

ORDINANCE NO. 4-06 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RICHMOND AMENDING SECTIONS 6.02.020 AND 6.02.150 OF THE RICHMOND MUNICIPAL CODE TO ELIMINATE THE EXEMPTION FOR PROCESS EQUIPMENT, AND REPEALING SECTION 6.02.200 OF THE RICHMOND MUNICIPAL CODE TO ELIMINATE THE CERTIFIED INSPECTION PROGRAM

WHEREAS, the City's Certified Inspection Program and the exemption for process equipment in the Municipal Code do not allow for adequate public oversight and accountability of certain industrial activities.

WHEREAS, the City Council of the City of Richmond wishes to increase such public oversight and accountability by eliminating the Certified Inspection Program and the exemption for process equipment.

Now, therefore, the City Council of the City of Richmond do ordain as follows:

SECTION 1. Section 6.02.020 of Chapter 6 of Article VI of the Richmond Municipal Code is hereby amended to read as follows:

General. For the purpose of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section. Where terms are not defined, they shall have their ordinarily accepted meanings within the context with which they are used. Webster's Third New International Dictionary of the English Language, Unabridged, copyright 1961, shall be considered as providing ordinarily accepted meanings. Words used in the singular include the plural and the plural the singular. Words used in the masculine gender include the feminine and the feminine the masculine.

ACCEPTED FOR CONSTRUCTION, as to materials, types of construction, equipment and systems, refers to the acceptance by the Building Official as the result of investigation and/or tests conducted by him, or by reason of accepted principles or tests by recognized authorities, technical or scientific organizations.

ADDITION is an extension or increase in floor area or height of a building or structure.

ALTER or ALTERATION is any change or modification in construction or building service equipment.

APPROVED AGENCY is an established and recognized agency regularly engaged in conducting tests or furnishing inspection services, when such agency has been approved by the Building Official.

BUILDING is any structure used or intended for supporting or sheltering and use or occupancy.

BUILDING CODE is the Uniform Building Code promulgated by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.04.

BUILDING, EXISTING is a building erected prior to the adoption of this chapter, or one for which a legal building permit has been issued.

BUILDING OFFICIAL is the person designated as the Building Official by the Director of the City of Richmond Public Works Department and the person charged with the administration and enforcement of this chapter and the other technical codes, or the duly authorized representative of the Building Official.

BUILDING SERVICE EQUIPMENT refers to the plumbing, mechanical, electrical and elevator equipment including piping, wiring, fixtures and other accessories

which provide sanitation, lighting, heating, ventilation, cooling, refrigeration, fire-fighting and transportation facilities essential for the habitable occupancy of the building or structure for its designated use and occupancy.

CABO ONE AND TWO FAMILY DWELLING CODE. This jointly sponsored code is intended to eliminate conflicts and duplications among the model codes to achieve national uniformity.

CABO MODEL ENERGY CODE. This code sets forth minimum requirements for the effective use of energy in the design of new buildings and structures and additions to existing buildings and is adopted by reference in the Uniform Building Code.

CHIEF BUILDING, ELECTRICAL, MECHANICAL, PLUMBING INSPECTOR, PLANS EXAMINER shall be the person providing expertise for the Building Official in the designated technical code.

CONCRETE INSPECTION MANUAL. A publication on concrete to be used for reference or as a text on concrete inspection.

DANGEROUS BUILDING CODE is the Uniform Building Code for the Abatement of Dangerous Buildings promulgated by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.10.

ELECTRICAL CODE is the National Electrical Code promulgated by the National Fire Protection Association, as adopted by the City of Richmond in Chapter 6.16.

ENGINEER OF RECORD is an engineer licensed by the State of California to practice as such and who is responsible for the preparation of plans, specifications, engineering calculations and other data submitted to the City of Richmond for the purpose of obtaining a permit under the provisions of this chapter.

JURISDICTION, as used in this chapter and technical codes, is the City of Richmond, California.

LISTED and LISTING are terms referring to equipment and materials which are shown in a list published by an approved testing agency, qualified and equipped for experimental testing and maintaining an adequate periodic inspection of current productions and whose listing states that the equipment complies with recognized safety standards.

MECHANICAL CODE is the Uniform Mechanical Code promulgated by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.20.

OCCUPANCY is the purpose for which a building, or part thereof, is used or intended to be used. The term "occupancy" as used in this chapter shall include the building or part thereof housing such use.

OCCUPANT is the person, agent, firm or corporation occupying a building or part thereof.

OWNER is any person, agent, firm or corporation having a legal or equitable interest in the property interest.

PERMIT is an official document or certificate issued by the Building Official authorizing performance of a specific activity.

PERSON is a natural person, his heirs, executors, administrators or assigns, and also includes a firm, partnership or corporation, its or their successors or assigns, or the agent of any of the aforesaid.

PLUMBING CODE is the Uniform Plumbing Code promulgated by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.28.

~~PROCESS EQUIPMENT is equipment used in the production or development of manufactured products. Process equipment includes the following production or research equipment: pressure vessels, heat exchangers, pumps, compressors, boilers and furnaces. Process equipment shall be designed and fabricated in conformance with nationally established and recognized industry codes and standards and is to be certified as such. Process equipment also includes its installation but does not include foundations or structures around this equipment or the connection to utility sources.~~

REPAIR is the reconstruction or renewal of any part of an existing building, structure or building service equipment for the purpose of its maintenance.

SHALL, as used in this chapter, is mandatory.

STAMPED PLANS and/or SPECIFICATIONS is the plans and/or specifications which have been "accepted for construction" as the official plans and/or specifications to be followed on the job site. Such plans and/or specifications are to be stamped by the Building Official with the official stamp of the City of Richmond's Building Regulations Division and signed by the Building Official authorizing the issuance of a permit(s) for work to proceed.

STRUCTURE is that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

TECHNICAL CODES refer to those codes adopted by the City of Richmond containing the provisions for design, construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and building service equipment as herein defined.

U.B.C. SUPPLEMENTS. Between new editions of the codes, changes approved each year are incorporated in the supplements.

UNIFORM BUILDING CODE covers the fire, life and structural safety aspects of all building and related structures.

UNIFORM BUILDING CODE STANDARDS presents in a compact and concise manner national test, material and special design standards referred to as the Uniform Building Code. U.B.C. STANDARDS is the Uniform Building Code Standards promulgated by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.04

UNIFORM BUILDING SECURITY CODE establishes minimum standards to make dwelling units resistance to unlawful entry. It regulates swinging doors, sliding doors, windows and hardware in connection with dwelling units of apartment houses or one-and two-family dwellings. The code gives consideration to the concerns of police, fire and Building Officials in establishing requirements for resistance to burglary which are compatible with fire and life safety.

UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS sets forth orderly procedures for remedying dangerous buildings. Follows due process provisions which reflect the latest court decisions in such matters. This code covers all structures and may be used to supplement the Uniform Housing Code and the Uniform Building Code.

UNIFORM FIRE CODE AND UNIFORM FIRE CODE STANDARDS sets out provisions necessary for fire prevention while achieving uniformity in terms and

requirements with other codes published by the Conference. The code is sponsored jointly by the Western Fire Chiefs Association and the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 8.16.

UNIFORM HOUSING CODE provides for the conservation and rehabilitation of housing compatible with the Uniform Building Code; meets federal Workable Program requirements and is sponsored by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 6.24.

UNIFORM MECHANICAL CODE contains requirements for the installation and maintenance of heating, ventilating, cooling and refrigeration systems. This publication is sponsored jointly by the International Conference of Building Officials and the International Association of Plumbing and Mechanical Officials.

UNIFORM PLUMBING CODE, published by the International Association of Plumbing and Mechanical Officials, the Uniform Plumbing Code covers all aspects of plumbing, including requirements for plumbing materials, and IAPMO installation standards. It is endorsed by the ICBO.

UNIFORM SIGN CODE is dedicated to the development of better sign regulation. Its requirements pertain to all signs and sign construction attached to buildings and is sponsored by the International Conference of Building Officials, as adopted by the City of Richmond in Chapter 4.04.

VALUATION or VALUE of BUILDINGS, as applied to a building and its building service equipment, shall be the established cost to replace the building and its building service equipment in kind, based on current replacement costs.

VALUATION or VALUE of STRUCTURES, as applied to a structure and its process and/or service equipment, shall be the estimated cost to replace the structure and its process and service equipment in kind, based on current replacement costs.

SECTION 2. Section 6.02.150 of Chapter 6 of Article VI of the Richmond Municipal Code is hereby amended to read as follows:

(A) PERMITS REQUIRED. Except as specified in Subsection (b) of this section, no building, structure or service equipment regulated by this chapter and the technical codes shall be erected, constructed, enlarged, altered, repaired, moved, improved, removed, converted or demolished unless a separate, appropriate permit for each building, structure or service equipment has first been obtained from the Building Official.

(B) EXEMPTED WORK:

1. BUILDING PERMITS. A building permit shall not be required for the following:

(a) One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet.

(b) Fences not over 6 feet high.

(c) Oil derricks ~~or process equipment~~.

(d) Movable cases, counters and partitions not over 5 feet high.

(e) Retaining walls which are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding flammable liquids.

(f) Water tanks supported directly upon grade if the capacity does not exceed 5000 gallons and the ratio of height to diameter or width does not exceed two to one.

(g) Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.

(h) Painting, papering and similar finish work.

(i) Temporary motion picture, television and theater stage sets and scenery.

(j) Window awnings supported by an exterior wall of Group R, Division 3, and Group M Occupancies when projecting not more than 54 inches.

(k) Prefabricated swimming pools accessory to a Group R, Division 3 occupancy in which the pool walls are entirely above the adjacent grade and if the capacity does not exceed 5000 gallons.

(l) The replacement of any window with another window of the same shape and size.

2. PLUMBING PERMITS. A plumbing permit shall not be required for the following:

(a) The stopping of leaks in drains, soil, waste or vent pipe, provided, however, that should any concealed trap, drainpipe, soil, waste or vent pipe become 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 chapter.

(b) The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, nor for the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

(c) Equipment and/or appliances not connected directly or indirectly to utility service.

3. ELECTRICAL PERMITS. An electrical permit shall not be required for the following:

(a) Portable motors or other portable appliances energized by means of a cord or cable having an attachment plug end to be connected to an approved receptacle when that cord or cable is permitted by the Electrical Code.

(b) Repair or replacement of fixed motors, transformers or fixed approved appliances of the same type and rating in the same location.

(c) Temporary decorative lighting.

(d) Repair or replacement of current-carrying parts of any switch, contractor or control device.

(e) Reinstallation of attachment plug receptacles, but not the outlets therefor.

(f) Repair or replacement of any overcurrent device of the required capacity in the same location.

(g) Repair or replacement of electrodes or transformers of the same size and capacity for signs or gas tube systems.

(h) Taping joints.

- (i) Removal of electrical wiring.
- (j) Temporary wiring for experimental purposes is suitable experimental laboratories.
- (k) The wiring for temporary theater, motion picture or television stage sets.
- (l) Electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy.
- (m) Low-energy power, control and signal circuits of Classes II and III as defined in the Electrical Code.
- (n) The installation, alteration or repair of electrical wiring, apparatus or equipment or the generation, transmission, distribution or metering of electrical energy or in the operation of signals or the transmission of intelligence by a public or private utility in the exercise of its function as a serving utility.
- (o) Equipment and/or appliances not connected directly or indirectly to utility service.

4. MECHANICAL PERMITS. A mechanical permit shall not be required for the following:

- (a) Any portable heating appliance.
- (b) Any portable ventilating equipment.
- (c) Any portable cooling unit.
- (d) Any portable evaporative cooler.
- (e) Any closed system of steam, hot or cold water piping within any heating or cooling equipment regulated by the Mechanical Code.
- (f) Replacement of any component part of assembly of an appliance which does not alter its original approval and complies with other applicable requirements of the technical codes.
- (g) Any refrigerating equipment which is part of the equipment for which a permit has been issued pursuant to the requirements of the technical codes.
- (h) Any unit refrigerating system as defined in the Mechanical Code.
- (i) Equipment and/or appliances not connected directly or indirectly to utility service.

SECTION 3. Section 6.02.200 of Chapter 6 of Article VI of the Richmond Municipal Code is hereby repealed in its entirety.

SECTION 4. Any provisions of the Richmond Municipal Code, or appendices thereto, or any other ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, are hereby repealed.

SECTION 5. If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, 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, and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases be declared invalid or unconstitutional.

SECTION 6. This Ordinance shall be effective 90 days after passage and adoption.

I certify that the foregoing ordinance was passed and adopted by the Council of the City of Richmond at a regular meeting held on January 10, 2006, by the following vote:

AYES:	Councilmembers Bates, Butt, Griffin, Marquez, McLaughlin, Rogers, Thurmond, Viramontes, and Mayor Anderson
NOES:	None
ABSTENTIONS:	None
ABSENT:	None

DIANE HOLMES
Clerk of the City of Richmond

(SEAL)

Approved:

IRMA L. ANDERSON
Mayor

Approved as to form:

JOHN EASTMAN
City Attorney

State of California }
County of Contra Costa : ss.
City of Richmond }

I certify that the foregoing is a true copy of Ordinance No. 4-06 N.S., finally passed and adopted by the council of the City of Richmond at a regular meeting held on January 10, 2006, and published in accordance with law.