

ORDINANCE NO. 16-7

AN ORDINANCE AMENDING CONCORD MUNICIPAL CODE
TITLE 2 (ADMINISTRATION), TITLE 8 (HEALTH AND SAFETY),
AND TITLE 15 (BUILDINGS AND BUILDING REGULATIONS)

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

Section 1. Concord Municipal Code Title 2 (Administration), Chapter 2.20 (Boards, Commissions, and Committees), Article II (Board of Appeals) is hereby amended as follows:

Article II. Board of Appeals

See Title 15.

Section 2. Concord Municipal Code Title 8 (Health and Safety), Chapter 8.20 (Solid Waste), Article III. Construction and Demolition (C&D) Waste Recycling sections 8.20.330 through 8.20.400 are hereby amended to read as follows:

8.20.330 Intent and purpose.

(a) The intent of this ordinance is to implement a Construction and Demolition (C&D) Materials Recycling program to protect the public health, safety and welfare of the community and to achieve the mandate of the California Integrated Waste Management Act by diverting construction and demolition waste from landfills.

(b) *Findings.*

(1) The State of California requires that each local jurisdiction in the State divert 65 percent of discarded waste materials from landfills. This ordinance will assist the City of Concord achieve this state mandate.

(2) Any city or county deemed by the State of California to be out of compliance with the mandates of the California Integrated Waste Management Act is subject to a fine of up to \$10,000 per day.

(3) Construction and demolition waste reduction and recycling programs have proven to decrease the amount of materials that are landfilled and to be cost-effective.

1 (4) Except in unusual circumstances, it is feasible to divert at least 65 percent by
2 weight of the solid waste including C&D materials from construction and demolition projects
3 and 75 percent by weight of inert debris such as concrete and asphalt. Many other jurisdictions
4 have successfully implemented C&D diversion requirements to increase recycling rates.

5 (5) The City does not intend, and nothing in this ordinance shall be construed, to
6 regulate in any way hazardous materials, hazardous substances, hazardous waste, or medical
7 waste, as those terms may be variously defined in federal, state or local law or regulation.

8 (6) The Concord Municipal Code requires that the authority to collect and haul all
9 waste materials, including construction and demolition waste, is assigned to the party the City
10 has selected to haul waste.

11 **8.20.340 Definitions.**

12 For purposes of this Article the following definitions shall apply:

13 *Affiliate.* Any subsidiary company of the applicant or any parent company of the
14 applicant in which the applicant has a financial interest, and which is directly or indirectly
15 under the operational control of the applicant. An applicant's general contractor, contractor or
16 sub-contractor is not an affiliate if the applicant does not have both a financial interest in the
17 affiliate company and operational control of the affiliate company.

18 *Applicant.* Any individual, firm, limited liability company, partnership, industry, or
19 private corporation, or any other entity that applies to the city for applicable permits or
20 approvals to undertake any construction, demolition, grading, building, tenant improvement,
21 work in the public right-of-way, or renovation project within the city that requires a demolition
22 permit, building permit, grading permit or encroachment permit. An applicant may be the
23 property owner or an authorized agent acting on behalf of the property owner.

24 *C&D materials.* Solid wastes, such as building materials, packaging and inert debris
25 resulting from C&D projects. Common C&D materials include but are not limited to: lumber,
26 metals, pipe, wire, sheet metal, asphalt, concrete, stone, brick, slate, masonry, drywall, carpet,
27 carpet padding and foam, packing materials, cardboard, paper, building materials, doors,
28

1 windows, fixtures, plastics, appliances, ceiling or floor tiles, and green waste or landscape
2 debris related to land development such as soil, brush, trees, rock, branches and stumps.

3 *C&D project.* Construction, remodeling, repair, demolition, improvement,
4 encroachment, and grading operations on pavement, houses, commercial buildings, structures
5 and construction sites for which a building, demolition, encroachment or grading permit is
6 required by the City of Concord.

7 *Certified facility.* A facility that the city has determined to be capable of handling
8 mixed or unmixed loads of C&D debris, and diverts from the landfill at least 65 percent by
9 weight from the mixed and unmixed (source separated) loads of C&D debris that are delivered
10 to it and, in addition, is capable of diverting from the landfill at least 75 percent by weight of
11 all inert debris delivered to it.

12 *City franchise hauler.* The city franchise hauler shall have the meaning assigned to the
13 term “garbage collector” in section 8.20.010 of the Concord Municipal Code.

14 *Completion of the covered project.* The date the certificate of occupancy for the
15 covered project is issued or, for projects where a certificate of occupancy is not applicable, the
16 date on which the applicable permit was finalized by the city.

17 *Covered projects.* Are projects subject to this article and shall have the meaning as
18 defined in section 8.20.350.

19 *Disposed.* Solid waste including C&D material that is land-filled.

20 *Diversion requirement.* The diversion from the landfill of at least 65 percent by weight
21 of solid waste including C&D material generated by a covered project and, in addition, the
22 diversion from the landfill of at least 75 percent by weight of inert debris generated by a
23 covered project, by reuse or recycling.

24 *Diverted, divert or diversion.* Solid waste including C&D material that is not land-
25 filled.

26 *Final report.* Information required in section 8.20.410 and any supplemental
27 information the Waste Management Compliance Official (WMCO) may require to determine
28 applicant’s compliance with the requirements of this article.

1 *Inert debris.* Asphalt, brick, concrete, cinder block and other masonry products, stone,
2 slate, or rock, whether reinforced or unreinforced. All inert debris materials are contained
3 within the definition of C&D materials for purposes of this article.

4 *Performance security.* A non-interest bearing deposit in cash, check, money order, or
5 by credit card acceptable to the city as required by section 8.20.370. The applicant will not be
6 credited with any interest on these funds while held by the city. A corporate surety bond or
7 instrument of credit including a letter of credit may be acceptable as approved by the city on a
8 case-by-case basis.

9 *Program fee.* A payment in an amount established by the City Council intended to
10 defray costs to the city for the program established by this article.

11 *Recycling.* The process of collecting, sorting, cleansing, treating and reconstituting
12 materials that would otherwise become solid waste and returning them to the economic
13 mainstream in the form of raw material for new, reused, or reconstituted products which meet
14 the quality standards necessary to be used in the marketplace.

15 *Residual.* Contaminated material, separated from recyclable materials, that cannot be
16 recycled, composted, marketed, or otherwise utilized, and shall be disposed of as solid waste.

17 *Reuse.* The recovery or reapplication of the material for uses similar or identical to its
18 originally intended application, without manufacturing or preparation processes that
19 significantly alter the material.

20 *Self-hauling.* The hauling of solid waste including C&D material by the applicant, or
21 an affiliate of the applicant as “affiliate” is herein defined, from the project site to a landfill or
22 recycling facility or for reuse whether the applicant is using their own equipment or has
23 arranged with an affiliate to haul solid waste including C&D material from the project site.

24 *Solid waste.* All putrescible and non-putrescible solid, semi-solid and liquid wastes
25 including garbage, trash, refuse, paper, rubbish, ash, industrial waste, C&D material, land
26 clearing waste, discarded home and industrial appliances, and other discarded solid and semi-
27 solid wastes as defined in the California Public Resource Code Section 40191, as that section
28 may be amended from time to time. Solid waste means all such materials defined in PRC

1 40191 and, in addition, all such materials as defined in section 8.20.010 of the Concord
2 Municipal Code.

3 Waste Management Compliance Official (WMCO). The City Manager, his or her
4 designee, or consultant hired by the City of Concord.

5 **8.20.350 Covered projects.**

6 (a) Any construction, demolition, addition, alteration, remodel, encroachment, tenant
7 improvement or grading project within the city is considered a covered project when it meets
8 any of the following criteria:

9 (1) The project requires a demolition, building, encroachment, or grading permit and it
10 is either:

11 a. A residential or commercial project where total costs are valued at \$50,000 or
12 greater, except for demolition projects which are covered projects regardless of permit
13 value.

14 b. A city-owned or city-sponsored project where total costs are valued at
15 \$150,000 or greater.

16 c. A residential or commercial roofing or re-roofing project valued at \$10,000
17 or greater, or a project where 50 percent or more, of the roof area is replaced, or where
18 a project requires five (5) squares, or more, of roofing material regardless of permit
19 value.

20 (b) Any construction, demolition, addition, alteration, remodel, encroachment, tenant
21 improvement or grading project within the city is exempt from the requirements of this article
22 if the city determines that no waste material will be off-hauled from the project site or
23 otherwise generated by the project.

24 **8.20.360 Diversion requirements.**

25 The applicant for a covered project shall cause at least 65 percent by weight of the
26 C&D materials generated by the covered project to be diverted from the landfill not counting
27 inert debris and, in addition, shall cause at least 75 percent by weight of all inert debris
28 generated by the covered project to be diverted from the landfill.

1 **8.20.370 Performance security.**

2 (a) All applicants with a covered project shall submit a performance security with the building,
3 grading, demolition or encroachment permit application in an amount to be established by the
4 city. Applicants of city-owned or city-sponsored projects shall be exempt from this
5 requirement.

6 (b) Within 30 days of issuance by the city of a permit for the covered project, applicants
7 utilizing the city franchise hauler (CFH) for the hauling of all waste materials from the project
8 site shall submit to the city a copy of their hauling agreement with the CFH for the project.
9 The city shall refund the performance security to the applicant within a reasonable time
10 following receipt of a copy of the hauling agreement between the applicant and the CFH.

11 (c) If the waste management compliance official (WMCO) determines that the applicant has
12 complied with the requirements of this ordinance the WMCO shall cause the performance
13 security to be released to the applicant within a reasonable time following acceptance of the
14 applicant's final report.

15 (d) If the WMCO determines the applicant has failed to comply with the requirements of this
16 ordinance, the entire performance security shall be forfeited to the city. The WMCO shall
17 notify the applicant in writing of the forfeiture within a reasonable time of denying the
18 applicant's final report.

19 (e) All forfeited performance security funds shall be placed in a designated account for the
20 purpose of recovering costs associated with this article and furthering the recycling programs
21 and diversion goals of the city.

22 **8.20.380 Requirements of the applicant for a covered project.**

23 The applicant for a covered project shall:

24 (1) Divert at least 65 percent by weight of all solid waste including C&D material
25 generated by the covered project, and in addition, divert at least 75 percent by weight of all
26 inert debris generated by the covered project;

27 (2) Pay a program fee as set forth in the Resolution Establishing Fees & Charges for
28 Various Municipal Services;

1 (3) Submit a performance security as set forth in the Resolution Establishing Fees &
2 Charges for Various Municipal Services;

3 (4) Provide a final report to the WMCO within thirty (30) days of the completion of the
4 covered project. Failure to provide a final report to the WMCO within thirty (30) days of the
5 completion of the covered project shall cause the performance security to be forfeited;

6 (5) Retain a copy of the disposal and recycling receipts for the covered project for at
7 least one year following completion of the covered project. The date of completion of the
8 covered project is defined as the date of the certificate of occupancy of the covered project or,
9 for projects where a certificate of occupancy is not applicable, the date on which the applicable
10 permit was finalized by the city.

11 (6) Retain a copy of the waiver for a third-party hauler, if one was issued, for at least
12 one year following completion of the covered project;

13 (7) Allow for an audit by the city or city's authorized representative of disposal and
14 recycling receipts, records, and waiver for a third-party hauler, if one was issued, for the
15 covered project within one year following completion of the covered project;

16 (8) Follow the processes required by this ordinance for the hauling of solid waste
17 including C&D material generated by the covered project; and

18 (9) Meet all other permit requirements as set forth in this ordinance and the Concord
19 Municipal Code.

20 **8.20.390 Program fee.**

21 (a) The applicant shall pay a program fee in an amount set forth in the Resolution Establishing
22 Fees & Charges for Various Municipal Services.

23 (b) The intent of the program fee is to defray costs to the city for the program established by
24 this ordinance.

25 (c) Applicants for all city-owned or city-sponsored projects shall be exempt from paying a
26 program fee.

27 **8.20.400 Solid waste including C&D material handling.**

28 The applicant for a covered project shall:

1 (1) Ensure that at least 65 percent by weight of all solid waste including C&D material
2 generated by a covered project is diverted and, in addition, ensure that at least 75 percent by
3 weight of all inert debris generated by a covered project is diverted. Material that is not
4 recycled can be salvaged and/or reused on-site or can be provided to others for reuse and
5 counted as diverted material in the applicant's final report.

6 (2) Use the city franchise hauler (CFH) to transport the solid waste including C&D
7 material to certified recyclers or other entities with the ability to process the materials so they
8 are diverted from land-filling (exceptions include self-hauling or receiving a waiver granted by
9 the CFH as explained below).

10 (3) The applicant may self-haul solid waste including C&D materials generated by the
11 covered project or direct an affiliate to conduct hauling activities to achieve the diversion
12 requirement, as "self-haul" and "affiliate" are defined in section 8.20.340. The applicant is not
13 required to request a waiver from the CFH to self-haul material or to direct an affiliate to
14 conduct hauling. An applicant may only use a non-affiliated company to haul solid waste
15 including C&D material if the CFH has granted a waiver to the applicant.

16 (4) If not self-hauling or using an affiliate, applicant is responsible for contacting the
17 CFH to arrange for hauling services or request a waiver from the CFH to allow a non-affiliated
18 party to transport the C&D material. If the CFH elects to allow a non-affiliated party to
19 provide service to the applicant, the CFH must grant a written waiver to the applicant to
20 transport solid waste including C&D material.

21 a. The applicant may request a waiver from the CFH via e-mail or written
22 correspondence and must indicate the time, date, applicant's name, and permit number
23 for the covered project. The CFH will assign the applicant a waiver number via fax or
24 e-mail.

25 b. Both the CFH and applicant must maintain a copy of the waiver that
26 indicates date and time, permit number, waiver certification number, and applicant
27 name for each waiver provided. A copy of the waiver must be submitted with the final
28 report.

1 (5) If the covered project material contains contamination by hazardous substances, the
2 applicant is required to divert 65 percent by weight of non-contaminated material and, in
3 addition, 75 percent by weight of non-contaminated inert debris. Documentation acceptable to
4 the city must be submitted to receive approval for exemption of materials from the
5 requirements of this ordinance due to contamination by hazardous substances.

6 **Section 3.** Concord Municipal Code Title 15 (Buildings and Building Regulations) is hereby
7 amended by adding Chapter 15.08 as follows:

8 **CHAPTER 15.08 APPEALS OF THE CITY OF CONCORD**
9 **CONSTRUCTION CODE**

10 **15.08.010 Establishment of Board of Appeals.**

11 a. General. In order to hear and decide appeals authorized under the City of Concord
12 Construction Code, there shall be and is hereby created a Board of Appeals, which shall constitute the
13 "Local Appeals Board" and "Housing Appeals Board," as those terms are defined and used in the
14 California Building Standards Code (the "Board of Appeals"). The Board of Appeals shall be
15 appointed by the City Council and shall hold office at their pleasure but in no event shall serve longer
16 than four years without reappointment by the City Council.

17 b. Limitation of Responsibilities. The responsibilities and authority of the Board of Appeals
18 shall be limited as provided in accordance with state law and the City of Concord Construction Code.
19 Specifically the authority of the Board of Appeals shall not include legal interpretation of the
20 administrative provisions of the City of Concord Construction Code and shall not include authority to
21 grant appeals which waive requirements of state law or the City of Concord Construction Code or
22 grant variances from state law or the City of Concord Construction Code.

23 c. Number. The Board of Appeals shall consist of five (5) members and two (2) alternates
24 appointed by the City Council. The alternates shall be called by the Board chairperson to hear appeals
25 during the absence or disqualification of a member. Alternate members shall possess the qualifications
26 required for Board membership.

27 The Building Official shall be an ex officio member of the Board of Appeals but shall have no
28 vote on any matter before the Board.

1 d. Qualifications. The Board of Appeals shall consist of members who are qualified by
2 experience and training to pass on matters pertaining to the City of Concord Construction Code and
3 are not employees of the City. Appointees shall be qualified in and specifically knowledgeable in the
4 City of Concord Construction Code and applicable local ordinances.

5 e. Chairperson. The Board of Appeals shall annually select one (1) of its members to serve as
6 chairperson.

7 f. Disqualification of Member. A member shall not hear an appeal in which that member has a
8 personal, professional, or financial interest, or a conflict of interest under the Fair Political Practices
9 Act. A disqualified Board of Appeals member shall declare his or her disqualification to the Building
10 Official, who shall arrange for an alternate member to serve in place of the disqualified member and
11 shall make the disqualification part of the hearing record.

12 g. Secretary. The City Manager shall designate a qualified clerk to serve as secretary to the
13 Board of Appeals. The secretary shall file a detailed record of all proceedings in the City Clerk's
14 office.

15 h. Compensation of Members. Members of the Board of Appeals shall serve without
16 compensation.

17 i. Quorum. A quorum shall consist of three (3) members and/or alternates.

18 j. Open Hearing. The Board of Appeals shall have no regular meetings; all meetings shall be
19 special meetings noticed pursuant to California Government Code Section 54956. All hearings before
20 the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the
21 Building Official, and any person whose interests are affected shall be given an opportunity to be
22 heard.

23 k. Hearing Procedure. The hearing shall be informal and shall not require compliance with the
24 rules of evidence. At the hearing, the Board of Appeals shall hear and consider all relevant evidence.

25 l. Postponed Hearing. Continuances of the hearing may be granted by the City Manager on
26 request of the appellant or the appellant's representative for good cause shown, or on the City
27 Manager's own motion.
28

1 m. Board Decision. The Board of Appeals shall decide the appeal by a majority vote of the
2 members present.

3 **15.08.020 Filing Requirements.**

4 a. Form of Appeal. Any person may appeal as provided by the City of Concord Construction
5 Code. Where not specifically stated in the City of Concord Construction Code, filing an appeal may
6 be initiated by filing at the City Clerk's office a written appeal containing the following:

7 1. A heading in the words: "Before the Board of Appeals of the City of Concord."

8 2. A caption reading: "Appeals of _____," giving the names of all appellants
9 participating in the appeal.

10 3. A brief statement setting forth the legal interest of each of the appellants in the
11 building or the land involved in the notice, order, determination, or action.

12 4. A brief statement in ordinary and concise language of the specific order or action
13 protested, together with any material facts claimed to support the contentions of the appellant.

14 5. A brief statement in ordinary and concise language of the relief sought and the
15 reasons why it is claimed the protested order or action should be reversed, modified or
16 otherwise set aside.

17 6. The signatures of all parties named as appellants and their mailing addresses.

18 7. The verification (by declaration under penalty of perjury) of at least one (1)
19 appellant as to the truth of the matters stated in the appeal.

20 b. Filing of an Appeal. Unless a different filing deadline is required by law or by the City of
21 Concord Construction Code, the appeal shall be filed within ten (10) days from notice of the action
22 subject to the appeal; provided, however, that if the building or structure is in such condition as to
23 make it immediately dangerous to life, limb, property, or safety of the public or adjacent property and
24 is ordered vacated and is posted as such, such appeal shall be filed within three (3) days from the date
25 of the service of the notice and order of the Building Official.

26 c. Application Fee. A nonrefundable application fee, as set forth in the City Council adopted
27 fees and charges, shall be submitted with the initial request for appeal.

28 **15.08.030 Scheduling and Noticing Requirements.**

1 a. Scheduling and Noticing Appeal for Hearing. As soon as practicable after receiving the
2 written appeal, the City Clerk shall fix a date, time, and place for the hearing of the appeal by the
3 Board of Appeals. Unless a different date and time is required by law or by the City of Concord
4 Construction Code, such date will be not less than ten (10) days and not more than sixty (60) days
5 from the date the appeal was filed with the Building Official. Written notice of the time and place of
6 the hearing shall be given at least ten (10) days prior to the date of the hearing either by causing a
7 copy of such notice to be delivered to the appellant personally or by mailing a copy thereof, postage
8 prepaid, addressed to the appellant at the address shown on the appeal.

9 b. Effect of Failure to Appeal. Failure of any person to file an appeal in accordance with the
10 provisions of this article shall constitute a waiver of the right to an administrative hearing and a failure
11 to exhaust administrative remedies.

12 c. Scope of Hearing on Appeal. Only those matters or issues specifically raised by the
13 appellant shall be considered in the hearing of the appeal.

14 d. Staying of Order Under Appeal. Except for vacation orders or as otherwise provided in the
15 City of Concord Construction Code or otherwise by law, enforcement of any notice or order of the
16 Building Official issued under this code shall be stayed during the pendency of the appeal that is
17 properly and timely filed.

18 **15.08.040 Final Decision.**

19 a. Decision. The decision of the Board of Appeals shall be in writing and include any material
20 factual determinations and the reason(s) for the decision. The decision shall be final and effective
21 immediately upon its adoption by the Board. A copy of the decision shall be mailed to the appellant
22 and to the Building Official. Decisions of the Board are not appealable to the City Council.

23 **Section 4.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.10
24 (Building Code) is hereby amended to read as follows:

25 **CHAPTER 15.10 BUILDING CODE**

26 **15.10.010 Building Code adopted.**

27 The 2016 California Building Code, California Code of Regulations, Title 24, Part 2,
28 Volumes 1 and 2, published by the California Building Standards Commission, 2525 Natomas

1 Park Drive, Suite 130, Sacramento, CA 95833-2936, with state supplements published from
2 time to time (collectively, “California Building Code”), a copy of which is filed in the office of
3 the Building Official, is hereby adopted and referred to, and by this reference, expressly
4 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to
5 the amendments set forth in this chapter.

6 The California Building Code, as amended in this chapter, shall be known, designated
7 and referred to as the “Building Code” for the City of Concord.

8 **15.10.020 Appendix Adoption.**

9 Appendices C (Group U – Agricultural Buildings) and I (Patio Covers) of the
10 California Building Code are hereby adopted. All remaining appendices are not adopted.

11 **15.10.030 Administrative Amendments.**

12 The following are administrative amendments to Chapter 1 Division II (Scope and
13 Administration):

14 (a) Section 101.1 (Title) is hereby revised to read as follows:

15 101.1 Title. These regulations shall be known as the *Building Code* of the City
16 of Concord, hereinafter referred to as “this code.”

17 (b) Section 101.4.4 (Property maintenance) is hereby deleted.

18 (c) Section 102.6 (Existing structures) is hereby revised to read as follows:

19 102.6 Existing structures. The legal occupancy of any structure existing on the
20 date of adoption of this code shall be permitted to continue without change, except as
21 otherwise specifically provided in this code, the *California Existing Building Code* or the
22 *California Fire Code*.

23 (d) Section 102.6.2 (Building previously occupied) is hereby revised to read as follows:

24 102.6.2 Building previously occupied. The legal occupancy of any building
25 existing on the date of adoption of this code shall be permitted to continue without change,
26 except as otherwise specifically provided in this code, the *California Fire Code* or as is
27 deemed necessary by the building official for the general safety and welfare of the occupants
28 and the public.

1 (e) The term “Department of Building Safety” as used in Section 103.1 shall mean the
2 Building Division of the City of Concord.

3 (f) The last sentence of the paragraph in Section 103.3 (Deputies) is hereby deleted.

4 (g) Section 104.10.1 (Flood hazard areas) is hereby deleted.

5 (h) Section 105.5 (Expiration) is hereby deleted.

6 (i) Section 113 (Board of Appeals) is hereby deleted in its entirety.

7 **Section 5.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.15
8 (Electrical Code) is hereby amended in its entirety to read as follows:

9 **CHAPTER 15.15 ELECTRICAL CODE**

10 **15.15.010 Electrical Code adopted.**

11 The 2016 California Electrical Code, California Code of Regulations, Title 24, Part 3,
12 published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite
13 130, Sacramento, CA 95833-2936, with state supplements published from time to time
14 (collectively, “California Electrical Code”), a copy of which is filed in the office of the
15 Building Official, is hereby adopted and referred to, and by this reference, expressly
16 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to
17 the amendments set forth in this chapter.

18 The California Electrical Code, as amended in this chapter, shall be known, designated
19 and referred to as the “Electrical Code” for the City of Concord.

20 **Section 6.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.20
21 (Plumbing Code) is hereby amended in its entirety to read as follows:

22 **CHAPTER 15.20 PLUMBING CODE**

23 **15.20.010 Plumbing Code adopted.**

24 The 2016 California Plumbing Code, California Code of Regulations, Title 24, Part 3,
25 published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite
26 130, Sacramento, CA 95833-2936, with state supplements published from time to time
27 (collectively, “California Plumbing Code”), a copy of which is filed in the office of the
28 Building Official, is hereby adopted and referred to, and by this reference, expressly

1 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to
2 the amendments set forth in this chapter.

3 The California Plumbing Code, as amended in this chapter, shall be known, designated
4 and referred to as the “Plumbing Code” for the City of Concord.

5 **15.20.020 Appendix adoption.**

6 Appendices A, B, D, H, I, and K of the California Plumbing Code are hereby adopted.
7 All remaining appendices are not adopted.

8 **15.20.030 Administrative amendments.**

9 The following are administrative amendments to Chapter 1 Division II (Administration):

10 (a) The fourth paragraph of Section 104.3.2 (Plan Review Fees) is hereby amended to
11 read:

12 Where plans are incomplete or changed so as to require additional review, a fee
13 shall be charged as set forth in the Resolution Establishing Fees & Charges for Various
14 Municipal Services.

15 (b) Section 104.4.3 (Expiration) is hereby deleted.

16 (c) Section 104.5 (Fees) is hereby amended to read:

17 104.5 Fees. Fees shall be assessed in accordance with the provisions of this
18 section and as set forth in the Resolution Establishing Fees & Charges for Various
19 Municipal Services.

20 (d) The fourth paragraph of Section 105.2.6 (Reinspections) is hereby amended to read:

21 To obtain reinspection, the applicant shall first pay a reinspection fee as set
22 forth in the Resolution Establishing Fees & Charges for Various Municipal Services.

23 (e) Section 107.0 (Board of Appeals) is hereby deleted in its entirety.

24 (f) Table 104.5 (Plumbing Permit Fees) is hereby deleted.

25 **Section 7.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter
26 15.25 (Mechanical Code) is hereby amended in its entirety and restated to read as follows:

27 **CHAPTER 15.25 MECHANICAL CODE**

28 **15.25.010 Mechanical Code adopted.**

1 The 2016 California Mechanical Code, California Code of Regulations, Title 24, Part
2 4, published by the California Building Standards Commission, 2525 Natomas Park Drive,
3 Suite 130, Sacramento, CA 95833-2936, with state supplements published from time to time
4 (collectively, “California Mechanical Code”), a copy of which is filed in the office of the
5 Building Official, is hereby adopted and referred to, and by this reference, expressly
6 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to
7 the amendments set forth in this chapter.

8 The California Mechanical Code, as amended in this chapter, shall be known,
9 designated and referred to as the “Mechanical Code” for the City of Concord.

10 **15.25.020 Appendix adoption.**

11 Appendices of the California Mechanical Code are hereby not adopted.

12 **15.25.030 Administrative amendments.**

13 The following are administrative amendments to Chapter 1 Division II (Administration):

14 (a) The fourth paragraph of Section 104.3.2 (Plan Review Fees) is hereby amended to
15 read:

16 Where plans are incomplete or changed so as to require additional review, a fee
17 shall be charged as set forth in the Resolution Establishing Fees & Charges for Various
18 Municipal Services.

19 (b) Section 104.4.3 (Expiration) is hereby deleted.

20 (c) Section 104.5 (Fees) is hereby amended to read:

21 104.5 Fees. Fees shall be assessed in accordance with the provisions of this
22 section and as set forth in the Resolution Establishing Fees & Charges for Various
23 Municipal Services.

24 (d) The fourth paragraph of Section 105.2.6 (Reinspections) is hereby amended to read:

25 To obtain reinspection, the applicant shall first pay a reinspection fee as set
26 forth in the Resolution Establishing Fees & Charges for Various Municipal Services.

27 (e) Section 107.0 (Board of Appeals) is hereby deleted in its entirety.

28 (f) Table 104.5 (Mechanical Permit Fees) is hereby deleted.

1 **Section 8.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter
2 15.40 (Residential Building Code) is hereby amended in its entirety and restated to read as follows:

3 **CHAPTER 15.40 RESIDENTIAL BUILDING CODE**

4 **15.40.010 Residential Building Code adopted.**

5 The 2016 California Residential Code, California Code of Regulations, Title 24, Part
6 2.5, published by the California Building Standards Commission, 2525 Natomas Park Drive,
7 Suite 130, Sacramento, CA 95833-2936, with state supplements published from time to time
8 (collectively, “California Residential Code”), a copy of which is filed in the office of the
9 Building Official, is hereby adopted and referred to, and by this reference, expressly
10 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to
11 the amendments set forth in this chapter.

12 The California Residential Code, as amended in this chapter, shall be known,
13 designated and referred to as the “Residential Building Code” for the City of Concord.

14 **15.40.020 Appendix adoption.**

15 Appendix H (Patio Covers) of the California Residential Code is hereby adopted. All
16 remaining appendices are not adopted.

17 **15.40.030 Administrative amendments.**

18 The following are administrative amendments to Chapter 1 Division II (Administration):

19 a) Section R101.1 (Title) is hereby revised to read as follows:

20 R101.1 Title. These regulations shall be known as the *Residential Code for*
21 *One- and Two-family Dwellings* of the City of Concord and shall be cited as such and
22 will be referred to herein as “this code.”

23 (b) Section R102.7 (Existing structures) is hereby revised to read as follows:

24 R102.7 Existing structures. The legal occupancy of any structure existing on
25 the date of adoption of this code shall be permitted to be to continue without change,
26 except as is specifically covered in this code, the *California Fire Code*, or as is deemed
27 necessary by the building official for the general safety and welfare of the occupants
28 and the public.

1 (c) The term “Department of Building Safety” as defined in Section R103 and used
2 within Chapter 1 Division II shall mean the “Building Division” of the City of Concord.

3 (d) Section R104.10.1 (Flood hazard areas) is hereby deleted.

4 (e) Section R105.3.1.1 (Determination of substantially improved or substantially
5 damaged existing buildings in flood hazard areas) is hereby deleted.

6 (f) Section R105.5 (Expiration) is hereby deleted.

7 (g) Section R112 (Board of Appeals) is hereby deleted in its entirety.

8 **Section 9.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.42
9 (Historical Building Code) is hereby amended in its entirety and restated to read as follows:

10 **CHAPTER 15.42 HISTORICAL BUILDING CODE**

11 **15.42.010 Historical Building Code adopted.**

12 The 2016 California Historical Building Code, California Code of Regulations, Title
13 24, Part 8, published by the California Building Standards Commission, 2525 Natomas Park
14 Drive, Suite 130, Sacramento, CA 95833-2936, with state supplements published from time to
15 time (collectively, “California Historical Code”), a copy of which is filed in the office of the
16 Building Official, is hereby adopted and referred to, and by this reference, expressly
17 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to
18 the amendments set forth in this chapter.

19 The California Historical Building Code, as amended in this chapter, shall be known,
20 designated and referred to as the “Historical Building Code” for the City of Concord.

21 **Section 10.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.43
22 (Existing Building Code) is hereby amended in its entirety and restated to read as follows:

23 **CHAPTER 15.43 EXISTING BUILDING CODE**

24 **15.43.010 Existing Building Code adopted.**

25 The 2016 California Existing Building Code, California Code of Regulations, Title 24,
26 Part 10, published by the California Building Standards Commission, 2525 Natomas Park
27 Drive, Suite 130, Sacramento, CA 95833-2936, with state supplements published from time to
28 time (collectively, “California Existing Building Code”), a copy of which is filed in the office

1 of the Building Official, is hereby adopted and referred to, and by this reference, expressly
2 incorporated and made a part of this chapter as though fully set forth in this chapter, subject to
3 the amendments set forth in this chapter.

4 The California Existing Building Code, as amended in this chapter, shall be known,
5 designated and referred to as the “Existing Building Code” for the City of Concord.

6 **15.43.020 Appendix Adoption.**

7 Chapter A1 (Seismic Strengthening Provisions for Unreinforced Masonry Bearing
8 Wall Buildings) and Chapter A3 (Prescriptive Provisions for Seismic Strengthening of Cripple
9 Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings) of Appendix A
10 of the California Existing Building Code are hereby adopted. All remaining appendices are
11 not adopted.

12 **15.43.030 Administrative Amendments.**

13 The following are administrative amendments to Chapter 1 Division II (Scope and
14 Administration):

15 (a) Section 101.1 (Title) is hereby revised to read as follows:

16 101.1 Title. These regulations shall be known as the *Existing Building Code of*
17 the City of Concord, hereinafter referred to as “this code.”

18 (b) Section 101.4.2 (Buildings previously occupied) is hereby revised to read as
19 follows:

20 101.4.2 Buildings previously occupied. The legal occupancy of any building
21 existing on the date of adoption of this code shall be permitted to continue without change,
22 except as is specifically covered in this code, the *California Fire Code* or as is deemed
23 necessary by the code official for the general safety and welfare of the occupants and the
24 public.

25 (c) The term “Department of Building Safety” as defined in Section 103 shall mean the
26 Building Division of the City of Concord.

27 (d) Section 104.10.1 (Flood hazard areas) is hereby deleted.

28 (e) Section 105.5 (Expiration) is hereby deleted.

1 (f) Section 112 (Board of Appeals) is hereby deleted in its entirety.

2 **Section 11.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter 15.45
3 (Green Building Standards Code) is hereby amended in its entirety to read as follows:

4 **CHAPTER 15.45 GREEN BUILDING STANDARDS CODE**

5 **15.45.010 Green Building Standards Code adopted.**

6 The 2016 California Green Building Standards Code, California Code of Regulations,
7 Title 24, Part 11, published by the California Building Standards Commission, 2525 Natomas
8 Park Drive, Suite 130, Sacramento, CA 95833-2936, with state supplements published from
9 time to time (collectively, “California Green Building Standards Code”), a copy of which is
10 filed in the office of the Building Official, is hereby adopted and referred to, and by this
11 reference, expressly incorporated and made a part of this chapter as though fully set forth in
12 this chapter, subject to the amendments set forth in this chapter.

13 The California Green Building Standards Code, as amended in this chapter, shall be
14 known, designated and referred to as the “Green Building Standards Code” for the City of
15 Concord.

16 **Section 12.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter
17 15.47 (Energy Code) is hereby amended in its entirety to read as follows:

18 **CHAPTER 15.47 ENERGY CODE**

19 **15.47.010 Energy Code adopted.**

20 The 2016 California Energy Code, California Code of Regulations, Title 24, Part 6,
21 published by the California Building Standards Commission, 2525 Natomas Park Drive, Suite
22 130, Sacramento, CA 95833-2936, with state supplements published from time to time
23 (collectively, “California Energy Code”), a copy of which is filed in the office of the Building
24 Official, is hereby adopted and referred to, and by this reference, expressly incorporated and
25 made a part of this chapter as though fully set forth in this chapter, subject to the amendments
26 set forth in this chapter.

27 The California Energy Code, as amended in this chapter, shall be known, designated
28 and referred to as the “Energy Code” for the City of Concord.

1 **Section 13.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter
2 15.55 (Existing Unreinforced Masonry Buildings) Sections 15.55.020 and 15.55.030 are hereby
3 amended in their entirety to read as follows:

4 **15.55.020 Design standards adopted.**

5 Analysis and design shall conform to Chapters A1 and A3 of Appendix A of the
6 *Existing Building Code* for the City of Concord.

7 **15.55.030 Permit required.**

8 (a) A permit shall be obtained prior to any construction on structures identified as
9 unreinforced masonry buildings, as defined by the *Existing Building Code* for the City of
10 Concord.

11 (b) Persons preparing plans and engineering calculations shall be licensed by the state
12 as either a civil or structural engineer. The license shall be kept current throughout the term of
13 reconstruction, until the certificate of occupancy is issued. The design engineer shall be termed
14 the “engineer of record.” A change of engineer during the reconstruction shall be preceded by
15 documentation from the new “engineer of record,” accepting design responsibility from the
16 date he assumes responsibility. There shall be no voids between responsible engineers.

17 **Section 14.** Concord Municipal Code Title 15 (Buildings and Building Regulations), Chapter
18 15.60 (Swimming Pool, Spa, and Hot Tub Code) is hereby amended in its entirety and restated to read
19 as follows:

20 **CHAPTER 15.60 SWIMMING POOL, SPA, AND HOT TUB CODE**

21 **15.60.010 Swimming Pool, Spa, and Hot Tub Code adopted.**

22 The 2015 Uniform Swimming Pool, Spa, and Hot Tub Code published by the
23 International Association of Plumbing and Mechanical Officials, 4755 E. Philadelphia Street,
24 Ontario, CA 91761-2816, a copy of which is filed in the office of the Building Official, is
25 hereby adopted and referred to, and by this reference, expressly incorporated and made a part
26 of this chapter as though fully set forth in this chapter, subject to the amendments set forth in
27 this chapter.
28

1 The 2015 Uniform Swimming Pool, Spa, and Hot Tub Code, as amended in this
2 chapter, shall be known, designated and referred to as the “Swimming Pool, Spa, and Hot Tub
3 Code” for the City of Concord.

4 **15.60.020 Administrative Amendments.**

5 The following are administrative amendments to Chapter 1 (Administration):

6 (a) The fourth paragraph of Section 104.3.2 (Plan Review Fees) is hereby amended to
7 read:

8 Where plans are incomplete or changed so as to require additional review, a fee
9 shall be charged as set forth in the Resolution Establishing Fees & Charges for Various
10 Municipal Services.

11 (b) Section 104.4.3 (Expiration) is hereby deleted.

12 (c) Section 104.5 (Fees) is hereby amended to read:

13 104.5 Fees. Fees shall be assessed in accordance with the provisions of this
14 section and as set forth in the Resolution Establishing Fees & Charges for Various
15 Municipal Services.

16 (d) The fourth paragraph of Section 105.2.6 (Reinspections) is hereby amended to read:

17 To obtain reinspection, the applicant shall first pay a reinspection fee as set
18 forth in the Resolution Establishing Fees & Charges for Various Municipal Services.

19 (e) Section 107.0 (Board of Appeals) is hereby deleted in its entirety.

20 (f) Table 104.5 (Swimming Pool, Spa, and Hot Tub Permit Fees) is hereby deleted.

21 **15.60.030 Permissive exemption from fencing requirement.**

22 The Building Official may grant an exception to the requirement of fencing a
23 swimming pool when he or she finds that, under all applicable circumstances and conditions,
24 the pool does not constitute a safety hazard, though all conditions for the mandatory exemption
25 are not met.

26 **Section 15.** This ordinance shall become effective on January 1, 2017.

27 **Section 16.** This Ordinance No. 16-7 shall become effective thirty (30) days following its
28 passage and adoption. In the event a summary of said Ordinance is published in lieu of the entire

1 Ordinance, a certified copy of the full text of this Ordinance shall be posted in the office of the City
2 Clerk at least five (5) days prior to its adoption and within fifteen (15) days after its adoption,
3 including the vote of the Councilmembers. Additionally, a summary prepared by the City Attorney's
4 Office shall be published once at least five (5) days prior to the date of adoption of this Ordinance and
5 once within fifteen (15) days after its passage and adoption, including the vote of the
6 Councilmembers, in the Contra Costa Times, a newspaper of general circulation in the City of
7 Concord.

8
9 _____
10 Laura M. Hoffmeister
11 Mayor

12 ATTEST:

13 _____
14 Joelle Fockler, MMC
15 City Clerk

16 (Seal)

17 Ordinance No. 16-7 was duly and regularly introduced at a regular meeting of the City Council
18 of the City of Concord held on October 11, 2016, and was thereafter duly and regularly passed and
19 adopted at a regular meeting of the City Council of the City of Concord on November 1, 2016, by the
20 following vote:

21 **AYES:** Councilmembers -

22 **NOES:** Councilmembers -

23 **ABSTAIN:** Councilmembers -

24 **ABSENT:** Councilmembers -

25 **I HEREBY CERTIFY** that the foregoing is a true and correct copy of an ordinance duly and
26 regularly introduced, passed, and adopted by the City Council of the City of Concord, California.

27
28 _____
Joelle Fockler, MMC
City Clerk

Page 23 of 23