

**ORDINANCE 2007-06**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY  
AMENDING ARTICLE VI ENTITLED "SEISMIC SAFETY"  
REGARDING A MITIGATION PROGRAM FOR UNREINFORCED  
MASONRY BUILDINGS**

WHEREAS, the purpose of this Ordinance is to promote public safety by providing standards for both analyzing and retrofitting potentially hazardous unreinforced masonry buildings; and

WHEREAS, the City Council in adopting this Ordinance relies upon the authority vested in the Council pursuant to California Government Code sections 8875 *et seq.* and California Health and Safety Code sections 19160 *et seq.*; and

WHEREAS, Ordinance No. 2006-19, was duly adopted and effective November 15, 2006, and said ordinance added a new Article VI to the Gilroy City Code known as the "Unreinforced Masonry Building (URM) Ordinance"; and

WHEREAS, this ordinance is adopted to clarify Article VI with respect to vacant and unoccupied URM buildings, and to correct other minor typographical changes, all of which do not affect the effective date of Article VI.

NOW THEREFORE, the City Council of the City of Gilroy does ordain as follows:

**SECTION I**

Gilroy City Code, Article VI, entitled "Seismic Safety" is hereby amended by repealing Section 6.45(g) entitled "Qualified Historical Buildings" and replacing it with a new Section 6.45(g) entitled "Qualified Historical Buildings" to read as follows:

**“(g) Qualified Historical Buildings**

Prior to the issuance of a building permit for work pursuant to this Article the planning department shall determine if the URM building is a qualified historical building as defined herein. All qualified historical buildings may use the applicable provisions in the 2001 California Historic Building Code, as adopted and as be amended and/or updated by the city.”

**SECTION II**

Gilroy City Code, Article VI, entitled "Seismic Safety" is hereby amended by repealing Section 6.47 entitled "Change of Occupancy" and replacing it with a new Section 6.47 entitled "Change of Occupancy" to read as follows:

**“Sec. 6.47 Change of Occupancy**

Notwithstanding the deadline set forth in Section 6.45(e), the following shall apply:

(a) Upon change of occupancy, a URM building shall be retrofitted to the applicable standards defined in this ordinance prior to any further occupancy, if the building official determines that the change will create an increased occupancy load or a hazardous condition.

(b) When a URM building becomes vacant for more than a twenty-four (24) hour period, the URM building shall be retrofitted to the applicable standards defined in this ordinance prior to any further occupancy. When a tenant unit or lease space within a URM building becomes vacant for more than a twenty-four (24) hour period, the tenant unit or lease space shall not be re-occupied for any use unless and until the URM Building is retrofitted to the applicable standards defined in this ordinance.

(c) For purposes of this section, vacant shall refer to the condition of a URM building, tenant unit or lease space whereby the business or residential use within such building, tenant unit or lease space of the URM building has ceased for a period of more than a twenty-four (24) hours . A residential or commercial unit is considered vacant if, for a period of more than twenty-four (24) hours, such unit is not leased by a tenant, subject to a month to month rental agreement with a tenant or being lawfully held over by a tenant after termination of a previous lease. A business is also considered vacated when any of the following apply: (i) a business license is not renewed; or (ii) the business is not operational for more than a twenty-four (24) hour period over its normal business hours. However, if a sign is posted that the business owner is on vacation, or temporarily closed for other personal reasons, an exemption to the twenty-four (24) hour period may be allowed if the owner demonstrates to the satisfaction of the Building Official, that the building has not been vacated, and/or that the business use has not ceased. When the Building Official determines that a tenant unit or lease space has become vacant, the City will restrict any further occupancy of that particular tenant unit or lease space, including issuance of a new business license until the URM building is retrofitted to the applicable standards defined in this ordinance.”

### **SECTION III**

Gilroy City Code, Article VI, entitled “Seismic Safety” is hereby amended by repealing Section 6.53(g) entitled “Chords” and replacing it with a new Section 6.45(g) entitled “Chords” to read as follows:

**“(g) Chords**

A new paragraph is added to Section A113 – Detailed System Design Requirements as follows: “A113.11. Chords. An analysis for diaphragm flexure is required and chords shall be provided to conform to Chapter 16 of the CBC .”

### **SECTION IV**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Gilroy hereby declares that it would have passed and adopted this Ordinance, and each section, subsection, sentence, clause or phrase

hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

**SECTION V**

This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption.


PASSED AND ADOPTED this 19th day of March 2007, by the following vote:

AYES: COUNCILMEMBERS: ARELLANO, BRACCO, CORREA,  
GARTMAN, VALIQUETTE, VELASCO,  
and PINHEIRO

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

APPROVED:

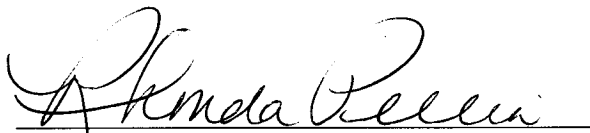
  
\_\_\_\_\_  
Al Pinheiro, Mayor

ATTEST:

  
\_\_\_\_\_  
Rhonda Pellin, City Clerk

I, RHONDA PELLIN, City Clerk of the City of Gilroy, do hereby certify that the attached Ordinance No. 2007-06 is an original ordinance, or a true and correct copy of a city ordinance, duly adopted by the Council of the City of Gilroy at a regular meeting of said Council held on the 19th day of March, 2007, at which meeting a quorum was present, and has been published or posted pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 30th day of March, 2007.

  
\_\_\_\_\_  
City Clerk of the City of Gilroy

(Seal)