

ORDINANCE NO. 07-17

AN ORDINANCE ESTABLISHING A BUILDING CODE FOR THE CITY OF HAYWARD; REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO, 02-12 AND ALL AMENDMENTS THERETO

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

Section 1. Effective January 1, 2008, Ordinance No. 02-12, and all amendments thereto, is hereby repealed and in substitution thereof a new Building Code for the City of Hayward is hereby enacted to read as follows:

BUILDING CODE
OF THE CITY OF HAYWARD

SECTION. 1.00 2007 CALIFORNIA BUILDING CODE. ADOPTION BY REFERENCE. The *2007 California Building Code*, based on the *2006 International Building Code*, including volumes 1, 2, & 3, and Appendix thereto, published by the International Code Conference, as amended by the State of California pursuant to Health and Safety Code section 17922, and as further modified by the amendments, additions, and deletions as set forth hereinafter, is hereby adopted by reference as the Building Code of the City of Hayward.

A printed copy of such *2007 California Building Code* which is in three volumes, together with the State and local amendments thereto, 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 States' Matrix Adoption Tables which identify local Building Official's responsibility to enforce certain amendments.

SECTION 2.00 Applicability of CBC Appendix Chapters. Wherever in the CBC reference is made to an appendix chapter, the provisions of the said appendix shall not apply unless specifically adopted by this code. The following table is provided for reference:

Appendix Chapter	Subject	Applicability
1	Administration	Adopted & Amended the Administrative Code Applicable to all Adopted Codes
A	Employee Qualifications	Not Applicable
B	Board of Appeals	Not Applicable
C	Group U Agricultural Buildings	Not Applicable
D	Fire Districts	Not Applicable
E	Reserved	Not Applicable
F	Rodent Proofing	Not Applicable
G	Flood Resistant Construction	Not Applicable
H	Signs	Not Applicable
I	Patio Covers	Applicable
J	Grading	Not Applicable

APPENDIX CHAPTER I
ADMINISTRATIVE

SECTION 101 GENERAL.

Appendix Chapter 1, "Administration", is hereby adopted as the administrative chapter for the building codes for the City of Hayward with amendments as follows:

SECTION 101 TITLE.

Section 101.1 is revised to read as follows:

101.1 Title. The CBC, as amended herein, shall be known as the "Building Code of the City of Hayward." The provisions contained herein are adopted, and together with the amended CBC, are referred to hereafter as "these regulations" or "these building standards" or "this code."

SECTION 101.4.5 PROPERTY MAINTENANCE.

The first sentence of Section 101.4.5 is revised to read as follows:

101.4.5 Property maintenance. The provisions of the *International Code for Property Maintenance* shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

SECTION 102.4.1 ABSENCE OF REFERENCED STANDARDS.

A new section, 102.4.1 is added to read as follows:

102.4.1 Absence of referenced codes or standards. Where, in any specific case, applicable code sections are absent due to the fact they have not been adopted by the State of California, the building official may require or allow use of alternative codes as a reference document. These codes may include but are not limited to the *2006 International Residential Code, 2006 International Plumbing Code, 2006 International Mechanical Code, 2006 International Electric Code*. The use of alternative referenced code will be at the sole discretion of the building official.

SECTION 103.1 CREATION OF ENFORCEMENT AGENCY.

Section 103.1 is revised to read as follows:

103.1 Creation of Enforcement Agency. The Building Division of the Community and Economic Development Department is hereby created and the official in charge thereof shall be known as the building official.

SECTION 104.11.3 PEER REVIEW.

Section 104.11.3 Peer Review is hereby deleted.

SECTION 105.1.1 ANNUAL PERMITS.

Section 105.1.1 Annual Permits is hereby deleted.

SECTION 105.1.2. ANNUAL PERMIT RECORDS.

Section 105.1.2 Annual Permit Records is hereby deleted.

SECTION 105.2 WORK EXEMPT FROM PERMITS.

Section 105.2 Work Exempt From Permit Number 6 is amended to read as follows:

6. Sidewalks, driveways and decks not more than 30 inches above grade, and not over any basement or story below and are not part of an accessible route.

SECTION 105.5 EXPIRATION.

Section 105.5 is hereby deleted and new section 105.5 is added as follows:

105.5 Expiration. With the following exceptions, every permit issued by the building official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not completed within 1 year from the date of issuance:

1. The building official shall have the authority to authorize longer time periods for specific projects.

2. Whenever a permit is issued specifically to correct a violation of this code or of any pertinent law, rule, regulation, or ordinance, or to rehabilitate, repair, modify, remove, or demolish a dangerous or illegal building or structure or equipment, or to otherwise abate a nuisance, the building official shall establish a reasonable time period for the completion of the work.

3. Whenever a permit is issued for certain short-term projects, the building official shall have the authority to establish a time period of less than 1 year. These projects may include, but not be limited to, termite repairs, free-standing fireplace stoves, solar system installations, spas and hot tubs, demolition, and electrical service alterations.

4. The permit holder may renew a permit for a period of no longer than 1 year after the original date of expiration, provided that the request for renewal is submitted to the building official prior to the said expiration date along with the payment of a renewal fee, that no changes have been made or will be made in the original plans and specifications, and that no laws, regulations, rules, or ordinances have been changed in such a manner as to prohibit the completion of the proposed work. This renewed permit shall require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of renewal. The permit renewal fee shall be established as indicated in Sections 108.

SECTION 105.5.1 COMPLETION PERMITS.

New Section 105.5.1 is added as follows:

105.5.1 Completion permits. In the event that an initial or a renewed permit expires before the work is complete, the completion of the work shall require the issuance of a "completion" permit and the payment of an additional permit fee; moreover, the building official shall have the authority to require the resubmittal of plans, a new plan review, and/or the updating or reassessment of the valuation of the incomplete work. This completion permit will require that all incomplete work conform to the laws, regulations, rules, and ordinances in effect at the time of issuance and that all work be completed prior to the expiration date; no further extensions or renewals shall be allowed. The completion permit fee shall be established as indicated in Section 108.7 and in accordance with the schedule of previously completed and inspected work.

Notwithstanding the above, in the event that a permittee fails to complete the work and to obtain a completion permit within 1 year following the expiration of an initial or a renewal permit, the work may not be completed pending the issuance of a new permit. The building official shall have the authority to require the resubmittal of some or all of the plans and specifications, a partial or complete plan review, the payment of additional review and filing fees, and that all work conform to the laws, regulations, rules, and ordinances in effect at the time of the latest permit application.

SECTION 106.1 SUBMITTAL DOCUMENTS.

Paragraph 1 of Section 106.1 is revised to read as follows:

106.1 Submittal documents. Plans, topographic plats, specifications, engineering calculations, stress diagrams, heat loss calculations demonstrating compliance with California Energy Conservation Standards, soil investigation reports, geotechnical investigation reports, test data, flood elevation certifications, flood design certifications, electrical load calculations, gas and water supply demand calculations, sewer service documentation, air quality releases, and other data sufficient to show the correctness of the plans and specifications and to assure that the proposed building or work will conform to the requirements of this code and to all other applicable laws, rules, regulations, and ordinances, shall be submitted when and in the quantity required by the building official.

SECTION 106.1.1 SUBMITTAL DOCUMENTS.

Section 106.1.1 is hereby deleted and replaced by new Section 106.1.1 as follows:

106.1.1 Information on construction documents. Plans and specifications shall be drawn to scale upon substantial and adequately sized paper using a semi-permanent medium and shall be of sufficient clarity to indicate the location, nature, and extent of the work proposed and show in detail that it will conform to the provisions of this code and all relevant laws, rules, regulations, and ordinances. The building official shall have the authority to reject plans and specifications that are drawn using pencil or other readily changeable medium or that are drawn on unsuitable or improperly sized paper.

The first sheet of each set of plans shall contain the address or legal description of the property where the work is proposed to be done, the name and address of the owner of the property and the name, and the address and signature of the person who has prepared the plans.

The plans shall include a plot plan that shall show the location of existing buildings and structures, any proposed additions or modifications thereto, and all proposed buildings or structures. The plan shall also show any designated flood, earthquake, or seismic hazard zones on or adjacent to the premises along with topographic features and accessory

structures such as waterways, slopes, driveways, retaining walls, fences, poles, wells, etc., and any affected underground structures, lines, pipes, and conduits.

If the permit application is for a new building or structure, a moved building, or a substantially improved building in a floodplain, the applicant shall submit the plot plan in the form of a topographic plat prepared and signed by a licensed land surveyor, or a registered civil engineer qualified under the provisions of the State Business and Professions Code to prepare such a document. The plat shall be drawn to scale and shall show contours at intervals of 1 foot (.3 m) or less on slopes up to 3% and not more than 5 feet (1.5 m) on slopes more than 3%. The plat shall show the location under or above ground, of all existing or proposed gas mains and services; water mains, water services, fire hydrants, sewer mains; power and communication lines; poles and transformers; storm drains, inlets, culverts, curbs, gutters, sidewalks, pavement, building and private sewers, wells, septic tanks and leach fields. The plat shall also delineate all easements and special building setback lines established by covenants or restrictions on the property, all watercourse setback, floodplain, earthquake fault, and seismic hazard boundaries designated by the county, and the width, alignment, grade, and surface treatment of all driveways or access roadways that will be used by emergency services personnel. The building official may require that the plat include the plotting of a boundary line survey whenever the exact location of the line is necessary for the enforcement of any of the provisions of this code. If a question as to the location of a property line or any other boundary line arises at any time before or after the issuance of a permit, the building official shall have the authority to require that a survey of the line be performed, the line be located by appropriate stakes or monuments, and that 3 copies of a plat of the survey be filed with the building official.

EXCEPTIONS:

1. A topographic plat is not required for any lot shown on a subdivision tract map, if the said map was filed at the county recorder's office within 5 years of the date of the application for a permit.

2. The building official may upon written request waive the requirements for a topographic plat map under any one of the following conditions:

- a. Properties that contain substantial existing development; or
- b. Properties where a topographic plat map has been previously submitted to the building official and where there have been no significant changes to the finished grades shown on the said map; or
- c. Properties where the building official determines that the information that would be provided by a plat completed in accordance with this Section is not necessary to show that the work proposed by a particular permit application can be completed in compliance with this code.

The plans shall also include a grading and drainage plan showing existing elevations or contours and all proposed final elevations within 100 feet of any proposed buildings or structures, including the adjacent grade at the buildings or structures. This plan shall also show how all portions of the lot are to be drained, all necessary drainage structures, and the contours or a profile of any proposed access roadways. The grading and drainage plan may be combined with the plot plan if such information can be clearly shown on the plot plan.

Plans for buildings other than group R - division 3 and group U occupancies, as defined in the 2007 CBC, shall indicate how required structural and fire-resistive integrity will be maintained where a penetration will be made for electrical, mechanical, plumbing and communication conduits, pipes, and similar systems.

The building official shall have the authority to waive the requirements for a plot plan and a grading plan if the proposed work is minor, and does not involve the construction of new buildings or structures or the change in configuration of existing buildings or structures.

SECTION 106.3 EXAMINATION OF DOCUMENTS.

A second paragraph is added to Section 106.3 Examination of Documents, to read as follows:

106.3 Examination of Documents. The application, plans, specifications, computations, certifications, and other data filed by an applicant for a permit shall be reviewed by the building official. Such plans may also be reviewed by other departments of the City of Hayward as required by the applicable laws, rules, regulations, and ordinances, including but not limited to the review required by Section 13146 of the state Health and Safety Code of those occupancies regulated by the State Fire Marshal. If the building official finds that the work described in the application for a permit and the plans, specifications, computations, certifications and other data filed therewith conform to the requirements of this code and other pertinent laws, rules, regulations, and ordinances, and that the fees specified by the City of Hayward's master fee schedule as shall be amended from time to time, have been paid, the building official shall issue a building permit to the applicant.

SECTION 106.3.2 PERMIT ISSUANCE.

Section 106.3.2 Previous approvals, is hereby deleted and a new Section 106.3.2, is added as follows:

106.3.2 Permit issuance. The building official may issue the permit to a property owner acting as an owner-builder in compliance with Chapter 9 of Part 3 of Division 13 of the Health and Safety Code of the state or to a contractor acting in compliance with Chapter 9 of Division 3 of the Business and Professions Code of the state. It shall be the responsibility of the permit holder to assure that all work authorized by the permit is done in accordance with this code and all other pertinent laws, rules, regulations, and ordinances, and

to call for and make arrangements for the required inspections of the work. If, after such inspections by the building official, correction of completed work is deemed necessary, the permit holder shall be responsible for these corrections. If a contractor holding a permit is unable or unwilling to perform the necessary corrections, the property owner shall be responsible for the completion of the said corrections.

The issuance of a permit upon the submittal and approval of plans and specifications shall not prevent the Administrative Authority from thereafter requiring the correction of errors in the said plans and specifications, or from preventing construction operations being carried on thereafter when in violation of this code or any other pertinent county ordinance, or from revoking any certificate of approval issued in error.

An issued building permit may not be transferred to any other person without the approval of the building official.

SECTION 106.6 EXPIRATION OF PLAN REVIEW.

New Section 106.6 is added as follows:

106.6 Expiration of Plan Review. Applications for which no permit is issued within 1 year following the date of completion of the initial review of the submitted plans, or applications for which no permit is issued within 18 months following the date of application, shall expire by limitation. The building official may extend either of these expiration dates for an additional period, not exceeding 180 days, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once.

Following final expiration of the application, plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the building official. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

SECTION 106.5 MAINTENANCE OF BUILDING PLANS.

Section 106.5 Retention of construction documents is hereby deleted and is replaced with a new section 106.5 as follows:

106.5 Maintenance of building plans. The building department of Hayward shall maintain an official copy, which may be on microfilm or other type of photographic copy, of the plans of every building, during the life of the building, for which the department issued a building permit. "Building department" means the department, bureau, or officer charged with the enforcement of laws or ordinances regulating the erection, construction, or alteration of buildings. Except for plans of a common interest development as defined in Section 1351 of the Civil Code, plans need not be filed for:

- (a) Single or multiple dwellings not more than two stories and basement in height.
- (b) Garages and other structures appurtenant to buildings described under subdivision.
- (c) Farm or ranch buildings.
- (d) Any one-story building where the span between bearing walls does not exceed 25 feet.

The exemption in this subdivision does not, however, apply to a steel frame or concrete building.

SECTION 108.1 PAYMENT OF FEES.

Section 108.1 is revised to read as follows:

108.1 Payment of fees. Prior to the issuance of any permit required by this code, the applicant shall pay the pertinent permit fee as assessed by the building official in accordance with the schedule described in Section 108.2 along with all other appropriate fees required by this code and by the Municipal Code of the City of Hayward. The said fee shall cover both the administrative costs of preparing and issuing the permit and the normal inspection requirements as described in 109; however, when an inspection requires corrections and the said corrections require more than one reinspection, or when an inspection is called for by the permittee but the work is not ready for the inspection, or where the plans, specifications, or other material required for the inspection is not available to the inspector, the building official may require that a reinspection fee be paid to the building official prior to the required reinspection.

The fees for reinspections and for other inspections, including but not limited to the inspection of existing buildings or structures being prepared for movement into or out of the county, shall be set by the building official in accordance with the schedule described in Section 108.

SECTION 108.1.1 PLAN REVIEW FEES.

New Section 108.1.1 is added as follows:

108.1.1 Plan Review Fees. When submittal documents are required by Section 106.1, a plan review fee shall be paid at the time of submitting the said documents for review. Said plan review fee shall be assessed by the building official in accordance with the schedule described in Section 108.2.

The plan review fee specified in this Section is separate from and in addition to the permit fee specified in Section 108.2. This review fee shall cover both the initial review of the submitted plans and a single re-check of the corrected plans. Any further re-checking shall be subject to the additional plan checking fee established in the fee schedule described in Section 108.2; moreover, when submittal documents are incomplete or changed so as to

require additional plan review, or when the project involves deferred submittal items, the additional plan review fee shall be charged as specified in the said fee schedule.

SECTION 108.2 SCHEDULE OF PERMIT FEES.

Section 108.2 is revised to read as follows:

108.2 Schedule of permit fees. Fees shall be as set forth in a fee schedule adopted, for this purpose, by resolution of the City Council. The said schedule shall establish, but not be limited to, fees for permit issuance and inspections, filing of certain permit exemptions, regular plan reviews, Title 24 energy conservation reviews, termite report reviews, special or additional plan checking, off-hour inspections, re-inspections, movement of buildings or structures, demolition of buildings or structures, permit renewals, completion permits, and permit re-issuance.

The fees for the plan checking and permit issuance of related items shall also be included in the said fee schedule.

SECTION 108.6 FEE REFUNDS.

Section 108.6 is revised to read as follows:

108.6 Fee Refunds. The building official shall not authorize refunding of any fee paid to the building official except on written application filed by the original permittee.

The building official may authorize refunding of any fee paid under this code that was erroneously paid or collected.

The building official may authorize the refunding of a maximum of 60% of the initial permit fee paid to the building official when no work has been done under an unexpired permit issued in accordance with this code. If no work has been done and an issued permit has expired, the building official may authorize refunding of not more than 30% of the said permit fee, provided that the request for refund is submitted within 1 year following the permit expiration; after 1 year beyond the permit expiration date, no refund of the permit fee shall be authorized.

The building official may authorize the refunding of a maximum of 60% of the plan review fee paid to the building official if no plan review comments have been issued by the building official prior to the receipt of the request for refund. No refund of this fee shall be authorized following the issuance of the initial plan review comments by the building official.

SECTION 108.7 INVESTIGATION FEES; WORK WITHOUT A PERMIT.

New Section 108.7 is added as follows:

108.7 Investigation Fees: Work without a Permit. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the building official shall perform an investigation prior to the issuance of the permit authorizing the work.

An investigation fee shall be charged to offset the cost of the said investigation. This fee shall be in addition to any other regular plan review or permit fee, and shall be collected whether or not a permit is then or subsequently issued. The amount of the investigation fee shall be assessed by the building official in accordance with the schedule described in Section 108.2 and based upon the circumstances and extent of the violation, but in no case shall be less than the amount of the permit fee required by this code. 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.

SECTION 108.8 FEES FOR COMPLETION PERMITS.

New Section 108.8 is added as follows:

108.8 Fees for completion permits. Fees for completion permits as described in Section 105.5.1 shall be based upon the percentage of work that has passed inspection prior to the expiration of the renewed permit. If either valuation or fees have changed since the original permit was issued the fees or the valuation shall be updated to the new fees or valuations in effect at the time the completion permit is issued. The percentages to be charged will remain the same.

This schedule is intended to apply to conventional wood frame building construction. In the event that the work is not conventional wood frame construction, or does not constitute a complete building, or is a type of structure other than a building, the building official shall determine the fee based upon the number of the inspections remaining to be performed.

Completed Inspections ¹	% of Updated Valuation
None	60
Foundation	55
Under-floor	50
Shear Wall	40
Rough Frame	30
Lath or Gypsum Board	20
Gas Test	15
All, except Final	10

SECTION 108.9 REINSPECTION FEES.

Section 108.9 is added as follows:

108.9 Reinspections. If reinspections are required, fees for the same may be assessed in accordance with Section 108. To obtain a re-inspection, the permittee shall file an application therefore in writing on a form furnished for that purpose, by the building official, and pay any assessed re-inspection fee. In those instances where the building official has assessed a re-inspection fee, the building inspector shall perform no additional inspections of the work until the required fee has been paid.

SECTION 109.3.12 INSPECTIONS OF MOVED BUILDINGS.

Section 109.3.12 is added as follows:

Inspections of moved buildings. Prior to the issuance of a permit to move any building or structure or equipment into, within, or out of the unincorporated areas of the county, the building official shall inspect the same to assure compliance with this code and with all pertinent laws, rules, regulations, and ordinances, including but not limited to the capability of the building or structure or equipment to be moved without endangering the public safety. The building official may require that portions of the building or structure or equipment be removed or uncovered in order to determine such compliance. If after inspection, the building official determines that the building or structure or equipment cannot be safely moved or cannot reasonably be altered, modified, or improved to meet any other requirement of this code or of the pertinent laws, rules, regulations, and ordinances, he/she shall have the authority to deny the application for a permit. In the event of such denial, the building official shall notify the applicant, in writing, stating the reasons for such denial.

In the event that the building or structure or equipment is proposed to be removed from the unincorporated county into another jurisdiction, the building official shall coordinate all permit issuances or denials with that jurisdiction.

SECTION 109.4 SPECIAL INSPECTIONS.

Section 109.4 is deleted and new section 109.4 is added as follows:

109.4 Special Inspections. When this code requires tests, inspections, or observations per Chapter 17 of the CBC, the architect or engineer of record shall submit, upon a special form provided by the building official, an inspection program that must be approved by the building official prior to the issuance of the building permit. This program shall include the description of all work requiring special tests and inspections, the nature of the tests and inspections, the names and qualifications of the designated testing and inspecting persons, the specific duties of the special inspectors, samples of the required inspection reports, and time limits for the submittal of the reports.

Special inspectors shall be employed by the owner, the architect or engineer of record, or an agent of the owner, but shall not be employed by the contractor or other persons doing the work.

SECTION 109.5 INSPECTION REQUESTS.

Section 109.5 is revised to read as follows:

109.5 Inspection Requests. It shall be the duty of the person doing the work authorized by a permit to notify the building official that such work is ready for inspection. The building official shall provide each permittee with detailed instructions for requesting such inspections.

It shall be the duty of the person requesting any inspections required by this code to provide access to and means for inspection of such work. Any work that has been covered or concealed prior to a required inspection shall be uncovered for such inspection after notice has been given by the building official.

SECTION 109.7 INSPECTION RECORD CARD.

Section 109.7 is added as follows:

109.7 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder shall have posted or otherwise made available the inspection record card provided by the building official. The building official shall make the required entries on the said card so as to indicate the inspection status of the work. This card shall be maintained available by the permit holder until final approval has been granted by the building official.

SECTION 110.3 TEMPORARY OCCUPANCY.

Two new paragraphs are added at the end of Section 110.3 as follows:

110.3 Temporary occupancy. If the building official finds that no substantial hazard will result from occupancy or use of any building or structure, or portion thereof, before the same is completed, he/she may authorize such a temporary occupancy or use pending the completion of the entire building or structure.

The building official, in authorizing temporary occupancy or use, may impose any reasonable conditions that may be necessary to protect life, health, and property and may include a time limit on such occupancy or use. In the event that any such condition is violated, the building official may revoke a temporary occupancy or use.

SECTION 110.5 ABANDONMENT OF LEGAL OCCUPANCY.

Section 110.5 is added as follows:

110.5 Abandonment of Legal Occupancy. Whenever the legal occupancy or use of a building or structure, other than a 1 or 2 family dwelling, is abandoned continuously for a period of 1 year or more, the said building or structure shall be considered to have no legal occupancy and shall be so declared by the building official. When this building or structure is next occupied or used after such declaration, it shall be made to comply fully with the requirements for the new occupancy or use pursuant to the requirements of this code.

SECTION 110.6 OCCUPANCY VIOLATIONS.

New Section 110.6 is added as follows:

110.6 Occupancy violations. Whenever any building or structure or equipment therein, or portion thereof, as is regulated by this code or by any other pertinent law, rule, regulation, or ordinance, is being used or occupied contrary to this code or to such law, rule, regulation, or ordinance, or when the use or occupancy of the same is changed without the approval of the building official, the building official shall have the authority to order such use or occupancy discontinued, and the building or structure, or portion thereof, vacated, by serving written notice to any persons causing such use or occupancy to be continued. All vacation notices shall state the specific nature of the violation(s), including a reference to the code provision, law, ordinance, rule, or regulation being violated, the time limit when the said use or occupancy must be discontinued, and if necessary, the time when the building or structure, or portion thereof, must be vacated. If there are no persons present on the premises, the building official shall post the notice in a conspicuous place.

No person shall continue to use or occupy the said building or structure or equipment, or portion thereof, contrary to the terms of such notice, pending the correction of the stated violation(s) and the approval of the use or occupancy by the building official.

CHAPTER 2
DEFINITIONS AND ABBREVIATIONS

SECTION. 202 DEFINITIONS. New definitions are added to this section as follows:

"CITY OF" or "THE CITY" shall mean the City of Hayward, as the text may require.

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

"BOARD OF APPEALS" shall mean the "Building Advisory Committee" of the City of Hayward.

"BUILDING DEPARTMENT" or "ADMINISTRATIVE AUTHORITY" shall mean the Building Official.

"HAZARDOUS FIRE AREA" is land which is covered with grass, grain brush, or forest, whether privately or publicly owned, which is so situated or is of such inaccessible location that a fire originating upon such land would present an abnormally difficult job of suppression or would result in great and unusual damage through fire or resulting erosion. Such areas are designated by the Fire Chief on a map are maintained in the office of the Fire Marshal. The "Hazardous Fire Area" has been generally defined as:

The areas East of Mission Blvd. from the South side of D Street to the city limits South to Union City.

(Refer to Resolution No. 93-037, City of Hayward hillside design and urban/wildland interface guidelines)

CHAPTER 4

SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

SECTION. 412.2.6 FIRE SUPPRESSION.

Exception to this section is hereby deleted.

SECTION 414.1.4 HAZARDOUS MATERIALS.

A new Section 414.1.4 is hereby added to read as follows:

Hazardous materials are not allowed below grade plane in buildings.

SECTION 415.6.2 FLAMMABLE AND COMBUSTIBLE LIQUIDS.

A new sentence is hereby added at the end of this section to read as follows:

Flammable and combustible liquids are **not** allowed below grade plane in buildings.

CHAPTER 5

GENERAL BUILDING LIMITATIONS

TABLE 508.2 INCIDENTAL USE AREAS.

Where the phrase "automatic fire extinguishing system" appears it is to be replaced with the following phrase:

"automatic sprinkler system".

CHAPTER 9
FIRE PROTECTION SYSTEMS

SECTION 901.2 FIRE PROTECTION SYSTEMS.

Section 901.2 exception is hereby deleted and a new exception is inserted to read as follows:

Any fire protection system not required by this code shall be permitted to be installed provided that such system meets the requirements of this code.

SECTION 903
AUTOMATIC SPRINKLER SYSTEMS

SECTION 903.1 GENERAL.

Section 903.1 is amended to read as follows:

Automatic sprinkler systems shall be installed in the occupancies and locations as set forth in this section.

For provision on special hazards, hazardous materials, and hazardous fire areas (as designated by the Fire Marshal), see CFC Section 305, Articles 23, 27 thru 44 and 47.

SECTION. 903.1.2 NEW CONSTRUCTION.

New Section 903.1.2 is added to read as follows:

An automatic sprinkler system shall be installed in all new construction, regardless of occupancy classification, where the total floor area is 5,000 square feet (465 m²) or more, (Area Separation Walls may not be used in lieu of a sprinkler system except when buildings are separated by continuous area separation walls of at least four-hour fire-resistive construction without openings), building height exceeds two stories, or floor heights exceed 15 feet (4572 mm) from the lowest level of Fire Department access. In cases where multiple requirements may apply, the most restrictive requirement shall prevail. Floor areas of mezzanines shall be included in calculating the total floor area to be used in determining automatic fire-extinguishing requirements.

SECTION 903.1.3 EXISTING BUILDINGS.

New Section 903.1.3 is added to read as follows:

An automatic sprinkler system shall be installed in an existing building when cumulative additions, repairs, or alterations are made to the building and such additions, repairs, or alterations meet any of the following conditions:

1. Additions, repairs, or alterations are valued at 50 percent or more of the current assessed value of the building. (Value is based only on the structure involved. If owner disputes valuation, an appraisal can be performed at the owner's expense, by an appraiser acceptable to the Fire Chief.)

2. Any addition or additions to the original building which will add 10 percent or more to the total floor area of the existing building and the resulting floor area is 5,000 square feet (465 m²) or more, except where the occupancy classification for the building is Group S-1, in which case, the resulting total floor area required is 3,000 square feet (279m²) or more.

3. Additions where items 1 or 2 do not apply that will result in a total floor area that exceeds the maximum floor area allowed by the Building Code under which the building was originally constructed.

4. Additions, repairs, or alterations that will result in a change in occupancy or use shall comply with section 3406 of the *2007 California Building Code*.

SECTION. 903.2 WHERE REQUIRED.

Section 903.2 exceptions 1 and 2 are hereby deleted.

SECTION 905 STANDPIPE SYSTEMS.

SECTION. 905.1 GENERAL.

Add a sentence at the end of this section to read as follows:

Buildings three stories or more in height shall have the appropriate class standpipe.

SECTION 905.4 LOCATION OF CLASS I STANDPIPE AND HOSE CONNECTIONS.

Section 905.4 add new subsection number 7 to read as follows:

DUAL OUTLETS. All Class I standpipe outlets located as required in section 905.4 shall have added outlets located in enclosed corridors adjacent to enclosed stairway access doors at each level of every required stairway.

CHAPTER 15
ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

SECTION 1505.1.5 MINIMUM ROOF COVERING REQUIREMENTS

A new section 1505.1.5 is added to read as follows:

Roof covering shall be a minimum Class "C" classification or better. All wood shake and shingle roof covering shall be fire retardant treated wood with a minimum class "C" classification. In areas designated by the Fire Chief as "Hazardous Fire Areas" roof covering shall be a minimum Class "A" classification or better. (Fire-retardant-treated wood shingles and shakes are not allowed in "Hazardous Fire Areas").

SECTION 1505.5 NONCLASSIFIED ROOFING.

Section 1505.5 is hereby amended to read as follows:

Nonclassified roofing is not allowed in the City of Hayward.

CHAPTER 16
STRUCTURAL ENGINEERING DESIGN PROVISIONS

SECTION 1614 MODIFICATIONS TO ASCE (AMERICAN SOCIETY OF CIVIL ENGINEERS) STANDARDS.

Sections 1614, 1614.1, 1614.1.3 and 1614.1.7 are added to Chapter 16 of the 2007 California Building Code to read as follows:

SECTION 1614.1 GENERAL.

The following text is hereby added to read as follows:

The text of ASCE 7 shall be modified as indicated in this Section.

SECTION 1614.1.3 ASCE 7, SECTION 12.8.1.1.

Modify ASCE 7 Section 12.8.1.1 by amending Equation 12.8-5 as follows;

$$C_s = 0.044S_{DS}I \geq 0.01$$

SECTION 1614.1.7 REPLACE ASCE 7, SECTION 12.12.3.

ASCE 7 Section 12.12.3 is hereby replaced as follows:

12.12.3 Minimum Building Separation. All structures shall be separated from adjoining structures. Separations shall follow for the maximum inelastic response displacement (Δ_M). Δ_M shall be determined at critical locations with consideration for both translational and torsional displacements of the structure as follows:

$$\Delta_M = C_d \delta_{max} \quad \text{(Equation 16-45)}$$

Where δ_{max} is the calculated maximum displacement at level x as defined in ASCE 7 Section 12.8.4.3.

Adjacent buildings on the same property shall be separated by at least a distance Δ_{MT} , where

$$\Delta_{MT} = \sqrt{(\Delta_{M1})^2 + (\Delta_{M2})^2} \quad (\text{Equation 16-46})$$

And Δ_{M1} and Δ_{M2} are the maximum inelastic response displacements of the adjacent buildings.

Where a structure adjoins a property line not common to a public way, the structure shall also be set back from the property line by at least the displacement, Δ_M , of that structure.

Exception: Smaller separations or property line setbacks shall be permitted when justified by rational analyses.

CHAPTER 19 CONCRETE

SECTION 1908.1 GENERAL.

A sentence is hereby added at the end of Section 1908.1 to read as follows:

The text of ACI 318 shall be modified as indicated in Sections 1908.1.1 through 1908.1.17.

SECTION 1908.1.17 Modification of ACI 318, Section 14.8.

Section 1908.1.17 is hereby added to read as follows:

Modify ACI 318 Section 14.8.3 and 14.8.4 replacing equation (14-7), (14-8) and (14-9).

1. Modify equation (14-7) of ACI 318 Section 14.8.3 as follows:

I_{cr} shall be calculated by Equation (14-7), and M_a shall be obtained by iteration of deflections,

$$I_{cr} = E_s/E_c [A_s + (P_u/F_y * h/2d)] (d-c)^2 = I_w c^3/3$$

and the value E_s/E_c shall not be taken less than 6

2. Modify ACI 318 Section 14.8.4 as follows:

14.8.4 - Maximum out-of-plane deflection, Δ_s , due to service loads, including PA effects, shall not exceed $I_c/150$.

If M_a , maximum moment at mid-height of wall due to service lateral and eccentric loads, including $P\Delta$ effects, exceed $(2/3) M_{cr}$, Δ_s shall be calculated by equation (14-8)

$$\Delta_s = \frac{2}{3} \Delta_{cr} + (M_a - \frac{2}{3} M_{cr} / M_n - \frac{2}{3} M_{cr}) * (\Delta_n - \frac{2}{3} \Delta_{cr}) \quad (14-8)$$

If M_a does not exceed $(2/3) M_{cr}$, Δ_s shall be calculated by Equation (14-9)

$$\Delta_s = (M_a / M_{cr}) \Delta_{cr} \quad (14-9)$$

Where:

$$\Delta_{cr} = (5M_{cr} I_c^2) / (48E_c I_g)$$

$$\Delta_n = (5M_n I_c^2) / (48E_c I_{cr})$$

CHAPTER 23 WOOD

SECTION 2308.9.3 BRACING.

Section 2308.9.3 is hereby amended by deleting Item(s) 1, 2, 5 and 7.

CHAPTER 33 SAFEGUARDS DURING CONSTRUCTION

SECTION 3311.1 WHERE REQUIRED.

Section 3311.1 is hereby deleted and replaced with a new section to read as follows:

Every building three stories or more in height shall be provided with not less than one standpipe for use during construction. Such standpipe shall be provided with Fire Department hose connections at accessible locations adjacent to usable stairs and the standpipe outlets shall be located adjacent to such usable stairs. Such standpipe systems shall be extended as construction progresses to within one floor of the highest point of construction having secured decking or flooring.

In each floor there shall be provided a 2 1/2-inch valve outlet for Fire Department use. Where construction height requires installation of a Class I standpipe, fire pumps and water main connections shall be provided to serve the standpipe.

INTRODUCED at a regular meeting of the City Council of the City of Hayward, held the 6th day of November, by Council Member Ward.

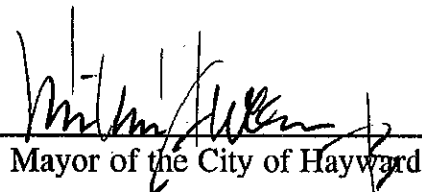
ADOPTED at a regular meeting of the City Council of the City of Hayward held the 27th day of November, by the following votes of members of said City Council.

AYES: COUNCIL MEMBERS: Rodriquez, Quirk, Halliday, Ward, Dowling, Henson
MAYOR: Sweeney

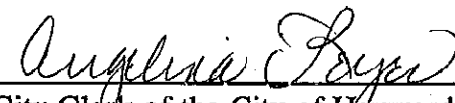
NOES: COUNCIL MEMBERS: None

ATTEST: COUNCIL MEMBERS: None

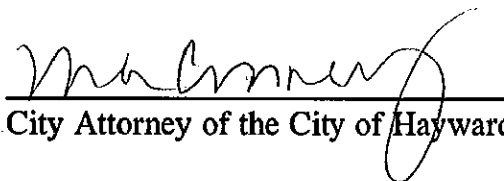
ABSENT: COUNCIL MEMBERS: None

APPROVED: 
Mayor of the City of Hayward

DATE: Nov. 30, 2007

ATTEST: 
City Clerk of the City of Hayward

APPROVED AS TO FORM:


City Attorney of the City of Hayward

Daily Review

c/o ANG Newspapers
22533 Foothill Blvd.
Hayward, CA 94541
Legal Advertising
(800) 595-9595 opt.4

CITY OF HAYWARD
ATTN: CONNIE MACIAS, 777 B ST.
Hayward CA 94541

PROOF OF PUBLICATION

FILE NO. Building Code

In the matter of

Introduction of an Ordinance

The Daily Review

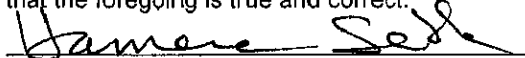
I am a citizen of the United States; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the Legal Advertising Clerk of the printer and publisher of The Daily Review, a newspaper published in the English language in the City of Hayward, County of Alameda, State of California.

I declare that the Daily Review is a newspaper of general circulation as defined by the laws of the State of California as determined by this court's decree, dated March 2, 1950, in the action entitled In the Matter of the Ascertainment and Establishment of the Standing of The Daily Review as a Newspaper of General Circulation, case number 221938. Said decree states that "'The Daily Review' has been established, printed, and published daily in the City of Hayward, County of Alameda, State of California, for one year or more next preceding the date of the filing of said petition; that it is a newspaper published for the dissemination of local and telegraphic news and intelligence of a general character and has a bona fide subscription list of paying subscribers; ... [] [and] THEREFORE, ... 'The Daily Review' is hereby determined and declared to be a newspaper of general circulation [within the meaning of Government Code §§ 6000 et seq.]" Said decree has not been revoked, vacated or set aside.

I declare that the notice, of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

11/17/2007

I certify (or declare) under the penalty of perjury that the foregoing is true and correct.



Public Notice Advertising Clerk

Legal No. 0000825950

PUBLIC NOTICE OF AN INTRODUCTION OF AN ORDINANCE BY THE CITY COUNCIL OF THE CITY OF HAYWARD

AN ORDINANCE ESTABLISHING A BUILDING CODE FOR THE CITY OF HAYWARD; REGULATING THE CONSTRUCTION, ALTERATION, REPAIR, AND MAINTENANCE OF STRUCTURES; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES; AND REPEALING ORDINANCE NO. 02-12 AND ALL AMENDMENTS THERETO

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

Section 1. Effective January 1, 2008, Ordinance No. 02-12, and all amendments thereto, is hereby repealed and in substitution thereof a new Building Code for the City of Hayward is hereby enacted to read as follows:

BUILDING CODE OF THE CITY OF HAYWARD

SECTION 1.00 2007 CALIFORNIA BUILDING CODE, ADOPTION BY REFERENCE.

SECTION 2.00 Applicability of CBC Appendix Chapters.

APPENDIX CHAPTER I

ADMINISTRATIVE

SECTION 101 GENERAL.

SECTION 101 TITLE.

SECTION 101.4.5 PROPERTY MAINTENANCE.

SECTION 102.4.1 ABSENCE OF REFERENCED STANDARDS.

SECTION 103.1 CREATION OF ENFORCEMENT AGENCY.

SECTION 104.11.3 PEER REVIEW.

SECTION 105.1.1 ANNUAL PERMITS.

SECTION 105.1.2. ANNUAL PERMIT RECORDS.

SECTION 105.2 WORK EXEMPT FROM PERMITS.

SECTION 105.5 EXPIRATION.

SECTION 105.5.1 COMPLETION PERMITS.

SECTION 106.1 SUBMITTAL DOCUMENTS.

SECTION 106.1.1 SUBMITTAL DOCUMENTS.

SECTION 106.3 EXAMINATION OF DOCUMENTS.

SECTION 106.3.2 PERMIT ISSUANCE.

SECTION 106.6 EXPIRATION OF PLAN REVIEW.

SECTION 106.5 MAINTENANCE OF BUILDING PLANS.

SECTION 108.1 PAYMENT OF FEES.

SECTION 108.1.1 PLAN REVIEW FEES.

SECTION 108.2 SCHEDULE OF PERMIT FEES.

SECTION 108.6 FEE REFUNDS.

SECTION 108.7 INVESTIGATION FEES; WORK WITHOUT A PERMIT.

SECTION 108.9 REINSPECTION FEES.

SECTION 108.8 FEES FOR COMPLETION PERMITS.

SECTION 109.3.12 INSPECTIONS OF MOVED BUILDINGS.

SECTION 109.4 SPECIAL INSPECTIONS.

SECTION 109.5 INSPECTION REQUESTS.

SECTION 109.7 INSPECTION RECORD CARD.

SECTION 110.3 TEMPORARY OCCUPANCY.

SECTION 110.5 ABANDONMENT OF LEGAL OCCUPANCY.

SECTION 110.6 OCCUPANCY VIOLATIONS.

CHAPTER 2

DEFINITIONS AND ABBREVIATIONS

SECTION 202 DEFINITIONS.

CHAPTER 4

SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

SECTION 412.2.6 FIRE SUPPRESSION.

SECTION 414.1.4 HAZARDOUS MATERIALS.

SECTION 415.6.2 FLAMMABLE AND COMBUSTIBLE LIQUIDS.

CHAPTER 5

GENERAL BUILDING LIMITATIONS

TABLE 508.2 INCIDENTAL USE AREAS.

CHAPTER 9

FIRE PROTECTION SYSTEMS

SECTION 901.2 FIRE PROTECTION SYSTEMS.

SECTION 903

AUTOMATIC SPRINKLER SYSTEMS

SECTION 903.1 GENERAL.

SECTION 903.1.2 NEW CONSTRUCTION.

SECTION 903.1.3 EXISTING BUILDINGS.

SECTION 903.2 WHERE REQUIRED.

SECTION 905 STANDPIPE SYSTEMS.

SECTION 905.1 GENERAL.

SECTION 905.4 LOCATION OF CLASS I STANDPIPE AND HOSE CONNECTIONS. CHAPTER 15

ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

SECTION 1505.1.5 MINIMUM ROOF COVERING REQUIREMENTS

SECTION 1505.5 NONCLASSIFIED ROOFING.

CHAPTER 16

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SECTION 1614 MODIFICATION TO ASCE (AMERICAN SOCIETY OF CIVIL ENGINEERS) STANDARDS.

SECTION 1614.1 GENERAL.

SECTION 1614.1.3 ASCE 7, SECTION 12.8.1.1.

SECTION 1614.1.7 REPLACE ASCE 7, SECTION 12.12.3.

CHAPTER 19

CONCRETE

SECTION 1908.1 GENERAL.

CHAPTER 23

WOOD

SECTION 2308.9.3 BRACING.

CHAPTER 33

SAFEGUARDS DURING CONSTRUCTION

SECTION 3311.1 WHERE REQUIRED.

Introduced at a meeting of the Hayward City Council held November 6, 2007, the above-entitled ordinance was introduced by Council Member Ward.

This ordinance will be considered for adoption at the next meeting of the Hayward City Council, to be held on November 27, at 8:00 p.m., in the Council Chambers, 777 B Street, Hayward, California. The full text of this ordinance is available for examination by the public in the Office of the City Clerk.

DATED: November 17, 2007

Angelina Reyes, City Clerk
City of Hayward

The Daily Review, #825950
November 17, 2007