

ORDINANCE 2145

**ORDINANCE OF THE TOWN OF LOS GATOS AMENDING CHAPTER 6
OF THE TOWN OF LOS GATOS MUNICIPAL CODE
& ADOPTING THE 2002 NATIONAL ELECTRICAL CODE
WITH 2004 CALIFORNIA AMENDMENTS
BUILDINGS AND BUILDING REGULATIONS.**

WHEREAS, every three years, 14 State of California agencies review, amend and propose model codes to be adopted by the State; and

WHEREAS, the State of California has adopted the 2002 National Electrical Code with California amendments during the 2004 triennial code adoption cycle; and

WHEREAS, the Town of Los Gatos, in adopting the 2004 California Electrical Code, will be consistent with the State of California and other local municipalities ; and

WHEREAS, minor modifications to Chapter 6 will clarify and remove outdated amendments.

THE TOWN COUNCIL OF THE TOWN OF LOS GATOS ORDAINS AS FOLLOWS:

Town Code Chapter 6 is amended to read as follows:

ARTICLE II. ADMINISTRATION OF CODES

Sec. 6.20.010. Conflicting provisions.

When any provisions of the administrative sections of the codes adopted in this Chapter 6 are in conflict with the administrative provisions found in the Uniform Building Code, the Uniform Building Code shall apply. If any code adopted in this chapter does not include administrative provisions, the administrative provisions of the Uniform Building Code apply.

ARTICLE III. BUILDING CODE

Sec. 6.30.010. Adopted.

The Uniform Building Code, 1997 Edition, Volume I, II, as amended in 2001 by the State of California in the State Building Standard Regulations (Title 24), with Appendix Chapters 3, Division II; 15; 18; 31, Division II; 31, Division III, 33 and 34, Division III with modifications provided in sections 6.30.15 through 6.30.050 of this article and with Uniform Building Code Standards 1997 Edition, is adopted by reference.

Sec. 6.30.015. Reserved.

Sec. 6.30.020. Amendment--Section 904.5, standpipes.

Subsection 904.5.6 is added to the Uniform Building Code adopted by this article to read:

(.6) Limited omission. Separate standpipe may be omitted in buildings equipped throughout with an approved automatic sprinkler system; however, hose connections for fire department use, as specified in Section 3073, National Fire Protection Association Pamphlet No. 13, shall be provided in all required stair enclosures. The static pressure at hose connections shall not exceed one hundred fifty (150) pounds per square inch."

Sec. 6.30.025. Amendment--Section 1506.5, roof drainage.

Subsection 1506.5 of the Uniform Building Code adopted by this article is amended to add additional exceptions to read as follows:

"Other occupancies where the drainage plan and method of drainage have been approved by the Building Official."

Secs. 6.30.030. Reserved.

Sec. 6.30.035. Reserved.

Sec. 6.30.040. Reserved.

Sec. 6.30.045. Amendment--Section 2326.11.3, bracing.

Section 2320.11.3 of the Uniform Building Code adopted by this article is amended by deleting Item 5 and adding the following to Item 7:

"Limited to single story R-3 and U-1 occupancies."

Sec. 6.30.050. Amendment--Roof covering requirements.

The roof covering on any structure regulated by the Uniform Building Code adopted by this article shall be:

"Class A minimum for all occupancies in the Fire Hazard Areas or as specified in Table No. 15-A if more stringent and as classified in Section 1504. Exemption: Additions and alterations which are less than ten percent of the projected roof area need not comply."

Sec. 6.30.055. Reserved.

ARTICLE IV. HOUSING CODE

Sec. 6.40.010. Adopted.

The Uniform Housing Code, 1997 Edition, with omissions and modifications provided in sections 6.40.015 and 6.40.020 of this article is adopted by reference. Section 1104.2 of the 1997 Uniform Housing Code providing that a failure to comply with an order as described in that section is punishable as a misdemeanor is expressly adopted, and the punishment shall be as prescribed for a misdemeanor under Town Code section 1.10.040.

Sec. 6.40.015. Amendments--Sections rescinded.

The following sections of the 1997 Uniform Housing Code are not adopted: 101, 102, 103, 104, 201, 202, 203, 204, 301, 302, and 303.

Sec. 6.40.020. Same--Reference to section numbers.

Any reference in chapter 4 and following of the Uniform Housing Code adopted by this article to any of the sections deleted by section 6.40.015 shall be read to mean the same-numbered section in the Uniform Building Code adopted by article II of this chapter.

ARTICLE V. PLUMBING CODE

Sec. 6.50.010. Adopted.

The Uniform Plumbing Code, 2000 Edition, as amended in 2001 by the State of California in the State Building Standard Regulations (Title 24), with Appendix chapters A, B, D, E, H, and I is adopted by reference.

Sec. 6.50.015. Installation standards adopted.

The IAMPO Installation Standards, as set out in the 2000 Uniform Plumbing Code, are adopted by reference.

Sec. 6.50.025. Amendment--Section 710.1, backflow protection.

Subsection 710.1 of the Uniform Plumbing Code adopted by this article is amended to read as follows:

"Drainage piping serving fixtures which have flood level rims less than twelve (12) inches (304.8 mm) above the elevation of the next upstream manhole and/or flushing inlet cover at the public or private sewer system serving such drainage piping shall be protected from backflow of sewage by installing an approved type backwater valve. Fixtures above such elevation shall not discharge through the backwater valve, unless first approved by the Administrative Authority."

Sec. 6.50.035. Amendment--Section 807.2, condensate termination.

Subsection 807.2 of the Uniform Plumbing Code adopted by this article is amended by replacing it with the following:

"Condensate from air-cooling coils and comfort cooling equipment not intended to be used for the storage or holding of food or drinks shall be collected and discharged to a storm sewer or other approved points of disposal acceptable to the Administrative Authority. Termination of such drains shall be made by an air break. Condensate drain lines in sizes 1 1/4" and larger shall be assembled using approved drainage pipe and fittings. Condensate drains shall not drain over or upon a public way, sidewalk, pedestrian ramp or the like. Condensate drains within the interior of a building shall not be connected to the building roof drain or overflow piping systems. The waste pipe shall have a slope of not less than 1/8 inch per foot and shall be of approved corrosion-resistant material not smaller than the outlet size as required below for air-cooling coils or condensing fuel-burning appliances, respectfully. Condensate wastes pipes from air-cooling coils shall be sized in accordance with equipment capacity as follows:

TABLE INSET:

Equipment Capacity	Minimum Condensate Pipe Diameter
Up to 20 tons of refrigeration	3/4 inch
21 to 40 tons of refrigeration	1 inch
41 to 90 tons of refrigeration	1 1/4 inch
91 to 125 tons of refrigeration	1 1/2 inch

126 to 250 tons of refrigeration

2 inch

The size of condensate waste pipes may be for one unit or a combination of units, or as recommended by the manufacturer. The capacity of waste pipes assumes a 1/8 inch-per-foot slope, with the pipe running three-quarters full.

Condensate drain sizing for other slopes or conditions shall be approved by the building official."

ARTICLE VI. ELECTRICAL CODE

Sec. 6.60.010. Adopted.

The National Electrical Code, 2002 Edition, as amended in 2004 by the State of California in the State Building Standard Regulations (Title 24), is adopted by reference.

ARTICLE VII. BUILDING RELOCATION CODE

DIVISION 1. GENERALLY

Sec. 6.70.010. Title.

This article is the building relocation code of the town.

Sec. 6.70.015. Interference with demolition or removal of building.

It shall be unlawful for any person to interfere with or obstruct the Building Official, any person engaged by the Town or any representative of any surety, engaged in inspection or in the work of completing, demolishing, or removing any building or structure for which a building relocation permit has been issued under division 2 of this article, after a default has occurred in timely completion of the work or in the

performance of the other terms or conditions of the permit.

Secs. 6.70.020– 6.70.070. Reserved.

DIVISION 2. PERMIT

Sec. 6.70.075. Required, exceptions.

It shall be unlawful for any person to move any building or structure on any parcel of land in the Town (except a contractor's toolhouse, construction building or similar structure which is moved as construction work requires) without first obtaining a permit and posting a bond as provided in this article.

Sec. 6.70.080. Application.

An application for a permit required by the provisions of this division shall be made in writing on the form provided by the Town. The application shall:

- (1) Be signed by the permittee or the permittee's authorized agent (who may be required to submit evidence proving authority);
- (2) Be accompanied by plans, photographs or other substantiating data as reasonably may be required by the Building Official; and
- (3) Contain such information as reasonably may be required by the Building Official in order to carry out the purposes of this chapter.

Sec. 6.70.085. Review of application, duty of applicant.

The application for a permit required by the provisions of this division, including the plans and other data filed with it, shall be checked by the Building Official, who is authorized to conduct any investigation in connection therewith may be deemed reasonably necessary. If, when the Building Official has completed such investigation and has notified the applicant that a permit will issue, the applicant fails for a period of

sixty (60) days to post the bond and any other instrument required by this division, the application shall become void.

Sec. 6.70.090. Issuance, fees.

(a) Subject to the requirements contained in this article, if in the judgment of the Building Official the conditions of the building or structure can be effectively and practically repaired or restored to comply with this code, the Building Official shall issue a permit to the owner of the property where the building or structure is to be located.

(b) A permit fee shall be paid at the time of issuance of the permit. The amount of the fee shall be fixed by resolution of the Town Council.

Sec. 6.70.095. When issuance prohibited.

The Building Official shall not issue a permit under this division for any building or structure:

- (1) Which does not or cannot be repaired or modified to comply with this code, as it presently exists or hereafter may be amended;
- (2) Which is so constructed or in such condition as to be substandard building;
- (3) Which is infested with pests or is unsanitary;
- (4) Which is so dilapidated, defective, unsightly, or in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the existing improvements on nearby property;
- (5) If the proposed use is prohibited by the zoning ordinance;

(6) If the structure is of a type prohibited at the site of the proposed relocation by this code, or any other statute or ordinance; or

(7) If the structure or site has not received approval as prescribed in sections 29.20.140 through 29.20.155 of the Town Code. The body granting such approval shall first consider and determine that the proposed site and building are compatible in use, size and architecture with other buildings and structures in the area of the proposed relocation.

Sec. 6.70.100. Conditions of issuance.

In connection with the issuance of any permit under this division, the Building Official or the body granting architecture and site approval or both may attach to the permit such conditions which are necessary to assure compliance with the purposes of this article and the zoning ordinance, and to assure that the building or structure when relocated will be compatible with and not detrimental or injurious to the buildings or structures in the area of the proposed relocation. Such conditions may include, but are not limited to:

- (1) A limitation of the period of time required to complete the work of relocation;
- (2) Requirements for changes, alterations, additions or repairs;
- (3) The providing of all utility services by the time the building relocation is finished;
- (4) Provision for any improvement work or dedication provided for by the zoning ordinance;
- (5) The applicant's written agreement to indemnify the Town for any and all damages or injury to town property incurred in the course of the moving, including but not limited to damage or injury to streets, thoroughfares, pavements, curbs, gutters, sidewalks, sewers, public lighting equipment and plants.

Sec. 6.70.105. Bond required.

(a) As a condition precedent to the issuance of any building relocation permit, the applicant shall post a surety bond, the form of which is subject to approval by the Town Attorney, issued by a surety company conducting business in the State. The penal sum of the bond shall be an amount equal to the estimated cost, plus ten (10) percent, of all the work required to perform the relocation to comply with all of the conditions of the permit. The cost estimate is made by the Building Official.

(b) The applicant, in lieu of posting a surety bond, may deposit with the Town an amount equal to the required bond amount, in cash.

Sec. 6.70.110. Conditions of bond.

A surety bond shall contain, and any deposit shall be subject to, the following conditions:

(1) All work, including performance of conditions of the permit (except for performance of conditions such as street improvements when provision is made in a contract with the Town to do the work at a later time) shall be performed and completed within one hundred twenty (120) days after the date of issuance of the permit. After that time, the permit expires.

(2) The time limit and expiration date of the permit may be extended for good cause after written request of both the principal and the surety. The request may be made either during or after the one-hundred-twenty-day period. If the Building Official decides to grant the request the Building Official shall notify the principal and surety in writing stating the new deadline. The Building Official need not grant the request if the work is not being done continuously and diligently, or if reasonable progress has not been made.

(3) The term of each bond shall begin on the date the bond instrument is delivered to the Town, and shall end upon the acceptance by the Building Official of performance of all the terms and conditions of the

permit as satisfactory and complete.

(4) The Building Official, the surety and their representatives shall have access to the premises to inspect the progress of the work.

(5) Upon default by the principal, the surety shall be required to complete the work and to perform all conditions of the permit. The principal shall give the surety right-of-entry onto the site for those purposes.

(6) In the event of any default in the performance of any term or condition of the permit, or failure to complete the work before the permit expires, the surety or any person employed or engaged on its behalf, or the Building Official, or any person employed or engaged on behalf of the Town may go on the premises to complete the required work or to remove or demolish the building or structure, and clear, clean and restore the site.

Sec. 6.70.115. Default on bond.

(a) If the permittee as principal on the bond defaults in the performance of the conditions required by the permit, or fails to complete the work before the permit expires, the Building Official shall give notice in writing to the principal and the surety, stating the conditions which have not been complied with and the period of time deemed by the Building Official to be reasonably necessary for the completion of the work.

(b) After receipt of the notice, the surety, within the time therein specified, shall finish the work. When the principal has defaulted in any way, the surety, at its option, in lieu of completing the work required, may remove or demolish the building or structure and clear, clean and restore the site.

Sec. 6.70.120. Bond other than surety bond--Default.

If a deposit has been made as provided in section 6.70.105, the Building Official shall give notice of default, as provided in section 6.70.115, to the permittee. If the permittee does not perform within the time specified

in the notice, the Building Official shall proceed without delay and without further notice or proceeding whatever to use the deposit, or any portion of the deposit necessary to cause the required work to be done by contract or otherwise at the Building Official's discretion, upon the completion of the work. The balance, if any, of the deposit, shall be returned to the depositor or to the depositor's successors or assigns after deducting the cost of the work plus ten (10) percent of the cost, which is an amount to defray the Town's cost in enforcement and administration.

Sec. 6.70.125. Same--Release.

When a deposit has been made as provided in section 6.70.105 and all requirements of the permit have been completed, the Building Official shall return the deposit to the depositor or to the depositor's successors or assigns, except any portion thereof that may have been used or deducted as provided in this section.

ARTICLE VIII. UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS

Sec. 6.80.010. Adopted.

The Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, is adopted by reference. Section 701.1 of the Uniform Code for the Abatement of Dangerous Buildings providing that a failure to comply with an order as described in that section is punishable as a misdemeanor is expressly adopted, and the punishment shall be as prescribed for a misdemeanor under Town Code Section 1.10.040.

ARTICLE IX. UNIFORM MECHANICAL CODE

Sec. 6.90.010. Adopted.

The Uniform Mechanical Code (UMC), 2000 Edition, amended in 2001 by the State of California in the

State Building Standard Regulations (Title 24), with Appendix chapters A, B, and C is adopted by reference.

Sec. 6.90.015. Amendment--Section 310.1, condensate disposal.

Subsection 310.1 of the Uniform Mechanical Code adopted by this article is amended by replacing it with the following:"

Condensate from air cooling coils and comfort cooling equipment not intended to be used for the storage or holding of food or drinks shall be collected and discharged to a storm sewer or other approved points of disposal acceptable to the Administrative Authority. Termination of such drains shall be made by an air break. Condensate drain lines in sizes 1 1/4" and larger shall be assembled using approved drainage pipe and fittings. Condensate waste water shall not drain over or upon a public way, sidewalk, pedestrian ramp or the like. Condensate drains with terminations within the interior of a building shall not be connected to the building roof drain or overflow piping systems."

ARTICLE X. UNIFORM CODE FOR BUILDING CONSERVATION

Sec. 6.100.010. Adopted.

The Uniform Code for Building Conservation, 1997 Edition, as amended in 2001 by the State of California in the State Building Standard Regulations (Title 24), including appendices, is hereby adopted.

Sec. 6.100.015. Reserved.

Sec. 6.100.020. Reconstruction of unreinforced chimneys.

Unreinforced chimneys shall be reconstructed in accordance with the seismic safety standards set forth in chapter 37 of the currently adopted edition of the Uniform Building Code and be done to the satisfaction of the Building Official.

Sec. 6.100.025. Reserved.

Sec. 6.100.030. Reserved.

This Ordinance was introduced at a regular meeting of the Town Council on August 15, 2005 and adopted by the following vote as an ordinance of the Town of Los Gatos at a meeting of the Town Council of the Town of Los Gatos on September 6, 2005, by at least a four-fifths (4/5) vote. This ordinance becomes effective 30 days after it is adopted.

COUNCIL MEMBERS:

AYES: Steve Glickman, Diane McNutt, Joe Pirzynski, Barbara Spector,
Mayor Mike Wasserman.

NAYS: None

ABSENT: None

ABSTAIN: None

SIGNED:



MAYOR OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA

ATTEST:

CLERK OF THE TOWN OF LOS GATOS
LOS GATOS, CALIFORNIA