

TO: JAMES L. APP, CITY MANAGER

FROM: DOUG MONN, PUBLIC WORKS DIRECTOR

SUBJECT: ADOPTION OF THE 2010 EDITIONS OF THE CALIFORNIA CODES AND SUPPORT CODES, RESOLUTION MAKING FINDINGS OF LOCAL CONDITIONS, AND ORDINANCE AMENDING PROVISIONS OF THE 2010 EDITION OF THE CALIFORNIA CODES

DATE: DECEMBER 7, 2010

Needs: For the City Council to introduce for first reading Ordinance No. XXX which amends Chapter 17.04 of the Municipal Code, thereby adopting by reference the 2010 Editions of the California Building, Residential, California Green Building Standards - CALGreen – mandatory measures only, Plumbing, Mechanical, Electrical, and Fire Codes and their support codes (collectively, “California Codes” in accordance with State mandates). Also, for the City Council to approve Resolution No. XXX making findings regarding local climatic, geological, and topographical conditions as the bases for making amendments to the California Codes. Finally, for the City Council to introduce for first reading Ordinance No. XXX that would amend Chapter 17.04 of the Municipal Code thereby adopting amendments to the California Codes.

Facts:

1. The State of California updates the California Codes every three years on a three (3) year cycle.
2. The State of California amended and adopted the 2010 Edition of the California Codes on July 1, 2010, which will become effective on January 1, 2011.
3. Currently, the City is using the 2007 Edition of the California Codes.
4. The City should adopt the 2010 Edition of the California Codes by reference and make amendments thereto base on findings of local climatic, geological, and topographical conditions.

Analysis and Conclusion:

Should the California Codes not be adopted by the City, they will become effective January 1, 2011. If the City adopts the California Codes it can then amend the California Codes based on findings of local climatic, geological, and topographical conditions to meet the City’s specific needs including same in the City Municipal Code. However, the City cannot amend the California Codes until it has first approved a resolution that makes findings regarding the local conditions that necessitate the amendments.

The City Council should: (1) introduce for first reading Ordinance No. XXX adopting by reference the California Codes, (2) approve Resolution No. XXX making findings regarding local conditions, and (3) introduce for first reading Ordinance No. XXX amending the California Codes.

No amendments are being added to the municipal code as a result of geographic, climatic or topographic conditions. Suggested changes to the amendments are limited to renumbering of existing amendments to correspond to the 2010 editions of the model codes. Strikethroughs of the appendix are due to moving part of the administration portion from the appendix to chapter one in the model code. Strikethrough (deletion) of Part E., Section 406.1.3 is due to the change in the model code that now reflects the exact existing language of the municipal code. Strikethrough (deletion) of Part G., Section 903 (regarding automatic sprinkler systems) is due to a requirement of the new California Residential Code (CRC).

Policy
Reference

State Health and Safety Codes: 17922, 17958.7

Fiscal
Impact:

None

Options:

- a. By separate actions, approve the attached:
 - (1) Introduce for first reading Ordinance No. XXX that would amend Chapter 17.04 of the Municipal Code to adopt by reference the 2010 Edition of the California Codes, and set December 21, 2010 as the date for adoption of said Ordinance.
 - (2) Approve Resolution No. XXX making findings regarding local climatic, geological, and topographical conditions as the bases for making amendments to the Codes.
 - (3) Introduce for first reading Ordinance No. XXX amending Title 17, Changes or Additions to the California Codes, and set December 21, 2010 as the date for adoption of said Ordinance.
- b. Amend, modify, or reject the above option.

Prepared by Clyde Ganes
Deputy Building Official

Attachments:

1. Ordinance adopting the 2010 California Codes and supporting documents.
2. Resolution making findings regarding local conditions
3. Ordinance amending the 2010 California Codes based on findings regarding local conditions.

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING CHAPTER 17.04, SECTION 17.04.10 OF THE MUNICIPAL CODE, THEREBY ADOPTING BY REFERENCE THE 2010 EDITIONS OF THE CALIFORNIA BUILDING CODE, CALIFORNIA RESIDENTIAL CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE - MANDATORY MEASURES ONLY, CALIFORNIA FIRE CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA MECHANICAL CODE, AND SPECIFIED SUPPORT CODES.

WHEREAS, the State of California, Division of Building Standards adopts the model codes pertaining to the construction, alteration, and maintenance of buildings on a three year cycle; and

WHEREAS, the State adopted the 2010 Edition of the California Building Code, 2010 Edition of the California Residential Code, 2010 Edition of the California Green Building Standards Code - mandatory measures only, 2010 Edition of the California Fire Code, 2010 Edition of the California Plumbing Code, 2010 Edition of the California Mechanical Code and the 2010 Edition of the California Electrical Code, effective July 1, 2010; and

WHEREAS, the California State Health and Safety Code Section 17922 mandates the application of those codes within 180 days of adoption by the State.

NOW THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

SECTION 1. Section 17.04.010 of Chapter 17.04 “Uniform Codes”, of the City of El Paso de Robles Municipal Code is hereby amended in its entirety to read as follows:

Section 17.04.010, Technical building codes adopted - Copies on file.

The thirteen (13) documents and their respective appendices as outlined herein one (1) copy of each of which are on file in the Office of the City Clerk in the City of El Paso de Robles), being marked and designated as the:

- A. California Building Code, 2010 Edition, California Residential Code, 2010 Edition, published by the International Code Council, including the generic fire - resistive assemblies listed in the Fire Resistance Design Manual, GA-600, published by the Gypsum Association as referenced in Table No. 720.1. Specific appendix of the California Building Code included for adoption by this ordinance is Appendix I.
- B. California Mechanical Code and appendices, 2010 Edition, published by the International Association of Plumbing and Mechanical Officials.
- C. California Plumbing Code and appendices, 2010 Edition, published by the International Association of Plumbing and Mechanical Officials.
- D. California Fire Code, 2010 Edition, published by the International Code Council. Specific appendices of the California Fire Code are Appendix Chapter 1 and A, respectively.
- E. California Electric Code, 2010 Edition, as published by the National Fire Prevention Association.
- F. California Green Building Standards Code - mandatory measures only, 2010 Edition as published by California Building Standards Commission
- G. Appendix Chapter A-1 of the International Existing Building Code, 2009 Edition, as published by International Code Council.

- H. International Building Code Handbook, 2009 Edition as published by International Code Council.
- I. Building Codes Illustrated, 2010 Edition as published by John Wiley & Sons, Inc.
- J. Uniform Housing Code, 1997 Edition as published by International Conference of Building Officials.
- K. Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition as published by International Conference of Building Officials.
- L. Uniform Solar Energy Code, 2009 code adopted by Edition as published by International Association of Plumbing and Mechanical Officials.

are hereby adopted by reference as the standards of the City of El Paso de Robles for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, area, and maintenance of all buildings or structures in City of El Paso de Robles providing for issuance of permits thereof; and each and all of the regulations, provisions, conditions, and terms of such 2010 Editions of the California Building Code, Fire Code, Plumbing Code, Mechanical Code, Electrical Code, and secondary publications referenced above, all of which are on file in the office of the City Clerk, are with the exception of those changes or additions hereinafter appearing, hereby referred to, adopted and made a part here of as it is fully set out in this ordinance.

SECTION 2. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. in the 31st day after its passage.

SECTION 3. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions or prior ordinance, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 4. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

SECTION 5. Interpretation. Reference to the California Code of Regulations. In administering and interpreting the substantive provisions of this Code, the City shall be guided by and comply with the regulations issued by the California Department of Housing and Community Development in Title 25 of the California Code of Regulations, as well as applicable provisions of other uniform codes adopted by the State. In the event of any inconsistency between the substantive provisions of this code and of Title 25, the provisions of Title 25 shall prevail.

SECTION 6. Reference to other Uniform Codes. All references in this code to sections, chapters or appendices in other uniform codes are to be interpreted as references to the equivalent provisions in the most current version of that uniform code.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

Introduced at a regular meeting of the City Council of the City of El Paso de Robles held on _____,
and passed and adopted on the _____ by the following roll call vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

RESOLUTION NO. XXX

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PASO ROBLES FINDING THOSE ITEMS LISTED BELOW AS FACTS IN COMPLIANCE WITH HEALTH AND SAFETY CODE, SECTION 17910, FOR ADOPTION OF AMENDMENTS TO THE 2010 EDITIONS OF THE CALIFORNIA BUILDING CODE, FIRE CODE, ELECTRICAL CODE AND PLUMBING CODE

WHEREAS, by Ordinance No. XXX adopted by the City Council on _____, the City of Paso Robles ("City") adopted the 2010 Edition of the California Building Code, the 2010 Edition of the California Fire Code, the 2010 Edition of the California Electrical Code and the 2010 Edition of the California Plumbing Code, which were appropriate at the time; and

WHEREAS, the State Building Standards Act (Health and Safety Code Section 17958.7) requires that local agencies must cite reasons for amending codes based on geographical, topographical, or climatic reasons existing in the area; and

WHEREAS, the following conditions exist, making it necessary to amend the 2010 Edition of the California Building Code, 2010 Edition of the California Fire Code, 2010 Edition of the California Electrical Code, and 2010 Edition of the California Plumbing Code;

I. FINDINGS:

Local Geographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known local fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage is associated with failure of storage of volatile compounds such as fuel gas as commonly found stored in garages. Spillage of such compounds would increase the likely hood of added potential fire fuel sources if spilled on combustible floor surfaces.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

E. 406.1.3, Garages and carports,

Carports shall be open on at least two sides. Carport and Garage floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.

II. FINDINGS:

Local Geographical and Climatic Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage is associated with displacement of solid fuel burning appliance flue pipe allowing hot gases and/or embers to be deposited in attic areas creating potential for attic space fires. The City is subject to climatic extremes with strong winds associated with

winter storms. Failure of solid fuel burning appliance flue pipe would allow hot gases and/or embers to be deposited in attic spaces. Strong winds causing increase air flows in attic spaces would accelerate burning rates of those gases and/or embers in attic spaces.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

F. 707.2.1, Shaft Enclosure Required.

Wood burning appliance shafts.

Wood or solid fuel burning appliances shall be provided with a one-hour fire rated shaft surrounding the flue, when such appliances penetrate any part of the attic space. Fireplaces fueled only by natural gas shall be considered as gas appliances and may be excluded from the need to install a one-hour rated shaft. Shafts shall be Draft Stopped at Floor/Ceiling Roof/Ceiling penetrations with material prescribed in Section 717.3.1.

III. FINDINGS:

Local Geographical, Climatic, and Topographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure of gas lines putting occupants in unsafe conditions. The City is subject to climatic extremes where strong winds in both the winter months and summer months can have adverse affects on fire containment once fire has breached building envelope and could be subject to spread to adjacent structures. The City is divided topographically by a major highway, rail line and river. Access from the West side to the East side of the City is accomplished by bridge crossings that may be subject to damage or collapse during a seismic event or high flood conditions. Emergency response from east to west of the river to fires could be impeded due to bridge crossing failures.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

G. 903.2, Automatic Sprinkler Systems.

Where required. Sections 903.2.1 through 903.2.10.1.1

Unless required by the Code for a lesser square footage, approved automatic sprinkler systems shall be provided in all new buildings and structures where the total combination of both usable and unusable floor area exceeds 5,000 square feet.

IV. FINDINGS:

Local Topographical Conditions.

The City of Paso Robles has land areas where constructions of residential building occur in steep terrain. As a result of the grades found on building sites, retaining walls are incorporated in front yard areas where there may be access to public and emergency personnel. Public traversing on the open yards may encounter abrupt changes in the grade causing physical harm. During emergency operations the abrupt changes in elevations created by retaining walls may cause physical harm to emergency personnel.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

H. 1013.1.1, Guards.

1013.1.1

Man-made changes in grade such as retaining walls, garden walls, abrupt changes in elevation in excess of 30 inches, sloped grades in excess of one (1) foot vertical to two feet horizontal, or other gradient conditions, which in the opinion of City Health and Safety Officials, may constitute potential hazard should they be left accessible to the public, shall be protected by a suitable fence or guardrail, meeting those height and spacing requirements as noted in the California Building Code.

Exceptions, added as follows:

1. Landscape or garden terracing, rendered non-accessible to the public by the means of existing perimeter fencing or when protected by the landscape elements (Example: hedge rows).
2. Topographical or Geographical conditions inherent to the property, lying outside that area normally frequented by individuals.

V. FINDINGS:

Local Climatic Conditions.

The City is subject to climatic extremes where temperatures during the summer months exceed over one hundred degrees and can be accompanied by hot, dry, strong winds. During a fire event, the combination of high temperatures and hot, dry, strong winds increase the possibility for embers to be carried to other structures landing on roofs. The embers and the hot, dry, strong winds can accelerate burn rates on wood shake or shingle roofs. Special purpose roofs can retard the spread of fire to the interior of structures.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

I. 1507.8, 1507.9 Wood Shingles, Wood Shakes.

1507.8.1.2 & 1507.9.1.2

The installation of Wood Shingles and Wood Shakes shall comply with the provisions of Section 1505.7, Special purpose roofs. The completed roof assembly shall be such that it shall have a Class A rating.

VI. FINDINGS:

Local Geographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure of seismic anchorage if not installed or placed correctly. Much of the soils in the City contain soils of the

high shrink-swell potential which can cause excessive strain or failure on unconsolidated stacked footings. During a seismic event, this condition could further add to damage or failure.

Section 17.04.020, Changes or additions to the California Building Code is amended as follows:

J. Section 1805, Footings and Foundations.

1805.1.1

There shall be no stacking of concrete for foundations, piers or stem walls. All foundations, piers and stem walls shall be formed on both sides (inside and out) when exceeding six inches (6") above lowest adjacent grade.

1805.1.2

Any anchorage other than standard foundation bolts required by building design or calculation shall be secured in place at the time of foundation inspection.

VII. FINDINGS:

Local Geographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure of building footing/foundations to structural slabs. Much of the soils in the City contain soils of the high shrink-swell potential. Slab thickness increases, provide for additional structural resistance to failure during seismic events and resistance to shrink-swell soils cycles.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

K. 1910.1, Minimum Slab Provisions.

General.

The thickness of concrete floor slabs supported directly on the ground shall be not less than 4"(101mm). A 6-mil (0.006 inch; 0.15mm) polyethylene vapor retarder with joints lapped not less than 6 inches (152mm) shall be placed between the base course or subgrade and the concrete floor slab, or other approved equivalent methods or materials shall be used to retard vapor transmission through the floor slab.

Where concrete slab floor on grade construction is used and slabs are not poured monolithic with footings, there shall be placed vertically in all perimeter footings three eighths (3/8) inch deformed steel reinforcing bars, spaced four (4) feet center to center. The bars shall be wired in place at time of foundation inspection, not wet set in conjunction with the concrete pour. Said bars shall be bent inward and tied to the six by six (6 x 6) - ten/ten (10/10) wire mesh slab reinforcing prior to pouring the slab. Vapor barriers shall not extend over the bearing surface of the perimeter footings or stem wall. When floor slabs and footings are poured monolithic, the three eighths (3/8) inch diameter vertical reinforcing may be omitted. All building slabs shall have a minimum six by six (6 x 6) - ten/ten (10/10) wire mesh reinforcing. Fill material in trenches and under slabs shall be sand unless native material is approved by the Building Official.

VIII. FINDINGS:

Local Geographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Much of the soils in the City contain soils of the high shrink-swell potential which can cause excessive strain on unreinforced fireplace foundations and anchors. Such damage can be associated with failure of building footing/foundations to masonry or concrete fire places. The damage can also be associated with failure of chimneys for masonry or concrete fire places without connections to floor, ceiling or roof lines.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

L. 2111, Masonry Fireplaces.

2111.3 Seismic reinforcing.

Masonry or concrete fireplaces shall be constructed, anchored, supported and reinforced as required in this chapter. Masonry and concrete fireplaces shall be reinforced and anchored as detailed in Sections 2111.3.1, 2111.3.2, 2111.4 and 2111.4.1 for chimneys serving fireplaces. Masonry and concrete chimneys shall be reinforced in accordance with the requirements of sections 2101 through 2108.

2111.4 Seismic anchorage.

Masonry and concrete chimneys shall be anchored at each floor, ceiling or roof line more than 6 feet above grade, except where constructed completely within the exterior walls. Anchorage shall conform to the following requirements.

IX. FINDINGS:

Local Geographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Much of the soils in the City contain soils of the high shrink-swell potential which can cause excessive strain on unreinforced fireplace foundations and anchors. Such damage can be associated with failure of building footing/foundations to masonry or concrete fire places. The damage can also be associated with failure of chimneys for masonry or concrete fire places without connections to floor, ceiling or roof lines.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

M. 2113, Masonry Chimneys.

2113.3 Seismic reinforcing.

Masonry or concrete chimneys shall be constructed, anchored, supported and reinforced as required in this chapter. Masonry and concrete chimneys shall be reinforced and anchored as detailed in Sections 2113.3.1, 2113.3.2, 2113.4 and 2111.4.1 for chimneys serving fireplaces. Masonry and concrete chimneys shall be reinforced in accordance with the requirements of sections 2101 through 2108.

2113.4 Seismic anchorage.

Masonry and concrete chimneys and foundations shall be anchored at each floor, ceiling or roof line more than 6 feet above grade, except where constructed completely within the exterior walls. Anchorage shall conform to the following requirements.

X. FINDINGS:

Local Geographical, Climatic and Topographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure or displacement of temporary structures, putting occupants in unsafe conditions. The City is subject to climatic extremes where strong winds can be experienced in both winter and summer months. The strong winds can have adverse affects on temporary structures by displacing the structure putting occupants in unsafe conditions. The City is divided by a major highway, rail line and river. Access from the West side to the East side of the City is accomplished by bridge crossings that may be subject to damage or collapse during a seismic event or high flood conditions. Emergency response from the City Main Fire Station on the West side of the City to emergencies due to failure of temporary structures could be impeded due to bridge crossing failures.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

N. 3103, Temporary Structures.

3103.1 General.

The provisions of this section shall apply to structures erected for a period of less than 90 (ninety) days. Tents and other membrane structures erected for a period of less than 90 days shall comply with the California Fire Code. Those erected for a longer period of time shall comply with applicable sections of this code. Fences used for the protection of the public around and in conjunction with construction work may be erected by approval of a building permit from the Building Official that is valid for only a limited period of time. Said limited time period is to be ninety (90) days or until a valid permit has expired, has been suspended or revoked. Any extensions of that time period shall be approved by City Council. All other buildings shall be termed as "permanent" buildings and required to meet all applicable codes. Temporary buildings or structures shall be completely removed upon the expiration of the time period specified in the permit. Failure to remove the buildings or structures will result in abatement proceedings and misdemeanor citation as prescribed under Municipal Code.

XI. FINDINGS:

Local Geographical and Climatic Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure or displacement of awning structures. The City is subject to climatic extremes where strong winds can be experienced in both winter and summer months. The strong winds can have adverse affects on awnings and awning frames. Hot, dry, strong winds during the summer months during a fire event can have adverse affects on the awning materials if exposed to wind borne burning embers.

Section 17.04.020, Changes or additions to the California Building Code, is amended as follows:

O. 3105, Awnings and Canopies.

3105.3 Design and Construction.

Awnings and canopies shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures of loads. Awnings and Canopies shall have frames of noncombustible material. Awning frames may be rigid, except when in the opinion of the Fire Chief, emergency access to upper floors will be impeded by the installation of rigid frame awnings. Should this be the case, awnings and canopies shall be collapsible, retractable or capable of being folded against the face of the supporting building. When collapsed, retracted or folded, the design shall be such that the awning or canopy does not block any required exit.

3105.4 Canopy materials.

Awning and canopies shall be constructed of a rigid framework with an approved covering that meets the fire propagation performance criteria of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E 84. Coverings for all exterior awnings and canopies connected or adjacent to buildings shall be made either from fabric that has been made flame-resistant through treatment with an approved exterior chemical process by an approved application concern, or from inherently flame-resistance fabric approved and listed by the State Fire Marshal for exterior use. Certificates of flame-resistance or other documentation acceptable to the Chief shall be available on the premises (Exception: Single-family and two-family dwellings not exceeding two stories in height).

XII. FINDINGS:

Local Climatic Conditions.

The City is subject to climatic extremes where temperatures rise over one hundred degrees in the summer and hot, dry wind conditions can exist with the high temperatures. The combination of high temperatures and strong winds increase the life hazard in the event of a fire. Providing minimal protection measures to reduce the likelihood of intentionally set fires in partially burnt-out structures serves to reduce the risk of fire spread to adjacent structures or property.

Section 17.04.030, Changes or additions to the California Fire Code, is amended as follows:

A. 316, Building or property damaged by fire.

316.

The owner, occupant or other persons having under their control of any property, or materials on property, damaged by fire, when access by the public is possible, shall secure the property either by boarding up all openings, fencing, barricading or other appropriate measures as directed by the Fire Chief within 48 hours of the incident.

XIII. FINDINGS:

Local Climatic Conditions.

The City is subject to climatic conditions that produce thick dense fog, particularly in the winter reducing visibility particularly at night. Providing more easily readable addressing assists responders to more rapidly locate buildings and initiate emergency actions.

Section 17.04.030, Changes or additions to the California Fire Code, is amended as follows:

B. 505, Premises Identification.

505.1

New and existing buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. In all buildings, other than Group R-3, numbers shall be a minimum of 6 inches high with 1/2-inch stroke, and all Group R-3 shall be minimum of 4 inches high with a 3/4-inch stroke.

When the building or group of buildings (five units or more) is served by an alley or interior driveway, the numbers or alphabetical designation shall be displayed on a directory or enunciator board, approved by the Fire Chief, at each driveway or alley entrance. Senior Housing, Retirement Villas, Hotel and Motel enunciator boards shall be of a Graphic type. The property owner, Homeowner's Association or individual in charge of the property shall be responsible for maintaining the directory.

505.1.1 Rear Door Address Numbers.

All buildings with access via an alley or other similar roadways shall have the address number provide on the rear door of the building or tenant space.

XIV. FINDINGS:

Local Geographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure or displacement of water fire supply lines in trenches not providing the cushioning effects of sand. Much of the soils in the City contain soils of the high shrink-swell potential which will cause excessive strain on trenched water lines if not provided with a cushion material.

Section 17.04.030, Changes or additions to the California Fire Code, is amended as follows:

C. 508, Fire Protection Water Supplies.

505.2.1.1 Installation Requirements.

Private fire service mains and water tank installation plans shall be reviewed and approved by the Fire Department prior to installation. The Fire Code Official shall conduct field verification for compliance with approved plans prior to the issuance of a Certificate of Occupancy.

XV. FINDINGS:

Local Geographical, Climatic, and Topographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure of gas lines putting occupants in unsafe conditions. The City is subject to climatic extremes where strong winds in both the winter months and summer months can have adverse affects on fire containment once fire has breached building envelope and could be subject to spread to adjacent structures. The City, topographically, is divided by a major highway, rail line and river. Access from the West side to the East side of the City is accomplished by bridge crossings that may be subject to damage or collapse during a seismic event or high flood conditions. Emergency response from east to west of the river to fires could be impeded due to bridge crossing failures. Also the City is subject to climatic conditions that produce thick dense fog particularly in the winter reducing visibility particularly at night. Requiring consistent FDC positions, assists responder in more rapidly locating critical building safety components.

Section 17.04.030, Changes or additions to the California Fire Code, is amended as follows:

D. 903, Automatic Sprinkler Systems.

903.2 Where required. Sections 903.2.1 through 903.2.10.1.

Unless required by the Code for lesser square footage, approved automatic sprinkler systems shall be provided in all new buildings and structures where the total combination of both usable and unusable floor area exceeds 5,000 square feet.

903.3.7 Fire department connections.

The location of fire department connections shall be approved by the fire code official. Connections shall be located on the addressed side of the building, with the exact location to be specified by the Fire Code Official.

Exceptions:

1. The Fire Code Official may require locations other than the addressed side when impractical due to response needs or unusual building configuration.

XVI. FINDINGS:

Local Geographical and Climatic Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic

disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure or displacement of electrical conductors and subsequent electrical fires. Disconnection of electrical service to structures by emergency personnel must be accomplished in the shortest time possible to prevent potential fires or spread of fire. The City is subject to climatic extremes where strong winds can be experienced in both winter and summer months. The strong wind conditions increase the potential for fire spread. Locating electrical disconnecting services in a single location assists emergency personnel in speed of reducing potential spread of fire or occurrence of a fire.

Section 17.04.040, Changes or additions to the California Electrical Code, is amended as follows:

- A. All electric services shall have a single main disconnect to disconnect all conductors in a building or structure.
- B. In all new construction and remodels involving fifty percent or more of the total square footage of the building, when the required disconnect is located within the building or in an area not readily accessible, an emergency disconnect shall be provided in a readily accessible location on the exterior of the building as designated by the fire chief. The disconnecting device shall be located within an approved security enclosure (such as a Knox Box) and a key provided the fire department. (Ord. 581 N.S. (part), 1989; Ord. 545 N.S., 1988; Ord. 515 N.S. '4, 1986)

XVII. FINDINGS:

Local Climatic Conditions.

The City is subject to climatic extremes where temperatures drop well below freezing at night during the winter months. Unprotected water, soil or waste pipe could be subjected to freeze damage causing breaks in lines resulting in water damage to structures. Unprotected backflow/check valve assemblies associated with fire suppression systems could be rendered inoperable during a fire event due to freeze conditions of the valve assemblies. Unprotected fire suppression water line systems could be subjected to freeze damage and could be rendered inoperable during a fire event.

Section 17.04.050, Changes or additions to the California Plumbing Code, is amended as follows:

A. 313.0, Protection of Piping, Materials and Structures.

313.6

No water, soil, or waste pipe shall be installed or permitted outside of a building, attic space, underfloor area or in an exterior wall unless, where necessary, adequate provision is made to protect such pipe from freezing. Potable water piping located on outside of a building, in attic spaces, exterior walls and underfloor areas shall be covered with insulation providing a minimum resistance factor of R-3 or greater. The R-3 insulation shall be in addition to any wall, underfloor or attic insulation required by California Energy Standards. Insulation must completely cover all portions of water piping with no gaps or openings.

A dedicated 20 amp, 120-volt receptacle, capable of supporting the loads associated with commercially available heat tapes shall be located within five feet of any backflow/check valve assembly associated with a fire suppression system.

Commercial and residential fire suppression systems shall be provided with an insulation cover providing a minimum resistance factor of R-3. The insulation used must be of a minimum Class III flame spread index, with a smoke density no greater than 450.

XIII. FINDINGS:

Local Geographical Conditions.

The City lies within close proximity of the San Andreas Fault and is located over lesser known fault lines. The location of the San Andreas Fault and other lesser known faults increases the likelihood of seismic disturbances of substantial magnitude occurring in which would cause consequent damage as demonstrated in the 2003 San Simeon Earthquake. Such damage can be associated with failure or displacement of plumbing water, waste or soil lines in trenches not providing the cushioning effects of sand. Much of the soils in the City contain soils of the high shrink-swell potential which will cause excessive strain on trenched water, waste or soil lines if not provided with a cushion material.

Section 17.04.050, Changes or additions to the California Plumbing Code, is amended as follows:

B. 315.0, Trenching, Excavation, and Backfill.

315.4.1

Plumbing trenches under buildings or concrete work shall be backfilled with sand unless native material is approved by Administrative Authority.

XIX. FINDINGS:

Local Geographical, Topographical and Climatic Conditions.

The City, due to geographic and topographic conditions, does not utilize surface water reservoirs but relies on underground aquifers for potable water supplies. The underground aquifers can fluctuate in height below ground and ability to draw water from them decreases with lower water levels. Water levels from grade elevation can be several hundred feet below ground. Water storage tanks are located on higher grades up to several hundred feet above the grade of the wells. The City is subject to climatic extremes where temperatures rise well above one hundred degrees during the summer months and a high water demand is placed on the City water system. With the need to pump water from ground aquifers several hundred feet below grade to storage tanks several hundred feet above well grades, the system, at times, has inadequate water storage to meet water demands. Water tanks must contain residual levels for fire suppression operations at all times. Reduced ability to refill the tanks during high water use in the summer months necessitate water conserving measures.

Section 17.04.050, Changes or additions to the California Plumbing Code, is amended as follows:

C. 402.0, Water-Conserving Fixtures and Fittings.

402.7

Faucet Aerators or devices, which will limit the flow of lavatory faucets to a maximum 2.50 gallons per minute, shall be installed in all new fixtures.

402.8

Shower heads shall deliver not more than 2.50 gallons per minute.

402.9

Equipment installed in automatic and coin operated car washes shall be capable of recycling a minimum of fifty percent (50%) of the water required for their daily operation.

XX. FINDINGS:

Local Geographical and Topographical Conditions.

The City, due to geographic and topographic conditions, does not utilize surface water reservoirs but relies on underground aquifers for potable water supplies. Buildings can be located on higher grades up to several hundred feet above the grade of water supply lines creating a high potential for severe back flow if a water line were to rupture. This necessitates the need for additional backflow protection.

Section 17.04.050, Changes or additions to the California Plumbing Code, is amended as follows:

D. 603.2, Backflow Prevention Devices, Assemblies, and Methods.

603.2.8

All new Commercial, Industrial, and Multi-family developments (two units or more) shall protect the city water supply through the installation of a Backflow - Reduced Pressure Device Prevention Device. Approval of the type and location of the device shall be the responsibility of the City Public Works Department.

603.2.9

Existing Commercial, Industrial, and Multi-family developments (two units or more) originally constructed without backflow - reduced pressure devices, shall retrofit and install a backflow - reduced pressure device in conjunction with the issuance of any building or plumbing permit when the value of the work associated with the permit exceeds \$2500.00. Approval of the type and location of the device shall be the responsibility of the City Public Works Department.

XXI. FINDINGS:

Local Geographical and Topographical Conditions.

The City, due to geographic and topographic conditions, does not utilize surface water reservoirs but relies on underground aquifers for potable water supplies. The underground water supplies are pumped to water storage tanks located on higher grades up to several hundred feet above the grade of structures built in the City. As a result of the storage tank locations, the water pressure delivered during high water tank levels exceed the maximum pressure allowed in structures.

Section 17.04.050, Changes or additions to the California Plumbing Code, is amended as follows:

E. 608.0, Excessive Water Pressure.

608.2.1

For potable water services up to and including one and one half (1 1/2) inch (38.1 mm) regulators, provision shall be made to prevent pressure on the building side of the regulator from exceeding main supply pressure. Approved regulators with integral by-passes are acceptable.

As a result of excessive water pressures found within the City of El Paso de Robles, pressure regulators complying with 608.2 above shall be installed on all new construction, and on all remodels consisting of changes to, or increases of the floor space in excess of 50% of the existing gross square footage

As a result of these topographical, geographical and climatic conditions, the City has determined it in the best interest of the public health and safety to amend the 2010 Edition of the California Building Code, the 2010 Edition of the California Electrical Code, the 2010 Edition of the California Fire Code and the 20010 Edition of the California Plumbing Code.

NOW, THEREFORE BE IT RESOLVED that the City Council for the City of Paso Robles does hereby resolve the above factors to be true and factual, and order same to be recorded as so.

MAY IT BE FURTHER RESOLVED that any judicial review of this decision must be made within the time set forth in Code of Civil Procedure Section 1094.6

PASSED AND ADOPTED by the City Council of the City of Paso Robles this 21th day of December, 2010, by the following votes:

AYES:
NOES:
ABSENT:
ABSTAIN:

Duane Picanco, Mayor

ATTEST:

Caryn Jackson, Deputy City Clerk

ORDINANCE NO. XXX

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING CHAPTER 17.04, SECTIONS 17.04.020, 17.04.030, 17.04.040, 17.04.050, 17.04.060, 17.04.070 OF THE MUNICIPAL CODE

WHEREAS, the City Council for the City of Paso Robles has adopted the 2010 Editions of the California Building Code, Fire Code, Plumbing Code, Mechanical Code and Electrical Code, which were appropriate for the time; and

WHEREAS, the State Building Standards Act (Health and Safety Code Section 17958.7) provides that local agencies may amend the Codes based on conditions specific to the jurisdiction; and

WHEREAS, the City Council has determined, in Resolution No. xxx that climatic, geological and topographical conditions exist within the City of Paso Robles, making it necessary to amend the 2010 Editions of the California Building Code, Fire Code, Plumbing Code and Electrical Code.

NOW THEREFORE, the City Council of the City of El Paso de Robles does ordain as follows:

Section 1. Section 17.04.020 of Chapter 17.04, “Uniform Codes” of the City of El Paso de Robles Municipal Code is hereby amended in its entirety to read as follows:

17.04.020 Changes or additions to the California Building Code.

A. ~~Appendix~~ Section 105, Permits, is amended and subsections added as follows:

105.1.3 Start of Construction:

For the purpose of enforcement of this code, it shall be interpreted that any movement of soil or preparation for installation of foundation or utilities, other than that allowed under the jurisdiction of an approved grading permit shall signify the start of construction. Prior to start of construction, a valid building permit shall be secured.

105.1.4 Permit Issuance:

Should a permit be secured by check, later to be returned for insufficient funds or closed account, that this shall show just cause for revocation of any permits and posting of a Stop Work Order. In conjunction with posting of a Stop Work Order, the site shall be noticed for abatement.

105.1.5 Street Dedication as a Condition of Issuance of a Building Permit:

No Building Permit shall be issued for the construction, reconstruction or relocation of any building or structure abutting upon a street having a lesser width than that established by resolution of the City Council unless the following requirements are complied with:

105.1.6 Dedication of Street Right-of-Way:

The owner of the lot shall make a perpetual and irrevocable offer of dedication to the City for public street purposes, and all uses appurtenant thereto, of a depth determined by the City Engineer based upon the Circulation Element of the General Plan and Official Plan Lines adopted by the City Council. It shall be the responsibility of the City Engineer to confirm that the required dedication(s) has/have been provided.

105.1.7 Setbacks:

The required setback shall be maintained for all buildings, structures and improvements, including off-street parking, as measured from the right-of-way width. It shall be the responsibility of the Building Official to confirm that the required setbacks have been provided, based on property monuments established by a licensed surveyor.

B. ~~Appendix~~ Section ~~409~~ 110, Inspections, is amended and subsections added as follows:

An inspection may be refused if:

~~409.1.1~~ 110.1.1

The project address is not conspicuously posted on site.

~~409.1.2~~ 110.1.2

A trash container or enclosure capable of retaining debris associated with construction process is not available on site, or an existing container is not regularly emptied or maintained.

~~409.1.3~~ 110.1.3

Portable sanitary facilities are not located within reasonable walking distance of the site (75 yards). There shall be not less than one approved type of water closet for each twenty (20) employees or a fractional part thereof, at start of construction.

C. ~~Appendix~~ Section ~~440~~ 111.3, Certificate of Occupancy, is amended and subsection added as follows:

~~440.3.1~~ 111.3 Temporary Occupancy:

The exception will be those buildings given prior administrative approval to be erected and used as models of typical construction in conformity with 110.1 above. Upon administrative approval utilities could be established. The required Certificate of Occupancy will be deferred until such time as a request for permanent occupancy is made.

D. ~~Appendix~~ Section ~~442~~ 113, Board of Appeals, is amended and subsections added as follows:

~~442.1.1~~ 113.1.1

In order to provide for interpretations of steps necessary to implement the Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, and those Chapters of Municipal Code where the Board is specifically noted as being the entity responsible for the hearing of appeals, there is hereby established a City of Paso Robles Housing Advisory and Disabled Access Board of Appeals, (hereinafter sometimes collectively referred to as "Board of Appeals" or "Board").

The Board shall serve as the "local appeals board" specified in sections 19957.5 of the California Health and Safety Code, in appeals relating to accommodations for the physically disabled.

~~112.2.1~~ 113.2.1

The Board of Appeals shall function as the "Local Appeals Board" and "Housing Appeals Board" and "Disabled Appeals Board" as specified in Sections 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The Board shall have no authority relative to interpretation of the administrative provisions of the codes adopted by the City, nor shall the Board be empowered to waive requirements of any code adopted by the City.

The authority of the Board shall consist of the ability to consider appeals filed pursuant to this Chapter and give reasonable interpretations of the Chapter and the technical codes. When required to do so, the Board will conduct hearings regarding appeals of notices and/or orders relative to unsafe buildings.

~~112.3.1~~ 113.3.1

Board of Appeals. The Housing Advisory and Board of Appeals (hereinafter sometimes referred to as "Board of Housing Appeals") shall consist of five (5) members; the Disabled Access Board of Appeals shall consist of the five (5) members of the Board of Housing Appeals (two of the members of the board must work in construction as required by *Health & Safety Code* § 19957.5) and shall be supplemented by two (2) additional members, both of whom shall be physically disabled as defined in section 2-417, Title 24, Part 2 of the California Code of Regulations when the appeal pertains to disabled access.

Members selected to hear an appeal shall reflect an area of expertise reflective of the appeal being heard.

Members of the Board of Appeals shall be qualified by experience and training to pass judgment upon matters pertaining to building construction and/or disabled access, as appropriate. Members of the Board of Appeals shall be appointed by, and serve at the pleasure of the City Council. Each member of the Board shall comply with applicable provisions of the Political Reform Act of 1974, California Government Code Section 81000 et seq. The Building Official shall be an ex officio member of the Board and shall act as secretary to said Board, but shall have no vote upon any matter before the Board.

~~112.4~~ 113.4 Eligibility.

Any individual meeting those criteria as set forth in sub-section 112.3.1 above shall be eligible to serve on the Board of Appeals.

Exception:

Employees of the City shall not be eligible to serve on the Board of Appeals.

~~112.5~~ 113.5 Term.

Terms of initial appointment shall be for a term of two (2) years for two (2) members and four (4) years for three (3) members. Subsequent appointments shall be for a term of four (4) years.

Terms for initial appointment of disabled members for the Disabled Access Appeals shall be two (2) years for one member and four (4) years for the second. Subsequent appointments shall be for a term of four (4) years.

~~112.6~~ 113.6 Rules and Regulations.

The Board of Appeals shall adopt reasonable rules and regulations, subject to approval by the City Council, for conducting its business. The Board Shall render all decisions in writing.

~~112.7~~ 113.7 Appeals Procedure.

Any person aggrieved by a decision of the Building Official for the City pertaining to orders, decisions, or determinations relative to the application and interpretations of the Uniform Housing Code, Uniform Code for Abatement of Dangerous Buildings, Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, shall have the right to appeal the decision as provided for under this chapter.

Decisions and actions regarding the enforcement of the requirements of Division 13, Part 5.5 of the California Health and Safety Code may be appealed by any person to the Appeals Board for Disabled Access as provided for under this chapter.

~~112.8~~ 113.8 Appeal Hearing Fee.

A fee, as provided for under this sub-section, shall accompany an application for a hearing before any Housing Advisory or Board of Appeals. The purpose of the fee shall be to cover those costs incurred by the City to provide for the appeals process.

Appeal Fees shall be set by resolution, subject to review by City Council. Appeal fees will be reviewed periodically to ensure that the fees charged cover the costs associated with the appeals process.

~~112.9~~ 113.9 Timing and form of appeal.

An appeal shall be filed with the Secretary of the Board of Appeals or Appeals Board for Disabled Access (as applicable) within fifteen (15) working days (holidays observed by the City are not working days) after the rendering of the decision affecting the aggrieved person. Grounds for the appeal shall be set forth in writing in a form to be supplied by the secretary in addition to any other supporting materials the appellant may wish to furnish, setting forth the reasons for the appeal.

Any written reports to be made to the Board shall be filed with the Secretary of the Board and shall be made available to the Board and to the public no less than five (5) working days prior to the date set for the hearing. Any City of Paso Robles Department Manager or designee shall have the right to be heard on any matter coming before the Board.

~~112.10~~ 113.10 Hearing and decision.

The Secretary of the Board shall set the time and place for a hearing the appeal, and a notice of the time and place of the hearing shall be published in a newspaper of general circulation in the City of Paso Robles, and notice shall also be given to the appellant by mailing, postage prepaid, at the address provided by the appellant in the letter of appeal at least ten (10) working days before the hearing date.

E. Section 406.1.3, Garages and carports, is amended as follows:

406.1.3

~~Carports shall be open on at least two sides. Carport and Garage floor surfaces shall be of approved noncombustible material. Carports not open on at least two sides shall be considered a garage and shall comply with the provisions of this section for garages.~~

F. Section ~~707.2~~ 708.2.1, Shaft Enclosure Required, is amended with subsection as follows:

~~707.2.1~~ 708.2.1 Wood burning appliance shafts.

Wood or solid fuel burning appliances shall be provided with a one-hour fire rated shaft surrounding the flue, when such appliances penetrate any part of the attic space. Fireplaces fueled only by natural gas shall be considered as gas appliances and may be excluded from the need to install a one-hour rated shaft. Shafts shall be Draft Stopped at Floor/Ceiling Roof/Ceiling penetrations with material prescribed in Section 717.3.1.

G. Section 903.2, Automatic Sprinkler Systems, is amended as follows:

903.2 Where required. Sections 903.2.1 through 903.2.10.1.

Unless required by the Code for a lesser square footage, approved automatic sprinkler systems shall be provided in all new buildings and structures where the total combination of both usable and unusable floor area exceeds 5,000 square feet.

~~Exceptions:~~

- ~~1. Group R Occupancies per Section 903.2.7 "Exceptions."~~

H. Section 1013.1, Guards, is amended and subsection added as follows:

~~1013.1.1~~ 1013.1

Man-made changes in grade such as retaining walls, garden walls, abrupt changes in elevation in excess of 30 inches, sloped grades in excess of one (1) foot vertical to two feet horizontal, or other gradient conditions, which in the opinion of City Health and Safety Officials, may constitute potential hazard should they be left accessible to the public, shall be protected by a suitable fence or guardrail, meeting those height and spacing requirements as noted in the California Building Code.

~~1013.1.1~~ 1013.1 Exceptions, added as follows:

- ~~4~~ 8. Landscape or garden terracing, rendered non-accessible to the public by the means of existing perimeter fencing or when protected by the landscape elements (Example: hedge rows).
- ~~2~~ 9. Topographical or Geographical conditions inherent to the property, lying outside that area normally frequented by individuals.

~~1805.1.1~~ 1808.8.3.1

There shall be no stacking of concrete for foundations, piers or stem walls. All foundations, piers or stem walls shall be formed on both sides (inside and out) when exceeding six inches (6”) above lowest adjacent grade.

~~1805.1.2~~ 1808.8.3.2

Any anchorage other than standard foundation bolts required by building design or calculation shall be secured in place at the time of foundation inspection.

Section 7. Effective Date. This ordinance shall go into effect and be in full force and effect at 12:01 a.m. in the 31st day after its passage.

Section 8. Inconsistency. To the extent that the terms or provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof, such inconsistent and conflicting provisions or prior ordinance, motions, resolutions, rules, and regulations are hereby repealed.

Section 9. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

Section 10. The Director of Public Works shall transmit a copy of this Ordinance, as well as a copy of Resolution 010-XXX to the California Building Standards Commission for filing.

The City Council hereby declares that it would have passed this Ordinance by section, subsection, sentence, clause or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases are declared invalid or unconstitutional.

Introduced at a regular meeting of the City Council held on _____, and passed and adopted by the City Council of El Paso de Robles on the ____ day of _____ by the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAIN:

ATTEST:

Duane Picanco, Mayor

Caryn Jackson, Deputy City Clerk