

ORDINANCE NO. 1059

**AN ORDINANCE OF THE TOWN OF SAN ANSELMO
AMENDING TITLES 7 AND 9 OF THE
SAN ANSELMO MUNICIPAL CODE**

The Town Council of the Town of San Anselmo does hereby ordain as follows:

SECTION 1.

FINDINGS.

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

Chapters 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16 and 17 of Title 9, Building Regulations, of the San Anselmo Municipal Code are hereby amended as follows.

Chapter 1. Repeal in its entirety and replace with:

**Chapter 1
CONSTRUCTION CODES**

Article 1. Construction Codes

Sections:

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.

- (a) 2007 edition of the California Building Code (CBC)(Title 24 Part 2) based upon the 2006 International Building Code (IBC) including Appendix Chapter 1, Administration, Appendix Chapter F, Rodent proofing, Appendix Chapter G, Flood-Resistant Construction, Appendix Chapter H, Signs, Appendix Chapter I, Patio Covers, and Appendix Chapter J, Grading.
- (b) 2007 edition of the California Electrical Code (CEC)(Title 24 Part 3) based upon the 2005 National Electrical Code (NEC) including Annex G, Administration.
- (c) 2007 edition of the California Mechanical Code (CMC)(Title 24 Part 4) based upon the 2006 Uniform Mechanical Code (UMC) including Appendix Chapter 1, Administration.
- (d) 2007 edition of the California Plumbing Code (CPC)(Title 24 Part 5) based upon the 2006 Uniform Plumbing Code (UPC) including Appendix Chapter 1, Administration.
- (e) 2007 edition of the California Energy Code (CEC)(Title 24 Part 6)
- (f) 2006 International Property Maintenance Code (IPMC)
- (g) 2007 edition of the California Fire Code (CFC)(Title 24 Part 9) based upon the 2006 International Fire Code (IFC)

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

Article 2. Amendments

9-1.201 Buried Utilities (CBC Appendix Chapter 1, 111)(CEC 230)

All electrical and communication service laterals, including those for cable television service, to any new building or structure must be placed underground.

- 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.
- 9-1.203 Swimming Pools, Spas and Hot Tubs (CBC 3109)**
Design and construction must adhere to the most stringent requirements of California Building Code Section 3109 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.
- 9-1.204 Garage/Carport Ceiling Height (CBC 1208)**
Private garages and carports shall have a clear ceiling height of not less than 7'.
- 9-1.205 Doors in Residential Buildings (CBC 1008)**
All doors must be at least 6'-8" (80") high. Required exit doors must be side-hinged, swing type.
- 9-1.206 Roofing (CBC 1505)**
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 Appendix Chapter 1, 105.3.2, 105.5) (CEC Annex G, 80.19) (CPC Appendix Chapter 1, 1003.3.4, 103.4.3) (CMC Appendix Chapter 1, 114.4, 115.4)**
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 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 one year, 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.

9-1.208

Fee Refunds (CBC Appendix Chapter 1, 108.6)(CPC 103.4.5)(CMC 115.6)

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.

Article 3. Construction Work Hours

9-1.301

Bald Hill Work Hours

(a) Construction, demolition and the operation of miscellaneous noise sources such as vehicle back-up alarms, power saws and other similar noise sources are allowed during the following times: 8:00AM to 4:30PM Monday through Friday.

No work is allowed on Bald Hill on weekends or holidays observed by the town.

Heavy Construction Truck Trips are restricted to occur only between 10AM and 3PM Monday through Friday (no holidays). Heavy construction truck trips include, but are not limited to, concrete trucks, dump trucks (10 yards or greater), backhoes, graders, pile drivers, and flatbed delivery trucks.

The Public Works Director can authorize construction beyond these hours and days upon written request, including interior work and other work tasks the Director deems appropriate. Exceptions granted by the Public Works Director include any single activity that will necessitate the use of a heavy construction vehicle beyond the 10 a.m. to 3 p.m. time period. Any exceptions granted by the Public Works Director regarding heavy construction truck trips will require notification of residents at least 24 hours in advance. Such notification shall be the responsibility of the applicants. Furthermore, all construction equipment shall be adequately muffled and maintained.

9-1.302

All Other Work Hours

(a) Construction, demolition and the operation of miscellaneous noise sources such as vehicle back-up alarms, power saws and other similar noise sources are allowed during the following times: Monday through Fridays from 7:00AM to 7:00PM;
Saturdays from 9:00AM to 5:00PM;
Sundays from 12:00PM to 5:00PM.

Work hours may be extended until 8:00PM for homeowners or residents working alone on their own property.

Article 4. [Reserved]

Article 5. Violation Penalties

9-1.501 Violation Penalties

- (a) Stop Work Orders/Work Without Permits or other actions in violation 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 building permit shall be \$500. 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.

Article 6. Public Nuisances

9-1.601 Public Nuisances

- (a) Any work commenced or continued in violation of this Chapter shall be, and is hereby declared, unlawful and a public nuisance.
- (b) A building or structure in a state of partial construction for an unreasonable period of time is a nuisance.

Chapter 2. Repeal in its entirety

Chapter 3. Repeal in its entirety

Chapter 4. Repeal in its entirety

Chapter 5. Change to Chapter 2 and renumber sections.

Chapter 6. Repeal in its entirety

Chapter 7. Repeal in its entirety

Chapter 8. Change to Chapter 3 and renumber sections.

Chapter 9. Street Improvements Conditions to Building Permits*: Move to Title 7 Public Works and renumber sections as 7-10.101 Regulations; 7-10.102 Findings; 7-10.103 Definitions; 7-10.104 Appeals; 7-10.105 Penalties

Chapter 10. Change title to: Underground Electric and Communication Service Laterals to Buildings or Structures Not Included Within New Subdivisions

Chapter 10. Change to Chapter 4 and renumber sections.

Chapter 10. Amend current Section 9-10.03, which will now be Section 9-4.03 to read:

9-4.03 The ~~Planning Commission~~ **Building Official** may grant an exception from the provisions of this chapter when it is found that the undergrounding of the utility service laterals will cause an unnecessary hardship or results inconsistent with the intent of this chapter.

Chapter 11. Change to Chapter 5 and renumber sections

Chapter 11. Add to end of current Section 9-11.06(b), which will now be Section 9-5.06(b) to read:

9-5.06(b) Building numbers shall be a color . . . conform to the requirements of ~~Section 10-9.304 of Article 3, of Chapter 9 of Title 10~~ **Title 10, Chapter 9 . . .** as to not be easily defaced or removed. **Address numbers must be Arabic numerals or alphabetical letters with a minimum stroke width of .5 inch. Numbers on residential buildings shall be internally-illuminated or placed adjacent to a light which is controlled by a photocell and switched only by a breaker so it will remain illuminated all night.**

Chapter 12. Change to Chapter 6 and renumber sections.

Chapter 13. Repeal in its entirety.

Chapter 14. Protection of Flood Hazard Areas*: Move to Title 7 Public Works and renumber sections as 7-11.101 Statutory Authorization; 7-11.102 Finding of fact; 7-11.103 Statement of Purpose; 7-11.104 Methods of reducing flood losses; 7-11.201 Definitions; 7-11.301 Lands to which this title applies; 7-11.302 Basis for establishing the areas of special flood hazard; 7-11.303 Compliance; 7-11.304 Abrogation and greater restrictions; 7-11.305 Interpretation; 7-11.306 Warning and disclaimer of liability; 7-11.307 Severability; 7-11.401 Establishment of development permit; 7-11.402 Designation of the Floodplain Administrator; 7-11.403 Duties and responsibilities of the Floodplain Administrator; 7-11.501 Standards of construction; 7-11.502 Standards for utilities; 7-11.503 Standards for subdivisions; 7-11.504 Standards for manufactured homes; 7-11.505 Floodways; 7-11.601 Appeal Board; 7-11.602 Conditions for variances; 7-11.701 Letter of map amendment.

Chapter 15. Watercourses*: Move to Title 7 Public Works and renumber sections as 7-12.01 Purpose of chapter; 7-12.02 Definitions; 7-12.03 Obstructing or altering watercourses; 7-12.04 Depositing or permitting obstructions; 7-12.05 Owner's, tenant's or occupant's responsibility; Public nuisance abatement; 7-12.06 Acts requiring a permit from Director of Public Works; 7-12.07 Application and issuance of permit; 7-12.08 Filing fee; 7-12.09 Hydrologic design; 7-12.10 Hydraulic design; 7-12.11 Special tests; 7-12.12 Free flow of water required, prior to issuance of building permit; 7-12.13 Issuance of permit; 7-12.14 Permit revocable; 7-12.15 Performance of work by Town; 7-12.16 Right of appeal; 7-12.17 Penalty for violation.

Chapter 16. Change to Chapter 7 and renumber sections.

Chapter 17. Water Wells*: Move to Title 7 Public Works and renumber sections as 7-13.01 Purpose of provisions; 7-13.02 Policy; 7-13.03 Definitions; 7-13.04 Design standards; 7-13.05 Permit: Required for construction, remodeling or abandonment; 7-13.06 Permit: Application requirements; 7-13.07 Permit: Issuance conditions; 7-13.08 Permit: Contents: Filing and

recording; 7-13.09 Common water supply restrictions; 7-13.10 Inspection; 7-13.11 Well permit issuance prohibited when; 7-13.12 Enforcement: Notice of violation: Public Works Director authority; 7-13.13 Appeal procedures: Town Council authority; 7-13.14 Violation: Penalty; 7-13.15 Abatement of nuisance; 7-13.16: Notice to abandon wells; 7-13.17 Pollution of water channels; 7-13.18 Wells along creek beds to be set back; 7-13.19 Use.

The foregoing ordinance was introduced at a regular meeting of the San Anselmo Town Council on the 13th day of November, 2007 and was adopted at a regular meeting on the 27th day of November, 2007 by the following vote:

AYES: Cooper, Freeman, House

NOES: None

ABSENT: Breen, Thornton



Wayne Cooper, Mayor

ATTEST



Barbara Chambers, Town Clerk