

ORDINANCE NO. 05-03

AN ORDINANCE TO BE KNOWN AND DESIGNATED AS THE ELECTRICAL CODE OF THE CITY OF HAYWARD; REGULATING THE INSTALLATION, ALTERATION, REPAIR, AND MAINTENANCE OF ELECTRICAL WIRING, ELECTRICAL FIXTURES, AND OTHER ELECTRICAL APPLIANCES AND EQUIPMENT; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 02-16 AND ALL AMENDMENTS THERETO.

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

Section 1. Ordinance No. 02-16, and all amendments thereto, are hereby repealed and, in substitution thereof, a new Electrical Code for the City of Hayward is hereby enacted to read as follows:

ELECTRICAL CODE
OF THE CITY OF HAYWARD

SEC. 100. CALIFORNIA ELECTRICAL CODE, ADOPTION BY REFERENCE. (Addition) The 2004 Triennial Edition of the California Electrical Code, Part 3, Title 24, California Code of Regulations (which is based upon the National Electrical Code, 2002 Edition, published by the National Fire Protection Association) and the International Code Council Electrical Code Administrative Provisions, 2003 Edition published by the International Code Council, as contained in the 2002 National Electrical Code, as modified by the amendments, additions, and deletions set forth hereinafter, are hereby adopted by reference as the Electrical Code of the City of Hayward, regulating the installation, alteration, repair, and maintenance of electrical wiring, electrical fixtures, and other electrical appliances and equipment in the City of Hayward.

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

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

CHAPTER 1
GENERAL

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

CHAPTER 2
ORGANIZATION AND ENFORCEMENT

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

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

SEC. 203 BUILDING ADVISORY COMMITTEE - ORGANIZATION.

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

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

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

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

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

CHAPTER 3
PERMITS AND INSPECTIONS

APPLICATION FOR PERMITS

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

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

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

EXCEPTION: The Building Official is hereby authorized to waive electrical permit fees for minor repairs and rehabilitation for single family dwellings where the applicant's total verified household income is consistent with "State of California Department of Housing and Community Development Low Income Level of Alameda County" established in the City of Hayward Master Fee Schedule, Chapter One, Part E: Gross Household Income.

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

SEC. 304.4.2. FEE. (Amendment) An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The minimum investigation fee shall be the same as the minimum fee set forth in section 304 (b). The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this Code nor from any penalty prescribed by law.

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

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

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

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

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

TABLE 3-A
ELECTRICAL PERMIT FEES

(Delete Schedule and Add the Following Note)

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

AMENDMENTS, ADDITIONS, AND DELETIONS TO CALIFORNIA ELECTRICAL CODE. Set forth below are the local amendments, additions, and deletions to the California Electrical Code, 2004 Edition. Chapter and section numbers used herein are those of the California Electrical Code.

CHAPTER 1
GENERAL

ARTICLE 100
DEFINITIONS

C. ADDITIONAL WORDS AND PHRASES (Addition)

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

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

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

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

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

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

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

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

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

ARTICLE 210 BRANCH CIRCUITS

SEC. 210.5 (c) UNGROUNDED CONDUCTORS OF MULTIWIRE BRANCH CIRCUITS IN RACEWAY. (Addition) Ungrounded conductors of a multiwire branch circuit shall each be of a color or other distinguishing marking to identify the feeder phase by which it is supplied and each conductor of the same identification shall be connected to the same feeder.

Required colors for identification are as follows:

120/240 volt 3 wire conductors: Black, Red

120/240 volt 4 wire conductors: Black, Orange, Red or Blue
120/208 volt 4 wire conductors: Black, Red, Blue
277/480 volt 4 wire conductors: Brown, Purple, Yellow

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

ARTICLE 230 SERVICES

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

ARTICLE 250

SEC. 250.66. (Amendment) Amended by deleting Sections No. (a) and (b)

ARTICLE 300

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

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

ARTICLE 770 OPTICAL FIBER CABLE AND RACEWAYS

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

EXCEPTION: See Section 300-11 (a) exception

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

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 28th day of June 2005, by Council Member Jimenez.

ADOPTED at a regular meeting of the City Council of the City of Hayward held the 5th day of July, 2005, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS: Jimenez, Quirk, Halliday, Ward, Dowling

MAYOR: Cooper

NOES: COUNCIL MEMBERS: None

ABSTAIN: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: Henson

APPROVED: *Roberta Cooper*
Mayor of the City of Hayward

DATE: *July 8, 2005*

ATTEST: *Angelica Lopez*
City Clerk of the City of Hayward

APPROVED AS TO FORM:

M. D. Loh
City Attorney of the City of Hayward