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WHEREAS, Section 6.1 of the Gilroy City Code provides that the latest edition of the uniform construction codes shall be submitted to the City Council for adoption subject to local changes and modifications; and

WHEREAS, Health and Safety Code Section 17922 requires that the State adopt building standards and rules and regulations ("State Building Standards Code") and that such State Building Standards Code impose substantially the same requirements as are contained in the most recent editions of specified uniform industry codes; and

WHEREAS, Health and Safety Code Section 17958 allows the City Council to adopt ordinances or regulations which impose the same requirements as the State Building Standards Code or make changes or modifications to the State Building Standards Code upon express findings that that such modifications or changes are reasonably necessary because of local climatic, geological, or topographical conditions; the provisions published in the California Building Standards Code and other promulgated regulations shall be applicable to the city and shall become effective January 1, 2020; and

WHEREAS, the Building Standards, along with any changes or modifications made by the City Council, become effective 180 days after publication by the California Building Standards Commissions; and

WHEREAS, the City Council desires to adopt the 2019 State Building Standards Code, including the California Building Code, the California Electrical Code, the California Mechanical Code, the California Plumbing Code, the California Energy Code, California Historical Building Code, California Existing Building Code and the California Green Building Standards Code as published by the California Building Standards Commission, along with changes and modifications reasonably necessary
because of local climatic, geological, or topographical conditions, based on findings set forth in this ordinance; and

WHEREAS, California has adopted these Codes, except for the 2018 International Property Maintenance Code with Appendix A, as the California Building Standards Code; and

WHEREAS, the Santa Clara County, which includes this City, is within a very active seismic area and local soil conditions can be highly expansive and are prone to shrink and swell during seasonal drying and wetting; and

WHEREAS, portions of the City are in hillside areas that are hazardous fire areas that have only limited fire suppression forces and facilities available for the protection of life and property; and

WHEREAS, fire protection and suppression services for multi-family dwellings and other buildings of three stories or more than thirty feet in height are limited and therefore require supplemental fire suppression services such as automated fire sprinkler systems; and

WHEREAS, the City has local climatic considerations including temperatures ranging from below freezing to over one hundred degrees, local geological considerations including the presence of seismic activity and expansive clay soils, and local topographical considerations including extensive hillside construction that is prone to erosion; and

WHEREAS, the City has participated in a County-wide effort over many months to make uniform amendments to the California Building Standards Code throughout the cities in the county that share similar local climatic, geological and topographical considerations; and

WHEREAS, City staff recommends that some local amendments to the various building codes are necessary as are set forth herein; and

WHEREAS, a duly noticed public hearing was held prior to the adoption of these codes by the City Council on November 4, 2019; and

WHEREAS, this Ordinance is exempt from the requirements of the California Environmental Quality Act of 1970 (“CEQA”), as amended, because it does not involve an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council has reviewed all of the written materials and considered all of the oral testimony presented to it on this matter.

ORDINANCE NO. 2019-09
NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I

This Ordinance shall be known and cited as the Gilroy Building and Safety Code.

SECTION II

The following Codes are hereby adopted by reference for the City of Gilroy:

1. The California Building Code, 2019 Edition, which is the 2018 International Building Code, with California amendments and the following appendix chapters: Chapter C, Chapter F, Chapter G, Chapter I and Chapter J are adopted with modifications and changes recommended by the City of Gilroy Chief Building Official (“Building Official”) as set forth in Section IV of this Ordinance;
2. The California Residential Code, 2019 Edition, which is the 2018 International Residential Code with California amendments and the following appendix chapters: Chapter H and K is adopted with modifications and changes recommended by the Building Official as set forth in Section V of this Ordinance;
3. The California Electrical Code, 2019 Edition, which is the 2017 National Electrical Code with California amendments is adopted with no modifications and changes recommended by the Building Official.
4. The California Mechanical Code, 2019 Edition, which is the 2018 Uniform Mechanical Code with California amendments and the following appendix chapters: Chapter A, B, C, and D, is adopted with modifications and changes recommended by the Building Official as set forth in Section VI of this Ordinance;
5. The California Plumbing Code, 2019 Edition, which is the 2018 Uniform Plumbing Code with California amendments and only Appendix A, Appendix B, Appendix D, Appendix I, and Appendix K are adopted with modifications and changes recommended by the Building Official as set forth in Section VII of this Ordinance;
6. The California Green Building Standards Code, 2019 Edition, is adopted with no modifications or changes as recommended by the Building Official;
7. The California Energy Code, 2019 Edition, is adopted with no modifications or changes as recommended by the Building Official;
8. The California Historical Building Code, 2019 Edition, published by the International Code Council is adopted with no modifications or changes as recommended by the Building Official;
9. The California Existing Building Code, 2019 Edition and its appendices and the following appendix, A2, A4, and A5 of the 2018 International Existing Building Code is adopted with no modifications or changes as recommended by the Building Official;

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10. The International Property Maintenance Code, 2018 Edition and Appendix A is adopted with modification and changes as recommended by the Building Official as set forth in Section VIII of this Ordinance.

SECTION III

Pursuant to California Health and Safety Code § 17958.7, the City Council of the City of Gilroy finds that each of the modifications or changes to the aforementioned Codes are reasonably necessary because of local climatic, geological or topographical conditions. Specifically, the City Council finds:

1. Many of the modifications or changes are reasonably necessary because of the following climatic conditions.

   (a) The region is within a climate zone that requires compliance with energy efficiency standards for building construction. The amendment adds design flexibility that will add to energy efficiency in construction while maintaining nationally recognized health and safety standards. This reason is hereinafter referred to as “Climatic I.”

   (b) The region is within a national climate zone that is designated “Very High” on the Termite Infestation Probability Map. This reason is hereinafter referred to as “Climatic II.”

2. Many of the modifications or changes are reasonably necessary because of the following geological reasons.

   (a) The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants. This reason is hereinafter referred to as “Geological I.”

   (b) The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. This reason is hereinafter referred to as “Geological II.”

3. Many of the modifications or changes are reasonably necessary because of the following Topographical conditions.

   (a) Portions of the City are in hillside areas that are hazardous fire areas that have only limited fire suppression forces and facilities available for the
protection of life and property. This reason is hereinafter referred to as “Topographical I.”

(b) Portions of the City are in hillside areas with extensive hillside construction that is prone to erosion. This reason is hereinafter referred to as “Topographical II.”

4. Many of the modifications or changes are reasonably necessary because of other climatic, geological or topographical conditions, and these climatic, geological or topographical conditions are described immediately following individual modifications or changes adopted pursuant to this Ordinance.

Such code shall include those sections requiring enforcement by the City of Gilroy Building Department, and, as further amended by the City of Gilroy, provisions intended to address local climatic, geologic, and topographic conditions as permitted by state law. Adoption of said code shall include the adoption of Appendices B, J, including Division II Scope and Administration, contained in the 2019 California Building Code.

Such code shall be and become the City of Gilroy Building Code regulating the erection, construction, alteration, repair, relocation, demolition, occupancy, use, height, area, and maintenance of all buildings and structures and certain equipment therein specifically regulated. The provisions of said code shall provide for the issuance of permits and certificates of occupancy, the collection of fees thereof, and penalties for violation of such code.

At least one copy of the City of Gilroy Building Code has been deposited in the office of the city building official and is available for public inspection.

A copy of these findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed by the City Clerk with the California Building Standards Commission.

SECTION IV

The following modifications and changes as recommended by the Building Official are adopted to the California Building Code, 2019 Edition, which is the 2018 International Building Code as amended by the State of California:

AMEND SECTION 1.8.4.2 TO READ:

1.8.4.2 Fees. Fees shall be assessed in accordance with the adopted City of Gilroy Comprehensive Fee Schedule.

REASON FOR AMENDMENT
The City Council reviews and adopts the City of Gilroy Comprehensive Fee Schedule

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AMEND SECTION 105.5 AS FOLLOWS:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 1 year after its issuance, or if the work authorized by such permit is suspended or the permittee has abandoned the work authorized by the permit. The building official is authorized to grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The permittee shall request an extension pursuant to this subdivision in writing and demonstrate justifiable cause for the extension.

REASON FOR AMENDMENT:
To comply with California Assembly Bill No. 2913 Chapter 655 which amended Section 18938.5 of, and to add Section 18938.6 to, the Health and Safety Code, relating to building permit expirations. AB 2913 states that a permit would remain valid for the work on the site authorized by that permit for 12 months after its issuance, unless the permittee has abandoned the work.

AMEND SECTION 105.7 AS FOLLOWS:

105.7 Placement of Permit. The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.

REASON FOR AMENDMENT:
To clarify that the approved plans and documentations are at the job site for inspector and contractor to follow.

AMEND SECTION 109.2 AS FOLLOWS:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the adopted current adopted City of Gilroy Comprehensive Fee Schedule.

REASON FOR AMENDMENT:
The City Council reviews and adopts the City of Gilroy Comprehensive Fee Schedule annually. All Building and Development fees are to be assessed from the most current and adopted Comprehensive Fee Schedule.

AMEND SECTION 109.4 AS FOLLOWS:
109.4 Work commencing before permit issuance. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for necessary permits shall be double the fee established by the current City of Gilroy Comprehensive Fee Schedule approved by the city council.

REASON FOR AMENDMENT:
The City Council reviews and adopts the City of Gilroy Comprehensive Fee Schedule annually. All Building and Development fees are to be assessed from the most current and adopted Comprehensive Fee Schedule. Doubling the fee is a standard procedure from prior practice and adopted codes.

ADD SECTION 109.7 TO READ AS FOLLOWS:

109.7 Plan review fees. When a plan review requires a plan checking fee, the fee shall be paid at the time of submitting plans, calculation and specifications for checking. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee may be charged as deemed necessary by the building official at an hourly rate established in the City of Gilroy Comprehensive Fee Schedule adopted by the city council.

REASON FOR AMENDMENT:
To be consistent with previous adopted code.

ADD SECTION 110.7 AS FOLLOWS:

110.7 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and available by the permit holder until final approval has been granted by the building official.

REASON FOR AMENDMENT:
The building official amends and adds this new section to require that the inspection card be available at the jobsite. The inspection card contains inspection description and building inspector signoff information to allow the inspector to follow through on each permit.

AMEND SECTION 402.5 AS FOLLOWS:

DELETE EXCEPTION.

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REASONS FOR AMENDMENT:
Geological I and II

AMEND SECTION 403.3 AS FOLLOWS.
DELETE EXCEPTION.

REASONS FOR AMENDMENT:
Geological I and II

AMEND SECTION 404.3 AS FOLLOWS.
DELETE ALL EXCEPTIONS.

REASON FOR AMENDMENT:
Geological I and II

AMEND SECTION 406.3.2 TO READ:

406. 3.2.1 Separation. Separation shall comply with the following when both the garage and residence are protected by an approved Fire Sprinkler System:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum ½ inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8 inch Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1-3/4 inches (34.9 mm) thick, or doors in compliance with Section 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

2. Ducts in a private garage and ducts penetrating the wall or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019 inch (0.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R3 and U carport, provided the carport is entirely open on two or more sides and there are not enclosed areas above.

Separations shall comply with the following when no approved Fire Sprinkler System serves the residence and/or the garage.

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum 5/8 inch Type X gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms.

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above by not less than a 5/8 inch Type X gypsum board or equivalent. Door opening between a private garage and the dwelling with either solid wood doors or solid or honeycomb core steel doors not less than 1-3/4 inches (34.9 mm) thick, or doors in compliance with Section 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.

2. Ducts in a private garage and ducts penetrating the wall or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019 inch (0.48 mm) sheet steel and shall have no openings into the garage.

3. A separation is not required between a Group R3 and U carport, provided the carport is entirely open on two or more sides and there are not enclosed areas above.

REASON FOR AMENDMENT:
Geological I and Geological II.
Amend door thickness is to match the Security Ordinance requirement.

AMEND SECTION 903.2 IN IT'S ENTIRELY TO READ:

903.2 Where Required. Approved Automatic sprinkler system in new and existing buildings and structures shall be provided in the locations as set forth in the Gilroy Fire Code and the California Fire Code.

ADD NEW SECTION 903.2.1.1 TO READ:

Section 903.2.1.1 for “automatic fire-extinguishing systems” in new buildings and structures, any conflicts between the 2019 CBC and the Gilroy Fire Code, the Gilroy Fire Code shall prevail.

REASON FOR AMENDMENTS:
To be consistent with the Uniform Fire Code and Local Amendment.

AMEND SECTION 1505.1.4 AS FOLLOWS:

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1505.1.4 Roofing requirements in a Wildland-Urban Interface Fire Area.
Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall comply with Section 705A. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A

REASON FOR AMENDMENTS:
Topographical I

ADD SECTION 1505.1.5 TO READ AS FOLLOWS:

1505.1.5 Roofing. Class B roof covering shall be required for all Hillside Construction.

REASON FOR AMENDMENTS:
Topographical I

AMEND SECTION 1705.3— AS FOLLOWS:

1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

EXCEPTIONS: Special inspection shall not be required for:
1. Isolated spread concrete footings of buildings three stories or less in height above the grade plane that are fully supported on earth or rock, where the structural design of the footing is based on a specified compressive strength, $f'_c$, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).

2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
   2.1. The footings support walls of light-frame construction;
   2.2. The footings are designed in accordance with Table 1809.7; or
   2.3. The structural design of the footing is based on a specified compressive strength, $f'_c$, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.

3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).

4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.

5. Concrete patios, driveways and sidewalks, on grade.

REASON FOR AMENDMENT:
Results from studies after the 1994 Northridge earthquake indicated that a lot of the
damage was attributed to lack of quality control during construction. The proposed amendment improves quality control during construction and therefore needs to be incorporated into the Code.

AMEND SECTION 1807.2 AS FOLLOWS: 1807.2 Retaining walls. Retaining walls shall be designed in accordance with Section 1807.2.1 through 1807.2.5

ADD 2019 CBC, SECTION 1807.2.5 TO READ AS:

1807.2.5 Retaining walls shall be constructed of concrete or masonry and be designed by a California State licensed engineer (Civil or Structural Engineer).

REASONS FOR AMENDMENT:
1. Geological I.
2. This existing amendment continues to be required by local conditions.

AMEND SECTION 1907.1— AS FOLLOWS:

1907.1 General. The thickness of concrete floor slabs supported directly on the ground shall be not less than 3-1/2 inches (89 mm). The slab shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate. A 6-mil (0.006 inch; 0.15 mm) polyethylene vapor retarder with joints lapped not less than 6 inches (152 mm) shall be placed between the base course or subgrade and the concrete floor slab, or other approved equivalent methods or materials shall be used to retard vapor transmission through the floor slab.

Exception: A vapor retarder is not required:
1. For detached structures accessory to occupancies in Group R-3, such as garages, utility buildings or other unheated facilities.
2. For unheated storage rooms having an area of less than 70 square feet (6.5 m2) and carports attached to occupancies in Group R-3.
3. For buildings of other occupancies where migration of moisture through the slab from below will not be detrimental to the intended occupancy of the building.
4. For driveways, walks, patios and other flatwork that will not be enclosed at a later date.
5. Where approved based on local site conditions.

REASONS FOR AMENDMENT:
1. Geological I.

ADD SECTION 2306.3.1 TO READ AS FOLLOWS:

2306.3.1 Shear walls sheathed with other materials. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall be
designed and constructed in accordance with AP&PA SDPWS. Shear walls sheathed with these materials are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.3(3). Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to Seismic Design Category D, E or F.

**Exception:** Item 1, expanded metal or woven wire lath and portland cement plaster on studs spaced at 16 inches (406 mm) on center installed per Table 2306.7 is permitted for use in one story structures of R-3 and U occupancies in Seismic Design Category D.

**REASONS FOR AMENDMENT:**
1. Geological II.
2. The entire Santa Clara Valley is located in a highly active seismic zone. Gypsum wallboard and exterior portland cement plaster have performed poorly during recent California seismic events. The shear values for gypsum wallboard and portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of these products until cyclic loading testing are performed and evaluated.

**AMENDS SECTION 2308.1 TO READ AS FOLLOWS:**

**Section 2308.1 General.** The requirements of this section are intended for conventional light-frame construction. Other methods are permitted to be used, provided a satisfactory design is submitted showing compliance with other provisions of this code. Interior nonload-bearing partitions, ceilings and curtain walls of conventional light-frame construction are not subject to the limitations of this section. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the California Residential Code.

**REASON FOR AMENDMENT:**
Geological I

**AMEND SECTION 2308.6.3 TO READ:**

**2308.6.3 Braced wall panel methods.** Construction of braced wall panels shall be by one or a combination of the methods in Table 2308.6.3(1). Braced wall panel length shall be in accordance with Section 2308.6.4 or 2308.6.5. The use of Gypsum Board (GB) or Portland Cement Plaster (PCP) type braced wall panels are not allowed.

**REASONS FOR AMENDMENT:**
Geological II.

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AMEND SECTION 2308.6.9 TO READ:

2308.6.9 Attachment of sheathing. Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.12.4 or 2304.9.1. Wall sheathing shall not be attached to framing members by adhesives. All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches (6096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24-inch (6096 mm) intervals along the top plate of discontinuous vertical framing.

REASONS FOR AMENDMENT:
Geological II.

AMEND SECTION 2505 AS follows.

DELETE SECTION 2505 COMPLETELY.

REASONS FOR AMENDMENT:
Survey of structural failures after the Loma Prieta earthquake of 1989 showed the gypsum board, plaster and stucco finishes used for lateral force resistance performed poorly or failed completely. Further, once used to resist lateral forces, it is nearly impossible without completely replacing the material to achieve the initial design load resistance in these materials. To minimize the potential for increased fire-life safety problems associated with such seismic failures, this proposed modification increases the minimum acceptable shear resisting elements to be used for lateral designs and conventionally braced structures. Further, this continues a trend in and amongst local Bay Area jurisdictions that has been historically supported by the engineering community.

BUILDING CODE APPENDIX CHAPTERS TO BE ADOPTED:

The 2019 CBC is further amended by adopting the following Appendix chapters:

APPENDIX C - AGRICULTURAL BUILDINGS

APPENDIX G - FLOOD RESISTANT CONSTRUCTION (If any condition or requirements conflicts with FEMA, FEMA conditions shall govern.)

APPENDIX I - PATIO COVERS

APPENDIX J - GRADING

ADD SUB-SECTIONS TO SECTION J110 EROSION CONTROL TO READ:
ORDINANCE NO. 2019-09
Section J110.3 Erosion Control.

a. The applicant shall submit an Interim Erosion and Sediment Control Plan. This can be incorporated on the Grading Plan and shall include the following information:

1. Maximum surface runoff from the site as calculated using the method approved by the Building Official.
2. A delineation and brief description of the surface runoff and erosion control measures to be implemented including, but not limited to, types and methods of applying mulches to be used.
3. A delineation and brief description of vegetative measures to be taken, including but not limited to, seeding methods, the type, location and extent of existing and undisturbed vegetation types, and a schedule for maintenance and upkeep.

b. No improvements planned. Where an applicant does not plan to construct permanent improvements on the site, or plans to leave portions of the site graded but unimproved, applicant must:

1. Submit an Interim Plan designed to control runoff and erosion on the site for the period of time during which the site, or portions thereof, remain unimproved.
2. Submit a request for release after the completion of grading.

c. Work Schedule. The applicant must submit a master work schedule showing the following information:

1. Proposed grading schedule.
2. Proposed conditions of the site on each July 15, August 15, September 15, and October 15 during which the permit is in effect.
3. Proposed schedule for installation of all interim erosion and sediment control measures including, but not limited to, the stage of completion of erosion control devices and vegetative measures on each of the dates set forth in Subsection (2).
4. Schedule for construction of final improvements, if any.
5. Schedule for installation of permanent erosion and sediment devices where required.

d. Season Work (October 15 to April 15).

1. For commencement of the grading during the wet season, applicant must provide special documentation, as required by Building Official, showing the reasons other than financial, for the need to commence at that time.
2. For continuation of activities, other than installation, maintenance or repair of measures in the interim or final plans, during the wet season, permittee must apply for and receive in writing from the Building Official, every five (5) working days, special permission to proceed.

3. The Building Official shall grant permission under this subsection on the basis of weather forecasts, experience and other pertinent factors, which indicate the activity, may occur without excessive erosion occurring.

**REASON FOR AMENDMENT:**
Geological II.

**ADD NEW SECTION J110.4 TO READ:**

Section J110.4 Dust and Mud Control Measures. Contractors performing grading operations within the City where dry conditions or wet conditions are encountered shall adequately and effectively control dust or mud from spreading off site or onto existing structures on site. Prior to commencement of grading operations, contractor shall furnish details of proposed dust or mud control measures to the Building Official for approval. Failure to control dust or mud from grading operations shall result in suspension of grading operations until adequate measures are in place to allow continuance.

**REASON FOR AMENDMENT:**
Geological II.

**ADD NEW SECTION J110.5 TO READ:**

Section J110.5 Archeological Discovery. If in the course of any grading operation, any artifacts, human remains, or substantial fossils are discovered, all grading operations shall cease, and the discovery site shall be suitably marked and protected from further damage. A report of such findings shall be as outlined in the Zoning Ordinance. Specifically, if human remains are discovered, the Sheriff-Coroner and the Building Official shall be notified. If no human remains are discovered, but artifacts or significant fossils are discovered, the Building Official shall be notified.

**REASON FOR AMENDMENT:**
Geological II.

**ADD NEW SECTION J110.6 TO READ:**

Section J110.6.1 Work Stoppage. Whenever the Building Official determines that the work does not comply with the terms of the permit or of this Ordinance Section, he or she may order the immediate cessation of all work hereunder until such corrective measures have been completed.

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Section J110.6. 2 Right of Entry. Whenever the Building Official or designated subordinate(s) have reasonable or probable cause to believe that there exists accelerated erosion and/or a violation of this Ordinance Section, he/she may enter such site at all reasonable times to inspect the same, to perform any duty imposed upon him/her by this Ordinance Section; providing that if such premises are occupied, he/she shall first present proper credentials and request entry, and if the premises are found to be unoccupied, he/she shall first make a reasonable effort to locate the owner or other person having charge or control of said premises and request entry. If such entry is refused or the owner or person having charge or control cannot be located after reasonable effort, the Building Official shall have recourse to every remedy provided by law to secure entry and abate the erosion or violation.

Section J110.6.3 Notification of Violation. Any person found to be in violation of the provisions of this Ordinance Section shall be required to correct the problem upon written notification from the Building Official or designated subordinate(s). Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

a. Use of specific erosion control techniques
b. Submittal of plans and specifications to be approved by the Community Development Department, and any other department affected by such work, prior to the commencement of corrective work.
c. Completion of corrective work within a specified time period.

Section J110.6.4 Abatement of Violation. If the responsible party fails to act in response to written notification of the Building Official, the violation may be declared a public nuisance and be abated as required to restore the site to its original condition. Where there is an emergency condition of erosion or sediment damaging a waterway, marsh, or other body of water, or significant habitat or archeological site, the Building Official may have the necessary corrective work done and bill the property owner or lien the property for repayment.

Section J110.6.5 Penalties.

a) Any person, whether as principal, agent, employee or otherwise, or firm or corporation violating, or causing or permitting the violation of any of the provisions of this Ordinance Section shall be subject to citations and penalties set forth in the Gilroy Municipal Code, Section 1.7, Section 6.16 and Chapter 6A.

b) Each separate day or portion thereof during which any violation occurs or continues without a good faith effort by the responsible person to correct the
violation, shall be deemed to constitute a separate offense.

c) In addition to the above noted penalties, the Building Official is hereby authorized to attach an investigation fee up to twice the grading permit fee, to any such permit issued for corrective action.

Section J110.6.6 Enforcement. The Building Official and or his/her designated subordinate(s) is hereby authorized and directed to enforce all the provisions of this Ordinance Section. For such purpose, the Building Official shall have the powers of a law enforcement officer.

Section J110.6.7 Appeals. Any person who believes the Building Official has erred in the technical application of this Ordinance Section may appeal such action to the Building Board of Appeals.

REASONS FOR AMENDMENT:
1. Geological II.
2. This existing amendment continues to be required by local conditions.

SECTION V

The following modifications and changes as recommended by the Building Official are adopted to the California Residential Code, 2019 Edition, which is the 2018 International Residential Code as amended by the State of California:

AMEND SECTIONS 1.8.3, 1.8.4, 1.8.6, AND 1.8.7 AS FOLLOWS:

DELETE SECTIONS 1.8.3, 1.8.4, 1.8.6, AND 1.8.7.

REASONS FOR AMENDMENT:
Gilroy Municipal Code covers Right of Entry For Enforcement; Alternate Material, designs, Tests and Methods of Construction; and Appeals Board.

AMEND SECTION 105.5 AS FOLLOWS:

105.5 Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 1 year after its issuance, or if the work authorized by such permit is suspended or the permittee has abandoned the work authorized by the permit. The building official is authorized to grant, in writing, one or more extensions of time for periods of not more than 180 days per extension. The permittee shall request an extension pursuant to this subdivision in writing and demonstrate justifiable cause for the extension.

ORDINANCE NO. 2019-09
REASON FOR AMENDMENT:
To comply with California Assembly Bill No. 2913 Chapter 655 which amended Section 18938.5 of, and to add Section 18938.6 to, the Health and Safety Code, relating to building permit expirations. AB 2913 states that a permit would remain valid for the work on the site authorized by that permit for 12 months after its issuance, unless the permittee has abandoned the work.

AMEND SECTION R301.1.1 AS follows:
DELETE ITEM 1 OF THIS SECTION.

REASON OF AMENDMENT:
GEOLOGICAL II

AMEND SECTION 301.2.1.1 AS follows:
DELETE ITEM 1 OF THIS SECTION.

REASON OF AMENDMENT:
GEOLOGICAL II

AMEND SECTION R303 AS follows:
The title for this section is amended to read as follows:
LIGHT, VENTILATION, HEATING, AND SOUND TRANSMISSION

ADD SECTION R303.11 OF CHAPTER 3 TO READ AS follows:
R303.11 Sound transmission. For sound transmission control between attached dwelling units, see Section 1206 of the California Building Code.

REASON OF AMENDMENT:
GEOLOGICAL II

AMEND SECTION R313 AS follows:
R313.1 Is amended as follows:
R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in townhouses.

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Exception: An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing townhouses if the addition does not exceed 1000 square feet or result in a total building area of more than 3600 square feet and an existing automatic residential fire sprinkler system is not installed.

R313.2 IS AMENDED AS FOLLOWS:

R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception:

1. An automatic residential fire sprinkler system shall not be required where additions or alterations are made to existing buildings if the addition does not exceed 1200 square feet or result in a total building area of more than 3600 square feet and an existing automatic residential fire sprinkler system is not installed.
2. Accessory Dwelling Unit, provided that all of the following are met:
   2.1. The unit meets the definition of an Accessory Dwelling Unit as defined in the Government Code Section 65852.2.
   2.2. The existing primary residence does not have automatic fire sprinklers.
   2.3. The accessory detached dwelling unit does not exceed 1,200 square feet in size.
   2.4. The unit is on the same lot as the primary residence.

REASON FOR AMENDMENTS:
To be consistent with the Uniform Fire Code and Local Amendment.

AMEND FIRST PARAGRAPH AND THE EXCEPTION OF SECTION R403.1.3 TO READ AS:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2 (1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

R403.1.3 Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

REASONS FOR AMENDMENT:
This proposed amendment to the CRC is made to be consistent with TUCC (Tri-Chapter ORDNANCE NO. 2019-09
Uniform Committee) amendment 3 that modifies the plain concrete provisions in CBC Section 1908.1.8 and ACI 318 Section 22.10.1.

This proposed amendment addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge earthquake.

AMEND SECTION R506.1 TO READ:

R506.1 General. Concrete slab-on-ground floors shall be designed and constructed in accordance with the provisions of this section or ACI 332. Floors shall be a minimum 3-1/2 inches (89 mm) thick (for expansive soils, see Section R403.1.8). The slab shall be reinforced with not less than six inches by six inches ten-gauge wire mesh or an approved alternate. The specified compressive strength of concrete shall be as set forth in Section R402.2.

REASONS FOR AMENDMENT:
Geological II.

AMEND SECTION R602.10.4 TO READ:

R602.10.4 Construction methods for braced wall panels. Intermittent and continuously sheathed braced wall panels shall be constructed in accordance with this section and the methods listed in Table R602.10.4. The use of Gypsum Board (GB) or Portland Cement Plaster (PCP) type braced wall panels are not allowed.

REASONS FOR AMENDMENT:
Geological II.

AMEND FOOTNOTE OF TABLE R602.10.3 (3):

Add footnote "g" to the end of Table R602.10.1.3 (3) to read as follows:

1. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Methods PCP, SFB, and HPS is limited to one-story single family dwellings and accessory structures.

AMEND SECTION R902.1.4 AS FOLLOWS:

R902.1.4 Roofing requirements in a wildland-urban interface fire area. Roofing requirements for structures located in a Wildland-Urban Interface

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Fire Area shall comply with Section R337.5. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

**REASON FOR AMENDMENTS:**

Topographical I

**CALIFORNIA RESIDENTIAL CODE APPENDIX CHAPTERS TO BE ADOPTED:**

APPENDIX H – PATIO COVERS

APPENDIX K – SOUND TRANSMISSION

**SECTION VI**

The following modifications and changes as recommended by the Building Official are adopted to the California Mechanical Code, 2019 Edition, which is the 2018 Uniform Mechanical Code with California amendments:

**AMEND 2019 CMC SECTION 1201 General.**

Add SECTION 1201.6 WALL THICKNESS TO READ:

1201.6 Material Wall Thickness Tubing shall be at least Type K for condensate return lines, and Type L for steam condenser cooling water lines, underground water lines, and above ground water lines. Type M shall not be used.

**REASONS FOR AMENDMENT:**

1. Geological II.
2. Most of the surface soils in the Santa Clara Valley are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are particularly corrosive in nature.

**SECTION VII**

ORDINANCE NO. 2019-09
The following modifications and changes as recommended by the Building Official are adopted to the California Plumbing Code, 2019 Edition, which is the 2018 Uniform Plumbing Code with California amendments and Appendix A, Appendix B, Appendix D, Appendix I, and Appendix K:

AMEND SECTION 604.3 TO READ:

604.3 Copper or Copper Alloy Tube. Copper or copper alloy tube for potable water piping shall have a weight of not less than type "L."

REASONS FOR AMENDMENT:

1. Due to water hardness in the city, type "L" copper shall be required

AMEND 2019 CPC SECTION 609.3 TO READ:

609.3 Under Concrete Slab. Water piping shall not be installed directly in or under a concrete floor slab within a building without prior approval of the Building Official.

REASONS FOR AMENDMENT:

1. Most of the surface soils in the Santa Clara Valley are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are particularly corrosive in nature.
2. Much of the surface soils in the Santa Clara Valley are highly expansive (i.e., shrink - swell behavior) and has low bearing strength. There are two types of expansive soils in the area:
   a. The organic silty clays which are the recent bay muds; and
   b. The plastic silty clays, which weather from the shale, found in the hills surrounding Santa Clara Valley.
3. The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the expansive characteristics of soil.
4. Some parts of Santa Clara Valley have hard water, which is corrosive to ferrous pipe.
5. The groundwater table is unusually high in many places.
6. The Santa Clara Valley is in a highly active seismic area.

AMEND 2019 CPC SECTION 719 Clean-outs.

ORDINANCE NO. 2019-09
ADD NEW SECTION TO READ:
719.1.1 Clean-outs shall be installed on private property adjacent to property line where the private sewer system connects to the public sanitary sewer lateral. All such line clean-outs shall be extended to grade with materials according to specifications approved by the Administrative Authority and terminate within a concrete box or an approved Christy box.

Exception: If the lateral does not exceed 12 ft. from the back of sidewalk to the building drain clean-out, and the run must be substantially straight.

REASONS FOR AMENDMENT:

1. Geological II.
2. The Santa Clara Valley soils are expansive in nature. These expansive soils create unstable conditions, which increase the potential of breaks in sewer laterals. To maintain health and sanitary services, it is necessary to gain access, to periodically maintain public sanitary laterals. This is accomplished by the additional clean-out as required above.

SECTION VIII

The following modifications and changes as recommended by the Building Official are adopted to the 2018 International Property Maintenance Code with Appendix A:

The following modifications and changes are recommended prior to adopting this code.

The codes, standards and references in this code should be revised as follows:

<table>
<thead>
<tr>
<th>Delete the following references</th>
<th>Insert the following code references</th>
</tr>
</thead>
<tbody>
<tr>
<td>• International Building Code</td>
<td>• 2019 California Building Code</td>
</tr>
<tr>
<td>• International Mechanical Code</td>
<td>• 2019 California Mechanical Code</td>
</tr>
<tr>
<td>• National Electrical Code</td>
<td>• 2019 California Electrical Code</td>
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<td>• International Fire Code</td>
<td>• 2019 California Fire Code</td>
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<td>• International Plumbing Code</td>
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<tr>
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<tr>
<td>• International Zoning Code</td>
<td>• City of Gilroy Zoning Ordinance</td>
</tr>
<tr>
<td>• International Fuel Gas Code</td>
<td>• No reference</td>
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<tr>
<td>• Name of Jurisdiction</td>
<td>• City of Gilroy</td>
</tr>
<tr>
<td>• Jurisdiction to insert appropriate schedule</td>
<td>• Current City of Gilroy Comprehensive fee schedule</td>
</tr>
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<td></td>
<td>• Hearing Officer</td>
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</tbody>
</table>

ORDINANCE NO. 2019-09
AMEND 2018 International Property Maintenance Code herein after 2018 IPMC
Section 102.4 Existing remedies.

Amended to read:
102.4 Existing remedies. The provisions in this code shall not be construed to
abolish or impair existing remedies of the jurisdiction or its officers or agencies
relating to the correction of any code violation or the removal or demolition of
any structure that is dangerous, unsafe and insanitary.

Reason for amendment:

AMEND 2018 IPMC Section 104.3 Right of Entry

Add the following paragraph:
"Any and all costs incurred by the city in connection with securing lawful entry to
a structure or premise including but not limited to, costs of investigation, staffing
costs incurred in the preparation of warrants, and all subsequent costs necessary to
enforce compliance with the provisions of this Code may be recovered including
late payment charges and costs of collection by use of any and all available legal
means."

Reason for amendment:
1. To clarify the process of cost recovery where the Right of Entry for
inspection of a premise or structure is refused.

AMEND 2018 IPMC Section 106.1

Amended to read:
106.1 Unlawful acts. It is hereby declared to be unlawful and a public nuisance
for any person, firm or corporation to erect, construct, enlarge, alter, repair, move,
improve, remove, convert or demolish, equip, use, occupy or maintain any
premise, building, structure or building service equipment, or cause or permit the
same to be done in violation of this code or the technical codes.

Reason for amendment:

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AMEND 2018 IPMC Section 106.5
Add the following paragraph:
Procedures used and actions taken to correct or abate violations are not limited by this code. Procedures used and actions taken under this code may be utilized in conjunction with or in addition to any other procedure applicable to the regulation of buildings or structures or property.

Reason for amendment:
1. To agree with Municipal Code 5B.9

AMEND 2018 IPMC Section 107.4
Amended to read:
107.4 Unauthorized tampering. Placards, notices, signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed, tampered with, or removed without authorization from the code official. Any person violating this subsection shall be guilty of a misdemeanor.

Reason for amendment:
1. To include the terms “Notices” and “Placards” referenced in 2018 IMPC 108.3 & 108.4 and comply with 1997 Uniform Housing Code Sec. 1104.2 and 1997 Abatement of Dangerous Buildings Section 404.1.

AMEND 2018 IPMC Section 107
Add the following section:
107.7 Recordation of Notices and Orders. If compliance with the order is not achieved within the time specified therein, and no appeal has been properly and timely filed, the code official is authorized to file in the office of the county recorder a certificate describing the property, and that the premise, building, structure or building service equipment is in violation of this code or the technical codes or other regulation applicable to buildings or structures or property. Whenever the ordered corrections have been completed and the violations no longer exist on the property described in the certificate, and when all fines, fees, penalties, and incurred costs associated with the property have been satisfied, the code official shall issue a new certificate certifying that all required corrections have been made.

Reason for amendment:
1. To comply with the recordation guidelines in the 1997 Abatement of Dangerous Buildings code Section 402.

AMEND 2018 IPMC Section 108.1
Delete the word:
“condemned”

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Replace with the words:
“posted in accordance with this section and declared to be a public nuisance and the violations shall be abated by repair, rehabilitation, demolition or removal”

Reason for amendment:
1. The section focused on condemnation only, it has been revised to more closely follow the language from Section 202 of the Dangerous Building Code.

AMEND 2018 IPMC Section 108.1.4
Amended to read:
108.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, occupied or maintained contrary to law; or one that is partially constructed, reconstructed or demolished upon which work is abandoned. Work is deemed abandoned when there is no valid building or demolition permit.

Reason for amendment:
1. To include a portion of 1997 Dangerous Building Code Section 302 (18)

AMEND 2018 IPMC Section 108.1.5
Add the following paragraph:
12. Whenever exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

Reason for amendment:
1. Section 302 (10) of the 1997 Abatement of Dangerous Buildings code clearly establishes this method to determine when a building or it’s structural elements are excessively and/or dangerously leaning

AMEND 2018 IPMC Section 108.2
Delete the words:
“of condemnation”

Reason for amendment:
1. The section referenced posting the structure for condemnation only however we post several different types of placards.

AMEND 2018 IPMC Section 108.3
Amended to read:
108.3 Notice. Whenever the code official posts a structure, equipment or premise under the provisions of this section, the posting shall be in a conspicuous place in or about the affected structure, equipment or premise and a notice in the form

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specified in Section 107.2 shall be served on the owner, owner’s authorized agent or the person or persons responsible for the structure, equipment or premise. If the posting pertains to equipment, it shall also be placed on the equipment.

Reason for amendment:
1. The section focused on posting structures or equipment for condemnation only however we use several different types of postings.

AMEND 2018 IPMC Section 108.4
Amended to read:
108.4 Placarding. When the code official determines a structure, equipment or premise has been erected, constructed, enlarged, altered, repaired, moved, improved, removed, damaged, converted or demolished, equipped, used, occupied or maintained in violation of this code or the technical codes and the structure, equipment or premise constitutes a danger to the life, limb, property or safety of the public or the occupants, the code official shall post a placard on the structure, equipment or premise in a conspicuous place in or about the affected structure, equipment or premise. The placard shall clearly state the code official’s Order regarding the structure, equipment or premise, and specify the conditions which necessitated the posting.

Reason for amendment:
1. The section focused on posting structures or equipment for condemnation only however we use several different types of postings.

AMEND 2018 IPMC Section 108.4.1
Amended to read:
108.4.1 Placard removal. The code official shall remove the placard whenever the defect or defects upon which the placarding action was based has been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

Reason for amendment:
1. The section focused on posting structures or equipment for condemnation only however we use several different types of placards/postings.

AMEND 2018 IPMC Section 108.5
Amended to read:
108.5 Prohibited occupancy. It shall be unlawful for any person, owner, owner’s authorized agent or person responsible for the premise to occupy or allow to be occupied a placarded structure or premise or operate placarded equipment in violation of the code officials posted order.

Reason for amendment:

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1. The section focused on posting structures or equipment for condemnation only however we use several different types of posting.

AMEND 2018 IPMC Section 111.1
Amended to read:
111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the hearing officer, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Reason for amendment:
1. Gilroy Municipal Code chapter 6A has already established an appeal process through the Administrative Hearing Officer.

DELETE 2018 IPMC Section 111.2 Membership Of The Board through Section 111.6.2 Administration

Reason for amendment:
1. Gilroy Municipal Code chapter 6A has already established an appeal process through the Administrative Hearing Officer.

AMEND 2018 IPMC Section 112.4
Delete the words:
"liable to a fine of not less than[AMOUNT] dollars or more than [AMOUNT] dollars."

Replace with the words:
"liable for penalties pursuant to Gilroy Municipal Code."

Reason for amendment:
1. Gilroy Municipal Code has already established penalty amounts for violations of City code.

AMEND 2018 IPMC Section 202
Amend the definition of Dwelling Unit to read:
Dwelling Unit. A single unit, whether part of a multiple unit complex, or a detached individual residential dwelling, that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. "Recreational vehicles" as defined by Gilroy Zoning Ordinance Section 30.2.20 shall not be classified as Dwelling Units unless they are located in an approved mobile home park or RV park.

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Reason for amendment:
1. To clarify that Recreational vehicles are not Dwelling units for the purposes of this code.

AMEND 2018 IPMC Section 202
Amend the definition of Garbage to read:
GARBAGE. Garbage shall be defined pursuant to Gilroy Municipal Code Sec. 12.1.

Reason for amendment:
1. Gilroy Municipal Code Sec 12.1 has already defined this term.

AMEND 2018 IPMC Section 202
Amend the definition of Inoperable Motor Vehicle to read:
INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reasons including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, incapable of being moved under its own power or is prohibited from being operated on a public street or highway for any reason pursuant to the provisions of the California Vehicle Code.

Reason for amendment:
1. To include the intent of Gilroy Municipal Code Sec. 5C.8(b) and Sec. 15.111

AMEND 2018 IPMC Section 202
Amend the definition of Rubbish to read:
RUBBISH. Rubbish shall be defined pursuant to Gilroy Municipal Code Sec. 12.1.

Reason for amendment:
2. Gilroy Municipal Code Sec 12.1 has already defined this term.

AMEND 2018 IPMC Section 301.3
Add the following paragraph:
“Storage of any motor vehicle, special mobile equipment, truck, boat, travel trailer, aircraft, camper, mobile home, recreational vehicle, motorcycle, appliance, furniture or the storage or accumulation of garbage, refuse or rubbish as defined by Gilroy Municipal Code Chapter 12 or the storage of any boxes or similar storage containers, household items or residential belonging or similar objects, materials of any kind or the storage or placement of any building or structure including permit exempt storage buildings or structures, on any vacant parcel without approval of the City of Gilroy is prohibited.”

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Reason for amendment:
1. To clarify uses and activities that are not allowed on vacant parcels

**AMEND 2018 IPMC Section 302.1 Sanitation**
Amended to read:

302.1 Sanitation. Exterior property areas and premises shall be maintained by the property owner in a clean, safe and sanitary condition. In residential zones, accumulations of building materials, junk, rubbish, garbage, debris, scrap materials, boxes or similar storage containers, household items or residential belongings or similar objects, except items designed for exterior use such as lawn furniture, shall not be stored or maintained in the front yard area or unenclosed patios, porches, carports, or areas visible from any street or public way or accessible to the public for a period of time in excess of seventy-two consecutive hours. Property owners shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding such property. The owner of any building lot or premises within the City where a business, trade or profession has established a fixed place of business pursuant to Gilroy Municipal Code Section 13.1(b) shall also comply with the requirements of Municipal Code Section 5B.2(d)(1).

Reason for amendment:
1. The property owner is always held responsible for the proper maintenance of their property.

**AMEND 2018 IPMC Section 302.2 Grading and drainage**
Add the following sentence at the end of the paragraph:

“Excess or concentrated drainage shall be contained on site or directed to the nearest practicable drainage facility approved by the code official.”

Reason for amendment:
1. To comply with 2019 California Building Code Section J109.4

**AMEND 2018 IPMC Section 302.3 Sidewalks and driveways**
Add the following paragraph:

“The owner of any building, lot or premises within the city shall maintain the sidewalks and/or walkways located upon such premises that are accessible to the general public and the public sidewalks between such premises and any adjacent public street or alley in a clean, safe and sanitary condition. Maintenance shall include the removal and proper disposal, by methods approved by the City of Gilroy, of any dangerous, unsightly and unsanitary conditions such as accumulations of garbage, refuse, rubbish, litter, dirt, gum or other substances or items, which have been placed, dropped or spilled upon the sidewalks. Where said unsightly or unsanitary conditions have been created or caused by the owner of such building, lot or premises, whether upon the sidewalks and/or walkways located upon his premises or the public sidewalks between such premises and any

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adjacent public street or alley, or the sidewalks adjacent to buildings, lots or premises in the vicinity, the owner shall immediately restore the sidewalks and/or walkways to a clean, safe and sanitary condition.”

Reason for amendment:
1. This amendment clarifies specific exterior property area requirements referenced by Section 302.1 Sanitation.

**AMEND 2018 IPMC Section 302.4 Weeds**,
Amended to read:

302.4 Weeds. No owner, agent, lessee or occupant or other person having charge or control of any building, lot or premises within the city shall permit excess weeds or vegetation to remain or accumulate upon such premises or upon public sidewalks or streets or alleys between such premises and the centerline of any public street or alley. Where overgrown weeds, vegetation, shrubbery, vines or trees, create an encroachment, harborage or shelter; the code official shall require the property owner to trim, cut, destroy or remove the overgrowth, and/or raise the vegetation canopy to a height of seven feet above the ground. All noxious weeds shall be prohibited. Weeds shall be defined per Municipal Code Section 12.45.

Upon failure of the owner or agent having charge of a property to cut and destroy excess weeds or vegetation after service of a notice of violation, they shall be subject to prosecution in accordance with Section 106.3 and as prescribed by the City of Gilroy. Upon failure to comply with the notice of violation, any duly authorized employee of the City or contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds or excess vegetation growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

Reason for amendment:
1. This section revised to comply with Municipal Code Section 12.45 and 12.46

**AMEND 2018 IPMC Section 302.8 Motor vehicles, Exception:**
Amended to read:

302.8 Exception: An owner, lessee, or occupant of the property may repair, wash, clean, or service personal property, provided they comply with Gilroy Zoning Ordinance and Municipal Codes requirements.

Reason for amendment:
1. This section revised to comply with Zoning Ordinance & Municipal Code requirements.

**AMEND 2018 IPMC Section 303.2 Enclosures,**
Amended to read:

**303.2 Enclosures.** Private swimming pools, hot tubs, spas and ponds containing water more than 18 inches in depth shall be completely enclosed by a fence, wall or other barrier not less than 60 inches in height above the finished ground level measured on the side of the barrier away from the pool. Gates and doors in such barriers shall be self-closing and self-latching. Where the self-latching device is less than 54 inches above the bottom of the gate, the release mechanism shall be located on the pool side of the gate. Self-closing and self-latching gates shall be maintained such that the gate will positively close and latch when released from an open position of 6 inches from the gatepost. The vertical clearance from the ground to the bottom of the enclosure shall be a maximum of two inches (2”). The maximum vertical clearance at the bottom of the barrier may be increased to four inches (4”) when the grade is a solid surface such as a concrete deck. On wood fences with horizontal members spaced less than forty-five inches (45”) apart, the horizontal members shall be placed on the poolside of the barrier. The outside surface of the enclosure shall be free of protrusions, cavities, or other physical characteristics that would serve as handholds or footholds that could enable a child below the age of five years to climb over. Existing pool enclosures shall not be removed, replaced or changed in a manner that reduces its effectiveness as a safety barrier.

**Reason for amendment:**


**DELETE 2018 IPMC Section 304.3 Premises identification.**

**Reason for amendment:**

1. Gilroy Municipal Code Section 6.24(b)(1) has already established a standard for premise identification.

**AMEND 2018 IPMC Section 304.7**

Amended to read:

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Damaged or deteriorated roofs and flashing shall be repaired as expeditiously as possible. When emergency temporary roof repairs require the installation of tarps or plastic sheeting to prevent leaks, the temporary repairs shall not extend beyond one month, unless approved by the Code Official. Such temporary repairs must have all edges of the material fastened and restrained with sufficient tension to prevent movement or flapping in the wind. Roof drains, gutters and downspouts shall be

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maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Reason for amendment:
1. To address California Health and Safety Code Section 17920.3(a)(14) improper maintenance.

AMEND 2018 IPMC Section 304.14 Insect Screens, first sentence
Delete the words: “During the period from [DATE] to [DATE],”

AMEND 2018 IPMC Section 304.15 Doors, first sentence
Amended to read:
304.15 Doors. All exterior doors, door assemblies including weather stripping, thresholds, closers, operator systems if provided and hardware shall be maintained in good condition.

Reason for amendment:
1. To comply with California Health and Safety Code Section 17920.3.

AMEND 2018 IPMC Section 304.16
Amended to read:
304.16 Under-Floor areas. Under-floor access doors, hatchways and ventilation openings shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Doors shall be tight fitting and ventilation openings shall be properly screened with corrosion-resistant wire mesh having openings not exceeding ¼ inch in any dimension or alternate approved materials pursuant to 2019 California Building Code Section 1203

Reason for amendment:
2. To comply with California Health and Safety Code Section 17920.3.

AMEND 2018 IPMC Section 304.18.2
Amended to read:
304.18.2 Windows. Operable windows that provides access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device when they are located in whole or in part within 12 feet above ground level or walking surface or 6 feet horizontally from the ground, a roof, or any other platform.

Reason for amendment:
2. To comply with California Civil Code Section 1941.3(a)2

AMEND 2018 IPMC Section 305.1 General, first sentence
Amended to read:
305.1 General The interior of a structure and equipment therein including but not limited to cabinets, counters and hardware shall be maintained in good repair, structurally sound and in a sanitary condition.

Reason for amendment:
1. To comply with California Health and Safety Code Section 17920.3(a)14

AMEND 2018 IPMC Section 305.6
Amended to read:
305.6 Interior Doors. Every interior door and hardware shall be properly installed and maintained in a workmanlike manner and capable of being opened, closed and latched. Every interior door shall fit reasonably well within its frame and shall be securely attached to the jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Reason for amendment:
1. To comply with California Health and Safety Code Section 17920.3(a)14

AMEND 2018 IPMC Section 308.3.1
Amended to read:
308.3.1 Garbage facilities. The owner of every dwelling unit or the proprietor, manager, owner or lessee of any hotel, restaurant, boardinghouse, rooming house or other place of business in the city shall be responsible for providing approved leak-proof, covered, outside garbage receptacles for each dwelling unit or place of business pursuant to Gilroy Municipal Code Section 12.18. Receptacles shall be at all times kept in a sanitary condition and shall be placed for collection in the alley behind the premises, or if there is no alley access, then on the front curb in front of the premises being served, or such other place as may be approved by the director of public works or the garbage contractor, so as to be readily accessible for removing and emptying the same. Receptacles shall be placed in the proper area for collection the evening prior to collection and shall be removed and stored at an approved location by the morning after. For dwelling units, receptacles shall be stored in the side yard adjacent to the house or garage. Where the code official repeatedly finds a site in violation of Municipal code section 5B.2(2) or 5C.7, he or she may require the property owner to provide an additional or larger outside garbage container for the premise to use.

Reason for amendment:
1. To comply with Gilroy Municipal Code Chapter 5 and Section 12.18 and 12.19.

AMEND 2018 IPMC Section 309.1
Amended to read:
309.1 Infestation. All structures shall be kept free from insect, rodent, vermin or other infestations. When an insect, rodent, vermin or other infestation is brought to the attention of the code official, he or she may require the owner or owner’s

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authorized agent having charge or control of the building, lot or premise to hire a 
licensed exterminator or other qualified professional to inspect the building, lot or 
premise and provide a written report verifying the presence and severity of such 
infestation including in the report a recommendation for proper extermination or 
elimination of the infestation. All structures and/or areas in which infestations are 
found, shall be promptly exterminated by approved processes that will not be 
injurious to human health. After extermination of the infestation is complete, the 
code official may request a written notice from the licensed exterminator or other 
qualified professional attesting to the completion and success of the recommended 
extermination procedures. After the infestation is eliminated, proper precautions 
shall be taken to prevent reinfestation.

Reason for amendment:
1. California Health and Safety Code Sec 17920.3(12) states “Infestation of 
insects, vermin, or rodents as determined by the health officer.” renders 
dwelling units substandard. The language has been amended to clarify the 
process.

AMEND 2018 IPMC Section 309.2
Amended to read:

309.2 Owner. The owner of any structure or premise shall be responsible for 
extermination within the structure or premise prior to renting or leasing the 
structure or premise. The owner of a structure or premise containing a dwelling 
unit, multiple occupancy, rooming house or a nonresidential structure shall be 
responsible for maintaining the structure and premise in a rodent and/or pest-free 
condition. If an infestation is caused by an occupant substantially failing to 
properly maintain their occupied area of the structure or premise “as clean and 
 sanitary as the condition of the structure or premise permits”. For as long as the 
occupants failure either substantially causes an unlivable condition to occur, or 
substantially interferes with the owners ability to repair the condition, the owner 
does not have to repair the condition. Where defects in a structure substantially 
contribute to or cause an infestation, the owner shall be responsible for correction 
of the defect and extermination of the infestation.

Reason for amendment:
1. To agree with California Civil Code Section 1941.2(a)

DELETE 2018 IPMC Section 309.3 Single Occupant through Section 309.5

Occupant 
Reason for amendment:

AMEND 2018 IPMC Section 404.4.1 Room Area
Amended to read:

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404.4.1 Room Area Every living room shall contain not less than 120 square feet and every habitable room except kitchens shall contain not less than 70 square feet and every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof.

Reason for amendment:
1. This section revised to comply with 2019 California Residential Code requirements of Section R304

AMEND 2018 IPMC Section 505.4
Delete the words: “adequate combustion air is provided’
Replace with the words: “the installation complies with Chapter 5 of the California Plumbing Code and Section 904.0 of the 2019 California Mechanical Code”

Reason for amendment:
1. To comply with California Plumbing and Mechanical code requirements.

AMEND 2018 IPMC Section 506.2
Add the following sentence: “Sewer line cleanout plugs or caps shall be of an approved type and shall be securely installed and remain in place at all times except when servicing the drain line.

Reason for amendment:
1. To address California Health and Safety Code Section 17920.3(a)(14) improper maintenance

AMEND 2018 IPMC Section 602.2 Residential occupancies
Amended to read:
602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms. Cooking appliances, fireplaces and portable heaters shall not be used as a means to provide required heating.

Reason for amendment:
1. To more closely align with Uniform Housing Code Section 701.1 requirements.

DELETE 2018 IPMC Section 602.2 Residential occupancies; Exception:
Reason for amendment:

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1. The Uniform Housing Code has always used 70 degrees as the standard. The IPMC has revised this standard to 68 degrees and the exception creates a reduction to 65 degrees. This is considered too low for this area.

**AMEND 2018 IPMC Section 602.3 Heat Supply**
Delete the words:
“during the period from [DATE] to [DATE],”

**AMEND 2018 IPMC Section 602.3 Heat Supply; Exceptions: 1. Last sentence**
Amended to read:
The winter outdoor design temperature for the locality shall be 32°F.
Reason for amendment:
1. The Appendix D reference to the Plumbing code did not clearly specify the temperature.

**DELETE 2018 IPMC Section 602.3 Heat Supply; Exceptions: 2. only**
Reason for amendment:
1. The Uniform Housing Code has always used 70 degrees as the standard. The IPMC has revised this standard to 68 degrees and the exception creates a reduction to 65 degrees. This is considered too low for this area.

**DELETE 2018 IPMC Section 602.4 Occupiable work spaces**
Reason for amendment:
1. Primarily enforced by Cal OSHA

**AMEND 2018 IPMC Section 603.1 Mechanical equipment and appliances.**
Amended to read:
Mechanical equipment, kitchen hoods, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition, and shall be capable of performing their intended function. When new mechanical equipment is installed and the old equipment is no longer in use, the old equipment must be removed from the structure. Openings left in the walls, floors or ceilings must be properly repaired and painted. Electrical circuits and gas lines must be properly abandoned and inspected.

Reason for amendment:
1. To address California Health and Safety Code Section 17920.3(a)(14) improper maintenance

**AMEND 2018 IPMC Section 604.3**
Amended to read:
604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets,

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deterioration or damage, improper wiring or installation, including the improper use of extension cords as permanent wiring, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Reason for amendment:
1. To comply with Electrical Code requirements.

AMEND 2018 IPMC Section 605.3 Luminaires
Add the following sentence:
No unobstructed beam of exterior lighting shall be directed outward from a site toward any residential use or public right-of-way.

Reason for amendment:
1. To comply with Gilroy Zoning Code Section 30.50.44(c) guidelines

SECTION IX

Section 6.1 of Chapter 6 of the Gilroy City Code is hereby amended to read:

Sec. 6.1 Construction Codes Adopted.

For the purpose of setting forth proper regulations for the protection of the public health, safety and welfare, regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, providing for the issuance of permits and collection of fees therefore, declaring and establishing fire districts and providing penalties for the violation thereof, the following uniform construction codes are adopted, as amended, to apply in the City of Gilroy:

A. The 2019 California Building Code
B. The 2019 California Residential Code
C. The 2019 California Electrical Code
D. The 2019 California Mechanical Code
E. The 2019 California Plumbing Code
F. The 2019 California Energy Code
G. The 2019 California Historical Building Code
H. The 2019 California Fire Code
I. The 2019 California Existing Building Code with Appendices A2, A3, A4, and A5 of the 2018 International Existing Building Code
J. The 2019 Green Building Standards Code

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K. The 2018 International Property Maintenance Code with Appendix A

The latest edition of each of the above codes shall be submitted to the Council from time to time together with changes or modifications as are reasonably necessary because of local climatic, geological, or topographical conditions, or as otherwise permitted by state law. The City Council may by ordinance approve these and other uniform construction codes as they may exist from time to time and changes and modifications thereto. The ordinance shall be kept on file in the office of the City Clerk for public review.

SECTION X

The City Council hereby directs staff to include in the record any and all documents setting forth facts and findings for adoption of the uniform codes and appendices and amendments and changes thereto as set forth herein.

SECTION XI

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 XII

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

The Codes and amendments to the Codes adopted hereunder shall take effect on January 1, 2020.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GILROY this 18th day of November, 2019 by the following vote:

AYES: COUNCILMEMBERS: BLANKLEY, BRACCO, LEROE-MUÑOZ, MARQUES, TUCKER and VELASCO

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: TOVAR

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ATTEST:

Shawna Freels, City Clerk

APPROVED:

Roland Velasco, Mayor

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I, SHAWNA FREELS, City Clerk of the City of Gilroy, do hereby certify that the attached Ordinance No. 2019-09 is an original ordinance, or true and correct copy of a City ordinance, duly adopted by the Council of the City of Gilroy at a special meeting of said Council held on the 18th day of November, 2019, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 20th day of November, 2019.

[Signature]
Shawna Freels, MMC
City Clerk of the City of Gilroy

(Seal)