or cause to be released an untethered sky lantern. A sky lantern shall be tethered in a safe manner to prevent it from becoming airborne, and it must be constantly attended until extinguished.

Section 319 is added to Chapter 3, to read:

319 Exterior Fire Hazard Control.

319.1 General.

319.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the

Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

319.1.2 Retention of Jurisdictional Authority. If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

319.1.3 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

319.2 Definitions.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Rubbish. Waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction which is, or when dry may become, a fire hazard.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Person. Includes individuals, firms, partnerships, and corporations.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes amount of vegetation (native and ornamental) and other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty (30) feet to one hundred (100) feet or more away from the structure or to the property line, whichever is closer to the structure.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 318.5 of this Ordinance.

319.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

319.4 Abatement of Hazard.

319.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

319.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

319.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

319.5 Abatement Procedures.

319.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and 319.2. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

319.5.2 Hearing Date. A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show

cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

319.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

319.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

319.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

319.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 319.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 319.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

319.7 Subsurface Fires.

319.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

319.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 320 is added to Chapter 3 to read:

320 Automobile Wrecking Yards.

320.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

320.2 Definitions.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

320.3 Requirements.

320.3.1 Permits. An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

320.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

320.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires and all other debris.

320.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

320.3.5 Fire Protection. Offices, storage buildings and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

320.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

320.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

320.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

320.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

320.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

320.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems and transmissions shall be kept available on site. Single-use plugs, diking and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state and local requirements.

320.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

320.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding or drilling of any kind, is prohibited.

320.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Section 401..5 is amended by adding a new subsection 401.5.1 to read:

401.5.1 Nuisance Fire Alarm fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 403.2 is amended to read:

403.2 Public Safety Plan. In other than Group E occupancies, where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

Chapter 5. Fire Service Features.

Section 503.1 is amended to add subsection 503.1.4 to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A minimum 16 foot wide driveway is acceptable for access to one or two single-family dwellings.

Section 505 is amended by adding Section 505.3, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2 is amended by adding subsection 507.2.3, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

Chapter 6. Building Services and Systems.

Section 603.6 is amended by adding subsection 603.6.6, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the California Mechanical Code.

Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Section 806 is amended by adding subsections 806.1.4, 806.1.5 and 806.1.6, to read:

806.1.4 Flame retardants. Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date and the name of the designated individual making daily tests.

806.1.6 Daily tests. Trees shall be tested daily by a designated individual. The test shall include a check for dryness and adequate watering.

Chapter 9. Fire Protection Systems.

Section 901.6.2.2 is added to read:

901.6.2.2 Inspection Records. Records of all inspections, testing and maintenance for all water based fire suppression systems shall be completed on the forms found in annex B of NFPA 25, California Edition.

Section 902 is amended to add:

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

Section 903.2 is adopted in its entirety except as amended below:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

903.2.1.6 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

903.2.3 Group E. Except as provided for in Section 903.2.19 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5000 square feet in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

3. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. Throughout any Group E structure greater than 10,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.

2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10000 square feet
4. A Group M occupancy is used for the display and sale of upholstered furniture.
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, *including manufactured and mobile homes, regardless of whether or not the manufactured or mobile home is located in a mobile home park.*

903.2.8.2 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs **and** the new total fire area of the structure exceeds 3,600 square feet.

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.
2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet
3. Buildings with repair garages servicing vehicles parked in basements.

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet; or
2. Where the enclosed parking garage is located beneath other occupancy groups.

Section 903.3.1.1.2 is added to read:

903.3.1.1.2 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.8 is added to read:

903.3.8. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6 is amended by adding subsections 903.6.1 and 903.6.2 to read:

903.6.1 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs *and* the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.2.

903.6.2 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table 1012.4 of the 2012 edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). R-3.x occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.4.4 is added to read:

907.4.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored and comply with Section 907.6.5.

Section 907.5.2.3.1 is amended to read:

907.5.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms and locker rooms.
2. Corridors, hallways, aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.

5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.6.5 is amended to read:

907.6.5 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL listed central station is not required for:

1. Single and multiple station smoke alarms required by section 907.2.11
2. Group I-3 occupancies shall be monitored in accordance with section 907.2.6.3.4
3. Residential Day Care Facilities (occupancy load of 14 or less)
4. One and two family dwellings
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.
6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.6 is added to read:

907.8.6 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.7 is added to read:

907.8.7 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1027.5 is amended by adding a new subsection 1027.5.1, to read:

1027.5.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 33. Fire Safety During Construction and Demolition.

Section 3301.3 is added to read:

3301.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 3318 is added to read:

Section 3318 Asbestos removal.

3318.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 3318.

Exception: Section 3318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

3318.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

3318.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

3318.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter 50. Hazardous Materials – General Provisions.

Section 5001.5 is amended by adding subsection 5001.5.3 to read:

5001.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section 5003.9.1 is amended by adding subsection 5003.9.1.2 to read:

5003.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter 56 Explosives and Fireworks.

Section 5601 is amended to add Sections 5601.2, 5601.3, 5601.4 and 5601.5, to read:

5601.2 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

Exceptions:

1. Fireworks may be temporarily stored only if they are aerial or theatrical piece fireworks stored in conjunction with an approved and permitted aerial or set display.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

5601.2.1 Prohibited and Limited Acts. The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 3301.8.1 and 3301.8.1.1.

5601.3 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of the California Code of Regulations, Title 19, Chapter 6, Article 17 and, when applicable, NFPA 1122, NFPA 1125, and NFPA 1127.

5601.3.1 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of Chapter 63 and NFPA 490.

Exception: The storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

5601.4 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet (30 480mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 5601.

5601.5 Sale and retail display. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials is prohibited.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 5608 is amended by adding Sections 5608.2 and 5608.3 to read:

5608.2 Permit required. A permit is required to conduct an aerial display in accordance with California Code of Regulations, Title 19, Chapter 6. (See Chapter 1, Section 105.6.52.)

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

5608.3 Financial responsibility. Before a permit is issued pursuant to Section 5608.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability

insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Chapter 57. Flammable and Combustible Liquids.

Section 5704.2.9.6.1 is amended to read:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 5706.2.4.4 is amended to read:

5706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 58. Flammable Gases and Flammable Cryogenic Fluids.

Section 5806.2 is amended to read:

5806.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with section 5806.3 or 5806.4.

Chapter 61. Liquefied Petroleum Gases.

Section 6103.2.1.7 is amended in its entirety to read:

6103.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A or Group B occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the International Fuel Gas Code, the International Mechanical Code, and NFPA 58.

Section 6104.2 is amended to read:

6104.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 80. Referenced Standards

Chapter 80 is amended as follows:

The following referenced standard is added:

NFPA 850 (2010) Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations.

The following standard is added and includes the following amendment:

NFPA 13D (2013) Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes.

8.6.5.1 When fuel fired equipment is present, at least one quick response intermediate temperature sprinkler shall be installed above the equipment. *All sprinkler piping installed in attics rising above the insulation shall be limited to ferrous or copper piping.*

Appendix B. Fire-Flow Requirements for Buildings.

Section B105.2, the exception, is amended to read:

Exception: A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section 903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Table C105.1 footnote f and g are added to read:

- f. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- g. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

Appendix D. Fire Apparatus Access Roads

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other approved *all-weather driving surface* capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33,566 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: *Driveways* serving one or two single-family *dwelling*s may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted in its entirety.

Section D103.2 is deleted in its entirety and replaced by the following, to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19,958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is deleted in its entirety and replaced by the following, to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7,620 mm) inside and 45 feet (13,716 mm) outside.

Table D103.4 is amended to read:

Table D103.4
REQUIREMENTS FOR DEAD-END FIRE
APPARATUS ACCESS ROADS

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20 ^a	None required
151 – 750	20 ^a	100-foot Hammerhead, 50-foot “Y”, 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- a. A *driveway* with a minimum width of 16 feet is acceptable for access to no more than two single-family *dwelling*s.
- b. Any fire apparatus access roadway or *driveway* that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8 foot wide turnout that extends at least 40 feet in length.

Figure D103.1 is amended to read:

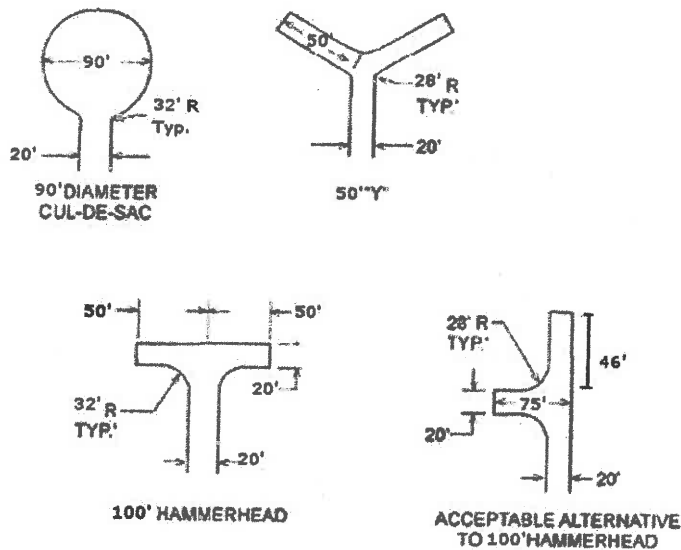


Figure D103.1
Dead-end Fire Apparatus Access Road Turnaround

Section D103.5 is amended by amending criteria 1 and adding criteria 10, to read:

1. The minimum clear width shall be 20 feet (6096mm.)
Exception: For access to one or two single-family *dwelling*s, 16 feet clear width is acceptable.
10. All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a *fire lane*.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a *fire lane*.

Section D106.1 is amended to delete the exception and read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.

15.09.003 REPEAL OF 2010 FIRE CODE.

The 2010 California Fire Code with amendments, although not expressly adopted in the Clayton Municipal Code but enforced by the City of Clayton in association with the Contra Costa Fire Protection District, is hereby repealed.

15.09.004 REFERENCES TO PRIOR CODE.

Unless superseded and expressly repealed by this ordinance, references in Fire District forms, documents, and regulations to the chapters and sections of the 2010 Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District shall be construed to refer to the corresponding chapters and sections of the 2013 Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District.

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EXHIBIT B

FINDINGS OF FACT IN SUPPORT OF CHANGES, MODIFICATIONS AND AMENDMENTS TO THE 2013 CALIFORNIA FIRE CODE DUE TO LOCAL CLIMATIC, GEOLOGIC, AND TOPOGRAPHIC CONDITIONS

I. Changes or Modifications

Pursuant to Section 17958 of the State of California Health and Safety Code, the City Council of the City of Clayton adopts the 2013 California Fire Code with such changes, modifications, and amendments set forth in the attached Exhibit A.

II. Findings

Pursuant to Sections 17958.5 and 17958.7 of the State of California Health and Safety Code, the City Council finds that the above referenced changes, modifications, and amendments are needed and are reasonably necessary because of certain local climatic, geological, and topographic conditions as described below.

A. Climatic

1. Precipitation and Relative Humidity

(a) Conditions

Precipitation ranges from 15 to 24 inches per year with an average of approximately 20 inches per year. Ninety-six (96) percent falls during the months of October through April and four (4) percent from May through September. This is a dry period of at least five (5) months each year. Additionally, the area is subject to occasional drought. Relative humidity remains in the middle range most of the time. It ranges from forty-five (45) to sixty-five (65) percent during spring, summer, fall, and from sixty (60) to ninety (90) percent in the winter. It occasionally falls as low as fifteen (15) percent.

(b) Impact

Locally experienced dry periods cause extreme dryness of untreated wood shakes and shingles on buildings and non-irrigated grass, brush and weeds, which are often near buildings with wood roofs and sidings. Such dryness causes these materials to ignite very readily and burn rapidly and intensely.

Because of dryness, a rapidly burning grass fire or exterior building fire can quickly transfer to other buildings by means of radiation or flying brands, sparks and embers. A small fire can rapidly grow to a magnitude beyond the control capabilities of the Fire District resulting in an excessive fire loss.

2. Temperature

(a) Conditions

Temperatures have been recorded as high as 114⁰ F. Average summer highs are in the 90⁰ range, with average maximums of 105⁰ F.

(b) Impact

High temperatures cause rapid fatigue and heat exhaustion of firefighters, thereby reducing their effectiveness and ability to control large building and wildland fires.

Another impact from high temperatures is that combustible building material and non-irrigated weeds, grass and brush are preheated, thus causing these materials to ignite more readily and burn more rapidly and intensely. Additionally, the resultant higher temperature of the atmosphere surrounding the materials reduces the effectiveness of the water being applied to the burning materials. This requires that more water be applied, which in turn requires more Fire District resources in order to control a fire on a hot day.

High temperatures directly contribute to the rapid growth of fires to an intensity and magnitude beyond the control capabilities of the Fire District.

3. Winds

(a) Conditions

Prevailing winds in the area are from the south or southwest in the mornings and from the north or northwest in the afternoons. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the fourteen (14) mph to twenty-three (23) mph ranges, gusting to twenty-five (25) to thirty-five (35) mph. Forty (40) mph winds are experienced occasionally and winds up to fifty-five (55) mph have been registered locally. During the winter half of the year, strong, dry, gusty winds from the north move through the area for several days creating extremely dry conditions.

(b) Impact

Winds such as those experienced locally can and do cause fires, both interior and exterior, to burn and spread rapidly. Fires involving non-irrigated weeds, grass and brush can grow to a magnitude and be fanned to intensity beyond the control capabilities of the Fire District very quickly even by relatively moderate winds. When such fires are not controlled, they can extend to nearby buildings, particularly those with untreated wood shakes or shingles.

Winds of the type experienced locally also reduce the effectiveness of exterior water streams used by the Fire District on fires involving large interior areas of buildings, fires which have vented through windows and roofs due to inadequate built-in fire protection and fires involving wood shake and shingle building exteriors. Local winds will continue to be a definite factor towards causing major fire losses to buildings not provided with fire resistive roof and siding materials and buildings with inadequately separated interior areas or lacking automatic fire protection systems. National statistics frequently cite wind conditions, such as those experienced locally, as a major factor where conflagrations have occurred.

4. 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. 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 blow torch effect, in addition to preventing “natural” ventilation and cross-ventilation efforts.

B. Geological and Topographic

1. Seismicity

(a) Conditions

Contra Costa County is located in Seismic Risk Zone 4, which is the worst earthquake area in the United States. Buildings and other structures in Zone 4 can experience major seismic damage. Contra Costa County is in close proximity to the San Andreas Fault and contains all or portions of the Hayward, Calaveras, Concord, Antioch, Mt. Diablo, and other lesser faults. A 4.1 earthquake with its epicenter in Concord occurred in 1958, and a 5.4 earthquake with its epicenter also in Concord occurred in 1955. The Concord and Antioch faults have a potential for a Richter 6 earthquake and the Hayward and Calaveras

faults have the potential for a Richter 7 earthquake. Minor tremblers from seismic activity are not uncommon in the area.

The fire environment of a community is primarily a combination of two factors: the area's physical geologic characteristics and a historic pattern of urban-suburban development. These two factors, alone and combined, create a mixture of environments which ultimately determines the area's fire protection needs. The Fire District has 3 distinct areas. They are: the West, which includes the City of San Pablo and the communities of North Richmond, El Sobrante, and East Richmond Heights. The Central includes the Cities of Lafayette, Martinez, Pleasant Hill, Concord, Walnut Creek, Clayton and the communities of Clyde, Pacheco, Alhambra Valley and Alamo. The East includes the Cities of Antioch, Pittsburg and the community of Bay Point.

Because of the size of the Contra Costa County Fire Protection District (304 Square miles) the characteristics of the fire environment changes from one location to the next. Therefore the District has not one, but a number of fire environments, each of which has its individual fire protection needs from two major oil refineries, to heavy industrial facilities, freeways, rail lines, waterways, port facilities, wildland areas, urban and suburban town settings and major downtown areas.

Interstates 80 and 680, State Highways 4, 24 and 242, Bay Area Rapid Transit District (BART) and major thoroughfares travel throughout the District. There are 2 major rail lines which run through the District. An overpass or underpass crossing collapse would alter the response route and time for responding emergency equipment. This is due to the limited crossings of the major highways and rail lines.

Earthquakes of the magnitude experienced locally can cause major damage to electrical transmission facilities, which, in turn, cause power failures while at the same time starting fires throughout the Fire District. The occurrence of multiple fires will quickly deplete existing fire district resources; thereby reducing and/or delaying their response to any given fire. Additionally, without electrical power, elevators, smoke management systems, lighting systems, alarm systems and other electrical equipment urgently needed for building evacuation and fire control in large buildings without emergency generator systems would be inoperative, thereby resulting in loss of life and/or major fire losses in such buildings.

(b) Impact

A major earthquake could severely restrict the response of the Fire District and its capability to control fires involving buildings of wood frame construction, with ordinary wood shake and shingle exteriors, or with large interior areas not provided with automatic smoke and fire control systems.

2. Soils

(a) Conditions

The area is replete with various soils, which are unstable, clay loam and alluvial fans being predominant. These soil conditions are moderately to severely prone to swelling and shrinking, are plastic, and tend to liquefy.

Throughout the Fire District, the topography and development growth has created a network of older, narrow roads. These roads vary from gravel to asphalt surface and vary in percent of slope, many exceeding twenty- (20) percent. Several of these roads extend up through the winding passageways in the hills providing access to remote, affluent housing subdivisions. Many of these roads are private with no established maintenance

program. During inclement weather, these roads are subject to rock and mudslides, as well as down trees, obstructing all vehicle traffic. It is anticipated that during an earthquake, several of these roads would be practically impassable.

3. Topographic

(a) Conditions

i. Vegetation

The service area of the Contra Costa County Fire Protection District has a varied topography and vegetative cover. A conglomeration of flat lands, hills, and ridges make up the terrain. Development has occurred on the flat lands in the District and in the past 15 years development has spread into the hills, valleys and ridge lands of the District. Highly combustible dry grass, weeds, and brush are common in the hilly and open space areas adjacent to built-up locations six (6) to eight (8) months of each year. Many of these areas frequently experience wildland fires, which threaten nearby buildings, particularly those with wood roofs, or sidings. This condition can be found throughout the Fire District, especially in those fully developed areas and those areas marked for future development.

ii. Surface Features

The arrangement and location of natural and manmade surface features, including hills, creeks, canals, freeways, housing tracts, commercial development, fire stations, streets and roads, combine to limit efficient response routes for Fire District resources into and through many areas.

iii. Buildings, Landscaping and Terrain

Many of the “newer” large buildings and building complexes have access and landscaping features or designs which preclude, or greatly limit, efficient approach or operational access to them by Fire District vehicles. In addition, the presence of security gates, roads of inadequate width and grades which are too steep for Fire District vehicles create an adverse impact on fire suppression efforts.

When Fire District vehicles cannot gain access to buildings involved with fire, the potential for complete loss is realized. Difficulty reaching a fire site often requires additional fire personnel and resources to successfully and safely mitigate the event. Access problems often result in severely delaying, misdirecting, or making fire and smoke control efforts unsuccessful.

(b) Impact

The above local geological and topographical conditions increase the magnitude, exposure, accessibility problems, and fire hazards presented to the Contra Costa County Fire Protection District. 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 intensify the situation:

1. The extent of damage to the water system.
2. The extents 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 shake or shingles coverings could result in conflagrations.

Local Amendments to 2013 CFC and Supporting Findings of Fact

Section	FINDINGS					
	II(A)(1) Precip.	II(A)(2) Temp.	II(A)(3) Wind	II(B)(1) Seismic	II(B)(2) Soil	II(B)(3) Topo.
304.1.2	x	x	x			x
304.1.4	x	x	x			
308.1.4	x	x	x			
308.1.6.3			x			
319	x	x	x			x
320				x	x	
403.2						x
503.1				x		x
503.2.1				x		x
505						x
507.2						x
603.6	x	x	x			x
806	x	x	x			x
901.6.2.2	x	x	x	x		
902	x	x	x	x		
903.2	x	x	x	x		
903.3.1.1.2	x	x	x	x		
903.3.5	x	x	x	x		
903.3.8	x	x	x	x		
903.4.2	x	x	x	x		
903.6	x	x	x	x		
907.4.4	x	x	x	x		
907.5.2.3.1						x
907.6.5	x	x	x	x		
907.8.6	x	x	x	x		
907.8.7	x	x	x	x		
1027.5					x	x
3318					x	x
5601	x	x	x			
5608	x	x	x			
5704.2.9.6.1				x	x	
5706.2.4.4				x	x	
5806.2				x	x	
6103.2.1.7				x	x	
6104.2				x	x	
Chapter 80	x	x	x	x	x	x
B105.2			x			x
C105.1					x	x
D102.1					x	x
D103.1					x	x
D103.2					x	x
D103.2.1					x	x
D103.3					x	x
T. D103.4					x	x
F. D103.1					x	x
D103.5					x	x
D103.6.1					x	x
D103.6.2					x	x
D106.1					x	x
D106.2					x	x

III. Summary

Local climatic, geologic, and topographic conditions impact fire prevention efforts, and the frequency, spread, acceleration, intensity, and size of fire involving buildings in this community. Further, they impact potential damage to all structures from earthquake and subsequent fire. This was the case in the October 17, 1989 Loma Prieta earthquake that measured 6.9 and occurred on the San Andreas fault, centered near Santa Cruz. This event caused several residential fires and numerous commercial buildings were damaged.

Therefore, based on the findings declared in this document, it is found reasonably necessary that the 2013 California Fire Code be changed or modified to mitigate the effects of the above described local climatic, geological and topographic conditions.

EXHIBIT A
(Redlined Version)

CHAPTER 15.09

2010-2013 CALIFORNIA FIRE CODE WITH AMENDMENTS

Sections:

- 15.09.001 Adoption.
- 15.09.002 Amendments
- 15.09.003 Repeal of ~~2007-2010~~ Fire Code
- ~~15.09.004 References to Prior Code~~
- ~~15.09.005 Validity~~

15.09.001 Adoption.

The fire code of this City is the ~~2009-2012~~ 2010-2013 California Fire Code (California Code of Regulations, Title 24, Part, 9 [based on the ~~2009-2012~~ International Fire Code published by the International Code Council]), including Chapters 1-~~45-10~~ and ~~47-49~~12-80, ~~Appendix Chapter 4~~, Appendix B, Appendix C, Appendix D, Appendix F, Appendix H, Appendix I, ~~Appendix J~~, and Appendix ~~-JK~~, as amended by the changes, additions and deletions set forth in this ordinance. The 2013 California Fire Code, with the changes, additions, and deletions set forth in this ordinance, is adopted by this reference as though fully set forth in this ordinance. As of the effective date of this Ordinance, the provisions of this Fire Code are controlling and enforceable within the City and shall be enforced by the Contra Costa Fire Protection District and its Fire Official.

15.09.002 Amendments.

The ~~2009-2012~~ 2010-2013 California Fire Code is amended by the changes, additions and deletions set forth in this chapter. Chapter and Section numbers used below are those of the ~~2009-2012~~ 2010-2013 California Fire Code.

Chapter 1. Scope and Administration.

Section 101.1 is amended to read:

101.1 Title. This code is the Fire Code of the City of Clayton, and is hereinafter referred to as “this code”.

Section 102.1 is amended to add item 5, to read:

102.1 Construction and design provisions. The construction and design provisions of this code shall apply to:

- 5. Where not otherwise limited by law, the provisions of this code shall apply to vehicles, ships, and boats that are permanently affixed to a specific location within the boundaries of this jurisdiction.

Section 103.2 is deleted in its entirety without replacement.

Section 105.6 is amended to read:

105.6 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Chapter 1, Sections 105.6.1 through 105.6.54.

Section 105.6 is amended by adding subsections 105.6.48 through 105.6.54, to read:

105.6.48 Asbestos removal. A permit is required to conduct asbestos-removal operations regulated by Section ~~1418~~3318.

105.6.49 Battery systems. A permit is required to operate stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189 L) pursuant to Section 608.

105.6.50 Christmas tree sales. A permit is required to use a property for the purpose of selling cut Christmas trees.

105.6.51 Firework aerial display. A permit is required to conduct a firework display regulated by California Code of Regulations, Title 19 and Chapter ~~33-56~~ of this code.

105.6.52 Model rockets. A permit is required to sell model rockets equipped with model rocket motors or to launch model rockets more than three times from the same site on any day pursuant to California Code of Regulations, Title 19, Division 1, Article 17.

105.6.53 Temporary water supply. A permit is required to use a temporary water supply for construction of residential projects or subdivisions pursuant to Section ~~1412-13312.1~~.

105.6.54 Tire storage. A permit is required to store more than 1,000 cubic feet (28.3m³) of tires inside buildings pursuant to Chapter ~~2534~~.

Section 105.7 is amended to read:

105.7 Required construction permits. The fire code official is authorized to issue construction permits for the operations set forth in Chapter 1, Sections 105.7.1 through 105.7.21.

Section 105.7 is amended by adding sections 105.7.~~15-17~~ through 105.7.~~21-22~~ as follows:

105.7.~~15-17~~ Access for fire apparatus. Plans shall be submitted and a permit is required to install, improve, modify, or remove public or private roadways, driveways, and bridges for which Fire District access is required by the Fire Code. A permit is required to install a gate across a fire apparatus access road pursuant to Section 503.

105.7.~~16-18~~ Construction, alteration, or renovation of a building for which a building permit is required. Plans shall be submitted to the fire code official for all land developments or for the construction, alteration, or renovation of a building within the jurisdiction where a building permit is required.

Exception: Non-sprinklered Group R-3 Occupancies where work does not involve a substantial addition or expansion.

105.7.~~17-19~~ Medical gas systems. A construction permit is required for the installation of or modification to a medical gas system pursuant to Section ~~3006~~5306.

105.7.~~18-20~~ Refrigeration equipment. A permit is required to install a mechanical refrigeration unit or system regulated by Chapter 6.

105.7.19-21 Land Development, Subdivisions. Plans shall be submitted to the fire code official for all land developments or improvements proposed within the jurisdiction that involve the subdivision of land.

105.7.20-22 Water supply for fire protection. Plans shall be submitted to the fire code official for the purpose of determining whether adequate water supplies, fire hydrants, and associated systems are provided for all facilities, buildings or portions of buildings either constructed or moved into the District pursuant to Section 507.

~~105.7.21 Solar photovoltaic power systems. A construction permit is required to install or modify Solar photovoltaic power systems.~~

Section 105.8 is added to read:

105.8 Responsibility of permittee. Work performed under a construction permit shall be in accordance with the approved plans and with all requirements of this code and any other laws or regulations applicable thereto. No Fire District approval relieves or exonerates any person from the responsibility of complying with the provisions of this code, nor does any Fire District approval establish any vested rights with respect to any work performed that is performed or completed in violation of this code.

Section 108.1 is amended to read:

108.1 Board of Appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there is hereby created a board of appeals. The board of appeals is comprised of the Board of Directors.

Section 108.3 is deleted.

Section 109.34 is amended in its entirety to read:

109.34 Violation penalties. Every person who violates any provision of this fire code is guilty of aan infraction or misdemeanor, which will be determined by the Fire District, in accordance with Health and Safety Code Section 13871. Each infraction or misdemeanor will be punishable by an administrative fine, in accordance with Government Code Section 53069.4. The imposition of one penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each ten (10) days that prohibited conditions are maintained shall constitute a separate offense. The application of the aforesaid penalty shall not be held to prevent the enforced removal of prohibited conditions. This section is a declaration of Health and Safety Code section 13871 and is not intended to create a different or separate penalty.

Section 111.4 is amended to read:

111.4 Failure to comply. Any person who continues any work after having been served with a stop work order is subject to citation, except any work that a person is directed by the fire code official to perform to remove a violation or unsafe condition.

Chapter 2. Definitions

Section 202 is amended by adding the following definitions to read:

Administrator. Fire Chief.

All-weather driving surface. A roadway with a minimum surface finish of one layer of asphalt or concrete that is designed to carry the imposed weight loads of fire apparatus.

Board of Directors. The Contra Costa County Board of Supervisors as the governing body of the Crockett-Carquinez Fire Protection District and the Contra Costa County Fire Protection District.

Board of Fire Commissioners. An advisory commission appointed by the Board of Directors to act as set forth in this ordinance and by resolutions of the Board of Directors.

Driveway. A private roadway that provides access to no more than two (2) single-family dwellings.

Fire Code Official. In the Contra Costa County Fire Protection District, the Fire Code Official is the Fire Marshal. In the Crockett-Carquinez Fire Protection District, the Fire Code Official is the Fire Chief.

Firebreak. A continuous strip of land upon and from which all rubbish, weeds, grass or other growth that could be expected to burn has been abated or otherwise removed in order to prevent extension of fire from one area to another.

Firetrail. A graded firebreak of sufficient width, surface, and design to provide access for personnel and equipment to suppress and to assist in preventing a surface extension of fires.

Nuisance Fire Alarm. The activation of any fire protection or alarm system which results in the response of the Fire District and is caused by malfunction, improper maintenance, negligence, or misuse, of the system by an owner, occupant, employee, or agent, or any other activation not caused by excessive heat, smoke, fire, or similar activating event.

Response time. The elapsed time from receipt of call to the arrival of the first unit on scene.

Running time. The calculated time difference between leaving the first-due station and arriving on the emergency scene.

Rural area. An area generally designated for agricultural or open space uses with parcels more than 10 acres (4.046873ha) in size.

Rural residential area. An area generally designated for single family residential use with parcels between three (1.2140619ha) and 10 (4.046873ha) acres in size.

~~**Running time.** The calculated time difference between leaving the first-due station and arriving on the emergency scene.~~

Sky Lantern. An airborne lantern typically, but not necessarily, made of paper with a wood frame containing a candle, fuel cell composed of waxy flammable material, or other open flame that serves as a heat source, which heats the air inside the lantern to cause it to lift into the air. Sky candles, fire balloons, and airborne paper lanterns are considered sky lanterns under this code.

Sprinkler Alarm and Supervisory System (SASS): A Dedicated Function Fire Alarm System located at the protected premise installed specifically to monitor sprinkler water-flow alarm, valve supervisory, and general trouble conditions where a Building Fire Alarm is not required.

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

Temporary fire department access road for construction. An approved temporary roadway for emergency vehicle use during construction of residential subdivision projects.

Temporary fire department access road for construction of one (1) residential (R3) unit. A temporary roadway for emergency vehicle use during construction of an individual residential (R3) structure where a fire department access road is required as part of the project.

Temporary water supply. Water stored for firefighting purposes in an approved aboveground tank during combustible construction.

Tree litter. Any limbs, bark, branches and/or leaves in contact with other vegetation or left to gather on the ground.

Chapter 3. General Precautions Against Fire.

Section 304.1.2 is amended to read:

304.1.2 Vegetation. Hazards created by the growth of weeds, grass, vines, trees or other growth capable of being ignited and endangering property shall be mitigated in accordance with Section ~~318~~319.

Section 304.1.4 is added to read:

304.1.4 Clothes Dryers. Clothes dryers shall be frequently cleaned to maintain the lint trap, mechanical and heating components, vent duct and associated equipment free from accumulations of lint and combustible materials.

Section 308.1.4 Exception 1 is amended to read:

Exception 1. Residential Occupancies.

Section 308.1.6.3 is added to read:

308.1.6.3 Sky lanterns. No person shall release or cause to be released an untethered sky lantern. A sky lantern shall be tethered in a safe manner to prevent it from becoming airborne, and it must be constantly attended until extinguished.

Section ~~318~~319 is added to Chapter 3, to read:

~~318~~319 Exterior Fire Hazard Control.

~~318~~319.1 General.

~~318~~319.1.1 Jurisdictional Authority. The Board of Directors, as the supervising, legislative and executive authority of the jurisdiction, hereby delegates to the Board of Fire Commissioners of the jurisdiction all its powers, duties and rights to act pursuant to Part 5 (commencing with Section 14875), Division 12, of the Health and Safety Code, to clear or order the clearing of rubbish, litter or other flammable material where such flammable material endangers the public the safety by creating a fire hazard. Fire hazard abatement will be conducted in accordance with the provisions of said Part 5 and this ordinance. In the application of

the provisions of said Part 5 to fire hazard abatement proceedings under this ordinance and the Fire Protection District Law of 1987, the terms "Board of Directors" or "Board," when used in Part 5, means the Board of Fire Commissioners of this jurisdiction under this section; and the officers designated in Health and Safety Code Section 14890 are the employees of the jurisdiction.

3189.1.2 Retention of Jurisdictional Authority. If no Board of Fire Commissioners has been appointed for the jurisdiction, then the Board of Directors retains its powers and rights to act pursuant to said Part 5.

3189.1.3 Contract for Services. The Board of Directors reserves and retains the power to award a contract for fire hazard abatement work when the employees of the jurisdiction are not used to perform the abatement work.

319.2 Definitions.

Weeds. All weeds growing upon streets or private property in the jurisdiction, including any of the following:

1. Weeds that bear seeds of a fluffy nature or are subject to flight.
2. Sagebrush, chaparral (including Chamise, Coyote Brush/Greasewood, Brooms, and Buckwheat), and any other brush or weeds that attain such large growth as to become, when dry, a fire menace to adjacent improved property.
3. Weeds that are otherwise noxious or dangerous.
4. Poison oak and poison sumac when the conditions of growth constitute a menace to public health.
5. Dry grass, brush, tree litter, litter, or other flammable materials that endanger the public safety by creating a fire hazard.

Rubbish. Waste matter, litter, trash, refuse, debris and dirt on streets, or private property in the jurisdiction which is, or when dry may become, a fire hazard.

Streets. Includes alleys, parkways, driveways, sidewalks, and areas between sidewalks and curbs, highways, public right of ways, private road, trails, easements, and fire trails.

Person. Includes individuals, firms, partnerships, and corporations.

Defensible Space. The area within the perimeter of a parcel providing the key point of defense from an approaching wildland or escaping structure fire.

Priority Hazard Zone. An area where the threat from wildfire is severe due to proximity to open space, topography, degree of space, density of homes amount of vegetation (native and ornamental) and other conditions favorable to fast moving fires.

Reduced Fuel Zone. The area that extends from thirty (30) feet to one hundred (100) feet or more away from the structure or to the property line, whichever is closer to the structure.

Cost of Abatement. Includes all expenses incurred by the jurisdiction in its work of abatement undertaken and administrative costs pursuant to Section 318.5 of this Ordinance.

3189.3 Weeds and Rubbish a Public Nuisance. The Board hereby declares that all weeds growing upon private property or streets in this jurisdiction and all rubbish on private property or streets in this jurisdiction are public nuisances. Such weed nuisance is seasonal and recurrent.

3189.4 Abatement of Hazard.

3189.4.1 Prohibition. No person who has any ownership or possessory interest in or control of parcel of land shall allow to exist thereon any hazardous rubbish, weeds, trees, or other vegetation that constitutes a fire hazard. Destruction by burning within this jurisdiction is unlawful unless the written permission of the fire chief is first obtained, and all other applicable permits are obtained from appropriate governing agencies or jurisdictions.

3189.4.2 Specific Requirements. The District shall develop minimum abatement standards for land in residential, rural and/or rural residential, business, industrial areas, or land which is unused or vacant. Such standards may be modified periodically as circumstances dictate.

3189.4.2.1 Clearance of Weeds from Streets. The Fire Code Official is authorized to cause areas within 10 feet (3048 mm) on each side of portions of streets which are improved, designed or ordinarily used for vehicular traffic to be cleared of flammable vegetation and other combustible growth. The Fire Code Official is authorized to enter upon private property to do so, to the extent allowed by law.

3189.5 Abatement Procedures.

3189.5.1 Abatement Order. The fire code official may order the abatement of the weeds and rubbish described in Sections 304.1.2 and 3189.2. On making the order, the fire code official will mail a copy of a notice to the owners of the affected property as their names and addresses appear upon the last county equalized assessment roll, or as their names and addresses are known to the fire code official. As an alternative to mailing, the notice may be posted upon the affected property and published in the jurisdiction, not less than 15 days prior to the date of the abatement hearing. Copies of the notice will be headed with the words "Notice to Abate Weeds and Rubbish" in letters at least one inch high. The notice will be in substantially the following form:

NOTICE TO ABATE WEEDS AND RUBBISH

You are hereby notified that weeds and rubbish constitute a fire hazard on the following described property owned by you:

(Describe property by common street designation, by metes and bounds, Assessor's code area and parcel number, or by reference to attached map).

You must remove the weeds and rubbish within fifteen (15) days from the date of this notice. If you fail to do so, the (jurisdiction) Fire Protection District will remove it, and the cost of the abatement, including administrative costs, will be collected as property taxes and will be a lien on your property until paid.

You are further notified that the Board of Supervisors has declared that such weeds and rubbish constitute a public nuisance and that such weeds also constitute a seasonal and recurring nuisance.

You may appear before the Board of Fire Commissioners of this jurisdiction on (time and date) at (place-room, street, address, and city) to show cause why this order should not be enforced.

(Signed): (Name of fire code official of name of jurisdiction)

3189.5.2 Hearing Date. A date for hearing on the notice will be sent at least 15 days after the date of the notice. The date of the notice is the date on which the notice is placed in the United States mail or the date on which it is posted on the property. At the hearing, the property owner or his agent may appear to show

cause why the order should not be enforced. For good cause shown, the Board of Fire Commissioners may extend the time for compliance with the order or may rescind the order.

3189.5.3 Contract Award. If the owner fails to comply with the order, the fire code official may have the weeds and rubbish abated either by employees of this jurisdiction or by contract. If a contract is awarded, it will be by public bid, awarded to the lowest responsible bidder. A contract may include work on more than one parcel. Concerning any contract previously awarded as provided in this subsection and that has been fully extended as provided in that contract, it may thereafter be extended on its same terms and conditions for a further period (not to exceed one year) by agreement of the Board of Supervisors and the involved contractor.

3189.5.4 Abatement Report of Costs. The fire code official or his or her designee abating the nuisance will keep an account of the cost of abatement in front of or on each separate parcel of land and will render an itemized report in writing to the Board of Fire Commissioners showing the cost of removing the weeds and rubbish on or in front of each separate lot or parcel of land, or both. Before the report is submitted to the Board of Fire Commissioners, a copy of it will be posted for at least three days on or near the chamber door of the Board with a notice of the time and when the report will be submitted to the Board for confirmation. At the time fixed for receiving and considering the report, the Board of Fire Commissioners will hear it and any objections of any of the property owners liable to be assessed for the work of abatement. Thereupon, the Board of Fire Commissioners may make such modifications in the report as it deems necessary, after which the report will be confirmed. The amount of the cost, including administrative costs, of abating the nuisance in front of or upon the various parcels of the land mentioned in the report as confirmed will constitute special assessment against the respective parcels of land, and are a lien on the property for the amount of the respective assessments. Such lien attaches upon recordation, in the office of the County Recorder, of a certified copy of the Resolution of Confirmation.

3189.5.5 Cost Assessments. Upon confirmation of the report of cost by the Board of Fire Commissioners and the recordation of the Resolution of Confirmation, a copy of the report of cost will be sent to the County Auditor, who will enter the amount of the assessments against the parcels. Thereafter the amount of the assessments will be collected at the same time and in the same way as County taxes are collected. The owners are subject to the same penalties and the same procedure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are applicable to these assessment taxes.

3189.6 Alternate Mitigation. In lieu of ordering abatement as provided in Section 3189.5.1, the fire code official of this jurisdiction may order the preparation of firebreaks/fuelbreaks around parcels of property where combustible weeds, crops, or brush are present. In determining the proper width for firebreaks/fuelbreaks, the fire code official will consider the height of the growth, weather condition, topography, and the accessibility to the property for fire protection equipment. The procedure set forth in Section 3189.5.1 for the abatement of weeds and rubbish shall apply to the preparation of firebreaks/fuelbreaks.

3189.7 Subsurface Fires.

3189.7.1 Peat Fire. It is the duty of each person, firm, corporation, or association not to permit a peat fire in or a fire involving combustible vegetable matters under the surface of the natural ground to remain upon the property. It is hereby declared that it is the duty of any person as herein defined to take all necessary precautions to extinguish any subsurface fire involving peat or vegetable material at the owner's own cost and expense.

3189.7.2 Fire Suppression Costs. If there exists upon the lands or property of any person as herein defined a subsurface fire involving the burning or combustion of peat, vegetable matter or vegetation, and the owner or occupant thereof has not taken reasonable precautions within a reasonable time to extinguish or minimize such fire or combustion, this jurisdiction may, in addition to its regular duties to extinguish or minimize such fire or combustion, go upon the lands of any person as herein defined and extinguish such fire or combustion. Any costs incurred by the Fire District in fighting the fire and for the cost of proving rescue or emergency medical services shall be a charge against the property owner. The charge shall constitute a debt of the property owner and is collectable by the jurisdiction incurring those costs in the same manner as in the case of an obligation under a contract, express or implied. (See Health and Safety Code, §13009.)

Section 3~~1920~~ is added to Chapter 3 to read:

3~~1920~~ Automobile Wrecking Yards.

3~~1920~~.1 General. The operation of automobile wrecking yards shall be in accordance with this section.

3~~1920~~.2 Definitions.

Automobile Wrecking Yard. An area that stores or dismantles salvaged vehicles.

Automobile Dismantling. The operation of dismantling or removing parts from salvaged vehicles including engines or engine parts.

3~~1920~~.3 Requirements.

3~~1920~~.3.1 Permits. An operation permit is required for all automobile wrecking yards, automobile dismantling operations, and similar operations.

3~~1920~~.3.2 Fire Apparatus Access Roads. Fire apparatus access roads shall be constructed throughout the site in accordance with this code and shall be maintained clear of all vehicles and stored items.

3~~1920~~.3.3 Welding and cutting. Welding and cutting operations shall be conducted in an approved location, clear of all flammable liquids and combustible materials, including weeds, tires and all other debris.

3~~1920~~.3.4 Housekeeping. Combustible rubbish accumulated on site shall be collected and stored in approved containers, rooms or vaults of noncombustible materials. Combustible vegetation, cut or uncut, shall be removed when determined by the fire code official to be a fire hazard.

3~~1920~~.3.5 Fire Protection. Offices, storage buildings and vehicles used for site operations shall each be provided with at least one portable fire extinguisher with not less than a 4-A: 40-B-C rating. When required by the fire code official, additional fire extinguishers shall be provided.

3~~1920~~.3.6 Tire storage. Tires shall be stored in racks or in a manner as approved by the fire code official.

3~~1920~~.3.6.1 Distance from Water Supply. Tire storage shall be located on-site and no further than 500 feet from a fire hydrant or an approved water supply as determined by the fire code official.

3~~1920~~.3.7 Storage Piles. Storage piles shall be located a minimum of 20 feet from property lines and shall have an unobstructed access road on all sides of not less than 20 feet.

31920.3.8 Burning operations. The burning of salvaged vehicles and salvaged or waste materials is prohibited.

31920.3.9 Motor vehicle fluids. Motor vehicle fluid shall be drained from salvaged vehicles when such liquids are leaking onto the ground and prior to dismantling or removing engine/motor parts.

31920.3.9.1 Mitigation of leaking fluids. Precautions shall be taken to prevent fluids from salvaged vehicles from leaking onto the ground. Supplies or equipment capable of mitigating leaks from fuel tanks, crankcases, brake systems and transmissions shall be kept available on site. Single-use plugs, diking and absorbent materials shall be disposed of as hazardous waste and removed from the site in a manner in accordance with federal, state and local requirements.

31920.3.10 Fuel tanks. Fuel tanks of salvaged vehicles shall be emptied of all flammable (gasoline, diesel) fuels in an approved manner and stored in approved tanks.

31920.3.10.1 Repair of vehicle fuel tanks. The repair of fuel tanks, including cutting, welding or drilling of any kind, is prohibited.

31920.3.11 Lead acid batteries. Lead acid batteries shall be removed from all salvaged vehicles and stored in an approved manner in a location approved by the fire code official.

Chapter 4. Emergency Planning and Preparedness.

Section 401.~~3.1.5~~ is amended by adding a new subsection 401.~~3.1.15.1~~ to read:

401.~~3.1.15.1~~ Nuisance Fire Alarm fee. A fee may be charged for false and/or nuisance fire alarms in accordance with a fee schedule adopted by the Board of Directors.

Section 403.2 is amended to read:

403.2 Public Safety Plan. In other than Group E occupancies, where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of, or prescribe a plan for, the provision of an approved level of public safety.

Chapter 5. Fire Service Features.

Section 503.1 is amended to add subsection 503.1.4 to read:

503.1.4 Access to Open Spaces. When existing access to open land or space, or to fire trail systems maintained for public or private use, is obstructed by new development of any kind, the developer shall provide an alternate means of access into the area that is sufficient to allow access for fire personnel and apparatus. The alternate means of access must be approved by the fire code official.

Section 503.2.1 is amended by adding the following exception:

Exception: A minimum 16 foot wide driveway is acceptable for access to one or two single-family dwellings.

Section 505 is amended by adding Section 505.3, to read:

505.3 Street names and addressing. Street names and addressing shall be submitted for review and approval to the fire code official, whose approval will not be unreasonably withheld. The purpose of the review is to verify that new street names and addressing will not duplicate existing street names and addressing.

Section 507.2 is amended by adding subsection 507.2.3, to read:

507.2.3 Suburban and rural water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 507.1.

~~Section 510.1.1 is added to read:~~

~~**Section 510.1.1 Emergency Responder Radio Installation.** Installations of emergency responder radios shall be in accordance with Appendix J of this code.~~

Chapter 6. Building Services and Systems.

Section 603.6 is amended by adding subsection 603.6.6, to read:

603.6.6 Sparks from chimneys. A chimney that is used with either a fireplace or heating appliances in which solid or liquid fuel is used shall be maintained with spark arresters that are required for incinerators pursuant to the California Mechanical Code.

~~Section 605.11 is added to Chapter 6 to read:~~

~~**605.11 Solar Photovoltaic Power Systems.** Solar photovoltaic power systems shall be installed in accordance with this code, the California Building Code and California Electrical Code.~~

~~**Exception:** Detached Group U non-habitable structures such as parking shade structures, carports, solar trellises, similar type structures, and Group R-3 Occupancies where less than 50% of the roof area is covered with solar panels are not subject to the requirements of this section.~~

~~**605.11.1 Marking.** Marking is required on all interior and exterior DC conduit, enclosures, raceways, cable assemblies, junction boxes, combiner boxes, and disconnects.~~

~~**605.11.1.1 Materials.** The materials used for marking shall be reflective, weather resistant and suitable for the environment. Marking as required in sections 605.11.1.2 through 605.11.1.4 shall have all letters capitalized with a minimum height of 3/8 inch (9.5 mm) white on red background.~~

~~**605.11.1.2 Marking content.** The marking shall contain the words "WARNING: PHOTOVOLTAIC POWER SOURCE"~~

~~**605.11.1.3 Main service disconnect.** The marking shall be placed adjacent to the main service disconnect in a location clearly visible from the location where the disconnect is operated.~~

~~**605.11.1.4 Location of Marking.** Marking shall be placed on all interior and exterior DC conduit, raceways, enclosures and cable assemblies every 10 feet (3048 mm) within 1 foot (305 mm) of all turns or bends and within 1 foot (305 mm) above and below all penetrations of roof/ceiling assemblies and all walls and/or barriers.~~

605.11.2 Locations of DC conductors. Conduit, wiring systems, and raceways for photovoltaic circuits shall be located as close as possible to the ridge or hip or valley and from the hip or valley as directly as possible to an outside wall to reduce trip hazards and maximize ventilation opportunities. Conduit runs between sub-arrays and to DC combiner boxes shall be installed in a manner that minimizes total amount of conduit on the roof by taking the shortest path from the array to the DC combiner box. The DC combiner boxes shall be located such that conduit runs are minimized in the pathways between arrays. DC wiring shall be installed in metallic conduit or raceways when located within enclosed spaces in a building. Conduit shall run along the bottom of load bearing members.

605.11.3 Access and pathways. When a solar photovoltaic power system installed on a roof, roof access, pathways, and spacing requirements shall be provided in order to ensure access to the roof; provide pathways to specific areas of the roof; provide for smoke ventilation operations; and to provide emergency egress from the roof.

Exceptions:

1. Requirements relating to ridge, hip, and valleys do not apply to roofs with slopes with a ratio of two units vertical to twelve units horizontal (2:12) or less.
2. Residential structures shall be designed so that each array is no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in either axis.
3. The fire chief may allow panels/modules to be located up to the ridge when an alternative ventilation method acceptable to the fire chief has been provided or where the fire chief has determined vertical ventilation techniques will not be employed.

605.11.3.1 Roof access. When a solar photovoltaic power system is installed on a roof, roof access must be provided in an area that does not place ground ladders over openings such as windows or doors, and at strong points of building construction in locations where the access point does not conflict with overhead obstructions such as tree limbs, wires, or signs.

605.11.3.2 Residential systems for one and two family residential dwellings. A solar photovoltaic power system installed on the roof of a one or two family residential dwelling shall be installed in accordance with Sections 605.11.3.2.1 through 605.11.3.2.4

605.11.3.2.1 Residential buildings with hip roof layouts. Panels /modules shall be located in a manner that provides a 3-foot (914 mm) wide clear access pathway from the eave to the ridge on each roof slope where panels/modules are located. The access pathway shall be located at a structurally strong location on the building capable of supporting the live load of fire fighters accessing the roof.

605.11.3.2.2 Residential buildings with a single ridge. Panels/modules shall be located in a manner that provides two three foot (3') wide access pathways from the eave to the ridge on each roof slope where panels/modules are located.

605.11.3.2.3 Hips and Valleys. Panels/modules shall be located no closer than 18 inches (457 mm) to a hip or valley if panels/modules are to be placed on both sides of a hip or valley. If the panels are to be located on only one side of a hip or valley that is of equal length then the panels may be placed directly adjacent to the hip or valley.

605.11.3.2.4 Smoke Ventilation. Panels/modules shall be located no higher than 3 feet (914 mm) below the ridge in order to allow for fire department smoke ventilation operations.

605.11.3.3 All other occupancies. A solar photovoltaic power system installed on the roof of any occupancy other than a one- or two-family residential dwelling shall be installed in accordance with 605.11.3.3.1 through 605.11.3.3.3.

Exception: Where it is determined by the fire code official that the roof configuration is similar to a one- or two-family dwelling, the fire code official may approve the residential access and ventilation requirements provided in 605.11.3.2.1 through 605.11.3.2.4.

605.11.3.3.1 Access. There shall be a minimum 6-foot (1829-mm) wide clear perimeter around the edges of the roof.

Exception: If either axis of the building is 250 feet (76 200 mm) or less, there shall be a minimum four-foot (1290 mm) wide clear perimeter around the edges of the roof.

605.11.3.3.2 Pathways. The solar installation shall be designed to provide designated pathways. The pathways shall meet the following requirements:

1. The pathway shall be over areas capable of supporting the live load of fire fighters accessing the roof
2. The center line axis pathways shall be provided in both axes of the roof. Center line axis pathways shall run where the roof structure is capable of supporting the live load of firefighters accessing the roof.
3. There shall be a straight pathway, at least four feet (1290 mm) wide, clear to each skylight and/or ventilation hatch.
4. There shall be a straight pathway, at least four feet (1290 mm) wide, clear to each roof standpipe.
5. There shall be a straight pathway, at least four feet (1290 mm) wide, around each roof access hatch, with at least one pathway at least four feet (1290 mm) wide, clear to each parapet or roof edge.

605.11.3.3.3 Smoke Ventilation. The solar installation shall be designed to meet the following requirements:

1. Arrays shall be no greater than 150 feet (45 720 mm) by 150 feet (45 720 mm) in distance in either axis in order to create opportunities for smoke ventilation operations.
2. Smoke ventilation options between array sections shall be one of the following:
 - 2.1. A pathway 8 feet (2438 mm) or greater in width;
 - 2.2. A 4-foot (1290 mm) or greater in width pathway and bordering roof skylights or smoke and heat vents;
 - 2.3. A 4-foot (1290 mm) or greater in width pathway and bordering 4-foot (1290 mm) x 8-foot (2438 mm) "venting cutouts" every 20 feet (6096 mm) on alternating sides of the pathway

605.11.4 Ground-mounted photovoltaic arrays. Ground-mounted photovoltaic arrays shall be installed to comply with Sections 605.11 through 605.11.2 and this section. Access and pathway requirements do not apply to ground-mounted, free-standing photovoltaic arrays. A clear brush area of 10 feet (3048 mm) is required for ground-mounted photovoltaic arrays.

Chapter 8. Interior Finish, Decorative Materials and Furnishings.

Section 806 is amended by adding subsections 806.1.4, 806.1.5 and 806.1.6, to read:

806.1.4 Flame retardants. Cut trees shall be treated by a California State Fire Marshal-licensed fire retardant applicator. Trees shall be properly treated with an approved flame retardant.

806.1.5 Tags. Trees shall bear a tag stating date of placement in the public building, type of flame-retardant treatment used, name of the person who applied the flame retardant, the name of the person affixing the tag, a permit expiration date and the name of the designated individual making daily tests.

806.1.6 Daily tests. Trees shall be tested daily by a designated individual. The test shall include a check for dryness and adequate watering.

Chapter 9. Fire Protection Systems.

Section 901.6.2.2 is added to read:

901.6.2.2 Inspection Records. Records of all Inspections, testing and maintenance for all water based fire suppression systems shall be completed on the forms found in annex B of NFPA 25, California Edition.

Section 902 is amended to add:

Substantial Addition or Expansion. Addition, expansion, remodel, or renovation of any structure where the addition of new fire area exceeds fifty percent of the existing fire area.

Section 903.2 is adopted in its entirety except as amended below:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for Group A-1 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided for Group A-3 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet.
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The structure exceeds 10,000 square feet, contains more than one fire area containing exhibition and display rooms, and is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided for Group A-4 occupancies where one of the following conditions exists:

1. The fire area exceeds 5000 square feet
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.

903.2.2-11.6 Group B. An automatic sprinkler system shall be provided for Group B occupancies where the fire area exceeds 5,000 square feet.

903.2.3 Group E. Except as provided in Section 903.2.3-11.19 for a new public school campus an automatic sprinkler system shall be provided for Group E occupancies as follows:

1. Throughout all Group E fire areas greater than 5000 square feet in area.
2. Throughout every portion of educational buildings below the lowest level of exit discharge serving that portion of the building.

Exception: An automatic sprinkler system is not required in any area below the lowest level of exit discharge serving that area where every classroom throughout the building has at least one exterior exit door at ground level.

3. In rooms or areas with special hazards such as laboratories, vocational shops and other such areas where hazardous materials in quantities not exceeding the maximum allowable quantity are used or stored.
4. Throughout any Group E structure greater than 10,000 square feet in area, which contains more than one fire area, and which is separated into two or more buildings by fire walls of less than four hour fire resistance rating without openings.

903.2.4 Group F-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group F-1 occupancy where one of the following conditions exists:

1. A Group F-1 fire area exceeds 5,000 square feet.
2. A Group F-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group F-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exists:

1. A Group M fire area exceeds 5,000 square feet.
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.
4. A Group M occupancy is used for the display and sale of upholstered furniture.
5. The structure exceeds 10,000 square feet, contains more than one fire area containing a Group M occupancy, and is separated into two or more buildings by fire walls of less than 4-hour fire-resistance rating.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all Group R occupancies, including manufactured and mobile homes, regardless of whether or not the manufactured or mobile home is located in a mobile home park.

903.2.8.12 Group R-3 Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing Group R-3 dwellings where a substantial addition or expansion occurs and the new total fire area of the structure exceeds 3,600 square feet.

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 5,000 square feet
2. A Group S-1 fire area is located more than three stories above grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 10,000 square feet.

903.2.9.1 Repair garages. An automatic sprinkler system shall be provided throughout all buildings used as repair garages in accordance with Section 406 of the California Building Code, as shown:

1. Buildings having two or more stories above grade plane, including basements, with a fire area containing a repair garage exceeding 5,000 square feet.

2. Buildings no more than one story above grade plane, with a fire area containing a repair garage exceeding 5,000 square feet
3. Buildings with repair garages servicing vehicles parked in basements.

903.2.10 Group S-2 enclosed parking garages. An automatic sprinkler system shall be provided throughout buildings classified as enclosed parking garages in accordance with Section 406.4 of the California Building Code as follows:

1. Where the fire area of the enclosed parking garage exceeds 5,000 square feet; or
2. Where the enclosed parking garage is located beneath other occupancy groups.

Section 903.3.1.1.2 is added to read:

903.3.1.1.2 Undeclared Use. In buildings of undeclared use with floor to structure height greater than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Extra Hazard Group I design density. In buildings of undeclared use with floor to structure height less than 14 feet (356 mm), the fire sprinkler system shall be designed to conform to Ordinary Group II design density. Where a subsequent occupancy requires a system with greater capability, it shall be the responsibility of the owner and/or the occupant to upgrade the system.

Section 903.3.5 is amended to add subsection 903.3.5.3 to read:

903.3.5.3 Non-permissible water supply storage. Swimming pools and ponds shall not be considered water storage for the purposes of Section 903.3.5.

Section 903.3.8 is added to read:

903.3.8. Floor control valves. Individual floor control valves and waterflow detection assemblies shall be provided for each floor in multi-floor buildings at an approved location.

Exception: Group R-3 and R-3.1 Occupancies

Section 903.4.2 is amended to read:

903.4.2 Alarms. One approved audible and visual device shall be connected to every automatic sprinkler system at an approved location. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Audible and visual alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

Section 903.6 is amended by adding subsections 903.6.~~3-1~~ and 903.6.42 to read:

903.6.~~31~~ Substantial Addition or Expansion. An automatic sprinkler system shall be provided throughout all existing buildings where a substantial addition or expansion occurs *and* the total fire area of the structure exceeds 5,000 square feet. Group R-3 substantial additions or expansions shall comply with Section 903.2.8.~~12~~.

903.6.42 Change of occupancy classification. Any existing building that undergoes a change of occupancy classification into a higher hazard category shall comply with the requirements of Section 903.2. Relative hazard categories of occupancy groups shall be established based upon the Heights and Areas Hazard Categories of Table ~~912.51012.4~~ of the ~~current-2012~~ edition of the International Existing Building Code, as published by the International Code Council. The requirements of Section 903.2 shall not be

required when a change of occupancy classification is made to an equal or lesser hazard category. Group L occupancies shall be considered a relative hazard of 1 (highest hazard). R-3.x occupancies shall be considered a relative hazard of 4 (lowest hazard).

Section 907.~~54~~.4 is added to read:

907.~~54~~.4 Monitoring of other fire systems. In buildings equipped with a fire alarm system or sprinkler alarm and supervisory service (SASS) system, where other fire suppression or extinguishing systems are installed in the building (including but not limited to commercial kitchen suppression systems, pre-action fire suppression systems, dry chemical systems, and clean agent systems), these other suppression systems shall be monitored by the SASS dedicated function fire alarm system and transmitted as a specific signal to the Central Station. The system shall be monitored and comply with ~~the UL Certification requirements contained herein~~ Section 907.6.5.

Section 907.~~65~~.2.3.1 is amended to read:

907.~~65~~.2.3.1 Public and common areas. Visible alarm notification appliances shall be provided in public use areas and common use areas, including but not limited to:

1. Sanitary facilities including restrooms, bathrooms, shower rooms and locker rooms.
2. Corridors, hallways, aisles with shelving and/or fixtures obstructing the required light intensity for that area.
3. Music practice rooms.
4. Band rooms.
5. Gymnasiums.
6. Multipurpose rooms.
7. Occupational shops.
8. Occupied rooms where ambient noise impairs hearing of the fire alarm.
9. Lobbies
10. Meeting/Conference rooms.
11. Classrooms.
12. Medical exam rooms.
13. Open office areas.
14. Sales floor areas.
15. Break or lunch rooms
16. Copy or work rooms.
17. Computer server rooms exceeding 200 sq. ft.
18. File or Storage rooms exceeding 200 sq. ft.

Section 907.~~76~~.5 is amended to read:

907.~~76~~.5 Monitoring of fire alarm systems. A fire alarm system required by this chapter, or by the California Building Code, shall be monitored by a UL-listed Central Station service in accordance with NFPA 72 and this code.

Exception: Monitoring by a UL listed central station is not required for:

1. Single and multiple station smoke alarms required by section 907.2.11
2. Group I-3 occupancies shall be monitored in accordance with section 907.2.6.3.4
3. Residential Day Care Facilities (occupancy load of 14 or less)
4. One and two family dwellings
5. Residential Care Facilities licensed by the state with an occupant load of 6 or less.

6. Occupancies with a local fire alarm system that will give an audible and visible signal at a constantly attended location, as approved by the Fire Code Official.

Section 907.8.46 is added to read:

907.8.46 Certification. New fire alarm systems shall be UL-Certified. A Certificate of Completion and other documentation as listed in NFPA 72 shall be provided for all new fire alarm system installations. It is the responsibility of the building owner or owner's representative to obtain and maintain a current and valid Certificate.

Section 907.8.57 is added to read:

907.8.57 Posting of Certificate. The UL Certificate shall be posted in a durable transparent cover within 3 feet of the fire alarm control panel within 45 days of the final acceptance test/inspection.

Chapter 10. Means of Egress.

Section 1027.65 is amended by adding a new subsection 1027.65.1, to read:

1027.65.1 Exit discharge surface. Exterior exit pathway surfaces shall be suitable for pedestrian use in inclement weather, and shall terminate at a public way as defined in the California Building Code.

Chapter 1433. Fire Safety During Construction and Demolition.

Section 143301.3 is added to read:

143301.3 Permits. Permits shall be obtained for asbestos removal operations, temporary fire department access roads for construction, and temporary water supplies as set forth in sections 105.6 and 105.7.

Section 143318 is added to read:

Section 143318 Asbestos removal.

143318.1 General. Operations involving removal of asbestos or asbestos-containing materials from buildings shall be in accordance with Section 143318.

Exception: Section 143318 does not apply to the removal of asbestos from:

1. Pumps, valves, gaskets and similar equipment.
2. Pipes, ducts, girders or beams that have a length less than 21 linear feet (6400 mm).
3. Wall or ceiling panels that have an area of less than 10 square feet (0.93 m²) or a dimension of less than 10 linear feet (3048 mm).
4. Floor tiles when their removal can be completed in less than four hours.
5. Group R-3 occupancies.

143318.2 Notification. The fire code official shall be notified 24 hours prior to the commencement and closure of asbestos-removal operations. The permit applicant shall notify the building official when asbestos abatement involves the removal of materials that were used as a feature of the building's fire resistance.

143318.3 Plastic Film. Plastic film that is installed on building elements shall be flame resistant as required for combustible decorative material, in accordance with Section 807.

143318.4 Signs. Approved signs shall be posted at the entrance, exit and exit-access door, decontamination areas and waste disposal areas for asbestos-removal operations. The signs shall state that asbestos is being removed from the area, that asbestos is a suspected carcinogen, and that proper respiratory protection is required. Signs shall have a reflective surface. Lettering shall be a minimum of 2 inches (51 mm) high.

Chapter ~~2750~~ Hazardous Materials – General Provisions.

Section ~~2750~~01.5 is amended by adding subsection ~~2750~~01.5.3 to read:

~~2750~~01.5.3 Emergency response support information. Floor plans, material safety data sheets, Hazardous Materials Management Plans (HMMP), Hazardous Material Inventory Statements (HMIS), and other information must be stored at a readily accessible location, as determined by the fire code official. This location may be in cabinets located outside of facilities or buildings. Information may be required to be maintained in a specific electronic media format to facilitate computer aided dispatching.

Section ~~2750~~03.9.1 is amended by adding subsection ~~2750~~03.9.1.2 to read:

~~2750~~03.9.1.2 Documentation. Evidence of compliance with provisions of this chapter as well as with state and federal hazardous material regulations shall be maintained on site and available for inspection by fire department personnel.

Chapter ~~3356~~ Explosives and Fireworks.

Section ~~3356~~01 is amended to add Sections ~~3356~~01.2, ~~3356~~01.3, ~~3356~~01.4 and ~~3356~~01.5, to read:

~~3356~~01.2 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials within the jurisdiction of the District are prohibited.

Exceptions:

1. Fireworks may be temporarily stored only if they are aerial or theatrical piece fireworks stored in conjunction with an approved and permitted aerial or set display.
2. Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

~~3356~~01.2.1 Prohibited and Limited Acts. The storage of explosive materials is prohibited in any central business district and in all zoning districts except districts zoned for industrial or agricultural uses. In districts where the storage of explosive materials is permitted, the quantities of explosives and distances shall be in accordance with International Fire Code Sections 3301.8.1 and 3301.8.1.1.

~~3356~~01.3 Rocketry. The storage, handling and use of model and high-power rockets shall comply with the requirements of the California Code of Regulations, Title 19, Chapter 6, Article 17 and, when applicable, NFPA 1122, NFPA 1125, and NFPA 1127.

~~3356~~01.3.1 Ammonium nitrate. The storage and handling of ammonium nitrate shall comply with the requirements of Chapter ~~4963~~ and NFPA 490.

Exception: The storage of ammonium nitrate in magazines with blasting agents shall comply with the requirements of NFPA 495.

335601.4 Residential uses. No person shall keep or store, nor shall any permit be issued to keep or store, any explosives, fireworks or pyrotechnic material at any place of habitation, or within 100 feet (30 480mm) thereof.

Exception: Storage of smokeless propellant, black powder, and small arms primers for personal use and not for resale in accordance with Section 33065601.

335601.5 Sale and retail display. The possession, manufacture, storage, sale, handling and use of fireworks or pyrotechnic materials is prohibited.

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

Section 335608 is amended by adding Sections 335608.2 and 335608.3 to read:

335608.2 Permit required. A permit is required to conduct an aerial display in accordance with California Code of Regulations, Title 19, Chapter 6. (See Chapter 1, Section 105.6.52.)

Exception: Snap Caps and Party Poppers classified by the State Fire Marshal as pyrotechnic devices.

335608.3 Financial responsibility. Before a permit is issued pursuant to Section 335608.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when, in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

Chapter 3457. Flammable and Combustible Liquids.

Section 345704.2.9.6.1 is amended to read:

345704.2.9.6.1 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in all zoning districts except districts zoned for commercial, industrial, or agricultural uses.

Exception: Protected above-ground tanks for the purpose of emergency power generator installations in areas zoned commercial, industrial, agricultural, central business district, rural or rural residential, and for facilities on an individual basis consistent with the intent of this provision. Tank size shall not exceed 500 gallons (1892.706L) for Class I or II liquids, or 1,000 gallons (3785.412L) for Class III liquids.

Section 345706.2.4.4 is amended to read:

345706.2.4.4 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks is prohibited in all zoning districts except district zoned for commercial, industrial, or agricultural use.

Chapter 3558. Flammable Gases and Flammable Cryogenic Fluids.

Section ~~3558~~06.2 is amended to read:

~~3558~~06.2 Limitation. The storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in any area which is zoned for other than industrial use.

Exception: Liquid hydrogen fuel systems in compliance with section ~~3558~~06.3 or ~~3558~~06.4.

Chapter ~~3861~~. Liquefied Petroleum Gases.

Section ~~3861~~03.2.1.7 is amended in its entirety to read:

~~3861~~03.2.1.7 Use for food preparation. Individual portable L-P containers used, stored, or handled inside a building classified as a Group A or Group B occupancy for the purposes of cooking, food display, or a similar use, shall be limited in size to one quart capacity and shall be of an approved type. The number of portable containers permitted will be at the discretion of the fire code official. LP-gas appliances used for food preparation shall be listed for such use in accordance with the International Fuel Gas Code, the International Mechanical Code, and NFPA 58.

Section ~~3861~~04.2 is amended to read:

~~3861~~04.2 Maximum capacity within established limits. The storage of liquefied petroleum gas is prohibited in any central business district and in all zoning districts except districts zoned for commercial, industrial, rural, or agricultural uses. The aggregate capacity of any one installation used for the storage of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L).

Chapter 80. Referenced Standards

Chapter 80 is amended as follows:

The following referenced standard is added:

NFPA 850 (2010) Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations.

The following standard is added and includes the following amendment:

NFPA 13D (2013) Installation of Sprinkler Systems in One- and Two-family Dwellings and Manufactured Homes.

8.6.5.1 When fuel fired equipment is present, at least one quick response intermediate temperature sprinkler shall be installed above the equipment. All sprinkler piping installed in attics rising above the insulation shall be limited to ferrous or copper piping.

Appendix B. Fire-Flow Requirements for Buildings.

Section B105.2, the exception, is amended to read:

Exception: A reduction in required fire-flow of 50 percent, as approved by the fire code official, when the building is provided with an approved automatic sprinkler system and installed in accordance with Section

903.3.1.1. The resulting fire-flow shall be not less than 1,500 gallons per minute (5678L/min) for the prescribed duration as specified in Table B105.1.

Appendix C. Fire Hydrant Locations and Distribution.

Table C105.1 footnote f and g are added to read:

- f. A fire hydrant shall be provided within 250 feet of a fire trail access point off a public or private street.
- g. For infill projects within existing single-family residential developments, Section 507.5.1 applies.

Appendix D. Fire Apparatus Access Roads

Section D102.1 is amended to read:

D102.1 Access and loading. Facilities, buildings or portions of buildings hereafter constructed shall be accessible to fire department apparatus by way of an *approved* fire apparatus access road with an asphalt, concrete or other approved *all-weather driving surface* capable of supporting the imposed load of fire apparatus weighing at least 74,000 pounds (33,566 kg) in accordance with CalTrans Design Standard HS-20-44.

Exception: *Driveways* serving one or two single-family *dwelling*s may be constructed of an alternate surface material, providing the imposed weight load design minimums are met and the grade does not exceed 10 percent.

Section D103.1 is deleted in its entirety.

Section D103.2 is deleted in its entirety and replaced by the following, to read:

D103.2 Grade. Fire department access roadways having a grade of between 16 percent and 20 percent shall be designed to have a finished surface of grooved concrete sufficient to hold a 44,000 pound (19,958 kg) traction load. The grooves in the concrete surface shall be ½ inch (13 mm) wide by ½ inch (13 mm) deep and 1 ½ inch (38 mm) on center and set at a 30 to 45 degree angle across the width of the roadway surface. No grade shall exceed 20 percent, nor shall the cross slope exceed 8%, unless authorized in writing by the fire code official.

Section D103.2.1 is added to read:

D103.2.1 Angles of approach and departure. The angles of approach and departure for any means of access shall not exceed 10 percent at 10 feet of the grade break.

Section D103.3 is deleted in its entirety and replaced by the following, to read:

D103.3 Turning radius. Based on a minimum unobstructed width of 20 feet, a fire apparatus access roadway shall be capable of providing a minimum standard turning radius of 25 feet (7,620 mm) inside and 45 feet (13,716 mm) outside.

Table D103.4 is amended to read:

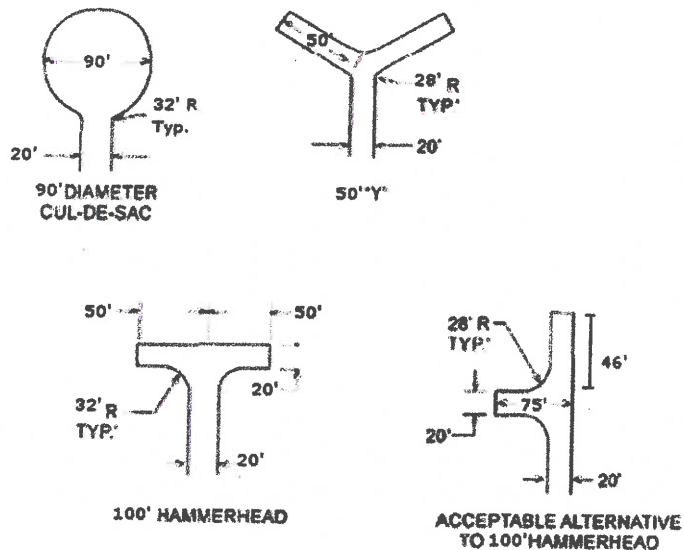
Table D103.4

REQUIREMENTS FOR DEAD-END FIRE APPARATUS ACCESS ROADS

LENGTH (feet)	MINIMUM WIDTH (feet)	TURNAROUNDS REQUIRED
0 – 150	20 ^a	None required
151 – 750	20 ^a	100-foot Hammerhead, 50-foot “Y”, 75-foot Shunt or 90-foot-diameter cul-de-sac in accordance with figure D103.1
Over 750		Special approval required ^b

- a. A driveway with a minimum width of 16 feet is acceptable for access to no more than two single-family dwellings.
- b. Any fire apparatus access roadway or driveway that is approved to be less than 20 feet wide and to exceed 750 feet in length shall have outsets or turnouts every 300 feet along the length of the road or driveway, or at locations approved by the fire code official. Each outset or turnout shall be of the following dimensions: an 8 foot wide turnout that extends at least 40 feet in length.

Figure D103.1 is amended to read:



**Figure D103.1
Dead-end Fire Apparatus Access Road Turnaround**

Section D103.5 is amended by amending criteria 1 and adding criteria 10, to read:

- The minimum clear width shall be 20 feet (6096mm.)
Exception: For access to one or two single-family dwellings, 16 feet clear width is acceptable.
- All gates shall be installed and located a minimum of 30 feet off the street.

Section D103.6.1 is amended to read:

D103.6.1 Roads less than 28 feet in width. Fire apparatus access roads less than 28 feet wide shall be posted on both sides as a *fire lane*.

Section D103.6.2 is amended to read:

D103.6.2 Roads 28 feet in width or greater, but less than 36 feet in width. Fire apparatus access roads 28 feet wide or greater, but less than 36 feet wide, shall be posted on one side of the road as a *fire lane*.

Section D106.1 is amended to delete the exception and read:

D106.1 Projects having more than 100 dwelling units. Multiple-family residential projects having more than 100 *dwelling units* shall be provided with two separate and *approved* fire apparatus access roads and shall meet the requirements of Section D104.3.

Section D106.2 is deleted in its entirety.

15.09.003 REPEAL OF ~~2007-2010~~ FIRE CODE.

The ~~2007-2010~~ California Fire Code with amendments, although not expressly adopted in the Clayton Municipal Code but enforced by the City of Clayton in association with the Contra Costa Fire Protection District, is hereby repealed.

15.09.004 REFERENCES TO PRIOR CODE.

Unless superseded and expressly repealed by this ordinance, references in Fire District forms, documents, and regulations to the chapters and sections of the 2010 Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District shall be construed to refer to the corresponding chapters and sections of the 2013 Fire Code of Contra Costa County, the Crockett-Carquinez Fire Protection District, and the Contra Costa County Fire Protection District.

~~15.09.005 VALIDITY.~~

The Contra Costa County Board of Supervisors and City of Clayton declares that if any section, paragraph, sentence or word of this ordinance or of the 2013 California Fire Code as adopted and amended herein is declared for any reason to be invalid, it is the intent of the Contra Costa County Board of Supervisors and City of Clayton that it would have passed all other portions or provisions of this ordinance independent of the elimination here from any portion or provision as may be declared invalid.

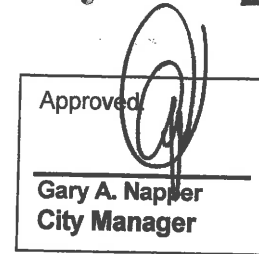
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~~comdev\Fire Code Adoption - 2010\Chapter 15.09 - 2010 Fire Code with Amendments~~



Agenda Date: 1-7-2014

Agenda Item: 8c



AGENDA REPORT

TO: HONORABLE MAYOR AND COUNCILMEMBERS
FROM: CITY MANAGER
DATE: 07 JANUARY 2014
SUBJECT: SET DATE FOR CITY COUNCIL SPECIAL MEETING
COUNCIL - MANAGER GOALS AND OBJECTIVES FOR 2014

RECOMMENDATION

It is recommended the City Council determine a date, time and location for a City Council special meeting for the purpose of discussing progress and relevance of existing goals, and setting goals and objectives for Calendar Year 2014.

BACKGROUND

The Clayton City Council meets at least once a year with its City Manager to discuss progress on the Council – Manager Goals and Objectives set in motion the previous year(s), and to establish new and/or modified goals for the ensuing calendar year.

A separate meeting is usually called for this purpose as it allows sole attention and focus specifically on the achievement, progress, and establishment of City goals and objectives for the current calendar year.

Attached are calendars for the months of January and February 2014 as reference for the selection of a date and time for the special meeting. In the past this meeting has been held in the 3rd Floor Conference Room of Clayton City Hall. Last year's meeting was held on Tuesday, 05 February 2013 at 5:00 pm before the City Council's regular evening meeting (on Monday, January 30th in 2012; and on Tuesday, February 1st in 2011).

FISCAL IMPACT

No direct fiscal impact. The lack of clearly defined goals and objectives may actually cost the City and its community money over the short and long-term operations of the public entity due to misdirection and/or absence of priorities.

January 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
			1 New Year's Day (City Holiday)	2	3	4
5	6	7 City Council Mtg. 7:00 pm	8	9 Mayors' Conference (Hercules)	10	11
12	13	14 Planning Comm. meeting	15	16	17	18
19	20 Martin King, Jr. Day (City Holiday)	21 City Council Mtg. 7:00 pm	22	23 CBCA Monthly Meeting	24	25
26	27	28 Planning Comm. meeting	29	30	31	

February 2014

Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
						1
2	3	4 City Council Mtg. 7:00 pm	5	6 Mayors' Conference	7	8
9	10	11 Planning Comm. meeting	12 Lincoln's Birthday (City Holiday)	13	14 Valentine's Day	15
16	17 Presidents' Day (City Holiday)	18 City Council Mtg. 7:00 pm	19	20	21	22
23	24	25 Planning Comm. meeting	26	27 CBCA Monthly meeting	28	

MINUTES
OF THE
REGULAR MEETING

Agenda Date: 1-7-2014

CLAYTON SUCCESSOR and SUCCESSOR HOUSING AGENCY Item: 3a SA

November 19, 2013

1. **CALL TO ORDER & ROLL CALL** - the meeting was called to order at 7:46 p.m. by Vice Mayor Stratford in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road, Clayton, CA. Boardmembers present: Vice Mayor Stratford, Councilmembers Diaz and Geller. Councilmembers absent: Mayor Pierce and Councilmember Shuey. Staff present: City Manager Napper, City Clerk Laci Kolc, and City Attorney Mala Subramanian.
2. **PUBLIC COMMENTS** – None.
3. **CONSENT CALENDAR-** It was moved by Councilmember Diaz, seconded by Councilmember Geller, to approve the Consent Calendar as submitted (Passed; 3-0 vote).
 - (a) Approved the minutes of the regular public meetings of September 17, 2013.
4. **PUBLIC HEARINGS** – None.
5. **ACTION ITEMS** – No report or action. This item was continued to the next meeting of the Successor Agency.
 - (a) Presentation of the former Clayton Redevelopment Agency's Audited Financial Statement for Fiscal Year 2011-2012 prepared by Cropper Accountancy Corporation, Certified Public Accountants.
(Finance Manager)

Staff recommendation: Following presentation of the independent Auditor's report, receive public comments and then by motion approve the FY 2011-2012 Audited Financial Statement as submitted (serving as Successor Agency and Successor Housing Agency of the former Clayton Redevelopment Agency).
6. **BOARD ITEMS** – None.
7. **ADJOURN** – on call by Vice Mayor Stratford the meeting adjourned at 7:48 p.m.

Respectfully submitted,

Janet Brown, Interim Secretary

Clayton Successor and Successor Housing
Agency Board

Hank Stratford, Vice Mayor



Agenda Date: 1-7-2014

Agenda Item: 3b SA

STAFF REPORT



TO: HONORABLE BOARD OF DIRECTORS

FROM: KEVIN MIZUNO, FINANCE MANAGER *KM*

DATE: January 7, 2014

SUBJECT: AUDITED FINANCIAL STATEMENTS OF THE SUCCESSOR AGENCY TO
THE CLAYTON REDEVELOPMENT AGENCY FOR THE PERIOD FROM
INCEPTION (FEBRUARY 1, 2012) TO JUNE 30, 2012

RECOMMENDATION

Accept the "unmodified opinion" issued by the independent auditors on the basic financial statements of the Successor Agency to the former Clayton Redevelopment Agency for the period of inception (February 1, 2012) to June 30, 2012.

BACKGROUND

The audited financial statements of the Successor Agency to the former Clayton Redevelopment Agency (the "Successor Agency") were not completed in a timely manner for this year due to several issues impacting the Finance Department. There were financial software conversion and post-implementation issues that continued from fiscal year 2010-11 into 2012-13, staff changes due to retirements, and workers' compensation injury that limited our ability to complete the reports on time.

A statement of fiduciary net position and a statement of changes in fiduciary net position are included that present information on all the Successor Agency's assets and liabilities, with the difference between the two reported as net position. As this is the first year of reporting for the Successor Agency resulting from the dissolution of the City's former RDA effective February 1, 2012, management of the Successor Agency elected to issue audited stand-alone financial statements for the Successor Agency from the period of inception to June 30, 2012. This was a common financial reporting method for California cities accounting for RDA dissolutions in the fiscal year ending June 30, 2012 and follows non-authoritative guidance outlined in a "white paper" published by the California Committee on Municipal Accounting (CCMA) dated May 2012, as specific authoritative accounting guidance has not been published to-date.

On a go forward basis, as City management is unaware of any specific regulatory, legal or contractual requirements requiring stand-alone audited Successor Agency financial statements, information summarizing the debt, capital assets, and other activity of the Successor Agency will be included in a footnote to the City's audited annual financial statements. This is a common reporting method elected by several local cities for financial reporting of "year two" of the RDA dissolution. This will be reflected in the City-wide audited financial statements for the year ended June 30, 2013.

FISCAL ANALYSIS

The independent auditors of the Successor Agency's financial statements for the period from inception (February 1, 2012) to June 30, 2012 issued an "unmodified opinion" over the statements' presentation in accordance with Generally Accepted Accounting Principles (GAAP) in all material respects. An unmodified opinion is a "clean" audit opinion, concluding that as a result of the independent auditors' audit procedures they did not identify any material uncorrected departures from GAAP in the underlying Successor Agency financial statements. The terminology "unmodified" has changed from "unqualified" used in prior years as a result of clarified audit standards issued by the American Institute of Certified Public Accountants (AICPA), a financial statement audit standard setter in the United States of America.

The Redevelopment Retirement Trust Fund reported an extraordinary loss of approximately \$4.440 million for the period ending June 30, 2012 resulting primarily from the Successor Agency assuming the long-term obligations (i.e. 1996 Series A and 1999 Tax Allocation Bonds) of the City's former RDA. Accordingly, the Redevelopment Retirement Trust Fund is reporting a deficit net position of approximately \$3.973 million as long-term liabilities assumed by this fund exceeded assets transferred from the former RDA.

The Redevelopment LMI Retirement Trust Fund reported an extraordinary gain of approximately \$6.905 million for the period ending June 30, 2012 resulting primarily from the following specific activities arising from the dissolution of the City's RDA: (1) the transferring of former RDA Low/Moderate Capital Projects Fund cash and investments to the Successor Housing Agency, and (2) the transferring of note receivables related to low and moderate housing activities. Accordingly, the Redevelopment LMI Retirement Trust Fund is reporting a net position of approximately \$6.789 million as transfers from the former RDA consisted primarily of cash and investments and housing receivables net of associated deferred revenues.

As disclosed in the Successor Agency's Subsequent Events footnote, in accordance with AB 1484, Due Diligence Reviews (DDR) of the Low and Moderate Income Housing Fund (LMIF) must be submitted to the Oversight Board, the county auditor-controller, the State Controller's Office (SCO), and the State Department of Finance (DOF). The Oversight Board will then review, approve, and transmit to the DOF and county auditor-controller the determination of the amount of cash and cash equivalents that are available for the disbursement to taxing entities. As of the date of this report, a draft DDR for LMIF was initiated, however has not been finalized. The report finalization is awaiting the acceptance by the DOF on the Successor Housing Asset Transfers, which occurred in March 2013. The

DDR for all other funds has not yet been initiated as this process were pending the completion and issuance of the City's FY 2010-11 and FY 2011-12 audited financial statements, which were finalized in November 2013. It is expected that the DDRs will be completed by June 2014.

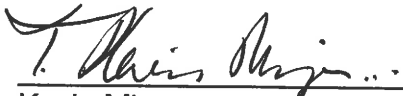
FISCAL IMPACT

There are no direct fiscal impacts as a result of the acceptance of the Successor Agency's audited financial statements from the period of inception (February 1, 2012) to June 30, 2012. At the conclusion of the DDRs, it is reasonably possible that payments will be required to be made to the DOF and County in accordance with AB 1484, however, the amount of these payments is contingent upon the completion of the DDRS, and is indeterminable at this time.

CONCLUSION

Accept the "unmodified opinion" issued by the independent auditors on the financial statements of the Successor Agency to the Clayton Redevelopment Agency for the period of inception (February 1, 2012) to June 30, 2012.

Respectively submitted,



Kevin Mizuno
Finance Manager

Attachments:

1. Basic Financial Statements of the Successor Agency to the Clayton Redevelopment Agency for the period from inception (February 1, 2012) to June 30, 2012 and Independent Auditors' Report.

**SUCCESSOR AGENCY TO THE CLAYTON
REDEVELOPMENT AGENCY
CLAYTON, CALIFORNIA**

FINANCIAL STATEMENTS

***FOR THE PERIOD FROM INCEPTION
(FEBRUARY 1, 2012) TO JUNE 30, 2012***

Successor Agency to the Clayton Redevelopment Agency
Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

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INDEPENDENT AUDITORS' REPORT

To the Governing Board and Oversight Committee of the
Successor Agency to the Clayton Redevelopment Agency
Clayton, California

Report on Financial Statements

We have audited the accompanying statement of fiduciary net position of the Successor Agency to the Clayton Redevelopment Agency (the "Successor Agency"), as of June 30, 2012, and the related statements of changes in fiduciary net position for the year then ended, and the related notes to the financial statements.

Management's Responsibility for the Financial Statements

Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

Auditor's Responsibility

Our responsibility is to express an opinion on these financial statements based on our audit. We concluded our audit in accordance with auditing standards generally accepted in the United States of America. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free of material misstatement.

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the Successor Agency's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the Successor Agency's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinion.

Opinion

In our opinion, the financial statements referred to previously present fairly, in all material respects, the fiduciary net position of the Successor Agency as of June 30, 2012, and the changes in fiduciary net position for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Other Matters

Required Supplementary information

Management has omitted the Management's Discussion and Analysis ("MD&A") that accounting principles generally accepted in the United States of America require to supplement the financial statements. Such missing information, although not a part of the financial statements, is required by the Governmental Accounting Standards Board ("GASB"), who considers it to be an essential part of financial reporting for placing the financial statements in an appropriate operational, economic, or historical context. Our opinion on the financial statements is not affected by this missing information.

Cropper Accountancy Corporation
CROPPER ACCOUNTANCY CORPORATION

Walnut Creek, California
October 30, 2013



FINANCIAL STATEMENTS

Successor Agency to the Clayton Redevelopment Agency
Statement of Fiduciary Net Position
June 30, 2012

<u>ASSETS</u>	Redevelopment Retirement Trust Fund	Redevelopment LMI Retirement Trust Fund	Eliminations	Total
Current assets:				
Cash and investments	\$ 1,913,695	\$ 5,422,247	\$ -	\$ 7,335,942
Cash and investments with fiscal agents	925,006	-	-	925,006
Total current assets	2,838,701	5,422,247	-	8,260,948
Noncurrent assets:				
Notes receivable	-	4,160,650	-	4,160,650
Advance to other funds	-	592,412	(592,412)	-
Loans to other funds	196,073	-	-	196,073
Total noncurrent assets	196,073	4,753,062	(592,412)	4,356,723
Total assets	\$ 3,034,774	\$ 10,175,309	\$ (592,412)	\$12,617,671

LIABILITIES AND NET POSITION

Liabilities

Current liabilities:				
Accounts payable	\$ 1,117	560	\$ -	\$ 1,677
Accrued interest payable	106,284	-	-	106,284
Current portion of long term debt	280,000	-	-	280,000
Due to the City of Clayton	976,899	-	-	976,899
Total current liabilities	1,364,300	560	-	1,364,860
Noncurrent liabilities:				
Deferred revenue	196,073	3,406,200	-	3,602,273
Long term debt, net of current portion	4,855,000	-	-	4,855,000
Advance from LMI fund	592,412	-	(592,412)	-
Total noncurrent liabilities	5,643,485	3,406,200	(592,412)	8,457,273
Total liabilities	7,007,785	3,406,760	(592,412)	9,822,133

NET POSITION

Held in trust for other governments	(3,973,011)	6,768,549	-	2,795,538
Total liabilities and net position	\$ 3,034,774	\$ 10,175,309	\$ (592,412)	\$12,617,671

The accompanying notes are an integral part of the financial statements

Successor Agency to the Clayton Redevelopment Agency
Statement of Changes in Fiduciary Net Position
For the period from inception (February 1, 2012) to June 30, 2012

	Redevelopment Retirement Trust Fund	Redevelopment LMI Retirement Trust Fund	Total
Additions			
Tax increment revenue	\$ 828,915	\$ -	\$ 828,915
Investment income	38,929	38,273	77,202
Total additions	867,844	38,273	906,117
Deductions			
Interest expense	106,284	-	106,284
Project costs	-	200,000	200,000
Other expenses	6,013	13,264	19,277
Total deductions	112,297	213,264	325,561
Extraordinary gain (loss)	(4,439,698)	6,904,680	2,464,982
Transfers	(288,860)	38,860	(250,000)
Change in net position	(3,973,011)	6,768,549	2,795,538
Net position held in trust - beginning	-	-	-
Net position held in trust - ending	<u>\$ (3,973,011)</u>	<u>\$ 6,768,549</u>	<u>\$ 2,795,538</u>

The accompanying notes are an integral part of the financial statements

NOTES TO FINANCIAL STATEMENTS

Successor Agency to the Clayton Redevelopment Agency
Notes to Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES

A. Financial Reporting Entity

On December 29, 2011, the California Supreme upheld Assembly Bill X1 26 (the “Bill”) that provides for the dissolution of all redevelopment agencies in the State of California. This action impacted the reporting entity of the City of Clayton that previously had reported a redevelopment agency within the reporting entity of the City as a blended component unit.

The Bill provides that upon dissolution of a redevelopment agency, either the city or another unit of local government will agree to serve as the “Successor Agency” to hold the assets until they are distributed to other units of state and local government. On January 17, 2012, the City Council elected to become the Successor Agency for the former redevelopment agency in accordance with the Bill as part of City Resolution No. 03-2012.

After enactment of the law, which occurred on June 28, 2011, redevelopment agencies in the State of California cannot enter into new projects, obligations or commitments. Subject to the control of a newly established oversight board, remaining assets can only be used to pay enforceable obligations in existence at the date of dissolution (including the completion of any unfinished projects that were subject to legally enforceable contractual commitments).

In future fiscal years, successor agencies will only be allocated revenue in the amount that is necessary to pay the estimated annual installment payments on enforceable obligations of the former redevelopment agency until all enforceable obligations of the prior redevelopment agency have been paid in full and all assets have been liquidated.

The Bill directs the Department of Finance and State Controller of the State of California to review the propriety of any transfers of assets between redevelopment agencies and other public bodies that occurred after January 1, 2011. If the public body that received such transfers is not contractually committed to a third party for the expenditure or encumbrance of those assets, the State Controller is required to order the available assets to be transferred to the public body designated as the successor agency by the Bill.

In accordance with the timeline set forth in the Bill (as modified by the California Supreme Court on December 29, 2011) all redevelopment agencies in the State of California were dissolved and ceased to operate as a legal entity as of February 1, 2012.

The Successor Agency was activated on February 1, 2012. The City Council of the City of Clayton serves as the governing body of the Successor Agency and exercises all rights, powers, duties and privileges of the Successor Agency. The primary purpose of the Successor Agency is to wind down the affairs of the dissolved Clayton Redevelopment Agency (the “Agency”) and to, among other things, make payments due for enforceable obligations, perform obligations required pursuant to any enforceable obligation, dispose of all assets of the former Agency, and to remit unencumbered balances of the Agency, including housing funds, to the County Auditor-Controller for distribution to taxing entities.

Successor Agency to the Clayton Redevelopment Agency
Notes to Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

A. Financial Reporting Entity, Continued

The assets and liabilities transferred from the dissolved Agency to the Successor Agency on February 1, 2012 were as follows:

	<u>Transfers from:</u>		<u>Transfers to:</u>
	Former Redevelopment Agency	Redevelopment Retirement Trust Fund	Redevelopment LMI Retirement Trust Fund
Assets			
Current assets:			
Cash	\$ 6,896,266	\$ 1,332,504	\$ 5,563,762
Investment with fiscal agent	1,771,200	1,771,200	-
Noncurrent assets:			
Advance to non-LMI fund	592,412	-	592,412
Advance to other funds	244,380	244,380	-
Notes receivable	4,553,062	-	4,553,062
	<u>14,057,320</u>	<u>3,348,084</u>	<u>10,709,236</u>
Liabilities			
Current liabilities:			
Interest payable	146,354	146,354	-
Noncurrent liabilities:			
Advances from the LMI fund	592,412	592,412	-
Advances from the City of Clayton	976,899	976,899	-
Deferred revenues	3,448,930	242,730	3,206,200
Long-term debt	5,835,000	5,835,000	-
	<u>10,999,595</u>	<u>7,793,395</u>	<u>3,206,200</u>
Net position (deficit)	<u>\$ 3,057,725</u>	<u>\$ (4,445,311)</u>	<u>\$ 7,503,036</u>

B. Basis of Accounting

The accounts of the Successor Agency are organized on the basis of funds, each of which is considered a separate accounting entity with its own self-balancing accounts that comprise its assets, liabilities, fund balance, revenues and expenses. These funds are established for the purpose of carrying out specific activities or certain objectives in accordance with specific regulations, restrictions or limitations. Governmental resources are allocated to and accounted for in individual funds based upon the purposes for which they are to be spent and the means by which spending activities are controlled.

Successor Agency to the Clayton Redevelopment Agency
Notes to Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

B. Basis of Accounting, Continued

The Successor Agency's Financial Statements include a Statement of Fiduciary Net Position and a Statement of Changes in Fiduciary Net Position. The Financial Statements are presented on the accrual basis of accounting. Under the accrual basis of accounting, property taxes and investment income are recognized in the period in which they are earned while expenses are recognized in the period in which the liability is incurred.

C. Investments

The Successor Agency's investments are stated at fair value, except for interest-earning contracts. Fair value is based on quoted market prices as of the valuation date. The gain/loss resulting from valuation is reported as "investment income" in the Statement Changes in Fiduciary Net Position.

The Successor Agency's policy is to hold investments until maturity, or until fair values equal or exceed cost. The Successor Agency's portfolio did not hold investments in any of the following: items required to be reported at amortized cost, items in external pools that are not SEC-registered, items subject to involuntary participation in an external pool, and items associated with a fund other than the fund to which the income is assigned.

D. Property Taxes

The Successor Agency's primary source of revenue comes from property taxes. The assessed valuation of all property within each project area was determined on the date of adoption of the Project Area. Except for certain amounts provided by specific agreement, property taxes related to the incremental increase in assessed values after the adoption of the Project Area have been allocated to the Successor Agency, while all property taxes on the "frozen" assessed valuation as of the adoption date have been allocated to the City and other districts.

Property taxes attach as an enforceable lien on property as of January 1. Taxes are levied on July 1 and are payable in two installments on November 1 and February 1 and become delinquent on December 11 and April 11. The County bills and collects the property taxes and allocates installments to various jurisdictions throughout the year.

The County is permitted by California State constitution, as amended, to levy taxes at 1% of full market value (assessed value). The growth in the full market value is limited to 2% annually and the value of new construction and improvements. The Successor Agency receives a share of this basic levy resulting from incremental growth of the assessed value over a base value established when the Agency project area was formed or amended.

Successor Agency to the Clayton Redevelopment Agency
Notes to Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

1. SUMMARY OF SIGNIFICANT ACCOUNTING POLICIES, Continued

E. Use of Estimates

The preparation of basic financial statements in conformity with U.S. GAAP requires management to make estimates and assumptions and affect certain reported amounts and disclosure. Actual results could differ from those estimates.

2. CASH AND INVESTMENTS

The Successor Agency has pooled its cash and investments of \$7,335,942 with the City in order to achieve a higher return on investment. The City maintains a cash and investment pool, which includes cash balances and authorized investments of all the Successor Agency's funds, which the City invests to enhance interest earnings. The pooled interest earned is allocated to the Successor Agency's funds quarterly, based on average daily cash and investment balances in these funds. Certain restricted funds, which are held and invested by independent outside custodians through contractual agreements, are not pooled. These restricted funds include cash with fiscal agents. The investments made by the City are limited to those allowable under State statutes and include but are not limited to the following types of investments:

- U.S. Government Securities
- Certificates of Deposit
- Mutual Funds
- Guaranteed Investment Contracts
- Commercial Paper
- Repurchase Agreements
- Deposits with Banks
- State of California Local Agency Investment Fund

All cash and investments are stated at fair value. Pooled investment earnings are allocated quarterly based on the average cash and investment balances of the various funds and related entities of the City.

Cash and investments in the accompanying Statement of Net Position include investment earnings accrued through June 30, 2012.

The Successor Agency also had cash with fiscal agents in the amount of \$925,006 which was designated for debt service payments. These funds were all invested in money market accounts.

See the City's Basic Financial Statements for disclosures related to cash and investments and the disclosures related to credit risk, concentration of credit risk, and interest rate risk.

Successor Agency to the Clayton Redevelopment Agency
Notes to Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

3. LOANS TO OTHER FUNDS

Notes Receivable transferred from former RDA to Successor Agency, effective February 1, 2012:

The former RDA provided assistance to special assessment districts within the City, to fund repairs and improvements. There are three districts which received loans from the former RDA. As of June 30, 2012, the outstanding balance of the loans due to the Successor Agency was \$196,073.

On September 21, 1999, the former RDA made a loan to the Professional Apartment Management, Inc. ("PAM") in the amount of \$750,000, at a non-interest bearing rate, to construct and develop an affordable senior assisted living center on the site known as "Diamond Terrace." The note is secured by the Deed of Trust. The former RDA loaned an additional \$1,286,000 on October 24, 2001. On December 1, 2003, PAM began drawing on a \$2,000,000 loan from the former RDA in the amount of \$200,000 annually. The principal balance is payable commencing on October 1, 2005 through October 1, 2030. As of June 30, 2012, the outstanding balance of the loan due to the Successor Agency was \$3,406,200.

On October 13, 1992, the former RDA made a loan to the Peace Grove, Inc. in the amount of \$567,000, at a non-interest bearing rate, for the purchase of land for a redevelopment and housing project for low-income mental health system clients. The loan is secured by the Deed of Trust. The principal balance is payable on December 18, 2052. As of June 30, 2012, the outstanding balance of the loan due to the Successor Agency was \$567,000.

The former RDA participated in a second mortgage assistance program, whereby qualified applicants are loaned money for a "silent second" down payment to purchase a home in the Stranahan Development within the City. There are seven individual loans outstanding. As of June 30, 2012, the outstanding balance of the loans due to the Successor Agency was \$187,450.

4. DUE TO THE CITY OF CLAYTON

On June 17, 1999, the former RDA purchased a parcel of land for \$475,000, from the City. In exchange for the parcel of land the former RDA issued a note in the amount of \$475,000 to the City. The principal amount is payable by the Successor Agency on or before January 1, 2023. As of June 30, 2012, the outstanding balance of the note was \$475,000.

On February 16, 2010, the former RDA recognized a debt owed to the City in the amount of \$501,899. The debt resulted from the former RDA omitting payment to the City of an annual 2% election payment for twenty-one fiscal years. The City recognized this note receivable and the former RDA agreed to pay back this note in four annual installments of \$125,475. As of June 30, 2012, the balance due from the Successor Agency is \$501,899.

Successor Agency to the Clayton Redevelopment Agency
Notes to Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

5. ADVANCE FROM LMI FUND

On May 10, 2011, the former Redevelopment Agency received a loan from the Low to Moderate Income Housing Fund in the amount of \$592,412 to partially cover a demand from the California Department of Finance for property tax revenues to K-12 schools during the 2011-12 fiscal year via the Supplemental Educational Revenue Augmentation Funds (SERAF). The loan is to be repaid by the Successor Agency without interest by June 30, 2015.

6. LONG-TERM DEBT

The following is a summary of changes in long-term debt transactions for the five months ended June 30, 2012:

	Balance	Transfers from Clayton Redevelopment Agency		Balance	Due within	Due in more
	Jan. 30, 2012	Agency	Deletions	June 30, 2012	One Year	than One Year
1996 Series A Refunding Tax Allocation Bonds	-	\$ 930,000	\$ (700,000)	\$ 230,000	-	\$ 230,000
1999 Tax Allocation Bonds	-	4,905,000	-	4,905,000	280,000	4,625,000
Eden Housing	-	-	-	-	-	-
Second Mortgage Program	-	-	-	-	-	-
Assessment District Loans	-	-	-	-	-	-
Total	-	\$ 5,835,000	\$ (700,000)	\$ 5,135,000	\$280,000	\$ 4,855,000

1996 Series A Refunding Tax Allocation Bonds

1996 Series A Refunding Tax Allocation Bonds in the principal amount of \$7,225,000 were issued on November 16, 1996 by the former RDA. Principal payments are payable on August 1 of each year. Interest payments are payable semi-annually on February 1 and August 1. Bonds maturing after August 1, 2011 are subject to call on any interest payment date at par, plus a premium 1 % to 2% of the principal amount. The bonds are special obligations of the Successor Agency to the RDA and are secured by the Successor Agency to the RDA's tax increment revenue.

Successor Agency to the Clayton Redevelopment Agency
Notes to Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

6. LONG-TERM DEBT, Continued

1996 Series A Refunding Tax Allocation Bonds, Continued

The annual debt service requirements to amortize the Successor Agency's 1996 Refunding Tax Allocation Bonds outstanding at June 30, 2012, were as follows:

June 30,	Fiscal Year Ending		Total
	Principal	Interest	
2013	-	12,181	12,181
2014	-	12,181	12,181
2015	-	12,181	12,181
2016	-	12,181	12,181
2017	55,000	12,181	67,181
2018-2022	175,000	25,265	200,265
Total	\$ 230,000	\$ 86,170	\$ 316,170

1999 Tax Allocation Bonds

1999 Issue Tax Allocation Bonds in the principal amount of \$7,460,000 were issued on June 15, 1999 by the former RDA. Principal payments are payable on August 1 of each year. Interest payments are payable semi-annually on February 1 and August 1. The bonds are special obligations of the Successor Agency to the RDA and are secured by the Successor Agency to the RDA's tax increment revenues.

The annual debt service requirements to amortize the Successor Agency's 1999 Tax Allocation Bonds outstanding at June 30, 2012, were as follows:

June 30,	Fiscal Year Ending		Total
	Principal	Interest	
2013	\$ 280,000	\$ 236,140	\$ 516,140
2014	295,000	222,554	517,554
2015	310,000	208,030	518,030
2016	320,000	192,672	512,672
2017	335,000	176,541	511,541
2018-2022	1,950,000	606,500	2,556,500
2023-2025	1,415,000	108,375	1,523,375
Total	\$ 4,905,000	\$ 1,750,812	\$ 6,665,812

7. TRANSFERS TO THE CITY OF CLAYTON

In June 2012, \$250,000 was transferred to the City's General Fund. The transfer was made to reimburse the City for general and administrative expenses incurred during the year.

Successor Agency to the Clayton Redevelopment Agency
Notes to Financial Statements
For the period from inception (February 1, 2012) to June 30, 2012

8. COMMITMENTS AND CONTINGENCIES

Management believes, in consultation with legal counsel that the obligations of the former redevelopment agency due to the City are valid enforceable obligations payable by the successor agency trust under the requirement of the Bill. The City's position on this issue is not a position of settled law and there is considerable legal uncertainty regarding this issue. It is reasonably possible that a legal determination may be made at a later date by an appropriate judicial authority that would resolve this issue unfavorably to the Successor Agency.

9. SUBSEQUENT EVENTS

Management has evaluated subsequent events through October 30, 2013, the date on which the financial statements were available to be issued. There are no known material violations of finance-related legal and contractual provisions.

In accordance with AB 1484 Due Diligence reviews of the Low and Moderate Income Housing Fund (LMIF) must be submitted to the Oversight Board, the county auditor-controller, the State Controller's Office and the Department of Finance. The Oversight Board will then review, approve, and transmit to the Department of Finance and county auditor-controller the determination of the amount of cash and cash equivalents that are available for disbursement to taxing entities.

As of the date of this report, a draft Due Diligence Review for LMIF was initiated, however has not been finalized. The report finalization was awaiting the acceptance by the State Department of Finance on the Successor Housing Asset Transfers, which occurred in March 2013. The Due Diligence review for all other funds has not yet been initiated as this process was pending the completion and issuance of the City's fiscal year 2010-11 and 2011-12 audited financial statements, which was finalized in November 2013.

It is expected that the Due Diligence Reviews will be completed by June 2014.

**MINUTES
CLAYTON FINANCING AUTHORITY
REGULAR MEETING
March 19, 2013**

Agenda Date: 1-7-2014

Agenda Item: 4a Fin

1. **CALL TO ORDER AND ROLL CALL** - the meeting was called to order by President Pierce at 8:13 p.m. in Hoyer Hall of the Clayton Community Library, 6125 Clayton Road. Board Directors present: President Pierce, Vice President Stratford, Board Members Diaz and Geller Board Directors absent: Board Member Shuey. Staff members present: Executive Director, Secretary, and Legal Counsel.
2. **CLOSED SESSION** – None.
3. **PUBLIC COMMENTS** – None.
4. **CONSENT CALENDAR** – It was moved by Vice President Stratford, seconded by Boardmember Geller, to approve the consent calendar as submitted.
 - (a) Approved the minutes of the regular meeting of January 15, 2013.
 - (b) Approved the transfer of \$90,000.00 from the Authority to the City of Clayton's Capital Improvement Budget for FY 2012-13 (CIP No. 10417) to pay for the low-bid contractor repaving of the public parking lots at Clayton City Hall, Clayton Community Library, and Lydia Lane Park.
5. **ACTION ITEMS** - None.
6. **BOARD ITEMS** – None.
7. **ADJOURNMENT**- On call by President Pierce the meeting adjourned at 8:15 p.m.

Respectfully submitted,

Janet Brown, Interim Secretary

Approved by
Clayton Finance Authority Board of Directors

Julie K. Pierce, President

*** CLAYTON FINANCING AUTHORITY ***

ANNUAL REPORT

TO: HONORABLE PRESIDENT AND BOARD OF DIRECTORS

FROM: EXECUTIVE DIRECTOR

MEETING DATE: 07 JANUARY 2014

SUBJECT: ANNUAL REPORT FOR 2013

RECOMMENDATION

It is recommended the Board of Directors receive and approve for file its Clayton Financing Authority (CFA) Annual Report for 2013.

BACKGROUND

On 04 December 1990, the City Council of Clayton, California adopted Resolution No. 120-90, which created the Clayton Financing Authority via a joint exercise of powers agreement. This Financing Authority was initially established to allow redevelopment tax allocation bonds to be sold at a more favorable negotiation basis versus a public bid basis. This particular Financing Authority is registered with the State of California Controller's Office and is subject to the laws pertaining to special districts. As a legal, separate public entity, the Authority is required to file an Annual Report with the State of California [ref. Section 26909, *CA Government Code*].

The By-Laws of the Clayton Financing Authority require an annual meeting at the same place immediately following the completion of the first Clayton City Council meeting held in January of each year. Article VIII of the Joint Powers Agreement requires the Board to adopt an annual budget for the Financing Authority and to report on activities of the Authority during the proceeding calendar year.

2013 ACTIVITY REPORT

In Calendar Year 2013, the Clayton Financing Authority met twice and conducted corresponding activities as summarized below:

1. **15 January 2013 Meeting**

The Board approved minutes from its public meeting held on 17 January 2012 and adopted its Annual Report for 2012.

2. 19 March 2013 Meeting

The Board approved minutes from its public meeting held on 15 January 2013, and also approved the transfer of \$90,000.00 to the City of Clayton's Capital Improvement Budget for FY 2012-13 (CIP No. 10417) to pay for the low-bid contractor repaving of the public parking lots at Clayton City Hall, Clayton Community Library, and Lydia Lane Park.

FINANCIAL REPORT

A. All Authority debt, demands and other fiscal obligations were paid in full and on time. The Authority did not enact an annual budget for Year 2013 as no routine expenses, administrative overhead or inter-agency expenses were charged against the Authority by the Successor Agency to the former Clayton Redevelopment Agency, City Agency Funds or by the City of Clayton.

B. As a result of the Authority's sale of title to its one acre commercial real property on 31 October 2006 to Endashian, LLC in the amount of \$800,815 (for subsequent development of the Longs Drugs Store, now CVS/Pharmacy, located at the southwest corner of the Center Street and Clayton Road intersection), the Authority holds cash proceeds from the sale of this land. As of 30 June 2013 the current cash value is \$683,978 (includes interest earnings posted on 30 June 2013 of \$5,724).

In FY 2007-08 the Board transferred \$170,000 from this account to assist the City in completing necessary and desired picnic and play apparatus improvements at Clayton Community Park (CIP Nos. 10385 & 10407).

In FY 2012-13 the Board transferred \$90,000 from this account to assist the City in repaving the public parking lots at City Hall, Clayton Community Library, and Lydia Lane Park (CIP No. 10417).

With the two (2) allocated expenses noted above from the Fund's proceeds, the Authority still holds eighty-five percent (85.4%) of its original principal amount from the land sale.

The Board of Directors retains full discretion as to the ultimate disposition of these funds.

C. In November 1997, the Clayton Financing Authority issued \$7,160,000 in Special Tax Revenue Refunding Bonds. These bonds were used primarily to purchase a series of special tax bonds issued by the City of Clayton to refinance the City's \$6,435,000 original aggregate principal amount of Community Facilities District No. 1990-1 [original] Special Tax Bonds issued in December 1990, and which had an outstanding balance of

\$6,295,000 at the time of refunding issuance. The original Special Tax Bonds were issued to finance a portion of the construction of a public middle school (i.e. Diablo View Middle School) and site preparation of adjacent playing fields (i.e. Clayton Community Park). These obligations are secured by annual special taxes levied on taxable real properties within the specified Community Facilities District (CFD) of the Oakhurst Development (1,358 parcels). The bonds were issued in such a manner as to not constitute a City of Clayton fiscal obligation.

These bonds were refinanced by Board action in May 2007 to obtain a lower interest rate resulting in lower annual payments for the CFD's real property owners, with ultimate sale occurring on 07 June 2007 in the face amount of \$5,060,000. The information herein is dated as of fiscal year ending 30 June 2013:

The outstanding principal of the 2007 Special Tax Revenue Refunding Bonds as of 30 June 2013 is \$3,470,000 (reduced from \$3,750,000 last year). A comparative trend line in delinquent dollars and land owners within the specified District for the Tax Year is outlined below:

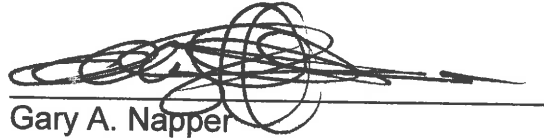
<u>Tax Year</u>	<u>Percentage Delinquent</u>	<u>Delinquency Amount</u>
2012-13	0.20%	\$ 1,899.48
2011-2012	0.26%	\$ 2,656.22
2010-2011	1.71%	\$12,207.31
2009-2010	2.60%	\$14,404.71
2008-2009	2.39%	\$18,998.00
2007-2008	1.15%	\$12,043.60
2006-2007	2.98%	\$16,099.14
2005-2006	0.98%	\$ 5,309.24

As of 31 October 2013 there were no delinquent taxpayers responsible for five percent (5%) or more of the total special taxes levied, the issuance threshold requiring stricter Board intervention and foreclosure action. The most current listing of delinquencies amounts to six (6) accounts (0.44% of the total number of assessed parcels). This financial delinquency rate and raw number of delinquent parcels are significantly lower than the 2011 Annual Report wherein 37 parcels (2.72%) were behind in obligations. The primary factor for this reduction (-57% in parcels, -78% in dollar delinquencies) is a number of foreclosed and distressed real properties in this CFD have apparently sold within the several years wherein title transfers required the curing of the financial defaults. City staff and NBS monitor the delinquency status regularly with Reminder Letters as well as Demand Letters sent as appropriate to delinquent property owners to remind them of their financial obligation.

The required Reserve Fund has a balance of \$251,984.15 (as of 30 June 2013) which is sufficiently funded to address actual and all nominal delinquencies. Therefore, no projected draw on the Reserve is necessary at this time. There were no "significant financial events" that occurred during the Fiscal Year ending 30 June 2013 which would have necessitated notice to the holders of the affected Bonds.

D. It is recommended the Board not create an annual budget for 2014 due to *de minimus* activity required of the Authority in this calendar year.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Gary A. Napper", is written over a horizontal line.

Gary A. Napper
Executive Director