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BUILDING CODE

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ARTICLE I. GENERAL

SEC. 5.1 2013 CALIFORNIA RESIDENTIAL CODE – ADOPTED¹

The 2013 California Residential Code, California Code of Regulations, Title 24, Part 2.5, including Appendices G & K, prepared by the California Building Standards Commission, and as amended in sections 5.2 of this code, is hereby adopted by reference as the Piedmont Residential Code. The City Council may from time to time designate by resolution which edition of the California Residential Code is currently applicable, since the California Residential Code is periodically revised, and the edition currently designated by Council resolution shall be the one referred to in the Piedmont Residential Code. One copy of the Piedmont Residential Code and the California Residential Codes shall be kept on file at the Department of Public Works. (Ord. No. 254 N.S., 6/65; Ord. No. 275 N.S., 12/67; Ord. No. 312 N.S., 8/73; Ord. No. 548 N.S., 10/93, Ord. No. 571 N.S., 11/95, 607 N.S. 6/99; Ord. 634 N.S. 12/02, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.2 2013 PIEDMONT RESIDENTIAL CODE – AMENDMENTS

The following provisions replace and, some cases, amplify certain sections of the 2013 California Residential Code as adopted in Section 5.1 of this Chapter.

5.2.1 **Section R105.1 – Permits Required:** Section R105.1 is amended to include the following provisions: “A building permit will also be required for the following:

- (a) an on-grade improvement capable of use for parking vehicles and located in the front yard setback, the side yard setback of a corner lot or the rear yard setback of a through lot.

1 For state law as to adoption by reference, see Gov. C. § 50022.2 to 50022.10.

- (b) on-grade stairs with 4 (four) or more risers that are part of the primary entrance/exit to and from the structure.
- (c) construction, repair or replacement of a public sidewalk curb or gutter.
- (d) A building permit will be required for building alternations and property improvements which have received Design Review approval and would, by their nature, not ordinarily require a building permit as defined in Section 5.2.1. The purpose of the building permit is to verify conformance to the approved design and any Conditions of Approval.” (Ord. No. 607 N.S. 6/99, Ord. No. 634 N.S. 12/02, Ord. No. 713 N.S. 02/14)

5.2.2 Section R105.2 – Work Exempt from Permits: Delete section in its entirety and replace with the following: “Permits shall not be required for the following. Exemption from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. (Ord. No. 696 N.S. 01/11)

5.2.2(a) Building

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected floor area does not exceed 120 square feet, it is not located within the front setback, and is less than 7 feet in height measured from the lowest adjacent grade to the highest roof projection. Not more than one (1) accessory structure is allowed on any single parcel.
2. Fences 6 feet high or less which are not located in the front yard setback, the side yard setback of a corner lot, or the rear yard setback of a through lot, and is not within 2 feet, measured horizontally, of a retaining structure that compensates for a change in grade.
3. Movable cases, counters and partitions not over 5 feet 9 inches high.
4. Retaining walls which are not over 30 inches in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge.
5. Platforms, walks and driveways not more than 12 inches above grade and not over any basement or story below.
6. Painting, papering, interior floor covering, and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.

5.2.2(b) Electrical

1. Listed cord-and-plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles but not the outlets therefore.
3. Repair or replacement of branch circuit overcurrent devices of the required capacity in the same location.
4. Installation or maintenance of communications wiring, devices, appliances, apparatus or equipment.

5.2.2(c) Gas

1. Portable heating, cooking or clothes drying appliances, portable patio heaters and portable barbeques.
2. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
3. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

5.2.2(d) Mechanical

1. Portable heating appliances.
2. Portable ventilation appliances.
3. Portable cooling units.
4. Steam, hot- or chilled-water piping within any heating or cooling equipment regulated by this code.
5. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
6. Portable evaporative coolers.
7. Self-contained refrigeration systems containing 10 pounds or less of refrigerant or that are actuated by motors of 1 horsepower or less.
8. Portable-fuel-cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

5.2.2(e) Plumbing

1. The stopping of leaks in drains, soil, waste or vent pipe; provided, however, that if a trap, drain pipe, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, the same shall be considered as new work and a permit shall be procured and inspection made as provided in this code.
2. The clearing of stoppages including the removal and reinstallation of water closets, or the repairing of leaks in pipes, valves, or fixtures, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

Exceptions to Exemption: Unless otherwise exempted, if separate plumbing, electrical and mechanical construction is required as part of the construction of the exempted items, a separate building permits for the plumbing, electrical and mechanical construction will be required for the above-exempted items.” (Ord. No. 713 N.S. 02/14)

5.2.3 Section R105.3.1 – Action on Application: Replace the second and third sentence with the following: “Such applications may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. Except as provided below, if the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in Section 5.2.5 have been paid, the building official shall issue a permit therefore to the applicant. The building official shall not issue any new permit for a particular site until all expired building permits have been finally approved and all work originally done without permits has been covered by a building permit, inspected and finally approved. If the Director of Public Works determines that an emergency exists, the Director of Public Works may authorize issuance of a building permit without first requiring permit compliance on prior improvements.” (Ord. No. 564 N.S., 4/95; Ord. No. 571 N.S. 11/95, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.2.4 Section R105.5 – Expiration: Add the following sentence after the first sentence of Section 105.5: “For purposes of this section, the term “work” shall include successful inspections by the building official as defined in Section R109 – Inspections.” (Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.2.4.(1) Section R106.3.3 – Construction Documents – Phased Approval: Delete this section in its entirety.

5.2.5 Section R108.2 – Schedule of Permit Fees: Add the following sentence to the end of this section to read as follows: “The fee for each permit shall be charged according to the City of Piedmont Building Permit Fee Schedule as adopted by the City Council from time to time.”

5.2.5.(1) Section R108.3 – Building Permit Valuations: Add the following sentence at the end of R108.3: “In determining the value of the construction, the building official shall consider the contract price for the work to be performed or, if there is no contract, such other evidence as the building official may consider relevant.” (Ord. No. 548 N.S., 10/93; Ord. No. 571 N.S., 11/95, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.2.6 Section R108.4 – Related Fees: Add a new Section R108.4.1 to read as follows: "An SMIP (Strong Motion Instrumentation Program) fee set by State of California from time to time will be charged. The minimum SMIP fee will be \$0.50." (Ord. No. 548 N.S., 10/93; Ord. No. 571 N.S., 11/95, Ord. No. 696 N.S. 01/11)

5.2.7 Section R108.7 – Government Agency Exemption: Add a new Section R108.7 to read as follows: "No building permit fee shall be required for any project or improvement to be built by or at the direction of the City of Piedmont, the County of Alameda, the State of California and the United States of America." (Ord. No. 548 N.S., 10/93; Ord. No. 571 N.S., 11/95, Ord. No. 696 N.S. 01/11)

5.2.8 Section R109.1 – Types of Inspections: A new paragraph shall be added at the end of Section R109.1 to read as follows: “A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans. In the case of a new residence or a detached structure, the building official shall require a survey by a licensed land surveyor prior to approving the foundation. The foundation survey shall include the related setbacks, the elevation of the existing grades, and the elevations of the foundation. At the completion of the framing and roof sheathing, the survey shall include the elevations of all floors and the maximum roof height, to verify that the structure is built according to the approved drawings.” (Ord. No. 564 N.S., 4/95; Ord. No. 571 N.S., 11/95, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.2.9 Section R112 Board of Appeals: Delete this section in its entirety.

5.2.10 Section R303.1 – Habitable Rooms: Delete exceptions 1. and 2.

5.2.11 Section R304.4 – Height Effect on Room Area: Amend section to read as follows: “Portions of a room with a sloping ceiling measuring less than 5 feet, or a furred ceiling measuring less than 7 feet, 6 inches from the finished floor to the finished ceiling shall not be considered as contributing to the minimum required habitable area for that room.” (Ord. No. 696 N.S. 01/11)

5.2.12 Section R305.1 Ceiling Height: Delete section in its entirety and replace with: “Habitable space, other than kitchens, shall have a ceiling height of not less than 7 feet 6 inches. Kitchens, bathrooms, toilet rooms, hallways, laundry rooms and portions of basements containing these spaces shall be permitted to have a ceiling height of not less than 7 feet.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

Exceptions:

1. For rooms with sloped ceilings, at least 50 percent of the required floor area of the room must have the prescribed ceiling height and no portion of the required floor area may have a ceiling height of less than 5 feet.
2. Bathrooms with sloped ceilings shall have a minimum ceiling height of 6 feet 8 inches at the center of the front clearance area for fixtures. The ceiling height above fixtures shall be such that the fixture is capable of being used for its intended purpose. A shower or tub equipped with a showerhead shall have a minimum ceiling height of 6 feet 8 inches above a minimum area 30 inches by 30 inches at the showerhead.
3. Existing non-habitable space contained within the existing building envelope that is converted to habitable space shall be permitted to have a ceiling height of not less than 7 feet.”

5.2.13 Section R305.1.2 – Under Floor Area: Add the following new section: “Portions of basements with ceiling heights of less than 6 feet 8 inches shall be considered under floor areas and shall be separated from the portions of the basement with ceiling heights of 6 feet 8 inches or greater by construction conforming to Chapter 6, 2013 California Residential Code. Such under floor areas shall be unfinished.

Exception: Existing under floor areas may be finished with the approval of the building official.”

5.2.14 Section R313.1 – Townhouse Automatic Sprinkler Systems: Add to exception: “However, if at any time a building is demolished or destroyed for any reason to the extent of more than seventy percent (70%) of the physical building, then an automatic fire sprinkler system shall be required. The amount of physical building destruction or demolition shall be determined by the building official.” (Ord. No. 696 N.S. 01/11)

5.2.15 Section R313.2 – One and Two Family Dwellings Automatic Fire Systems: Add to exception: “However, if at any time a building is demolished or destroyed for any reason to the extent of more than seventy percent (70%) of the physical building, then an automatic fire sprinkler system shall be required. The amount of physical building destruction or demolition shall be determined by the building official.” (Ord. No. 696 N.S. 01/11)

5.2.16 Add Section R327.7.10 – Deck Fire Protection: “The exposed underside of decks which are located less than 10 feet from any structure regulated by this code shall be protected by the installation of materials approved for one hour fire resistant construction on the horizontal exterior underside.

Exceptions:

- (1) Where exterior walls enclose the underside of the deck completely to grade.
- (2) Where the underdeck area is equipped with an automatic fire suppression system which complies with Section R313.
- (3) Where the deck, whether cantilevered or supported on posts, is less than one foot above grade or more than 15 feet above grade.
- (4) Where the deck, whether cantilevered or supported on posts, is constructed as follows:

Horizontal framing members 4 x 8 (nominal) and larger
Posts 6 x 6 (nominal) and larger
Decking:

- (A) 3x (nominal) decking
- (B) Ignition-resistant materials that comply with the performance requirements of both SFM Standard 12-7A-4 and SFM Standard 12-7A-5.
- (C) Exterior fire retardant wood.
- (D) Non-combustible material.
- (E) Any material that complies with the performance requirements of SFM Standard 12-7A-4A when attached exterior wall covering is also either non-combustible or ignition-resistant material.

Exception: Wall materials may be of any material that otherwise complies with this chapter when the decking surface material complies with the performance requirements of ASTM E 84 with a Class B flame spread rating.

- (5) Decks constructed over noncombustible paving which extends at least 3 feet beyond the edge of the deck and permanently prevents the growth of plant material.

The alteration or repair of an existing deck, or balcony shall meet the above requirements, except that if the number of linear feet of horizontal framing members to be repaired and replaced is less than 50% of the total linear feet of all framing members, materials like those used on the original construction may be used." (Ord. 548 N.S., 10/93; Ord. 554 N.S. 5/94, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.2.17 Section R401.3 – Drainage: Add the following to the end of the section: "Provisions shall be made for the control and drainage of surface and subsurface water around buildings. Whenever plans for an improvement to real property indicate the possibility of change in either surface or subsurface drainage, or both, a plan for drainage control shall be submitted which shall provide for no increase or other adverse change in drainage on any property adjacent to that on which the improvement is to be located. The methods by which storm water is to be managed shall be according to the latest approved provisions of the Alameda County Clean Water Program. If adhering to these provisions is not reasonable due to site specific conditions, then the storm water discharge shall be managed with one or more of the following exceptions:

- (1) Underground, rigid, pipe via gravity flow down to the face of curb of a street bordering the property. Any piping occurring under the city sidewalk or other city improvements shall be cast iron pipe.
- (2) Direct all concentrated storm water to a catch basin and sump pump to deliver water to the face of curb of a street bordering the property.
- (3) Gravity flow through neighboring property to the face of curb on a lower street subject to the approval of the Director of Public Works, and a written agreement and recorded easement mutually agreed to by the affected neighbors.
- (4) Any other method determined by the building official to be reasonable and appropriate under the circumstances. The building official shall require plans by a civil engineer, if necessary based on the characteristics of the site." (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.2.18 Section R401.4.1.1.3 – Approval, Building Permit Conditions, Appeal: Delete section in its entirety.

5.2.19 Add Section R401.4.1.3 – Foundation and Soils Investigations – Where Required:

1. "For any building on a site having a slope of twenty percent (20%) or greater, a soils report shall be prepared by a geotechnical engineer licensed by the State of California.
2. At discretion of the building official based on the characteristics of the site and the nature of the construction proposed." (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.2.20 Section R403.1.6.1 Foundation Anchorage: Add the following sentence at the end of the-second paragraph: "All anchor bolts, seismic ties, and any other

mechanical or structural connectors to be embedded in new concrete shall be installed and be in place at the time of the foundation form inspection.” (Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.2.21 Section R404.1.3 – Design Required: Amend the section as follows: “Concrete or masonry foundation walls shall be designed in accordance with accepted engineering practice when either of the following conditions exists:

1. Walls are subject to hydrostatic pressure from groundwater.
2. Walls supporting more than 30 inches of unbalanced backfill that do not have permanent lateral support at the top or bottom.” (Ord. No. 696 N.S. 01/11)

5.2.22 Section R405.1 Concrete or Masonry Foundations: Delete this section in its entirety and replace with: “Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Perforated pipe or other approved systems or materials shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Perforated pipe shall be surrounded with an approved filter membrane or the filter membrane shall cover washed gravel or crushed rock covering the drain pipe. Perforated pipe shall be placed on a minimum of 2 inches of washed gravel or crushed rock at least one sieve size larger than the perforations and covered with not less than 6 inches of the same material.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.2.23 Section R703.5 Wood Shakes and Shingles: Add the following at the end of the first paragraph of R703.5 to read as follows:

- (1) "All wood shingles and shakes shall be fire-retardant-treated to a Class B rating, or Class C if the wall assembly, treatment of underlayment, or the proposed finish is a fire-rated equivalent approved by the building official.
- (2) Exterior wall finishes of existing structures where openings are infilled, but not additions to existing structures, may be replaced to match the existing wall finish, if wood shakes and shingles installed on sidewalls are Class-B fire-treated. (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 713 N.S. 02/14)
- (3) Framing to receive wood siding or wood shingles and shakes siding shall be covered with tight-fitting minimum 1/2" wood underlayment or 1/2" exterior grade gypsum sheathing." (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.2.24 Section R902.1 – Roof Covering Materials: Delete section in its entirety and replace with: “Roofs shall be covered with materials as set forth in Sections R904

and R905. A minimum Class A roofing shall be installed. Class A roofing required by this Section to be listed shall be tested in accordance with UL 790 or ATM E 108.

Exceptions:

1. Class A roof assemblies include those with coverings of brick, masonry and exposed concrete roof deck.
2. Class A roof assemblies also include ferrous or copper shingles or sheets, metal sheets and shingles, clay or concrete roof tile, or slate installed on noncombustible decks.” (Ord. No. 696 N.S. 01/11)
3. Class A roof assemblies include minimum 16oz/ft² copper sheets installed over combustible decks.”

5.2.25 Section R1001.1 – General: Amend the section as follows: “Masonry fireplaces shall be constructed in accordance with this section and the applicable provisions of Chapters 3 and 4. Construction of new masonry fireplaces is prohibited where the firebox opens to enclosed or habitable spaces.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.2.26 Section R1003.9.2– Spark Arresters: Add after the first sentence of Section R1003.9.2, the following: “This shall be required when a building permit is issued for an improvement on the lot on which the house is located which is of a value in excess of one thousand dollars (\$1,000.00). The spark arrester must be installed before final inspection approval.” (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.2.27 Section R1004.1 – General: Add the following sentence after the second sentence: “Wood burning fireplaces and stoves shall be EPA certified.” (Ord. No. 696 N.S. 01/11)

5.2.28 Appendix K. Add a new Section AK103.2 – Mechanically Generated Noise Sources to read as follows: “Machines and other devices located on the exterior of structures which generate sounds perceptible outside the perimeters of the lot on which they are located shall be installed with such sound transmission control measures to adequately minimize or eliminate the transmission of the sound to a level not to exceed 50 decibels, A-weighted, beyond property perimeters. This section is directed to and includes, but is not limited to pool and spa filter systems, air conditioning units, and exterior mounted blowers for exhaust systems.” (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99; Ord. 634 N.S. 12/02, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

The 2013 California Building Code of Regulations, Parts 1 and 2 of Title 24, including the California Building Code, Volumes 1 and 2 and Appendices D, F, G, H, I, & J, prepared by the California Building Standards Commission, and as amended in sections 5.4 of this code, is hereby adopted by reference as the Piedmont Building Code. The City Council may from time to time designate by resolution which edition of the California Building Code is currently applicable, since the California Building Code is periodically revised, and the edition currently designated by Council resolution shall be the one referred to in the Piedmont Building Code. One copy of the Piedmont Building Code and the California Building Codes shall be kept on file at the Department of Public Works. (Ord. No. 254 N.S., 6/65; Ord. No. 275 N.S., 12/67; Ord. No. 312 N.S., 8/73; Ord. No. 548 N.S., 10/93, Ord. No. 571 N.S., 11/95, 607 N.S. 6/99; Ord. 634 N.S. 12/02, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.4 2013 PIEDMONT BUILDING CODE – AMENDMENTS

The following provisions replace and, some cases, amplify certain sections of the 2013 California Building Code as adopted in Section 5.3 of this Chapter.

5.4.1 Section 105.1 – Permits Required: Section 105.1 is amended to include the following provisions: “A building permit will also be required for the following:

- (a) an on-grade improvement capable of use for parking vehicles and located in the front yard setback, the side yard setback of a corner lot or the rear yard setback of a through lot.
- (b) on-grade stairs with 4 (four) or more risers that are part of the primary entrance/exit to and from the structure.
- (c) construction, repair or replacement of a public sidewalk curb or gutter.
- (d) A building permit will be required for building alterations and property improvements which have received Design Review approval and would, by their nature, not ordinarily require a building permit as defined in Section 5.4.1. The purpose of the building permit is to verify conformance to the approved design and any Conditions of Approval.” (Ord. 607 N.S. 6/99, Ord. 634 N.S. 12/02, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.2 Section 105.2 – Permits – Work Exempt from Permits: Section 105.2 is amended with the following:

“Building:

1. One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected floor area does not exceed 120 square feet, it is not located within the front *yard* setback, and

is less than 7 feet in height measured from the lowest adjacent grade to the highest roof projection. Not more than one (1) accessory structure is allowed on any single parcel.

2. Fences 6 feet high or less which are not located in the front yard setback, the side yard setback of a corner lot, or the rear yard setback of a through lot, and is not within 2 feet, measured horizontally, of a retaining structure that compensates for a change in grade.
3. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.
4. Retaining walls which are not over 30 inches in height, measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or III-A liquids.
5. Platforms, walks and driveways not more than 12 inches above grade and not over any basement or story below and re not part of an accessible route..
6. Painting, papering interior floor covering and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.” (Ord. No. 713 N.S. 02/14)

5.4.3 Section 105.3.1 – Action on Application: Replace the second and third sentence with the following: “Such applications may be reviewed by other departments of this jurisdiction to verify compliance with any applicable laws under their jurisdiction. Except as provided below, if the building official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of this code and other pertinent laws and ordinances, and that the fees specified in Section 5.4.5 have been paid, the building official shall issue a permit therefore to the applicant. The building official shall not issue any new permit for a particular site until all expired building permits have been renewed and finally approved, and all work originally done without permits has been issued a building permit, inspected and finally approved. If the Director of Public Works determines that an emergency exists, the Director of Public Works may authorize issuance of a building permit without first requiring permit compliance on prior improvements.” (Ord. 564 N.S., 4/95; Ord. No. 571 N.S. 11/95, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.4 Section 105.5 – Expiration: Add the following sentence after the first sentence of Section 105.5: “For purposes of this section, the term “work” shall include successful inspections by the building official as defined in Section 110 – Inspections.” (Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.4.(1) Section 107.3.3 – Examination of Documents - Phased Approval: Delete this section in its entirety. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.5 Section 109.2 – Schedule of Permit Fees: Add the following sentence to the end of this section to read as follows: “The fee for each permit shall be charged according to the City of Piedmont Building Permit Fee Schedule as adopted by the City Council from time to time.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.5.(1) Section 109.3 – Building Permit Valuations: Add the following sentence at the end of 109.3: “In determining the value of the construction, the building official shall consider the contract price for the work to be performed or, if there is no contract, such other evidence as the building official may consider relevant.” (Ord. No. 548 N.S., 10/93; Ord. No. 571 N.S., 11/95, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.4.6 Section 109.5.1 – Related Fees: Add a new Section 109.5.1 to read as follows: "An SMIP (Strong Motion Instrumentation Program) fee set by State of California from time to time will be charged. The minimum SMIP fee will be \$0.50." (Ord. No. 548 N.S., 10/93; Ord. No. 571 N.S., 11/95, Ord. No. 696 N.S. 01/11)

5.4.7 Section 109.7 – Government Agency Exemption: Add a new Section 109.7 to read as follows: "No building permit fee shall be required for any project or improvement to be built by or at the direction of the City of Piedmont, the County of Alameda, the State of California and the United States of America." (Ord. No. 548 N.S., 10/93; Ord. No. 571 N.S., 11/95, Ord. No. 696 N.S. 01/11)

5.4.8 Section 110.1 – Inspections, General: A new paragraph shall be added at the end of Section 110.1 to read as follows: "A survey of the lot may be required by the building official to verify that the structure is located in accordance with the approved plans. In the case of a new residence or a detached structure, the building official shall require a survey by a licensed land surveyor prior to approving the foundation. The foundation survey shall include the related setbacks, the elevation of the existing grades, and the elevations of the foundation. At the completion of the framing and roof sheathing, the survey shall include the elevations of all floors and the maximum roof height, to verify that the structure is built according to the approved drawings.” (Ord. No. 564 N.S., 4/95; Ord. No. 571 N.S., 11/95, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.4.9 Section 711.10 – Protection of Underside of Floors: Add the following: “The exposed underside of floors for habitable space, uninhabitable space which supports or is attached to habitable space, or decks which are located less than 10 feet from any structure regulated by this code, shall be protected by the installation of materials approved for one-hour fire-resistant construction on the horizontal exterior side. Gypsum sheathing may be covered by combustible finish materials.

Exceptions:

- (1) Where exterior walls enclose the under floor area completely to grade.
- (2) Where the underfloor area is equipped with an automatic fire suppression system which conforms with the Piedmont Fire Code.
- (3) A balcony or deck, whether cantilevered or supported on posts, is less than one foot above grade or more than 15 feet above grade.
- (4) A balcony or deck, whether cantilevered or supported on posts, which is constructed as follows:

Horizontal framing members 4x8 (nominal) and larger
Posts 6x6 (nominal) and larger
Decking:

- (A) 3x (nominal) decking
- (B) Ignition-resistant materials that comply with the performance requirements of both SFM Standard 12-7A-4 and SFM Standard 12-7A-5.
- (C) Exterior fire retardant wood.
- (D) Non-combustible material.
- (E) Any material that complies with the performance requirements of SFM Standard 12-7A-4A when attached exterior wall covering is also either non-combustible or ignition-resistant material.

Exception: Wall materials may be of any material that otherwise complies with this chapter when the decking surface material complies with the performance requirements of ASTM E 84 with a Class B flame spread rating.

- (5) Decks constructed over noncombustible paving which extends at least 3 feet beyond the edge of the deck and permanently prevents the growth of plant material.

The alteration or repair of an existing deck, or balcony shall meet the above requirements, except that if the number of linear feet of horizontal framing members to be repaired and replaced is less than 50% of the total linear feet of all framing members, materials like those used on the original construction may be used." (Ord. 548 N.S., 10/93; Ord. 554 N.S. 5/94, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.10 Section [F] 903.2 – Automatic Sprinkle Systems Where required: Add the following to the section: “Any previously non-conforming structure that is demolished or destroyed for any reason to the extent that more than seventy percent (70%) of the physical building is demolished or destroyed shall be provided with approved automatic sprinkler system as described in Sections 903.2.1 through 903.2.19. The amount of physical building destruction or demolition shall be determined by the building official.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.11 Section 1505.1 – Roof Assemblies Fire Classification – General: Delete section in its entirety and replace with the following: “Class A roof assemblies and roof coverings shall be installed. Class A roof assemblies and roof coverings shall be tested in accordance with ASTM E 108 or UL 790. In addition, fire retardant-treated wood roof coverings shall be tested in accordance with ASTM D 2898.

Exception: Skylights and sloped glazing that comply with Chapter 24 or Section 2610.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.2.12 Section 1510.1 – Reroofing – General: Delete section in its entirety and replace with the following: “Materials and methods of application used for recovering or replacing an existing roof covering shall comply with the requirements of Section 1505.1.

Exception: Reroofing shall not be required to meet the minimum design slope requirements of one-quarter unit vertical in 12 units horizontal (2 percent slope) in Section 1507 for roofs that provide positive roof drainage.

Reroofing of an existing structure, regardless of existing roofing materials, shall conform to the requirements of a Class-A roof for the materials used in the installation. Class-A roofing materials may be installed over previous roof material layers if final assembly meets requirements of California Building Code Chapter 15.

Patches and repairs exceeding 100 square feet shall meet the requirements for reroofing. Patches and repairs of 100 square feet or less may match existing materials, including sheathing and roofing materials, provided that all wood shingles and shakes are fire treated to a Class-B rating.” (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.4.13 Section 1803.2 – Geotechnical Investigations Required: After the first sentence add the following: “Geotechnical investigations shall be required:

1. For any building on a site having a slope of twenty percent (20%) or greater.
2. At discretion of the building official based on the characteristics of the site and the nature of the construction proposed.” (Ord. No. 713 N.S. 02/14)

5.4.14 Section 1805.4.3 – Drainage Discharge: Delete section in its entirety and replace with the following: “Provisions shall be made for the control and drainage of surface and subsurface water around buildings. Whenever plans for an improvement to real property indicate the possibility of change in either surface or subsurface drainage, or both, a plan for drainage control shall be submitted which shall provide for no increase or other adverse change in drainage on any property adjacent to that on which the improvement is to be located. The methods by which storm water is to be managed shall be according to the latest approved provisions of the Alameda County Clean Water Program. If adhering to these provisions is not reasonable due to site specific conditions, then the storm water discharge shall be managed with one or more of the following exceptions:

- (1) Underground, rigid pipe via gravity flow down to the face of curb of a street bordering the property. Any piping occurring under the city sidewalk or other city improvements shall be cast iron pipe.
- (2) Direct all concentrated storm water to a catch basin and sump pump to deliver water to the face of curb of a street bordering the property.
- (3) Gravity flow through neighboring property to the face of curb on a lower street subject to the approval of the Director of Public Works, and a written agreement and recorded easement mutually agreed to by the affected neighbors.
- (4) Any other method determined by the building official to be reasonable and appropriate under the circumstances. The building official shall require plans by a civil engineer, if necessary, based on the characteristics of the site.” (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.4.15 Section 1807.2 – Retaining Walls: Add the following sentence at the end of 1807.2: "A retaining wall, any portion of which exceeds 30 inches in height measured from the top of the footing to the top of the retaining wall, shall be designed by a registered civil or structural engineer or architect." (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.4.16 Section 2308.6 – Foundation Plates or Sills: Add the following sentence at the end of the paragraph: “All anchor bolts, seismic ties, and any other mechanical or structural connectors to be embedded in new concrete shall be installed and be in place at the time of the foundation form inspection.” (Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11)

5.4.17 Section 1406.2.12– Wood Shingle Siding and Other Wood Siding: Exterior wall coverings shall be permitted to be constructed of wood shingle siding and other wood siding complying with the following limitations:

- (1) All wood shingle siding shall be fire-retardant treated to a Class B rating, or Class C rating if the wall assembly, treatment of underlayment, or the proposed finish is a fire-rated equivalent approved by the Building Official.
- (2) Exterior wall finishes of existing structures where openings are infilled, but not additions to existing structures may be replaced to match the existing wall finish, if wood shingles siding installed is Class-B fire treated.
- (3) Framing to receive wood shingle siding or other wood siding shall be covered with tight-fitting minimum 1/2" wood underlayment or 1/2" exterior grade gypsum sheathing. (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.18 Section 2111.1.1– Masonry Fireplace Prohibited Location: Construction of masonry fireplaces is prohibited where the firebox opens to enclosed or habitable spaces. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.19 Section 2802– Spark Arrester: Add the following at the end of Section 2802: “A spark arrester shall be required when a building permit is issued for an improvement on the lot on which the house is located which is of a value in excess of one thousand dollars (\$1,000.00). The spark arrester must be installed before final inspection approval.” (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.4.20 Add a new Section 1207.4– Mechanically Generated Noise Sources to read as follows: "Machines and other devices located on the exterior of structures which generate sounds perceptible outside the perimeters of the lot on which the machine or other device is located shall be installed with such sound transmission control measures to adequately minimize or eliminate the transmission of the sound to a level not to exceed 50 decibels, A-weighted, beyond property perimeters. This section is directed to and includes, but is not limited to, pool and spa filter systems, air conditioning units, and exterior mounted blowers for exhaust systems.” (Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99; Ord. 634 N.S. 12/02, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.5 2013 CALIFORNIA MECHANICAL CODE – ADOPTED

The 2013 California Mechanical Code, Part 4 of Title 24 and its appendices, prepared by the California Building Standards Commission, is adopted by reference, subject to any changes, additions or deletions set forth in this chapter. The Council, by resolution, may from time to time designate which edition of the California Mechanical Code is currently applicable, since said California Mechanical Code is periodically revised and the edition so designated by Council resolution shall be the one referred to throughout this Code. One copy of the California Mechanical Code shall be kept on file at the Department of

Public Works. (Ord. No. 276 N.S., 3/68; Ord. No. 548 N.S., 10/93, Ord. 607 N.S. 6/99; Ord. 634 N.S. 12/02, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.6 2013 PIEDMONT MECHANICAL CODE – AMENDMENTS

The following listed sections of the 2013 California Mechanical Code, adopted by Section 5.5, are amended to read as follows:

5.6.1 Section 108.0 Board of Appeals: Delete Section this section in its entirety. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.6.2 Section 114.1– Fees General: In the first sentence, supplant “in the fee schedule, Table 114.1-1”, with the following Section 114.1: “the Building Permit Fee Schedule set by City Council resolution from time to time.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.6.3 Section 114.2– Permit Fees: In the first sentence, supplant, “Table 114.1”, with the following: “the Building Permit Fee Schedule set by City Council resolution from time to time” and add the following subsections:

- (a) “The determination of value or valuation under any provisions of this Code shall be made by the building official. The value to be used in computing the mechanical permit and mechanical plan review fees shall be the total value of all construction for which the permit is issued.
- (b) SMIP (Strong Motion Instrumentation Program) Fee of \$0.07 per \$1,000.00 valuation will be charged. The minimum SMIP fee will be \$0.50.
- (c) The City of Piedmont, the County of Alameda, the State of California and the United States of America shall be exempted from the paying of any fee for any building permit.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.6.4 Section 114.3 – Plan Review Fees: Replace the entire third paragraph, with the following: “Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Building Permit Fee Schedule set from time to time by City Council resolution.” (Ord. No. 232 N.S., 12/62; Ord. No. 255 N.S., 6/65; Ord. No. 275 N.S., 12/67; Ord. No. 312 N.S., 8/73; Ord. No. 359 N.S., 2/78; Ord. No. 411 N.S., 10/80, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.6.5 Section 115.0– Inspections: Section 115.6 Reinspections: Delete the third paragraph. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.7 2013 CALIFORNIA PLUMBING CODE – ADOPTED

The 2013 California Plumbing Code, Part 5 of Title 24, and its appendices, prepared by the California Building Standards Commission, is adopted by reference, subject to any changes, additions or deletions set forth in this chapter. The Council, by resolution, may from time to time designate which edition of the California Plumbing Code is currently applicable, since said California Plumbing Code is periodically revised and the edition so designated by Council resolution shall be the one referred to throughout this Code. One copy of the California Plumbing Code shall be kept on file at the Department of Public Works. (Ord. No. 276 N.S. 3/68; Ord. No. 312 N.S., 8/73; Ord. No. 359 N.S., 2/78, Ord. 607 N.S. 6/99; Ord. 634 N.S. 12/02, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.8 2013 PIEDMONT PLUMBING CODE – AMENDMENTS

The following listed sections of the 2013 California Plumbing Code, adopted by Section 5.7, are amended to read as follows:

5.8.1 Section 102.3– Board of Appeals: Delete this section in its entirety. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.2 Section 103.4– Fees: In the first sentence, supplant “in the fee schedule, Table 103.4” with the following: “the Building Permit Fee Schedule set by City Council resolution from time to time” and the following subsections:

- (a) “The determination of value or valuation under any of the provisions of this code shall be made by the building official. The value to be used in computing the plumbing permit and the plumbing plan review fees shall be the total value of construction work for which the permit is issued.”
- (b) "SMIP (Strong Motion Instrumentation Program) Fee of \$0.07 per \$1,000.00 valuation will be charged. The minimum SMIP fee will be \$0.50."
- (c) "The City of Piedmont, the County of Alameda, the State of California and the United States of America shall be exempted from the paying of any fee for any building permit." (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.3 Section 103.4.1– Plan Review Fees: At the end of the fourth paragraph, supplant “Table 103.4” with “the Permit Fee Schedule set by City Council resolution from time to time.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.4 Section 1101.1 – Where Required: Revise this section to read as follows: “Roofs, paved areas, yards, courts, courtyards, vent shafts, light wells, or similar areas having rain water shall be drained into a separate storm sewer system or to

some other place of disposal satisfactory to the Authority Having Jurisdiction.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.5 Section 1101.5 – Subsoil Drains: Revise Section 1101.5.1 to read as follows: “Subsoil drains shall be piped to a storm drain, to an approved water course, or to the front street curb or gutter.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.6 Delete Section 1101.5.3 in its entirety. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.7 Delete Section 1101.5.5 in its entirety. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.8 Section 1601.3– Permit: Delete the following exception in its entirety: “A construction permit shall not be required for a clothes washer system meeting the requirements of section 1602.1.1.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.9 Add new Subsection 601.8 to read as follows: “When a new water service piping is installed, and a ground driven electrode is nonexistent, one must be driven and the proper electrical connections made as described in the current electrical code.” (Ord. No. 276 N.S., 3/68; Ord. No. 312 N.S., 8/73; Ord. No. 359 N.S., 2/78; Ord. No. 411 N.S., 10/80, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.8.10 Section 1602.1.1– Clothes Washer System: Delete this section in its entirety. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.9 2013 CALIFORNIA ELECTRICAL CODE – ADOPTED

The 2013 California Electrical Code, Part 3 of Title 24, and its annexes, prepared by the California Building Standards Commission, is adopted by reference, subject to any changes, additions or deletions set forth in this chapter. The Council, by resolution, may from time to time designate which edition of the California Electrical Code is currently applicable, since said California Electrical Code is periodically revised and the edition so designated by Council resolution shall be the one referred to throughout the Code. Revisions to the California Electrical Code will be adopted upon receipt of same. One copy of the California Electrical Code shall be kept on file at the Department of Public Works. (Ord. No. 359 N.S., 2/78, Ord. 607 N.S. 6/99; Ord. 634 N.S. 12/02, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.10 2013 PIEDMONT ELECTRICAL CODE – AMENDMENTS

The following listed sections are added to the 2013 California Electrical Code adopted by Section 5.9 to read as follows:

5.10.1 Section 89.108.4.2 – Fees: Add the following sentence and subsections to the end of the paragraph to read as follows: “A fee for each electrical permit shall be paid to the building official in accordance with the Building Permit Fee Schedule set by City Council resolution from time to time.

- (a) The determination of value or valuation under any of this Code shall be made by the building official. The value to be used in computing the electrical permit and electrical plan review fee shall be the total value of all construction work for which the permit is issued.
- (b) SMIP (Strong Motion Instrumentation Program) Fee of \$0.07 per \$1,000.00 valuation will be charged. The minimum SMIP fee will be \$0.50.
- (c) The City of Piedmont, the County of Alameda, the State of California and the United States of America shall be exempted from the paying of any fee for any building permit.” (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

5.10.2 Add new Subsection 89.108.4.3 (a) – Plan Review Fees: “When a plan or other data is required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fees shall be charged at the rate shown in the Building Permit Fee Schedule set by City Council resolution from time to time. Where plans are incomplete or changed so as to require additional plan review, an additional plan review fee shall be charged at the rate shown in the Building Permit Fee Schedule set by City Council resolution from time to time.” (Ord. No. 359 N.S., 2/78; Ord. No. 411 N.S., 10/80, Ord. 607 N.S. 6/99, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.11 2013 CALIFORNIA ENERGY CODE ADOPTED

The 2013 California Energy Code, Title 24, Part 6 including all of its appendices is hereby adopted by reference. The City Council may from time to time designate by resolution which edition of the California Energy Code is currently applicable, since the California Energy Code is periodically revised, and the edition currently designated by Council resolution shall be the one referred to in the Piedmont Building Code. One copy of the currently adopted California Energy Code shall be kept on file at the Department of Public Works. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.12 2013 CALIFORNIA GREEN BUILDING STANDARDS CODE – ADOPTED

The 2013 California Green Building Standards Code, Title 24, Part 11 is hereby adopted by reference. The City Council may from time to time designate by resolution which edition of the California Green Building Standards Code is currently applicable, since the California Green Building Standards Code is periodically revised, and the edition currently designated by Council resolution shall be the one referred to in the Piedmont Building Code. One copy of the currently adopted California Green Building Standards Code shall be kept on file at the Department of Public Works. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.13 2013 CALIFORNIA REFERENCED STANDARDS CODE – ADOPTED

The 2013 California Referenced Standards Code, Part 12 of Title 24, including all of its appendices is hereby adopted by reference. The City Council may from time to time designate by resolution which edition of the California Referenced Standards Code is currently applicable, since the California Referenced Standard Code is periodically revised, and the edition currently designated by Council resolution shall be the one referred to in the Piedmont Building Code. One copy of the currently adopted California Referenced Standards Code shall be kept on file at the Department of Public Works. (Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.14 2013 CALIFORNIA ADMINISTRATIVE CODE – ADOPTED

The 2013 California Administrative Code, Part 1 of Title 24, and its appendices, prepared by the California Building Standards Commission, is adopted by reference, subject to any changes, additions or deletions set forth in this chapter. The Council, by resolution, may from time to time designate which edition of the California Administrative Code is currently applicable, since said California Administrative Code is periodically revised and the edition so designated by Council resolution shall be the one referred to throughout this Code. One copy of the California Administrative Code shall be kept on file at the Department of Public Works (Ord. No. 332 N.S., 9/75; Ord. No. 334 N.S., 12/75; Ord. No. 359 N.S., 2/78, Ord. 607 N.S. 6./99, Ord. No. 696 N.S. 01/11, Ord. No. 713 N.S. 02/14)

SEC. 5.15 2013 CALIFORNIA HISTORICAL BUILDING CODE – ADOPTED

The 2013 California Historical Building Code, Part 8 of Title 24, including all of its appendices is hereby adopted by reference. The City Council may from time to time designate by resolution which edition of the California Historical Building Code is currently applicable, since the California Historical Building Code is periodically revised, and the edition currently designated by Council resolution shall be the one referred to in the Piedmont Building Code. One copy of the currently adopted California Historical Building Code shall be kept on file at the Department of Public Works. (Ord. No. 713 N.S. 02/14)

SEC. 5.16 2013 CALIFORNIA EXISTING BUILDING CODE – ADOPTED

The 2013 California Existing Building Code Part 10, Title 24, and its appendices, prepared by the California Building Standards Commission, is adopted by reference, subject to any changes, additions or deletions set forth in this chapter. The Council, by resolution, may from time to time designate which edition of the California Existing Building Code is currently applicable, since said California Existing Building Code is periodically revised and the edition so designated by Council resolution shall be the one referred to throughout this Code. One copy of the California Existing Building Code shall be kept on file at the Department of Public Works. (Ord. No. 713 N.S. 02/14)

Article II

**STREAMLINED PERMITTING FOR
SMALL RESIDENTIAL ROOFTOP ENERGY SYSTEMS**

SEC. 5.17 DEFINITIONS

The definitions in this section apply throughout this article unless the context clearly requires otherwise.

- (a) “Association” means a nonprofit corporation or unincorporated association created for the purpose of managing a common interest development.
- (b) “Common interest development” means any of the following:
 - (1) A community apartment project.
 - (2) A condominium project.
 - (3) A planned development.
 - (4) A stock cooperative.
- (c) “Electronic submittal” means submission of the application via electronic mail.
- (d) “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.
- (e) “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

- (1) For Water Heater Systems or Solar Swimming Pool Heating Systems: an amount exceeding 10 percent of the cost of the system, but in no case more than one thousand dollars (\$1,000), or decreasing the efficiency of the solar energy system by an amount exceeding 10 percent, as originally specified and proposed.
 - (2) For Photovoltaic Systems: an amount not to exceed one thousand dollars (\$1,000) over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding 10 percent as originally specified and proposed.
- (f) “Small residential rooftop solar energy system” means a solar energy system that meets each of the following requirements:
- (1) A solar energy system that is no larger than 10 kilowatts alternating current nameplate rating or 30 kilowatts thermal.
 - (2) A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the City and all state and City health and safety standards.
 - (3) A solar energy system that is installed on a single or duplex family dwelling.
 - (4) A solar panel or module array that does not exceed the maximum legal building height of the zone the property is located in, as defined in Chapter 17 the City Code.
- (g) “Solar Energy System” means either:
- (1) Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
 - (2) Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating. (Ord. No. 718 N.S. 11/15)

SEC. 5.18 APPLICABILITY

- (a) This Article applies to the permitting of all small residential rooftop solar energy systems in the City.
- (b) Small residential rooftop solar energy systems legally established or permitted prior to the effective date of this Article are not subject to the requirements of this

Article unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit. (Ord. No. 718 N.S. 11/15)

SEC. 5.19 SOLAR ENERGY SYSTEM REQUIREMENTS

- (a) All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the City.
- (b) Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.
- (c) Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. No. 718 N.S. 11/15)

SEC. 5.20 DUTIES OF DEPARTMENT OF PUBLIC WORKS AND BUILDING OFFICIAL

- (a) All documents required for the submission of an expedited solar energy system application shall be made available on the publicly accessible City web site.
- (b) Electronic submittal of the required permit application and documents shall be made available to all small residential rooftop solar energy system permit applicants.
- (c) An applicant's electronic signature shall be accepted on all forms, applications, and other documents in lieu of a wet signature.
- (d) The Department of Public Works shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.
- (e) The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research.
- (f) All fees prescribed for the permitting of small residential rooftop solar energy systems must comply with Government Code Sections 65850.55, 66015, 66016,

and Health and Safety Code Section 17951 as may be amended. (Ord. No. 718 N.S. 11/15)

SEC 5.21 **PERMIT REVIEW AND INSPECTION REQUIREMENTS**

- (a) The Department of Public Works shall adopt an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems within 30 days of the adoption of this Article. The Department of Public Works shall issue a building permit within three business days of receipt of a complete application which also meets the requirements of the approved checklist and standard plan.
- (b) Review of the application shall be limited to the Building Official's review of whether the application meets local, state, and federal health and safety requirements.
- (c) The City shall not condition the approval of an application on the approval of an association.
- (d) If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.
- (e) Only one inspection shall be required and performed by the Building Official for small residential rooftop solar energy systems eligible for expedited review.
- (f) The inspection shall be done in a timely manner and should include consolidated inspections. An inspection will be scheduled within two business days of a request and provide a two hour inspection window.
- (g) If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized but need not conform to the requirements of this Article. (Ord. No. 718 N.S. 11/15)

ARTICLE III. DISCLOSURES

SEC. 5.25 **DISCLOSURE REQUIRED.**

- (a) In order to fairly notify future City property owners of important requirements concerning property in the City, every person who sells an interest in real property located in the City shall provide the following to a buyer at least 10 days before the close of escrow:
 - (1) A Property Records Search provided by the City Public Works Department for a nominal fee established by the City Council. This report

shows the building permit history for the property, including which improvements have been approved; and

- (2) A disclosure statement prepared by the Director of Public Works, outlining certain requirements concerning real property. (Ord. 695 N.S. 11/2010, Ord. No. 728 N.S, 04/2017)

ARTICLE IV. GREEN BUILDING STANDARDS FOR CITY PROJECTS

SEC. 5.30 GREEN BUILDING REGULATIONS FOR CITY FACILITIES.

City owned and/or operated Permitted Use facilities in Zone B are subject to the following regulations:

- (a) Definitions. In this section:

"Building" has the same meaning as defined in division 17.90.010 of this code.

"City Project" means any new construction or Renovation of a Building owned or occupied by a City Department or Agency.

"Covered Project" means all new Building or Renovation projects that equal or exceed \$3 million in construction costs; and are either owned or occupied by a City Department or Agency or developed as a Public-Private Partnership.

"Green Building Compliance Official" means the Director of Public Works or the Director's designee.

"GreenPoint Rated" means the most recent version of the residential green building rating program developed by Build It Green.

"Initiated" means officially identified and substantially funded to offset the costs associated with the project.

"LEED™ Rating System" means the most recent version of the Leadership in Energy and Environmental Design (LEED™) Green Building Rating System approved by the United States Green Building Council.

"LEED™ Accredited Professional" means an individual who has passed the LEED™ accreditation exam administered by the US Green Building Council.

"Public-Private Partnership" means any project built on city-owned land, primarily funded by the City, or built under a Disposition and Development Agreement with the City.

“Renovation” means any change, addition, or modification to an existing Building or Structure, including, but not limited to, tenant improvements.

"Structure" has the same meaning as defined in division 17.90.010 of this code.

“Traditional Public Works Project” means heavy construction projects including but not limited to such items as pump stations, flood control improvements, roads, and bridges, as well as traffic lights, sidewalks, bike paths, bus stops, and associated infrastructure on City owned and maintained property.

(b) Regulations and Standards for Compliance.

(i) At all times, City staff shall maintain the most recent version of the GreenPoint checklists and Residential Green Building Guidelines for New Home Construction, Remodeling, and Multifamily Building; and the LEED™ Rating System.

(ii) LEED™ Rating and GreenPoint Score. All Covered Projects Initiated on or after the effective date of this Ordinance shall meet either: a minimum LEED™ Certified rating and be so certified by the US Green Building Council or a minimum GreenPoint Rated score of 50 and be so verified by Build It Green. All Covered Projects shall also have a LEED™-Accredited Professional or a Certified Green Building Professional as a principal member of the design team from the beginning of the project.

(iii) Practicable Effort and Documentation. For the purposes of reducing operating and maintenance costs in all City facilities and Public-Private Partnership facilities, Covered Projects that do not meet the threshold that triggers compliance with the requirements of this ordinance and that have Building construction costs greater than \$200,000 are required to meet as many LEED credits, or GreenPoint Rated measures, as practicable and are required to complete and submit to the City’s Green Building Compliance Official the LEED or GreenPoint checklist as a way of documenting the green building practices that have been incorporated into the project.

(iv) Project Specifications in Bids. In developing project specifications for use in building “Traditional Public Works Projects,” the Public Works Department shall consider including in those specifications green building and environmentally sound practices whenever practicable.

(c) Unusual Circumstances. Compliance with the provisions of this Article may be waived in unusual circumstances where the City Council has, by resolution, found and determined that the public interest would not be served by complying with these provisions. (Ord. No. 680 N.S., 10/2008; Ord. No. 728 N.S., 04/2017)

ARTICLE V. MISCELLANEOUS

SEC. 5.40 DEFINITIONS

Unless otherwise defined by this Code, terms in this chapter shall be as defined in the latest editions of American Public Works Association Standard Specifications for Public Works Construction, the California Plumbing Code, and the Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation.

- (a) APWA: shall refer to the American Public Works Association
- (b) ASTM: shall refer to the American Society for Testing and Materials.
- (c) BUILDING SEWER LATERAL: The section of sewer pipe that carries sewage and liquid waste from a point two (2) feet from the building or structure served, up to and including the connection to the public sewer. The building sewer lateral is comprised of the upper and lower sewer lateral and is the sole responsibility of the property owner.
- (d) CCTV: shall refer to a closed-circuit television method of inspecting any underground sewer piping system.
- (e) CITY: When used herein shall refer to the City of Piedmont
- (f) CLEANOUT: A segment of pipe connected to a building sewer lateral which rises vertically to the ground surface and provides access to the building sewer lateral for purposes of routine inspection, flushing, and servicing in order that the building sewer lateral remain free-flowing.
- (g) CODE: Shall refer to Chapter 5, Article V of the Piedmont City Code.
- (h) COMPLIANCE CERTIFICATE: A certificate issued by EBMUD indicating that a building sewer lateral complies with the requirements as set forth in the EBMUD Regional PSL Ordinance No. 311, Title VIII.
- (i) DIRECTOR: Shall mean the Director of Public Works for the City of Piedmont and his authorized representative.
- (j) EBMUD or DISTRICT: The East Bay Municipal Utility District, Special District No. 1
- (k) EBMUD REGIONAL PSL ORDINANCE: Shall refer to East Bay Municipal Utility District Ordinance 311, Title VIII, Regulation of Private Sewer Laterals, its implementation and any future amendments or modifications thereto.

- (l) FOG: Shall refer to Fats, Oils, and Grease in the sanitary sewer system.
- (m) INFILTRATION and INFLOW (I/I): Stormwater that enters a sanitary sewer system intended only for wastewater flows.
- (n) LOWER SEWER LATERAL: That part of the building sewer lateral extending from the property line and/or two-way cleanout to the publicly-owned sewer main.
- (o) NOTICE TO PROCEED: A written notice from the City specifying that the temporary City action preventing the repair or replacement of any part of the building sewer lateral is lifted and further, that the property owner shall proceed with the repair or replacement of that part of the building sewer lateral such that it is completed and the appropriate Compliance Certificate be obtained within the specified time limit set by the Director.
- (p) NOTICE OF VIOLATION: A written notice from the City specifying that a building sewer lateral is not in compliance with this Code.
- (q) PLUMBING CODE: Shall refer to the latest adopted edition of the California Plumbing Code.
- (r) PUBLIC SEWER: The publicly-owned collection system that carries sewage and liquid waste from building sewer laterals to the wastewater treatment facilities.
- (s) REPAIR: For purposes of this Code, "repair" means a spot mending of an existing building sewer lateral to address a specific section of pipe that is not in compliance with this Code.
- (t) REPLACEMENT: For purposes of this Code, "replacement" means that entirely new underground pipes, fittings, joint connections, clean-outs, caps, and other required components of the new building sewer lateral are installed and constructed in conformance with this Code. Complete lining of an existing building sewer lateral in conformance with this Code shall also be considered a replacement.
- (u) SANITARY SEWER SYSTEM: The entire wastewater collection system including public sewers and all building sewer laterals.
- (v) SEWER MAIN: the publicly owned sanitary sewer piping system.
- (w) STORMWATER: natural occurring water created by the weather, underground springs, and surface or subsurface drainage of said water.

- (x) UPPER SEWER LATERAL: That part of the building sewer lateral extending from the property line and/or cleanout, running on private property to the building or structure served. When an upper sewer lateral connects to a rear or side yard sewer main located on private property in an easement, the entire lateral, including the connection to the sewer main, shall be considered the building sewer lateral.
- (y) VERIFICATION TEST: A specific on-site testing of the building sewer lateral established by EBMUD to assure compliance with the EBMUD Regional PSL Ordinance and this Code.
- (z) WASTEWATER: All sewage, industrial and other waste and waters, whether treated or untreated, discharged into or permitted to enter a sanitary sewer system. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.41 BUILDING SEWER LATERAL REQUIRED

- (a) Building Sewer Lateral Required: Every building in which plumbing fixtures are installed and every premise having waste drainage piping shall have a connection to the public sewer in conformance with this Code.
- (b) No Direct Discharges to Public Sewers: No person shall discharge any substance directly to a manhole or other opening in a public sewer other than through an approved building sewer lateral except with the written approval of the Director.
- (c) Cleanout Required. In addition to the required building sewer lateral as defined in Section 17A.2 (a) above, the property owner shall be responsible for the installation of a two (2) way cleanout in the building sewer lateral between the upper and lower lateral in a location approved by the Director. Such cleanout shall be a double-wye conforming to the City of Piedmont Standard Details. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.42 PROHIBITED USES

- (a) Limitation on Use.
 1. Use of the sanitary sewer system is limited to the discharge of sewage and/or industrial wastes in such a quantity and of such a quality as shall not endanger the condition, operation or capacity of the sanitary sewer system and the wastewater treatment facilities.
 2. No person shall discharge, deposit, or throw into a building sewer lateral or the sanitary sewer system, any substance which may cause an obstruction or damage to the sewer system, or which may cause a nuisance or hazard, or which will in any manner obstruct the efficient operation or maintenance of the sewer system treatment facilities.

- (b) Stormwater and Groundwater Prohibited. It shall be unlawful for any person to discharge any stormwater, surface water, groundwater, roof runoff or subsurface drainage into any building sewer lateral or public sewer.
- (c) Prohibited Discharges. No discharge shall be made to a building sewer lateral or public sewer that does not meet all requirements set by the City or the District. No one required by the City or the District to have a waste discharge permit shall discharge to a building sewer lateral or public sewer without a valid permit from the City or the District.
- (d) Additional Prohibited Uses. No person shall discharge any of the following waters or waste into a building sewer lateral or the sanitary sewer system:
1. Any unpolluted industrial process water.
 2. Any liquid or vapor having a temperature detrimental to the sewer system.
 3. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid, or gas.
 4. Any water or waste which contains fats, oils, or grease in excess of those standards established by EBMUD and the City.
 5. Any garbage, except garbage from dwellings and establishments where food is prepared and consumed on the premises, and which has been ground to such a degree that all particles will be carried freely under the flow conditions prevailing in the public sewers. No particle shall in any event be greater than 3/8-inch in any dimension.
 6. Any sand, cement, lime, plaster, cinders, ashes, metal, glass or other heavy solids; any straw, shavings, animal hair, feathers, paunch manure or other fibrous matter; any tar, asphalt, resins, plastics or other viscous substance; or any other matter of such a nature as to obstruct the flow in sewers or cause other interference with the proper operation of the sewer system.
 7. Any waters or wastes containing excessive amounts of acid, alkali, or dissolved sulfide, or having any other corrosive property capable of causing damage or hazard to sanitary sewer system structures, equipment or personnel.
 8. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with the operation and maintenance of the sanitary sewer system.

9. Any waters or wastes containing more than 500 milligrams per liter of suspended solids.
 10. Any noxious or malodorous gas or substance capable of creating a public nuisance.
 11. Any radioactive wastes.
 12. Any waste having more than 1 milligram per liter of sulfides.
 13. Any waste having a pH of less than 5.5 or more than 10.5.
 14. Any material that obstructs or prevents the effective maintenance or normal operation of the building sewer lateral or sewer main.
- (e) Special Agreements. The City, the District, and any individual or industrial concern discharging any water or waster of unusual strength, character, composition or volume into the sanitary sewer system may enter into a contract permitting such discharge. If the discharge shall cause additional or extraordinary expense to the City, the individual or industrial concern shall be required to reimburse the City as determined by the Director.
- (f) Sampling Structures. The Director shall have the right to require any property owner to construct and maintain, at their own expense, a sampling structure in an accessible location for the purpose of sampling and determining the flow of sewage or industrial wastes through their building sewer lateral. The design of the structure shall be completed by a licensed engineer approved by the Director. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC.5.43 BUILDING SEWER LATERAL CONNECTION BOND and BUILDING PERMIT

- (a) Bond Required. If required by the Director, every person engaged in the business of installing building sewer laterals in the City, which installation will connect to any sewer main owned by the City, shall deposit with the City Clerk the sum of one thousand dollars (\$1,000) as a guarantee that all such installations will be accomplished in the manner specified by the Director and in accordance with this Code. Said bond shall be held for one year following completion and acceptance of the installation. As an alternative to the deposit of cash as called for herein, this requirement may be satisfied (a) with a surety company bond in a form and with a bonding company acceptable to the City Clerk in the amount of the cash deposit of (b) with an interest bearing deposit in the amount of the cash deposit, which deposit would be assigned to the City in a form and with a depository acceptable to the city clerk, all for the purposes of carrying out the requirements set forth herein, and upon satisfactory compliance with such requirements, the bond or interest bearing deposit shall be released by the City.

- (b) Permit Required. A written permit shall be obtained from the Director before construction, repair, or abandonment of a building sewer lateral. However, no permit shall be required for the clearance of sewer stoppages in a privately-owned building sewer lateral.
- (c) Permit Application. The applicant or applicant's representative shall apply in person for the permit. No permit shall be issued until the following has been submitted by the applicant and approved by the Director.
1. Site plan showing the proposed location of the building sewer lateral including location of the connection to the public sewer and of all clean outs on the building sewer lateral.
 2. List of materials that shall be used to construct the building sewer lateral.
 3. Verification that the contractor to permit construction/repairs of the building sewer lateral has an active City business license.
 4. Payment of sewer permit fees as follows:
 - a. For a new sewer connection and inspection thereof, the applicant shall pay the current New Sewer Connection Fee as set from time to time by a resolution of the City Council.
 - b. For replacement or repair of a building sewer lateral and inspection thereof, the permit fee shall be in accordance with the City Building Permit Fees as set from time to time by a resolution of the City Council.
- (d) Form and Conditions of the Permit. The permit, when signed by the Director, shall constitute permission to do the work. The permit shall be void if the work is not commenced and completed within the period specified on the permit unless an extension of time is granted in writing by the Director. Permits shall not be transferable.
- (e) Notice of Commencement of Work. The permittee shall give notice of the time of commencement of the work to the Director and Underground Service Alert, as required by law, at least forty-eight (48) hours before the work is started. Similar notice shall be given to the Police Department, Fire Department and utility companies if required on the permit.
- (f) Revocation of Permit. The Director may revoke a building sewer lateral permit for non-compliance with any applicable laws or regulations.

- (g) Final Inspection. Unless otherwise deemed an exception by this Code, any building permit issued by the City for any property that is subject to the provisions of this Code and the EBMUD Regional PSL Ordinance shall not receive a Final Inspection unless a Compliance Certificate is issued by EBMUD and filed with the City. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.44 BUILDING SEWER LATERAL: STANDARDS, DESIGN, and MATERIALS FOR CONSTRUCTION

(a) Standards:

1. All construction standards and methods shall comply with the City of Piedmont Standard Plans, the current adopted edition of the California Plumbing Code, the latest edition of the APWA Standard Specifications for Public Works Construction, applicable standard of the American Society for Testing and Materials, and the current edition of the EBMUD Regional PSL Ordinance. The Director shall be responsible for resolving possible conflicts between any of these standards.

(b) Design:

1. All aspects of the building sewer lateral design, including but not limited to the size, slope, and alignment, the method of excavation, placing of the pipe, testing of the building sewer lateral and the backfilling the trench shall be in conformance with this code, the current adopted edition of the California Plumbing Code, the latest edition of the APWA Standard Specifications for Public Works Construction, and the current edition of the EBMUD Regional PSL Ordinance. All connection joints shall be watertight and free of defects and shall conform to the standards as set forth in ASTM D 3212. All gaskets shall conform to the standard set forth in ASTM F477.
2. Any new connection of a new building sewer lateral to the sewer main, or any connection of a new building sewer lateral to an existing fitting at the sewer main, shall be inspected by the Director prior to the actual connection construction occurring for verification of the proper design, materials, and methods, which shall be in compliance with this Code. Unauthorized and non-conforming connections to the sewer main can only be repaired by the City. The cost of repairing any unauthorized or non-conforming connections to the sewer main shall be the responsibility of the property owner to which such connection serves.
3. Whenever possible, the building sewer lateral shall be brought to the building at an elevation below the basement floor. Within buildings where any interior building sewage drain is below the building sewer lateral such that proper flow via gravity as specified by this Code cannot be achieved,

this sanitary sewage can be discharged by means of an approved mechanical sewage pump facility and discharged into the building sewer system. The design of said pumping system shall be in accordance with this Code, other applicable regulations, and receive the approval of the Director during the building permit plan check process.

(c) Materials:

1. All materials used in the construction, repair, or replacement of any building sewer lateral shall be in conformance with the City of Piedmont Standard Plans, the current adopted edition of the California Plumbing Code, the latest edition of the APWA Standard Specifications for Public Works Construction, applicable standard of the American Society for Testing and Materials. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.45 BUILDING SEWER LATERAL STANDARDS for MEASUREMENTS, TESTS, and ANALYSES

- (a) All measurements, tests, and analyses of the characteristics of waters, wastewaters and their conveyance to which reference is made in this Code, shall be determined in accordance with the latest editions of the EBMUD Regional PSL Ordinance , APWA Standard Specifications for Public Works Construction, the California Plumbing Code, and the Standard Methods for the Examination of Water and Wastewater, published jointly by the American Public Health Association and the American Water Works Association. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.46 ABANDONMENT OF EXISTING BUILDING SEWERS

- (a) An existing building sewer lateral or its connection, which is to be abandoned shall be removed or sealed with a permanent, watertight plug at the connection to the public sewer in a manner satisfactory to the Director. All other openings of the abandoned building sewer lateral including plumbing connections, clean outs, rat holes, etc. shall also be similarly sealed.

SEC. 5.47 BUILDING SEWER LATERAL: MAINTENANCE and REQUIRED INSPECTION

- (a) Responsibility. It shall be the responsibility of the property owner to perform all required maintenance, repairs and inspections to keep the building sewer lateral in the condition as specified by paragraph (b)1 below.
- (b) Required Maintenance.

1. The building sewer lateral must be maintained to meet the following minimum requirements:
 - a. The building sewer lateral shall be kept free from roots, grease deposits, and other solids which may impede the flow or obstruct the transmission of waste.
 - b. All joints shall be tight and all pipes shall be sound to prevent exfiltration by waste or infiltration by groundwater or stormwater.
 - c. The building sewer lateral pipe shall be free of any structural defects, cracks, breaks, or missing portions and the grade shall be uniform without sags or offsets.
 - d. No area drains, foundation drains, roof leaders, sump pumps or other direct connections that allow stormwater or groundwater into the building sewer lateral will be allowed.
 - e. The building sewer lateral shall have a two-way clean out located approximately at the property line or, in the case where the building sewer is all within private property, in a location approved by the Director. All clean outs shall be securely capped with an approved cap at all times, except during maintenance activities.
 - f. The building sewer lateral shall be free from breaks, openings, and rat holes.
 - g. The building sewer lateral shall be free of any material that obstructs or prevents the effective maintenance or normal operation of the building sewer lateral or the City sewer main.
 - h. Property owners and food service operators are required to control the discharge of fats, oils, and grease (FOG) into the sanitary sewer system from their properties or food service establishments, and not cause or contribute to FOG related sanitary sewer overflows, blockages, or increased maintenance in the sanitary sewer systems according to the current standards established by EBMUD and the City.
2. The Director shall determine the criteria and acceptable methods of evaluating building sewers to ensure compliance with the above requirements.

(c) Required Inspections, Replacement and Compliance Certificate

1. OWNER RESPONSIBILITIES: It shall be the responsibility of the property owner to perform all required inspections of their building sewer lateral, obtain all required building permits, perform all required construction, schedule and pass the EBMUD Verification Test, obtain and file with the City, a Compliance Certificate from EBMU, and obtain a Final Inspection from the City for their building sewer lateral when one or more of the following triggering events occurs:
 - a. TITLE TRANSFER: Prior to the sale or transfer of an entire real property estate or the fee interest in that real property estate and does not include the sale or transfer of partial interest, including a leasehold. In addition, the following shall not be considered a “title transfer” for purposes of Chapter 17A:
 - (i) transfer by a fiduciary in the course of the administration of a decedent’s estates, guardianship, conservatorship, or trust.
 - (ii) transfer from one co-owner to one or more other co-owners, or from one or more co-owners into or from a revocable trust, if the trust is for the benefit of the grantor or grantors.
 - (iii) transfer made by a trustor to fund a living trust.
 - (iv) transfer made to a spouse, to a registered domestic partner as defined in Section 297 of the State of California Family Code, or to a person or persons in the lineal line of co-sanguinity of one or more of the transferors.
 - (v) transfers between spouses or registered domestic partners resulting from a decree of dissolution of marriage or domestic partnership, or a decree of legal separation or from a property settlement agreement incidental to a decree.
 - b. CONSTRUCTION and REMODELING: Whenever a property owner or authorized agent applies for a building permit for any type of construction on the subject property that exceeds \$100,000 in construction cost.
 - c. CHANGE IN WATER SERVICE SIZE: Whenever a property owner or authorized agent applies to EBMUD to increase or decrease the size of the property’s water meter.
 - d. NOTICE OF VIOLATION: Whenever a property owner or authorized agent has received a written Notice of Violation from

the City with respect to the condition of the building sewer lateral based on testing conducted by the City or its authorized representative.

- e. CITY INSPECTION: Whenever the property owner or authorized agent has received a written communication from the City with respect to the condition of the building sewer lateral based on observations from the City or its authorized representative.
2. INDIVIDUALLY OWNED UNITS IN A MULTI UNIT BUILDING: For all individually-owned units within a multi-unit building, such as a condominium, which is served by a single or shared building sewer lateral(s) the homeowners' association or the responsible party for this type of multi-unit building, shall be responsible for compliance to the following requirements within ten (10) years of the adoption of this Code.
- a. authorize the required inspection(s) to determine if the building sewer lateral(s) serving said property are, as determined by the Director, in compliance with this Code and the EBMUD Regional PSL Ordinance.
 - b. if repair or replacement is required by the Director, obtain the required building permit, perform such work, and obtain the required inspections as specified by this Code.
 - c. obtain a Compliance Certificate from EBMUD as specified in the EBMUD Regional PSL Ordinance and a Final Inspection from the City as specified in this Code.
3. EXCEPTIONS
- a. A property owner of a structure may request an exemption from EBMUD if the building sewer lateral is less than 10 years old from the date of any triggering event described above, and said property owner provides a valid building permit showing that the building sewer lateral was replaced in total, received a Final Inspection, and said building sewer lateral is deemed by the Director to not otherwise be in violation of this Code.
 - b. If at the time of repair or replacement of any building sewer lateral, there is an action in place by the City that would prevent the repair or replacement of the lower sewer lateral in compliance with this Code, the City may temporarily waive the requirements of this Code for the lower sewer lateral. In such case, a Compliance Certificate will only be required for the upper sewer lateral. Upon conclusion of the City action, the City will rescind the waiver and

shall issue a Notice to Proceed to the affected property owner, now directing them to complete the repair or replacement of the lower sewer lateral within a specific time limit such that the lower sewer lateral will be in compliance with this Code and the EBMUD Regional PSL Ordinance. Failure to obtain a valid Compliance Certificate for the lower sewer lateral in a timely manner and to otherwise not comply with the terms in the Notice to Proceed shall constitute a violation of this Code and will be subject to enforcement by the City according to this Code. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.48 REQUIRED TIME OF COMPLIANCE

- (a) It shall be the responsibility of the property owner to comply with all time limits set forth by the Director for any work related to this Code that is pertinent to their property. The time limit for compliance will be established by the Director and specified in the first written communication and/or Notice of Violation to the property owner. Non-compliance in excess of said time limits may be deemed a violation of this Code and could subject the property owner to Cost Recovery and Administrative Penalties as specified in this Code.
- (b) Emergency Work: Nothing in this Code shall prevent any reasonable person from doing such work and making such excavations as may be necessary for the preservation of life or property when such necessity arises; provided, however, that the person doing such work or excavations shall obtain a building permit as specified in this Code on the next working day.
- (c) Right of Entry: The Director may enter, inspect, and test any buildings, structures, or premises to secure compliance or prevent a violation of any portion of this Code. No premises shall be entered until a reasonable notice is given to the property owner or authorized agent except to protect life or public safety.
- (d) Emergency Work by City
 - 1. Whenever, in the opinion of the Director, the public health, safety, or welfare shall require that repairs or protective measures to a building sewer lateral be made or instituted immediately, he is hereby authorized to proceed with all necessary work to abate the condition and may enter upon private property for such purpose. He may erect and maintain all necessary barricades, warning lights, and other protective devices upon public or private property. He shall notify the owner of the premises as the circumstances shall permit.
 - 2. The owner of the property upon which the condition exists and the person creating such condition shall be jointly and severally liable to the City for

all costs incurred by it in abating the emergency condition and erecting and maintaining said protective devices.

- (e) Order to Abate: The Director shall investigate all dangerous and unsanitary conditions existing in or about building sewers laterals and shall periodically require that building sewer laterals be tested. If such a condition is a menace to life, health, safety, or property, or is in violation of law, he shall, in writing, order the owner of the premises to discontinue use of the sewer, or to discontinue all construction work with respect to the sewer, and to abate the condition in such manner as shall comply with the law. Any stoppage in the building sewer lateral or break in the watertight integrity of the building sewer lateral shall be conclusively presumed to be a menace to life, health, safety or property for purposes of requiring abatement of such a condition.
- (f) Time Requirement for Emergency Building Sewer Lateral Repair: Upon notification by the City of a faulty building sewer lateral which has been deemed an emergency situation by the Director, the property owner shall repair or replace said faulty building sewer lateral within forty-eight (48) hours from the date of notification, verbal or written. If the property owner fails to comply with said order, the City shall have the right to make or have made the necessary repairs and recover said costs as authorized by this Code. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.49 SEWER SERVICE CHARGES

- (a) Every person owning real property which is connected to the City sanitary sewer facilities shall pay a charge for sewer service based upon the use of such property in accordance with Chapter 20E of the Municipal Code. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.50 SEWER CONNECTION CHARGE FUND

- (a) The Sewer Connection Charge fund is hereby established. Money collected by the City for sewer connection charges as herein set forth shall be placed in the Sewer Connection Charge Fund and shall be used only to expand the capacity of the sewer system by construction or modification and activities required thereby. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.51 SEPTIC TANKS and CESSPOOLS PROHIBITED

- (a) Septic tanks and cesspools are specifically prohibited in the City notwithstanding any statement in the latest adopted edition of the Plumbing Code to the contrary. (Ord. No. 479 N.S., 11/1986, Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC. 5.52 COST RECOVERY – BUILDING SEWER LATERAL OVERFLOWS

- (a) The City shall have the authority to recover from the property owner, the City's expenses incurred in responding to, abating, or repairing any sewer overflow from a defective building sewer not otherwise addressed by the property owner in a timely manner as specified in this Code. The City may collect the incurred costs by use of all legal means, including the recordation of a lien against said property. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SEC.5.53 ADMINISTRATIVE PENALTIES – NON COMPLIANCE

- (a) The City shall have the authority to assess administrative penalties on the property for the property owner's failure to meet any requirement of this code, or for continued violation of any requirement of this code, according to the following schedule. The City may collect the incurred costs by use of all legal means, including the recordation of a lien against said property. The City shall have the authority to waive, suspend, or otherwise modify any administrative penalty established by this code.
 - (1) \$500 for the first violation which remains out of compliance in excess of the time limit established in the first Notice of Violation.
 - (2) \$1,000 for the second violation occurring within three(3) years of the first violation.
 - (3) \$2,500 for each additional violation exceeding two (2) violations within three (3) years of the first violation. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

SECTION 17A.15 ADOPTION of the EBMUD REGIONAL PSL ORDINANCE

- (a) The East Bay Municipal Utility District Ordinance 311, Title VIII, Regulation of Private Sewer Laterals is hereby adopted by reference. The City Council may from time to time designate by resolution, any amendments or modifications to the ordinance thereto, as the ordinance may be periodically revised by the District. One copy of the EBMUD Regional PSL Ordinance shall be kept on file at the Department of Public Works. (Ord. No. 697 N.S., 02/2011; Ord. No. 728 N.S, 04/2017)

Rev. 2017-04-19 (Ord. 728 N.S.)