

**TOWN OF SAN ANSELMO
STAFF REPORT**

November 5, 2013

For the Meeting of November 12, 2013

TO: Town Council

FROM: Keith Angerman, Building Official

SUBJECT: Introduce and waive reading of the ordinance amending Title 9, Chapters 1 and 4 of the San Anselmo Municipal Code to adopt by reference the 2013 California Building Standards Code (California Code of Regulations, Title 24) with local amendments thereto, and approve resolution finding those amendments necessary due to local conditions.

RECOMMENDATION

1. That the Town Council adopt a resolution making the attached "FINDINGS OF FACT AND CONFIRMING NEED FOR MODIFICATIONS TO THE STATE CONSTRUCTION CODES BECAUSE OF LOCAL CONDITIONS".
2. That the Town Council make a motion to introduce the proposed ordinance (first reading).
3. That the Town Council make a motion to read the ordinance by title only and waive further reading of the ordinance.
4. That the Town Manager then read the title of the attached ordinance " AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING TITLE 9 OF THE SAN ANSELMO MUNICIPAL CODE TO ADOPT BY REFERENCE THE CALIFORNIA BUILDING CODE, 2013 EDITION, THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION, CALIFORNIA ELECTRICAL CODE, 2013 EDITION, CALIFORNIA MECHANICAL CODE, 2013 EDITION, CALIFORNIA PLUMBING CODE, 2013 EDITION, CALIFORNIA ENERGY CODE, 2013 EDITION, CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION, CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION, INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, (CALIFORNIA CODE OF REGULATIONS TITLE 24) AS AMENDED."
5. That the Town Council make a motion to schedule a public hearing, second reading, and adoption of the ordinance at the November 26, 2013 Town Council Meeting.

PROCEDURAL NOTE

Typically, the Town Council conducts the public hearing on a proposed ordinance at the time of introduction and first reading. Government Code Sections 50022.1 et seq. require a slightly different procedure for an ordinance that is adopting another code by reference, as is the case here. When a code is adopted by reference, the public hearing must be scheduled after the first reading, i.e., at the time of the second reading and adoption. The Council should, however, take public comment at the first meeting.

In addition, the Town may amend the State standards if such amendments are reasonably necessary because of climatic, geological or topographical conditions. (Health & Safety Code §§ 17958.5, 1758.7 and 1894.5). The attached resolution includes findings that confirm the need for the proposed amendments.

BACKGROUND

The Town of San Anselmo is currently enforcing the 2010 edition of the California Construction Codes (as required by the California Code of Regulations, Title 24) with amendments, which were adopted in 2010 by the Town Council with Ordinance No. 1077.

The California Building Standards Commission adopted new construction standards on January 29, 2013 and has mandated that effective January 1, 2014 all municipalities in the state must enforce the 2013 editions of the California Construction Codes, also known as Title 24, California Code of Regulations. If municipalities desire amendments to these Codes, they must make the requisite findings regarding the need for the amendments, adopt an ordinance with the amendments and file the ordinance with the State Building Standards Commission. Adoption of the attached resolution and ordinance will bring San Anselmo in compliance with State law.

PROPOSED MODIFICATIONS AND AMENDMENTS TO SAN ANSELMO MUNICIPAL CODE TITLE 9, CHAPTER 1- CONSTRUCTION CODES

(Changes are italicized in the ordinance)

- A. Revision to Title 9, Chapter 1, Section 9-1.101, Adoption of Construction Codes: change the editions of the California Construction Codes to 2013.
- B. Revision to Title 9, Chapter 1, Section 9-1.201, Buried Utilities: Change the code section references and expand the scope of this section to require utilities be placed underground for not only new buildings as currently required but include those undergoing a substantial improvement as defined by CBC Chapter 2.
- C. Title 9, Chapter 1, Section 9-1.202, Non-metallic Cable: No change to current Municipal Code language.
- D. Title 9, Chapter 1, Section 9-1.203, Swimming Pools, Spas and Hot Tubs: No change to current Municipal Code language.

- E. Title 9, Chapter 1, Section 9-1.204, Garage/Carport Ceiling Height: No change to current Municipal Code language.
- F. Title 9, Chapter 1, Section 9-1.205, Size of Doors: No change to current Municipal Code language.
- G. Title 9, Chapter 1, Section 9-1.206, Roofing: No change to current Municipal Code language.
- H. Revision to Title 9, Chapter 1, Section 9-1.207, Permit and Application Expiration: Change the code section references.
- I. Revision to Title 9, Chapter 1, Section 9-1.208, Fee Refunds: Change the code section references.
- J. New Title 9, Chapter 1, Section 9-1.213, Automatic Fire Sprinkler Systems
At the request of RVFD, added the requirement that automatic sprinkler systems are to be installed in one- and two family dwellings and townhouses if they undergo a substantial improvement as defined in CBC Chapter 2 and/or if so determined by the RVFD.
- K. Title 9, Chapter 1, Section 9-1.301, Bald Hill Work Hours: No change to current Municipal Code language.
- L. Title 9, Chapter 1, Section 9-1.302, All Other Work Hours: No change to current Municipal Code language.
- M. Revision to Title 9, Chapter 1, Section 9-1.501, Violations, Penalties: Change the code section references.
- N. Title 9, Chapter 1, Section 9-1.601, Public Nuisances: No change to current Municipal Code language.
- O. Revision to Title 9, Chapter 4, Section 9-4.01, Underground Utilities: Expand the scope of this section to require utilities be placed underground for not only a new building as currently required but include those undergoing a substantial improvement as defined by CBC Chapter 2.

The attached resolution provides the specific local climatic, geological or topographical conditions that require the Town to adopt each of these amendments.

CALIFORNIA ENVIRONMENTAL QUALITY ACT

In addition, Town staff has determined that adoption of the proposed ordinance is exempt from the California Environmental Quality Act because it has no potential for causing a significant effect on the environment (California Code of Regulations, Title 14, § 15061(b)(3)).

Respectfully submitted,

A handwritten signature in black ink that reads "Keith Angerman". The signature is written in a cursive, flowing style.

Keith Angerman, P.E.
Building Official

Attachments:

1. Draft Resolution
2. Draft Ordinance

**TOWN OF SAN ANSELMO
RESOLUTION NO. _____**

**A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF SAN ANSELMO
ADOPTING FINDINGS OF FACT AND CONFIRMING NEED FOR MODIFICATIONS TO
THE STATE CONSTRUCTION CODES BECAUSE OF LOCAL CONDITIONS**

WHEREAS, the Town Council of the Town of San Anselmo is considering the adoption of the following State Construction Codes, with certain modifications:

- (a) 2013 edition of the California Building Code (CBC)(Title 24 Part 2) based upon the 2012 International Building Code (IBC) including Appendix G, Flood-Resistant Construction, Appendix H, Signs, Appendix I, Patio Covers, and Appendix J, Grading.
- (b) 2013 edition of the California Residential Building Code (CBC)(Title 24 Part 2.5) based upon the 2012 International Residential Code including Appendix G, Swimming Pools, Appendix H, Patio Covers, Appendix J, Existing Buildings, Appendix K, Sound Transmission.
- (c) 2013 edition of the California Electrical Code (CEC)(Title 24 Part 3) based upon the 2011 National Electrical Code (NEC).
- (d) 2013 edition of the California Mechanical Code (CMC)(Title 24 Part 4) based upon the 2012 Uniform Mechanical Code (UMC).
- (e) 2013 edition of the California Plumbing Code (CPC)(Title 24 Part 5) based upon the 2012 Uniform Plumbing Code (UPC).
- (f) 2013 edition of the California Energy Code (CEC)(Title 24 Part 6).
- (g) 2013 California Historical Building Code (Title 24 Part 8)
- (h) 2010 California Green Building Standards Code (CALGreen)(Title 24 Part 11).
- (i) 2012 International Property Maintenance Code (IPMC).

AND, WHEREAS, pursuant to Section 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of San Anselmo is required to make certain findings of fact to adopt modifications to the above referenced State Construction Codes,

NOW, THEREFORE, IT IS HEREBY RESOLVED AS FOLLOWS:

Pursuant to Sections 17958.5, 17958.7 and 18941.5 of the State of California Health and Safety Code, the Town Council of the Town of San Anselmo finds that the proposed modifications to the above-referenced State Construction Codes (attached hereto) are reasonably necessary because of the local climatic, geological, and topographical conditions set forth below.

The Council recognizes and finds that, because of the steep terrain, narrow roads, proximity to the San Andreas and Hayward seismic faults, and the potential flooding of the San Anselmo Creek, unique conditions exist that require special consideration whenever construction is proposed within the Town. Additionally, due to the high temperatures, humidity, rainfall, wind, and restricted accessibility by fire apparatus, and the lack of water supply for domestic use and fire suppression, there are hazards within the Town that require solutions in addition to those specified within the various construction codes.

The Council finds that local, climatic, geological, and topographical conditions exist within the Town that require special provisions for the safety of residents and property.

ATTACHMENT #1

- A. A large portion of the Town is located within FEMA Flood Zone A and historically has sustained significant damage due to rain runoff and the water from the San Anselmo Creek overflowing its banks.
- B. The Town is designated as within Seismic Design Categories D, E and F and is located in close proximity to the San Andreas and Hayward seismic faults indicated by the U.S. Geological Survey and California Division of Mines and Geology.
- C. The hilly areas are susceptible to earth sliding due to both uncontrolled storm water drainage and geology.
- D. The Town is densely populated with virtually all structures constructed of wood framing and most with combustible exterior materials.
- E. Many buildings were erected prior to the enactment of modern zoning and building codes with the result that many are located with little to no property setbacks which can negatively affect the provision of fire protection services at those locations.
- F. The hilly topography of most of the Town, combined with the narrow roads, adversely impact the fire department's ability to respond to emergency situations.
- G. The water pressure and supply available for fire suppression is limited in the hilly areas of the Town.

In recognition of these unique and serious hazards, and in the interest of public health and safety and prevention of loss of life and property, the Council finds that the Code modifications set forth in the attached proposed ordinance are reasonably necessary. The following findings apply to each of the proposed modifications:

Amend Chapter 1, Article 2, Section 9-1.201 through Section 9-1.208 as follows:

Article 2. Amendments

9-1.201 Buried Utilities (*CBC 112*)(CRC R111)(CEC 230)
 All electrical and communication service laterals, including those for cable television service, to any new building or structure *or building or structure undergoing a substantial improvement as defined by CBC Chapter 2* must be placed underground.

FINDINGS – Conditions B and C.

9-1.202 Non-metallic Cable (CEC 334)
 Non-metallic electric cable (Type NM, NMC, NMS) is not allowed in electrical wiring in non-residential applications.

FINDINGS – Conditions A, D and E.

9-1.203 Swimming Pools, Spas and Hot Tubs (CBC 3109)(CRC Appendix G)
 Design and construction must adhere to the most stringent requirements of California Building Code Section 3109, California Residential Code Appendix G and California Health & Safety Code Section 115921. Barriers enclosing a swimming pool must be at least 5' tall. Before water is placed in a pool for any reason, including the curing of the pool walls, a barrier at least 5' tall conforming to the requirements of CBC Section 3109.4 must be in place or a pool cover complying with ASTM F1346 must be installed and operational.

FINDINGS – Condition F.

9-1.204 Garage/Carport Ceiling Height (CBC 1208)(CRC R305)
Private garages and carports shall have a clear ceiling height of not less than 7'.

FINDINGS – Conditions A, B, C, D, E, F and G.

9-1.205 Size of Doors (CBC 1008)(CRC R311)
Except for access to a storage room or closet, all doors must be at least 6'-8" (80") high. Required exit doors must be side-hinged, swing type.

FINDINGS – Conditions A, B, C, D, E, F and G.

9-1.206 Roofing (CBC 1505)(CRC R902)
For all new structures and any addition that exceeds 50% of the original area, the new roof must be covered with a Class A Roofing Assembly. A noncombustible roof may be applied in accordance with the manufacturer's requirements in lieu of a fire-retardant roofing assembly.

Existing buildings that have 50 percent or more of the roof surface replaced within a five-year period are required to totally replace the roof with a Class A roof assembly or be fire resistive by other provisions of this code.

FINDINGS – Conditions D, E, F and G.

9-1.207 Permit and Application Expiration (CBC 105)(CRC R105)
(CEC Annex H 80.19)(CPC 103.3.3, 103.4.2)(CMC 113.4)
The permit application process must be completed and a permit issued within 180 days of submittal. If the process is not completed and the permit issued within the allotted time, it shall expire. The building official may extend the permit application one time for a period up to 180 days. The request must be in writing and demonstrate the circumstances beyond the applicant's control that delayed the application. In order to renew action on an expired application, the applicant shall submit new plans and pay a new plan review fee.

In order for a construction permit to remain active, work must commence within 180 days after the permit is issued and remain continuously in progress. If work is suspended, abandoned or is not diligently progressing for a period up to 180 days, the permit shall expire. The building official may extend the permit expiration one time for up to 180 days if the applicant makes a written request before the expiration demonstrating circumstances beyond the applicant's control. If a permit expires, work may not resume until a new permit is obtained. If the period of expiration is less than 180 days, no changes are made to the plans and the original plans and specifications may be utilized, the applicant shall pay half the required amount for a new permit. Otherwise, the applicant must pay the full amount.

FINDINGS – Conditions A, B, C, D, E, F and G.

9-1.208 Fee Refunds (CBC 109.6)(CRC R108.5)(CPC 103.4.4)(CMC 114.6)(CEC 80.19)
The building official may authorize refunding of any fee paid which was erroneously paid or collected.

The building official may authorize refunding of not more than 80 percent of the plan review fee paid when an application is withdrawn or canceled before any plan review is done.

The building official may authorize refunding of not more than 80 percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.

The building official shall not authorize refunding of any fee paid except on written application filed by the original permittee and not later than 180 days after the date of fee payment.

FINDINGS - Conditions A, B, C, D, E, F and G.

9-1.213 *Automatic Fire Sprinkler Systems (CRC R313.1 and R313.2)*
Automatic sprinkler systems shall be required in one- and two-family dwellings and townhouses where the structure is undergoing a substantial improvement as defined in CBC Chapter 2 and/or if so determined by the RVFD.

FINDINGS – Conditions A, B, C, D, E, F and G.

Amend Chapter 1, Article 5, Section 9-1.501 as follows:

Article 5. Violation, Penalties

9-1.501 Violations, Penalties

- (a) Stop work orders/work without permits or other actions in violations of this Code - For work performed in violation of this Code, an investigation/penalty fee shall be assessed up to three (3) times the construction permit fee. The minimum penalty fee for a permit shall be five hundred (\$500) dollars. This applies to revisions, alterations, or changes on an authorized project where the work done is not within the scope of the originally authorized permit. The fee shall be due whether a permit is issued or not. Additional penalties may be assessed in the event of repeated violations.
- (b) No new construction permits shall be issued for work on a property unless all existing violations and expired permits issued for work on such property are cleared by abatement, issue or reinstatement of a permit.
- (c) The penalties imposed in this section are in addition to any penalties that may be imposed pursuant to other provisions of this Code.

FINDINGS - Conditions A, B, C, D, E, F and G.

Amend Chapter 4, Section 9-4.01 as follows:

Chapter 4

UNDERGROUND ELECTRIC AND COMMUNICATION SERVICE LATERALS TO BUILDINGS AND STRUCTURES

9-4.01 Underground Utilities

All electrical and communication service laterals, including those for cable television service, to any new building or structure or building or structure undergoing a substantial

improvement as defined by CBC Chapter 2 shall be placed underground from the main service equipment within the building or structure to a location designated by the supplying utility in accordance with the supplying utility's applicable rules, regulations and tariffs on file with the Public Utilities Commission of the State or other competent jurisdiction. This applies to both commercial and residential property.

FINDINGS - Conditions B and C.

As required by the California Health and Safety Code Section 17958.7, the proposed amended State Construction Codes set forth each of the modifications to the State Construction Codes to which all the above findings refer.

I, the undersigned, hereby certify the foregoing is a full, true, and complete copy of a resolution duly passed and adopted by the Town Council of the Town of San Anselmo at a regular meeting thereof held on the ___th day of November, 2013, by the following vote:

AYES:

NOES:

ABSENT:

Mayor

ATTEST

Town Clerk

ORDINANCE NO. _____

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING TITLE 9 OF THE SAN ANSELMO MUNICIPAL CODE TO ADOPT BY REFERENCE THE CALIFORNIA BUILDING CODE, 2013 EDITION, THE CALIFORNIA RESIDENTIAL CODE, 2013 EDITION, CALIFORNIA ELECTRICAL CODE, 2013 EDITION, CALIFORNIA MECHANICAL CODE, 2013 EDITION, CALIFORNIA PLUMBING CODE, 2013 EDITION, CALIFORNIA ENERGY CODE, 2013 EDITION, CALIFORNIA HISTORICAL BUILDING CODE, 2013 EDITION, CALIFORNIA GREEN BUILDING STANDARDS CODE, 2013 EDITION, INTERNATIONAL PROPERTY MAINTENANCE CODE, 2012 EDITION, (CALIFORNIA CODE OF REGULATIONS TITLE 24) AS AMENDED

WHEREAS, the Town of San Anselmo wishes to adopt by reference the current 2013 State Construction Standards in California Code of Regulations Title 24, as modified by this ordinance:

WHEREAS, pursuant to Section 17958.5, 17958.7 and 18941.4 of the California Health and Safety Code, the Town of San Anselmo has determined and finds that the modifications to the 2013 California Construction Standards are reasonably necessary because of local climatic, geological or topographical conditions as reflected in Town Council Resolution No. _____; and

WHEREAS, the Town of San Anselmo has found that adoption of this ordinance is exempt from the California Environmental Quality Act because it has no potential for causing a significant effect on the environment (California Code of Regulations, Title 14, § 15061(b)(3)).

NOW, THEREFORE, the Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION 1.

FINDINGS.

The required findings shall be found in the Town Council Resolution No. _____.

Chapter 1 (Construction Codes) and Chapter 4 (Underground Electric and Communication Service Laterals to Buildings and Structures) of Title 9, Building Regulations, of the San Anselmo Municipal Code are hereby amended as follows.

Amend Chapter 1, Article 1, Section 9-1.101 as follows:

**Chapter 1
CONSTRUCTION CODES**

Article 1. Construction Codes

Section:

9-1.101 Adoption of Construction Codes

The following parts of Title 24, California Code of Regulations are adopted by reference as Construction Codes for the Town of San Anselmo, including the amendments noted in this Article.

ATTACHMENT #2

- (a) 2013 edition of the California Building Code (CBC)(Title 24 Part 2) based upon the 2012 International Building Code (IBC) including Appendix G, Flood-Resistant Construction, Appendix H, Signs, Appendix I, Patio Covers, and Appendix J, Grading.
- (b) 2013 edition of the California Residential Code (CRC)(Title 24 Part 2.5) based upon the 2012 International Residential Code (IRC) including Appendix G, Swimming Pools, Appendix H, Patio Covers, Appendix J, Existing Buildings and Structures, and Appendix K, Sound Transmission.
- (c) 2013 edition of the California Electrical Code (CEC)(Title 24 Part 3) based upon the 2011 National Electrical Code (NEC) including Appendix H, Administration.
- (d) 2013 edition of the California Mechanical Code (CMC)(Title 24 Part 4) based upon the 2012 Uniform Mechanical Code (UMC).
- (e) 2013 edition of the California Plumbing Code (CPC)(Title 24 Part 5) based upon the 2012 Uniform Plumbing Code (UPC).
- (f) 2013 edition of the California Energy Code (CEC)(Title 24 Part 6)
- (g) 2013 edition of the California Historical Building Code (Title 24 Part 8)
- (h) 2013 edition of the California Green Building Standards Code (CALGreen)(Title 24 Part 11)
- (i) 2012 International Property Maintenance Code (IPMC)

A copy of each of these documents is maintained in the office of the Building Official.

Amend Chapter 1, Article 2, Section 9-1.201 through Section 9-1.208 as follows:

Article 2. Amendments

- 9-1.201 Buried Utilities** (CBC 112)(CRC R111)(CEC 230)
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- 9-1.204 Garage/Carport Ceiling Height** (CBC 1208)(CRC R305)
Private garages and carports shall have a clear ceiling height of not less than 7'.
- 9-1.205 Size of Doors** (CBC 1008)(CRC R311)
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- 9-1.206 Roofing** (CBC 1505)(CRC R902)
For all new structures and any addition that exceeds 50% of the original area, the new roof must be covered with a Class A Roofing Assembly. A noncombustible roof may be applied

in accordance with the manufacturer's requirements in lieu of a fire-retardant roofing assembly.

Existing buildings that have 50 percent or more of the roof surface replaced within a five-year period are required to totally replace the roof with a Class A roof assembly or be fire resistive by other provisions of this code.

9-1.207 Permit and Application Expiration (CBC 105)(CRC R105)

(CEC Annex H 80.19)(CPC 103.3.3, 103.4.2)(CMC 113.4)

The permit application process must be completed and a permit issued within 180 days of submittal. If the process is not completed and the permit issued within the allotted time, it shall expire. The building official may extend the permit application one time for a period up to 180 days. The request must be in writing and demonstrate the circumstances beyond the applicant's control that delayed the application. In order to renew action on an expired application, the applicant shall submit new plans and pay a new plan review fee.

In order for a construction permit to remain active, work must commence within 180 days after the permit is issued and remain continuously in progress. If work is suspended, abandoned or is not diligently progressing for a period up to 180 days, the permit shall expire. The building official may extend the permit expiration one time for up to 180 days if the applicant makes a written request before the expiration demonstrating circumstances beyond the applicant's control. If a permit expires, work may not resume until a new permit is obtained. If the period of expiration is less than 180 days, no changes are made to the plans and the original plans and specifications may be utilized, the applicant shall pay half the required amount for a new permit. Otherwise, the applicant must pay the full amount.

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9-1.213 Automatic Fire Sprinkler Systems (CRC R313.1 and R313.2)

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Amend Chapter 1, Article 5, Section 9-1.501 as follows:

Article 5. Violation, Penalties

9-1.501 Violations, Penalties

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- (b) No new construction permits shall be issued for work on a property unless all existing violations and expired permits issued for work on such property are cleared by abatement, issue or reinstatement of a permit.
- (c) The penalties imposed in this section are in addition to any penalties that may be imposed pursuant to other provisions of this Code.

Amend Chapter 4, Section 9-4.01 as follows:

**Chapter 4
UNDERGROUND ELECTRIC AND COMMUNICATION SERVICE LATERALS TO
BUILDINGS AND STRUCTURES**

9-4.01 Underground Utilities

All electrical and communication service laterals, including those for cable television service, to any new building or structure *or building or structure undergoing a substantial improvement as defined by CBC Chapter 2* shall be placed underground from the main service equipment within the building or structure to a location designated by the supplying utility in accordance with the supplying utility’s applicable rules, regulations and tariffs on file with the Public Utilities Commission of the State or other competent jurisdiction. This applies to both commercial and residential property.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo Town Council on the ___th day of November, 2013 and was adopted at a regular meeting on the ___th day of November, 2013 by the following vote.

AYES:

NOES:

ABSENT:

Mayor

ATTEST

Town Clerk