ORDINANCE NO. 1916

AN EMERGENCY ORDINANCE OF THE CITY OF SANTA CLARA, CALIFORNIA, AMENDING CHAPTER 15.15 (ENTITLED "BUILDING CODE"), CHAPTER 15.17 (ENTITLED "RESIDENTIAL CODE"), CHAPTER 15.20 (ENTITLED "ELECTRIC CODE"), CHAPTER 15.30 (ENTITLED "MECHANICAL CODE"), CHAPTER 15.35 (ENTITLED "PLUMBING CODE"), AND CHAPTER 15.75 (ENTITLED "INTERNATIONAL EXISTING BUILDING CODE") OF TITLE 15 (ENTITLED "BUILDINGS AND CONSTRUCTION") OF "THE CODE OF THE CITY OF SANTA CLARA, CALIFORNIA," BY ADOPTING THE FOLLOWING MODEL CODES AS AMENDED BY THE STATE OF CALIFORNIA, AND WITH LOCAL AMENDMENTS:

1. **INTERNATIONAL BUILDING CODE (2012 EDITION)**
2. **INTERNATIONAL RESIDENTIAL CODE (2012 EDITION)**
3. **NATIONAL ELECTRICAL CODE (2011 EDITION)**
4. **UNIFORM MECHANICAL CODE (2012 EDITION)**
5. **UNIFORM PLUMBING CODE (2012 EDITION)**
6. **INTERNATIONAL EXISTING BUILDING CODE (2012 EDITION)**

BE IT ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

WHEREAS, the State of California recently adopted and amended the Model Codes of the International Code Council and related uniform code publishers, and they will become applicable to all California cities on January 1, 2014;

WHEREAS, pursuant to the authority granted in Health and Safety Code section 17958, the City may adopt local amendments to the Model Codes;

WHEREAS, the City has worked with other Bay Area jurisdictions and the International Code Council chapters to adopt amendments which are prudent and necessary based upon our climatic, topographical or geological conditions;

WHEREAS, the City of Santa Clara now wishes to adopt the following Model Codes with amendments as specified in Resolution _____; and

WHEREAS, in order for these important local amendments to be in effect at the time the State Model Codes go into effect, it is necessary to adopt these local amendments as an emergency measure.

NOW THEREFORE, BE IT FURTHER ORDAINED BY THE CITY OF SANTA CLARA AS FOLLOWS:

SECTION 1: That Chapter 15.15 (entitled "Building Code") of Title 15 (entitled "Buildings and Construction") of "The Code of the City of Santa Clara, California" ("SCCC") is hereby amended to read as follows:

"Chapter 15.15

BUILDING CODE

Sec. 15.15.010.International Building Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit A (and explained in Exhibit A-1), which exhibits are attached to Resolution No. _____ and which exhibits are respectively incorporated by this reference, the International Building Code, 2012 Edition, as published by the International Code Council and amended by the State of California (hereinafter termed "**Building Code**"), is hereby adopted.

A copy of the Building Code shall be placed on file in the Office of the City Clerk for examination and use by the public.

Expressly excluded from adoption are Sections 101.4.1, 101.4.2, 101.4.3, 101.4.4, 101.4.6, 102.6, and 103 through 116, inclusive, and Chapter 29 of the Building Code. Appendix Chapter J is adopted.

Sec. 15.15.020. Administration of Building Code

Administration of the Building Code will be pursuant to Chapter 15.05, Administrative

Code, of this Title 15."

SECTION 2: That Chapter 15.17 (entitled "Residential Code") of Title 15 (entitled "Buildings and Construction") is hereby amended to read as follows:

"Chapter 15.17

RESIDENTIAL CODE

Sec. 15.17.010.International Residential Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit B (and explained in Exhibit B-1), which exhibits are attached to Resolution No. _____ and which exhibits are respectively incorporated by this reference, the International Residential Code, 2012 Edition, as published by the International Code Council and amended by the State of California (hereinafter termed "**Residential Code**"), is hereby adopted. A copy of the Residential Code shall be placed on file in the Office of the City Clerk for examination and use by the public.

Expressly excluded from adoption are Sections R103 through R114 inclusive, and Chapters 11 through 43 inclusive of the Residential Code. Appendix Chapters H and K are adopted.

Sec. 15.17.020.Administration of Residential Code.

Administration of the Residential Code will be pursuant to Chapter 15.05, Administrative Code, of this Title 15."

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SECTION 3: That Chapter 15.20 (entitled "Electric Code") of Title 15 (entitled "Buildings and Construction") of SCCC is hereby amended to read as follows:

"Chapter 15.20

ELECTRIC CODE

Sec. 15.20.010.Electric Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit C (and explained in Exhibit C-1), which exhibits are attached to Resolution No. _____ and which exhibits are respectively incorporated by this reference, the National Electrical Code, 2011 Edition, as published by the National Fire Protection Association and amended by the State of California (hereinafter termed "**Electric Code**") is hereby adopted. A copy of the Electric Code shall be placed on file in the Office of the City Clerk for examination and use by the public.

Expressly excluded from adoption is Section 90.4 (entitled "Enforcement") of the Electric Code.

Sec. 15.20.020.Administration of Electric Code.

Administration of the Electric Code will be pursuant to Chapter 15.05, Administrative Code, of this Title 15."

SECTION 4: That Chapter 15.30 (entitled "Mechanical Code") of Title 15 (entitled "Buildings and Construction") of SCCC is hereby amended to read as follows:

"Chapter 15.30

MECHANICAL CODE

Sec. 15.30.010.Uniform Mechanical Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit D (and explained in Exhibit D-1), which exhibits are attached to Resolution No. _____ and which exhibits are respectively incorporated by this reference, the Uniform Mechanical Code, 2012 Edition, as published by the International Association of Plumbing and Mechanical Officials, and amended by the State of California (hereinafter termed "**Mechanical Code**") is hereby adopted. A copy of the Mechanical Code shall be placed on file in the Office of the City Clerk for examination and use by the public.

Expressly excluded from adoption are Sections 106 through 118, inclusive, of the Mechanical Code.

Sec. 15.30.020.Administration of Mechanical Code.

Administration of the Mechanical Code will be pursuant to Chapter 15.05, Administrative Code, of this Title 15."

SECTION 5: That Chapter 15.35 (entitled "Plumbing Code") of Title 15 (entitled "Buildings and Construction") of SCCC is hereby amended to read as follows:

"Chapter 15.35

PLUMBING CODE

Sec. 15.35.010.Uniform Plumbing Code adopted by reference.

Except as (a) expressly excluded from adoption or (b) modified by printed amendment contained in Exhibit E (and explained in Exhibit E-1), which exhibits are attached to Resolution No. _____ and which exhibits are respectively incorporated by this reference, the Uniform Plumbing Code, 2012 Edition, as published by the International Association of Plumbing and Mechanical Officials, and amended by the State of California (hereinafter termed "**Plumbing Code**") is hereby adopted. A copy of the Plumbing Code shall be placed on file in the Office of the City Clerk for examination and use by the public.

Expressly excluded from adoption are Sections 102 through 103.6, inclusive, of the Plumbing Code. Appendix Chapters A, B, C, D, and I are adopted.

Sec. 15.35.020.Administration of Plumbing Code.

Administration of the Plumbing Code will be pursuant to Chapter 15.05, Administrative Code, of this Title 15."

SECTION 6: That Chapter 15.75 (entitled "International Existing Building Code") of Title 15 (entitled "Buildings and Construction") of SCCC is hereby amended to read as follows:

"Chapter 15.75

INTERNATIONAL EXISTING BUILDING CODE

Sec. 15.75.010.International Existing Building Code adopted by reference.

Chapter 10, Section 1012.4 of the International Existing Building Code, 2012 Edition, as published by the International Code Council, (hereinafter termed "**Existing Building Code**") is hereby adopted. All other chapters and sections of the International Existing Building Code are excluded. A copy of the Existing Building Code shall be placed on file in the Office of the City Clerk for examination and use by the public.

Sec. 15.75.020. Administration of Existing Building Code.

Administration of the Existing Building Code will be pursuant to Chapter 15.05, Administrative Code, of this Title 15."

SECTION 7: Savings clause.

The changes provided for in this ordinance shall not affect any offense or act committed or done or any penalty or forfeiture incurred or any right established or accruing before the effective date of this ordinance; nor shall it affect any prosecution, suit or proceeding pending or any judgment rendered prior to the effective date of this ordinance.

SECTION 8: Constitutionality, severability.

If any section, subsection, sentence, clause, phrase, or word of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid for any reason, such decision shall not affect the validity of the remaining portions of the ordinance. The City Council hereby declares that it would have passed this ordinance and each section, subsection, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more section(s), subsection(s), sentence(s), clause(s), phrase(s), or word(s) be declared invalid.

SECTION 9: Effective Date; Emergency measure.

The City Council hereby declares this ordinance to be necessary as an emergency measure for the preserving of the public peace, health, safety and property in the City of Santa Clara, and as such, pursuant to City Council Section 812, it shall go into effect on January 1, 2014 for the following reasons:

State law requires that local governments adopt the Model Codes, and any local modifications thereto, by January 1, 2014. It is essential that the City Code conform to state law on that date and that the City Code contain those modifications necessitated by the city's topographic, geologic, and climatic conditions. In the absence of immediate effectiveness, the provisions of the Model Codes tailored to the City's special circumstances will not be in place and hazards will be posed that would threaten the public health and safety. As detailed in the Exhibits, the modifications to the Model Codes contain vital provisions required to protect the public and necessitated by the City's topographic, geologic, and climatic conditions. For these reasons, the City Council finds and determines that the immediate preservation of the public health, safety and welfare require that this ordinance be enacted as an emergency ordinance pursuant to City Charter Section 811, and shall become effective on January 1, 2014.

FINALLY PASSED AND ADOPTED BY THE CITY COUNCIL OF THE CITY OF SANTA CLARA this _____ day of _____, 2013, by the following vote:

AYES: COUNCILORS:

NOES: COUNCILORS:

ABSENT: COUNCILORS:

ABSTAINED: COUNCILORS:

ATTEST: _____

ROD DIRIDON, JR.
CITY CLERK
CITY OF SANTA CLARA

Attachments incorporated by reference:
1. Exhibits A and A-1: 2012 International Building Code modifications/amendments
2. Exhibits B and B-1: 2012 International Residential Code modifications/amendments
3. Exhibits C and C-1: 2011 National Electrical Code modifications/amendments
4. Exhibits D and D-1: 2012 Uniform Mechanical Code modifications/amendments
5. Exhibits E and E-1: 2012 Uniform Plumbing Code modifications/amendments
6. Exhibits F and F-1: 2012 International Existing Building Code modifications/amendments